

## Delhi Electric Supply Undertaking Vs Central Board for the Prevention and Control of Water of Pollution and Another

**Court:** Supreme Court of India

**Date of Decision:** March 16, 1994

**Citation:** (1995) 5 JT 135 : (1995) 3 SCC 406 Supp

**Hon'ble Judges:** S. P. Bharucha, J; Kuldeep Singh, J; B.P. Jeevan Reddy, J

**Bench:** Full Bench

**Final Decision:** Dismissed

### Judgement

@JUDGMENTTAG-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 as 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.