

Delhi Electric Supply Undertaking

Vs

Central Board for The Prevention and Control of Water of Pollution and Another

Civil Appeals No. 917 of 1987 With Nos. 918-922 and 923-929 of 1987

(Kuldip Singh, B. P. Jeevan Reddy, S. P. Bharucha JJ)

16.03.1994

ORDER

1. The Delhi Electric Supply Undertaking, the appellant, is operating thermal generating industries. The appellant was assessed to water cess under the Water and Air (Prevention and Control of Pollution) Cess Act, 1977 (the Act) for the period November/December 1981. The appellant challenged the assessment orders by way of appeals under the Act. The appeals were dismissed. The appellant further challenged the assessment orders and the order of the appellate authority, by way of writ petition before the Delhi High Court. The writ petition was dismissed in limine.

2. We have heard Dr Singhvi, learned counsel appearing for the appellant. The only contention raised before the appellate authority was that the water was being used for cooling the turbines and other equipments in the thermal generating industries. It was contended that the water was drawn from River Yamuna for that purpose and after utilising the same for cooling purposes, it was discharged back in the river. On these facts it was argued that the utilisation of the water was not "consumption" under the Act. The appellate authority rejected the contention and came to the conclusion that the supply of water was measured by the meters which were installed at the entry of the factory. On that basis the water which entered the factory was taken to be consumed. We see no ground to interfere with the reasoning and the conclusions reached by the appellate authority which was upheld by the High Court. Dr Singhvi has tried to raise, before us, various questions which were not raised before the authorities below. There is no factual basis to support the contentions. We are not inclined to permit Dr Singhvi to raise any new point at this stage.

3. The appeals are dismissed. No costs.

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