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Court : Andhra Pradesh State Consumer Disputes Redressal Commission
SCDRC Hyderabad

Decided On : Jul-14-1998

Judge : S. Parvatha Rao, President, the Honourable Mr. K. Ranga Rao, Member
& the Honourable Dr. (Mrs.) Mamata Lakshmana, Member

Appeal No. : F.A. Nos. 530 & 570 of 1997

Appellant : K. Chalapathi Reddy and Another

Respondent : General Manager (E), Water Supply and Others

Judgement :

S. Parvatha Rao, President:

1. We do not find any ground for interfering with the orders of the Ranga Reddy District Forum dated 15.5.1997 in C.D. No. 432/1995 (F.A. No. 570/1997) and C.D. No. 433/1995 (F.A. No. 530/ 1997), questioned in these two appeals. Water connections were given to the complainants in these 2 O.Ps. to their flats in a multi-storied building one prior to 1991 and another after 1991. The question relates to whether the connections given were irregular/illegal and at what rates the tariff or the water supply should be collected.

2. The complainant in C.D. No. 433/1995 on the file of Ranga Reddy District Forum questioned the bill (marked as Ex. A3) dated 20.4.1993 for the period December, 1990 to March, 1993 for Rs. 1,036/-. According to him though the connection was given in multi-storied building, it was given prior to 1991. As the bill itself was for the period December, 1990 this connection would not be treated as irregular/ illegal in view of the clarification given by the Hyderabad Metropolitan Water Supply and Sewerage Board (the Board for short) in its Circular dated 30.4.1993 and Circular dated 20.8.1993. On a perusal of these Circulars we find that the contention of the learned Counsel for the appellant/complainant is justified. But so far as the billing is concerned the Circular dated 20.8.1993 made it very clear that in the case of such connections the minimum charge put together should not be less than Rs. 651/- per month for all such individual connections in a multi-storied building. In the present case the case of the appellant/complainant was that earlier he was being charged only Rs. 37/- per month and all of a sudden without prior notice the respondent increased the water charges to Rs. 651/- per month from April, 1993 which amounted to unscrupulous exploitation of the consumers.

3. The opposite party in C.D. No. 433/1995 stated in his counter that the complainant was sanctioned 1/2 diameter water supply connection in the year 1990 to his flat in Vishnu Apartments at Akbarbagh, Malakpet and that upto February, 1993 water tariff applicable till then was charged and that payment was also made by the complainant. The opposite party further stated that the Board revised the water tariff in its proceedings No. 34 dated 27.3.1993 and that the revised rates were to be levied with effect from 1.4.1993, and that as per the revised rates minimum charges per month for connection to multi-storied building was Rs. 500/- + 30% sewerage cess i.e., Rs. 150/- + Re. 1/- service charges totalling to Rs. 651 /- and that the same had to be paid by the complainant. By Circular No. HWSSB/FIN/TARIFF/102/93-94 dated 30.4.1993 the Board issued a clarification and to the extent relevant it is as follows :

11. Multi-storeyed buildings:

XXXX

XXXX

XXXX

C. Multiple connections: Prior to 1991, multiple individual connections were sanctioned to individual flats/shops in multi-storied buildings. It is clarified that only one connection should be given to multi-storied buildings now. In cases, where multiple connections were given prior to 1991, individual domestic or non-residential tariff may be applied to each such connection, depending upon their category. However all General Managers and Managers are requested to furnish a list of such cases to the Managing Director, within 15 days, with copies to Director (Technical) and Director (Finance).

4. Once again by Circular No. MD/ HMWSSB/TARIFF/93 dated 20.8.1993 a further clarification was issued by the Board which is as follows:

It has come to my notice that in cases of multiple connections sanctioned prior to 1991 to multi-storied buildings/a minimum charge of Rs. 500/- per connection is being charged. This is irregular.

Reference is made to Circular No. HMWSSB/FIN/TARIFF/102/93-94, dated 30th April, 1993. In item 11 of the above Circular, the procedure for billing multi-storied buildings was indicated. It was mentioned that if there was more than one connection to a multi-storied building which was sanctioned prior to 1991 then this would have to be treated as a legal connection. These connections would have to be charged as per domestic or non-domestic tariff depending on usage. However, the minimum charge for a multi-storied building is Rs. 500/- p.m. It should, therefore, be ensured that the bill for all connections put together comes to at least Rs. 500/- per month. If it does not, the minimum charge of Rs. 500/- should be billed equally amongst all the connections. This is exclusive of Sewerage Cess.

In respect of multiple connections sanctioned after 1991, these sanctions are irregular/illegal. As Board policy is to sanction only one connection to a multi-storied building in such a case the sanction should be verified and the position reported to me for further action.

If any bills have been served on buildings having multiple connections sanctioned prior to 1991 as Rs. 500/- per each connection, this may be withdrawn and correct bills issued immediately.

5. It is not in dispute that the building in which the complainants flat is situated is a multi-storied building. Therefore, the Circulars dated 30.4.1993 and 20.8.1993 are attracted to the complainants flat. As the flat of the complainant in C.D. No. 433/1995 was given an individual connection in December, 1990 itself as per these Circulars the connection cannot be treated as illegal or unauthorised. Under the circumstances whether the entire minimum charges should be collected from the appellant/complainants alone or should be distributed between other owners of other similar connections is a matter to be enquired into by the Authorities of the Board and it is for the complainant to approach them for that purpose and it is not for the Tribunals under the Consumer Protection Act, 1986 to enquire into such matters.

6. The complainant in C.D. No. 432/1995 is also having a flat in the same multi-storied building i.e., Vishnu Apartments at Akbarbagh in Malakpet. But the connection to her flat was given after 1990. The complainant in this C.D. will have to get her connection regularised under Clause 12 of the Circular dated 30.4.1998.

7. We find that the question raised by the complainants in C.D. Nos. 432/1995 and 433/ 1995 are as regards the rates applicable to the water supply under the individual connections obtained by them. We are of the view that the appellants herein i.e., complainants in the O.Ps., cannot question the water charges fixed by the Board and that no consumer disputes arise in these matters.

8. In the circumstances we find that the complaints filed by the appellants/complainants are not maintainable and they are accordingly dismissed. The appeals F.A. Nos. 530/1997 and 570/1997 are consequently dismissed.

Appeals dismissed.

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