

(2019) 11 JH CK 0003
In the Jharkhand High Court
Case No : Writ Petition (C) No. 2930 Of 2019

Indrajeet Singh Saluja

APPELLANT

Vs

Jharkhand Mineral Area Development Authority, Dhanbad And
Ors

RESPONDENT

Date of Decision : 06-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 11 JH CK 0003

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Ajay Kumar Singh, Mahabir Pd. Sinha

Final Decision : Disposed Of

Judgement

This writ petition under Article 226 of the Constitution of India has been filed to assail the Demand Note No. 284/409/K018-19 for payment of arrears dues of supply of water.

It is admitted case of the petitioner that at the time when water connection has been provided, the petitioner was running with the hotel business but it has been contended that due to financial crunch, the hotel business of the petitioner has come to closure but the water connection remained in the premises. The fact about closure of the hotel has been brought to the notice of the concerned authority in order to take steps for converting the rate of water supply from commercial use to the domestic use, but, according to petitioner no concrete decision has been taken in this regard and ultimately the demand notice has been issued calculating the amount for supply of water on non-domestic rate and also for payment of Delayed Payment Surcharge that too without providing any opportunity of hearing to the petitioner.

Learned counsel for the petitioner has submitted that since there is calculation dispute, as such the petitioner ought to have been given an opportunity of

hearing to put forth his defence and to that effect the petitioner has filed repeated representations but no decision has been taken and straightway demand notice has been issued.

Mr. Mahabir Prasad Sinha, learned counsel for the respondents has submitted that the petitioner has not made any application to convert the connection of water supply from commercial use to domestic use and the authority by treating the supply of water on commercial basis has raised the demand, which suffers from no infirmity.

This Court, after hearing learned counsel for the parties and going across the pleading made in the writ petition and argument made on behalf of parties, has found from the impugned demand notice that amount of Rs. 3,17,116.00 has been raised against the petitioner for payment of arrears of water as also the Delayed Payment Surcharge, which the petitioner is disputing.

Admittedly, the petitioner has not made any application to convert the supply of water from commercial use to domestic use and fact about running of the hotel or its closure cannot be looked into by this Court since it is disputed question of fact, which is to be looked into by the concerned authority by inspecting the said hotel but so far as contention of the petitioner that there is error in the calculation, as such, this Court deem it fit and proper to direct the concerned authority-respondent no. 3 to afford opportunity to the petitioner to make objection to the demand notice and if such is filed within a period of two weeks from the date of receipt of copy of this order, the concerned authority shall pass appropriate speaking order within a period of three weeks from the date of receipt of such objection, if any.

It is made clear that if no objection is filed within the stipulated period of time, as directed by this Court, liberty is reserved with the authority concerned to take necessary steps for recovery of the amount, which is subject matter of the instant writ petition.

With the aforesaid observations and directions, the writ petition stands disposed of.