



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

1078 PUBLIC INTEREST LITIGATION NO. 21 OF 2024

SYED SALEEM SYED ALI  
VERSUS  
UNION OF INDIA AND OTHERS

...

Mr. Sachin S. Deshmukh, Advocate for the Petitioner  
Mr. M. M. Nerlikar, AGP for Respondents State  
Mr. A. G. Talhar, DSGI, for Respondent No.1  
Mr. S. S. Thombre, Advocate for Respondent No.4- Council  
Mr. A. S. Bajaj, Advocate for Respondent No.5.

CORAM : RAVINDRA V. GHUGE &  
Y. G. KHOBRAGADE, JJ.  
DATE : 6th August, 2024

**ORDER:**

1. Vide our detailed order dated 11th June, 2024, we had expressed as under:

"1. We have been considering this Public Interest Litigation over a period of four months. A serious issue is raised before us. As the Beed Municipal council is facing a severe financial crisis, the amount of Rs.36 Crores and odd towards electricity consumption charges, have not been paid by the Council to Respondent No.5/MSEDCL.

2. The learned Advocate Shri. Thombre, representing the Municipal Council, Beed, submits that the Council is in an extremely difficult financial condition. Taxes collected are being utilized for payment of salaries of the employees of the Council. Other development activities cannot be undertaken due to paucity of funds. He submits

that the State Government will have to bail out the Municipal Council by shouldering the burden of the payment of the electricity charges to be paid to Respondent No.5/MSEDCL.

3. The issue is serious, for the reasons that the MSEDCL is refusing to provide an electricity connection to the Beed Municipal Council for pumping drinking water for the residents of the Beed City. Shri. Thombre submits that the water distribution system is in place and the available water could be supplied to the residents of the Beed City, if the MSEDCL supplies electricity to the raw water pumping station and the water treatment plant. Without the water being treated, it cannot be supplied to the residents. He draws our attention to a communication by the then Member of the Parliament Lok Sabha, Beed, dated 09/01/2024, addressed to Shri. Devendra Fadnavis, Deputy Chief Minister, Maharashtra State, praying for clearing the outstanding dues towards the MSEDCL and direct the said Company to connect the electricity supply.

4. The learned Government Pleader submits that, he needs to take instructions, as to whether the State Government can shoulder a part of the outstanding electricity charges.

5. It can be visualized, as to what could be the amount of hardships suffered by the residents of the Beed City on account of the disconnection of the electricity supply to the water purification plant and the pumping

station. The State Government will have to call for a brainstorming meeting of the concerned Authorities for resolving the said issue.

6. Therefore, we deem it appropriate to direct the Additional Chief Secretary, Urban Development Department to call for a meeting of the District Collector, who is in-charge of the DPDC funds and the electricity company and any such Authority, which would assist the Government in resolving the said issue. We also expect the Government to take a decision to clear some portion of the outstanding electricity charges and ensure that the electricity supply is connected for operating the purification plant and the water pumping station. Such steps need to be taken on priority.

7. It would also be appreciable if the Hon'ble Chief Minister of the State calls upon the peoples representatives of the various State Legislature Assembly Constituencies in Beed District, as well as the Member of the Parliament of Beed Constituency, to allocate Constituency Development funds for the purpose of clearing the outstanding electricity charges, which would result in the grant of the electricity connection to the distribution system and the purification plant, which would result in supplying potable water to the residents of the Beed City.

8. We would expect the learned Government Pleader to apprise us of any such decision that may be taken in the light of the suggestion set out herein above.

9. We also expect Respondent No.1/Union of India to consider granting of funds under the 'National Jal Jeevan Mission', operated by the Ministry of Jal Shakti through the Department of Drinking Water and Sanitation, since the Union of India has persuaded the Jal Jeevan Mission to ensure "हर घर जल".

10. List this Public Interest Litigation on 03/07/2024 at 4:30 p.m."

2. Post the order dated 11.06.2024, till today, there has been no progress. The Beed Municipal Council has not cleared the electricity bills. Water is available for distribution to the residents of Beed. Water distribution system is in place. However, due to lack of electricity supply, the pumping station cannot be operated. The distribution system and the purification plant meant for supplying potable water to the residents of the Beed City, are non functional on account of lack of electricity.

3. The Petitioner's Advocate submits that the people's representatives from Beed city are not coming forward to assist the supply of water to the residents. Relying on the tanker lobby, is

counter-productive because every citizen who pay the tariff for water supply, has to also spend for purchasing water from the tankers.

4. In the above backdrop, we direct the Municipal council to commence a special drive for recovery of dues of all taxes, viz. towards properties/supply of water, etc. and all other amenities. There shall be no exemption from recovering the taxes. So also, a data of the quantum of taxes recovered under various heads in the last five years and the audit reports for the last five years, shall be placed before the Court along with an affidavit of the Chief Officer of the Municipal Council. Details regarding the receipt of Government grants/ funds, that have been paid to the Municipal Council, should also be placed before us.

5. While presenting the above data, the Municipal Council shall place before the Court a ready reference charts of having recovered the taxes and dues, fortnightly (every 15 days). After such data is before us, we would consider diverting a portion of such funds towards the payment of electricity charges and request Respondent No.5/MSEDCL to supply electricity for additional supply of drinking water to the residents.

6. The Petitioner's learned Advocate points out from the pleadings in paragraph 1(p) that the amount towards tanker bills for a month would not be less than Rs.10 crores for the Beed city. For the four months of the summer season, the tanker bills would be almost

Rs.40 crores. We would direct the Chief Officer, Municipal Council, Beed to consider diverting such amount to the payment of electricity charges so that that the additional water supply could be achieved and every resident of the Beed city would be receiving drinking water through such supply system. In a way, reliance on the tanker would be eliminated. Mr. Thombre, the learned Advocate representing the Municipal Council submit that the figures quoted by the Petitioner, appear to be exaggerated.

7. The learned AGP should also apprise the court as regards the details of the meeting that was supposed to be held, in view of our order dated 11th June, 2024.

8. List this Petition on 28th August, 2024 at 4.30 p.m.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J. )

JPChavan