

**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:**

MR. JUSTICE UMAR ATA BANDIAL  
MR. JUSTICE FAISAL ARAB  
MR. JUSTICE IJAZ UL AHSAN

**CIVIL MISC. APPLICATION NO.230 OF 2019 IN SUO  
MOTU CASE NO.26 OF 2018 AND CIVIL MISC.  
APPLICATIONS NO.4479, 4955 AND 4956 OF 2019 IN  
CIVIL MISC. APPLICATION NO.230 OF 2019 IN SUO  
MOTU CASE NO.26 OF 2018 AND CIVIL REVIEW  
PETITIONS NO.109, 150 TO 153, 165, 214 TO 226 OF  
2019 IN SUO MOTU CASE NO.26 OF 2018 AND CIVIL  
MISC. APPLICATION NO.2072 OF 2019 IN CIVIL  
REVIEW PETITION NO.NIL OF 2019 IN SUO MOTU  
CASE NO.26 OF 2018**

(Regarding selling of Bottled Water extracted from the  
ground without any charge and its fitness for Human  
Consumption)

**AND**

**CIVIL PETITIONS NO.1195, 1196, 1197 AND 1322 OF  
2019**

Water and Sanitation Agency, Lahore through its Managing  
Director

**...Petitioner(s)**  
(In all cases)

**VERSUS**

Lotte Akhtar Beverages (Pvt.) Ltd., Lahore etc.

In  
C.P.1195/2019

Shezan International Ltd., Lahore etc.

In  
C.P.1195/2019

Coca Cola Beverages Pakistan Ltd., Lahore etc.

In  
C.P.1195/2019

Nestle Pakistan Ltd., Lahore etc.

In  
C.P.1195/2019

**...Respondent(s)**

In attendance:

Mr. Sajid Ilyas Bhatti, Addl.A.G.P.  
Mr. Tariq Mehmood Jehangiri, A.G. Islamabad  
Mr. Qasim Chohan, Addl.A.G. Punjab  
Barrister Qasim Wadood, Addl.A.G. KPK  
Mr. Ayaz Swati, Addl.A.G. Balochistan  
Mr. Zahid Nawaz Cheema, ASC

Mian Abdul Rauf, ASC  
Mian Irfan Akram, ASC  
Mr. Khalid Javed Khan, ASC  
Mr. Qasim Mirjat, AOR  
Mr. Suleman Akram Raja, ASC  
Mr. M. Munir Paracha, ASC  
Mr. Hassan Irfan Khan, ASC  
Mr. Munawar-us-Salam, ASC  
Mr. Iftikhar Ahmed Mian, ASC  
Mr. Farooq Amjad Meer, ASC  
Mr. Gulzar Begum, ASC  
Mr. Sikandar Bashir Mohmand, ASC  
Mr. Gohar Ali Khan, ASC  
Dr. M. Ahsan Siddiqui, Head of Committee  
Mr. Ashiq Ali, Director SEPA  
Mr. Shahbaz Ahmed Sheikh, Law Officer Finance  
Punjab  
Mr. M. Ramzan, A.D. Legal EPA  
Dr. Zubair Khan, in person  
Syed Zahid Aziz, M.D. WASA Lahore  
Mr. Aamir Latif, Secy. Industry KPK  
Mr. Rahim Ullah, S.O Local Govt. KPK  
Mr. Wajhat A. Qureshi, Executive Vice President,  
NBP  
Mr. M. Ali Bator, Acting Dir. EPA Balochistan

Date of hearing: 02.07.2019

### **ORDER**

We have heard the learned Additional Attorney General, the Advocate General ICT and the Additional Advocate General Balochistan, KP and Punjab, Dr. M. Ahsan Siddiqui, Chairman of the Coordination Committee constituted by this Court and M.D, WASA, Lahore. The following observations are made about the proceedings at the hearing.

2. The Additional Attorney General informs that the Law Officers of the Federation, ICT and the Provinces have discussed draft legislation for uniform

implementation of the water cess through legislative measures. It is clarified that the uniform law is intended to cater not just ground water but also surface water usage. Whereas water has several categories of consumers, *inter alia*, agricultural, domestic, commercial and industrial users, nevertheless presently the focus of the proposed legislation for the charge and collection of water cess shall be the industrial users. The ambit of the proposed regulatory law for water conservation shall be extended gradually to other categories of consumers. The learned Attorney General and the Provincial and ICT Law Officers have assured the Court that a consensually proposed Model Law shall be filed in the Court within one month.

3. The Court has earlier directed the installation of flow meters at the industrial units where bottled drinking water or other beverages are prepared for measuring the volume of water that is consumed, utilized and wasted. The Government of Punjab has sought three weeks time to install flow meters along with CCTV cameras and monitors at all units in the Province. The other Provinces have also made progress in this regard but are not equipped with data. Accordingly, six weeks time is granted to the Provinces and ICT for installing the requisite flow meters, the specifications and data about

which shall be shared by them with the Coordination Committee.

4. This Court has previously directed the water cess funds to be invested in the National Bank of Pakistan ("**NBP**"). Such funds have been deposited by all the Provincial Governments and ICT in accounts established with the NBP which has filed CMA No. 6617 of 2019 to seek directions regarding the deposited funds. At this stage, whilst the water cess collection mechanism is under finalization, it is directed that all funds of the water cess shall be deposited by the Provincial and ICT governments in the NBP account established by them under the title "Water Conservation Account" in one of the authorized branches of the NBP. Upon deposit the NBP shall forthwith transfer such funds from its respective branches to the Head Office Account bearing the title Principal Water Conservation Account ("**Principal Account**"). All funds credited to the Principal Account shall be invested immediately in the best available NBP investment scheme on a daily balance basis for onward recurring investment in 03 months treasury bills at the first available biweekly auction by the State Bank of Pakistan. The funds deposited with the NBP shall be reported to the Court through monthly statements providing the details of the depositor agencies, the amount of deposit, date thereof

and profit accrued on daily basis; the date of transfer to Principal Account, its investment and maturity value in Treasury Bills and the dates thereof. It may be noted at this juncture that Government of Punjab has already deposited an amount of Rs.380/- million in the Principal Account, the Government of KP has deposited Rs.15.5/- million and the Government of Balochistan has deposited Rs.2.7/- million in the said account. The Government of Sindh is not represented today as also on the last date of hearing. It is directed that on the next date of hearing, the Advocate General, Sindh shall personally assist the Court duly prepared in respect of the matters in issue otherwise the Chief Secretary, Government of Sindh shall be in attendance to assist the Court.

5. Be that as it may, Dr. M. Ahsan Siddiqui, Chairman of the Coordination Committee has informed that roughly an amount of Rs.70-75/- million has been deposited by the Government of Sindh in the NBP under the heading of water cess. It is directed that the respective Governments of the Provinces and the ICT shall convert or open accounts under the afore-mentioned title "Water Conservation Account" in the concerned NBP branches from where such funds shall forthwith be transferred to the Principal Account for investment in the terms directed by the Court. The charging of, transfer, disbursement and

use of such funds shall be subject to orders of this Court. The compliance reports by each of the Provinces and the ICT with respect to the foregoing discussion shall be filed before the next date of hearing.

6. Dr. M. Ahsan Siddiqui has expressed admiration for the Faisalabad plant which filters and cleanses canal water to supply pure drinking water. The Provincial Governments shall apprise whether they have received offers of foreign assistance for establishing such plants and if so, their responses thereto. The details of the Faisalabad project are available in CMA No.5588/2019. Further technical and financial details about the said project as well as its smaller variants shall be filed by the Punjab Government with disclosure of the foreign sponsor and its terms of assistance. Comment shall also be made on the feasibility of such smaller projects. This information may be helpful for the other Governments in understanding and for adopting, the concept and technology enabling the project. The Court is inclined that in the first place the available funds be deployed in areas that are severely deficient in clean drinking water, for example desert lands in District Tharparkar e.g Mithi and such like areas in Balochistan Province where canal water may be procured for supply to drinking water treatment plants installed for public consumption. The Law Officers

of Balochistan and Sindh Provinces shall apprise the Court about the areas where unavailability of drinking water may be redressed by such water treatment plants.

7. The concerned urban water supply agencies throughout the country shall consider the framing of regulations and or executive directions that mandate the installation of push-button faucets at water supply points in all public and commercial premises. The proposed means, mechanism, incentives based on locally manufactured equipment and penalties for enforcing the regulatory measures shall be presented in writing to this Court before the next date of hearing.

8. Finally, the Provinces and ICT shall share their experiences and knowledge about simple, cost efficient methods for rain harvesting and for recycling used water. These shall also be brought to the notice of the Court on the next date of hearing.

Relist on **26.08.2019.**

Judge

Judge

Islamabad  
02.7.2019  
Naseer

Judge