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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1651/2018**

BRITANNIA INDUSTRIES LIMITED

..... Petitioner

Through : Mr. Sudhir Nandragog, Sr. Advocate
with Mr. Sarfaraz Khan and Ms. Karishma
Thakur, Advocates.

Versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Ramesh Singh Standing Counsel
with Mr. Sandeep Pathak and Mr. Chirayu Jain,
Advocates.

Mr. Gaurang Kanth, Advocate for NDMC.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **21.02.2018**

CM No. 6760/2018

Exemption allowed subject to all just exceptions.

W.P.(C) 1651/2018 and CM No. 6761/2018.

Learned counsel for the petitioner has drawn our attention to Section 2(2) of the Delhi Common Effluent Treatment Plant Act, 2000 which defines the expression “appropriate authority”. It is submitted that power of delegation under Section 15 could have been only delegated to an officer not below the rank of Joint Director.

Counsel for the first respondent, who appears on advance notice, submits that the said interpretation is not correct for under Section 15,



powers of the appropriate authority can be delegated to an officer, person or a body of persons specified therein. This, it is submitted by the respondent, would show that the power of delegation under Section 15 is different and distinct from the power of appointment of an appropriate authority under Section 2(2).

However, a second issue would arise whether the CEPT societies can be given and delegated the power and functions of an appropriate authority under Section 6 of the said Act. It is submitted on behalf of the petitioner that the functions of the appropriate authority under Section 6 are quasi-judicial and the CEPT societies cannot be appointed as self-adjudicators.

Issue notice returnable on 25th April, 2018.

Counter affidavit would be filed within six weeks. Rejoinder, if any, within four weeks after service of the counter affidavit.

Counsel for the petitioner has submitted that the petitioner had installed the affluent treatment plant and is not engaged in industrial activity. No water pollution is caused and discharged. Petitioner has paid conversion charges. Petitioner cannot be compelled to pay proportionate capital charges for the affluent treatment plant or recurring quarterly charges for maintenance etc.

Counsel for the respondent, on the other hand, submits that the petitioner is discharging water.. He submits that as per Section 7 every occupier is required to proportionately pay capital and recurring costs of the common affluent plant. The petitioner is in occupation of industrial area and therefore as per the statute must bear and pay the charges. It is pointed out that the petitioner had earlier paid charges for CEPT.



We are not inclined to grant stay of the charges demanded from the petitioner. The said charges, if not already paid, would be paid within a period of three weeks from today. In case the petitioner succeeds, the appropriate order would be passed with respect to the deposits and payments made during the period of pendency of writ petition. List on 25th April, 2018.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

FEBRUARY 21, 2018
MR/pk