

The Chennai Metropolitan Water Supply and Sewerage Board's Water Tax and Sewerage Tax (Levy and Collection) Regulations, 1991

TAMILNADU

India

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Rule

THE-CHENNAI-METROPOLITAN-WATER-SUPPLY-AND-SEWERAGE-B of 1991

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The Chennai Metropolitan Water Supply and Sewerage Board's Water Tax and Sewerage Tax (Levy and Collection) Regulations, 1991Published vide Notification No. SROC. 6/91, MMWSSB\FIN\TAXES\A6\26L63\91No. SROC. 6/91. - In exercise of the powers under sections 34,35 and 36 and sub-section (1) and clause (j) of sub-section (2) of section 81 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978), the Chennai Metropolitan Water Supply and Sewerage Board, with the previous section of the Government accorded in G.O. Ms. No. 97, Municipal Administration and Water Supply department, dated 26th march 1991 makes the following Regulations, for levy and collection of water tax and sewerage tax on the premises with-in the Board's area:-

1. Short title and commencement.

(1)These regulations maybe called the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Water Supply and Sewerage Board's Water Tax and Sewerage Tax (Levy and Collection) Regulations, 1991.(2)These regulations shall come into force from the 1st day of April 1991.

2. Definitions.

- In these regulations, unless the context otherwise requires,-(a)"Act" means the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978);(b)"Assessed Annual Value" means the annual value of a premises determined under section 35 of the Act and forms the basis for levy of the water tax and sewerage tax;(c)"Premises" means any land or building;(d)"Sewerage Tax" means a tax levied on premises situated within the Board's area under sub-section (1) of section 34 of the Act;(e)"water tax" means a tax levied on premises situated within the Board's area under sub-section (1) of section 34 of the Act;(f)Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings respectively assigned to them in that Act.

3. Assessment Books.

- The authorised authority shall prepare and keep assessment books in such form and in such parts and sections as he considers fit, showing the persons and premises liable to taxation under this Act.

4. Access to the Board's Records.

- The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable time and free of charges to inspection to any person who pays any tax to the Board and such persons shall be entitled to take extracts free of charge from the said books and records.

5.

The relevant portion of the Board's tax ledgers shall be open to inspection free of charges by any person who pays tax to the Board on a day or days in each month to be fixed by the Board.

6. Levy of Water and Sewerage Tax.

(1)For the purpose of the Act, the Board shall levy on premises situated within its area-(a)a Water Tax; and(b)a Sewerage Tax.(2)The Taxes mentioned in clause (1) shall be levied at such rates as specified in Regulation 7 subject to the ceilings indicated in sub-section (2) of section 34 of the Act.

7. Rates of Taxation.

(1)The rate of tax shall be as below on each premises per annum-(i)Water tax 1.5 per cent of assessed annual value; and(ii)Sewerage tax 5.5 per cent of assessed annual value.(2)In the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the authorised authority may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maximum per ground of land measuring 220 square metres:-

Rs.

- (a) Water Tax. 1
(b) Sewerage Tax. 2

8.

The authorised authority shall determine water tax and sewerage tax to which the each premises or portion is liable per annum.

9. Raising of Water and Sewerage Tax Demands and Payment Conditions.

- The amount of tax determined under regulation 8 of these regulations shall be divided into two equal half yearly demands and levied each half year commencing on the 1st day of April and 1st day of October and ending on the 30th day of September and 31st day of March respectively. Save as otherwise expressly provided in these regulations the half-yearly demand for water and sewerage tax is payable by the owner of the assessed premises within fifteen days of the commencement of the half year. The Board may as a matter of convenience send demands in batches on by any other mode as evolved by the Board from time to time after the commencement of the half year and make the demands payable within one month of the date on the demand notice. Non-receipt of the demand notice shall not be a valid reason for non-payment. The Board may how ever, send demands once a year for premises in respect of which the total water tax and sewerage tax per annum per premises does not exceed Rs. 70 (rupees seventy only).Explanation. - Computer Demand notice issued up to 11/89.90. Cards issued from 1/90.91 treated as one time demand notice.

10.

The payment of Water and Sewerage tax shall be made as specified in the demand notice, Water and Sewerage Tax card or as intimated by the Board from time to time.

11. Annual value.

(1)As long as the Board adopts the annual value specified in sub-section (3) of section 35 of the Act it need not maintain separate assessment books and instead record its tax ledgers the annual value and tax payable in respect of each premises.(2)Till such time as the Board adopts its own assessments it may adopt all exemptions and concessions given by the Madras Corporation, Municipality or Panchayat or any other local authority in making assessments of annual value for the levy of property tax or house tax.

12.

The Board shall enter in the assessment books the annual value of all assessed premises and the tax payable thereon. Such assessment books shall also record the following particulars with regard to each assessable item:-(a)The serial number.(b)The taxpayers code number.(c)A clear address of the premises giving the door number, or survey number, street name, postal zone, corporation

division.(d)The name of owner and occupier.(e)A description of the premises with extent of land.(f)The annual value, and(g)The water tax and sewerage tax to which it is assessed to.

13.

The gross annual rent for the purposes of sections 34 and 35 of the Act shall be determined based on information made available on the rental value of the premises, other relevant information on the rent fetched by similar premises in the neighbourhood and guidelines issued for determining the monthly rental value from time to time.

14.

Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owners of such site or premises.

15.

Any premises the assessed annual value of which is less than thirty six rupees shall be exempt from water tax and sewerage tax provided that the owner thereof is not liable to profession tax or income tax and provided further that no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than thirty six rupees.

16. Revision of assessment.

- An assessment once made shall continue in force until a revised assessment takes effect.

17. Assessments shall normally be revised once in five years.

- For this purpose the authorised authority may with the approval of the Board arrange the territorial divisions of the city in such groups as may be considered necessary and revise the assessment books relating to each group by rotation once in five years.

18.

(1)When assessment books have been prepared for the first time, or whenever a general revision of such books has been completed under regulation 17 or revision due to any improvement in construction of the premises the authorised authority shall give a notice to the owner stating-(a)the time and place where the books may be inspected,(b)the half year from which the fresh assessment of revision takes effect, and(c)that objections will be considered if they contact the Board's office within fifteen days from the date of notice.(2)The authorised authority may after taking note of objections, if any, finalise the tax assessment books and communicate the same to the owner of the premises. Such assessments shall be deemed to take effect from the first day of the half years in

19. Escaped assessment.

- Notwithstanding anything to the contrary contained in the Act or these regulations made thereunder, if for any reason any person liable to pay any of the taxes under these regulations has escaped assessment in any half year or a year or has been assessed in any half year or year at a rate lower than the rate at which he is assessable or, in the case of water and sewerage tax has not been duly assessed in any half year or year consequent on the building or land concerned having escaped proper determination of its annual value, the authorized authority may at any time within two years from the date on which such person should have been assessed, serve on such person a notice assessing him to the taxes due and demanding payment thereof within fifteen days from the date of such service, and the provisions of the Act and the regulations made thereunder shall so far as may be apply as if the assessment was made in the half year or year to which the tax or fee relates.

20. Notification for revision of tax.

- An increase or decrease in the rate of tax shall not constitute an amendment or revision and such change in the rate of tax shall take effect from the date fixed for levy.

21. Power to issue supplemental demands.

- In the event that the tax demanded by the Board for half year has either clerical errors or arithmetical errors, the Board may issue a supplemental demand correcting the same either in the same half year or in any subsequent half year.

22. Change of ownership.

(1)Whenever the title of any person primarily liable to the payment of the water tax and sewerage tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred, shall within three months after the execution of the instruments of transfer or after its registration if it be registered or after the transfer is effective, if no instrument be effected, give notice of such transfer to the authorised authority.(2)In the event of death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the authorised authority within one year from the date of the death of the deceased.(3)The notice to be given under clause (1) and (2) above shall be in such form as the authorised authority may direct. The transferee or the person to whom the title passes as the case may be, shall, if so required, be bound to produce before the authorised authority any documents evidencing the transfer or succession.(4)Every person who makes a transfer as aforesaid without giving such notice to the authorised authority shall continue to be liable for the payment of the water tax and sewerage tax assessed on the premises transferred until he gives notice or until the transfers have been recorded in the Board's registers, but nothing in this clause shall be held to affect the liability of the transferee of the payment of the said tax or the

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prior claim of the Board under regulation 28.

23. New Assessment and Remission.

(1)(a) If any building in the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Area is constructed or reconstructed the owner shall give notice thereof to the authorised authority within fifteen days from the date of completion or occupation of the building, whichever is earlier. (b) If such date falls within the last two months of the half year, the owner shall, subject to the notice being given in sub-clause (a) of clause (1) be entitled to remission of the whole of the tax or enhanced tax, as the case may be payable in respect of the building only for that half year. (c) If such date falls within first four month of the half year, the owner shall subject to notice being given in sub-clause (a) be entitled to remission of so much not exceeding half of the tax or enhanced tax as the case may be payable in respect of the building only, for that half year as is proportionate to the number of days in that half year preceding such date. (2)(a) If any building in the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan area is demolished or destroyed, the owner shall, until notice thereof is given to the authorised authority be liable for the payment of the tax for which he would have been liable had the building not been demolished or destroyed. (b) If such notice is given within the first two months of the half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only for that half-year. (c) If such notice is given within the last four months of the half year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only for that half year as is proportionate to the number of days in that half year succeeding the demolition or destruction as the case may be.

24. Disconnection and Restoration of Water/ Sewer connections.

- If any amount due on account of water tax and sewerage tax as determined under the Act and these regulations is not paid within thirty days from the commencement of the half year or any other intimation issued thereon, the authorised authority shall issue a notice for cutting of the water or sewer connection or both between any water or sewer works main or pipeline of the Board and the premises to which water is supplied or sewerage is provided giving a further grace time of fifteen days from the date of the notice for making payment of the taxes due to the Board.

25.

If the taxes due to the Board are not paid even after the grace time of fifteen days specified in the notice issued under regulation 24 the authorised authority shall proceed to cut-off the water supply or sewerage connection.

26.

Restoration of water supply or sewerage cut off under regulation 25 shall be done only after

payment of the rent charges together with penalty of Rs. 50/- (Rupees fifty only) and payment of all disconnection and reconnection expenses incurred by the board the authorised authority shall order reconnection after satisfying himself that all payments due have been made. The Board may, at its discretion, grant time for payment in exceptional cases.

27.

Requests by tenants that the owners are liable to pay the tax dues and hence disconnection of water supply need not be given effect to shall not be considered. Requests that water supply should not be cut off for nonpayment on the plea that such arrears are due by previous owners shall not be considered.

28. Liability for Payment of Tax.

- The water and sewerage tax on building and lands shall, subject to the prior payment of land revenue, if any, due to the Government thereon, be first charge upon the said premises or lands and upon the movable properties, if any found within or upon such premises and belong to the person liable to such tax.

29. Saving Clause.

- Until such time the proposed regulations defined and determined under the Act and given effect to, the existing regulations or bye laws of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (All ration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Municipal Corporation, Municipality, Panchayat or any other local authority shall be in force. Proceeding for Collection of Water and Sewerage Tax

30.

Where any tax due under these regulations have not been paid within the time prescribed, the authorised authority shall cause to be served upon or sent to such person a demand for the sum due failing which proceedings under regulation 31 below would be enforced.

31.

i. If the amount due on account of any tax covered in the demand under regulation 30 is not paid within the time prescribed from the service of the notice and if the person from whom the tax are due has not shown cause to the satisfaction of the authorised authority why it has not been paid, the authorised authority may recover by distraint under his warrant by sale of the movable property of the defaulter or if the defaulter is occupier of any building or land in respect of which the tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee, distraint fee and such further sums as will satisfy the probable tax that will be incurred in connection with the detection and the sale of

the property so distrained.ii. Provided always that the movable property described in the provision to sub-section (1) of section 60 of the code of civil procedure, 1908, shall not be liable to distraint.iii. If for any reason the distraint or, a sufficient distraint of the defaulter's property is impracticable, the authorised authority may prosecute the defaulter before a Magistrate.iv. Nothing herein contained shall preclude the Board from suing in a Civil Court for the recovery of the water and sewerage tax, or other amount due to it under the Act.

31A.

Under a special order in writing of the authorised authority any officer charged with execution of a warrant of distress may between sunrise and sunset break open any' outer or inner door or window of a building in order to make the distress if he has reasonable ground for believing that such building contains property of the defaulter which is liable to seizure, and if after notifying his authority and purpose and duly demanding admittance he cannot otherwise obtain admittance:Provided that a period of the time prescribed shall be allowed for paying the amount due and redeeming the property seized.

32.

The officer charged with the execution of a warrant shall, before making the distraint, demand payment of the tax due and the warrant fee. If tax due and warrant fee are paid, no distraint shall be made and if the tax or warrant fee are not paid the officer shalla. Seize such movable property of the defaulter as he may think necessary,b. Make an inventory of the property seized,c. give to the person in possession of the property seized at the time of seizure, a copy of the inventory and notice of saleProvided that a period of seven days shall be allowed for paying the amount due and redeeming the property seized.

33.

The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the tax due by the defaulter together with all expenses incidental to the warrant distraint, detention and sale.

34.

a. If the amount due by the defaulter on account of water and sewerage tax, the warrant fee, distraint fee and the expenses incidental to the detention of the property are not paid within the time prescribed , under proviso to regulation 35 and if the distraint warrant is not suspended by the authorised authority, the property seized or sufficient portion thereof shall be sold by public auction under the orders of the authorised authority who shall apply the proceeds of the sale to the payment of the amount due on account of the tax due, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property, was at the time of seizure, any property or some which may remain after

the sale and application of the proceeds thereof as aforesaid, if application is made by such person within the time prescribed from the date of sale. If no such application is made, the property of some so remaining shall be forfeited to the Board, if the proceeds of the sale are insufficient for the payment of the amount due on the account of the water and sewerage tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the authorised authority may again proceed under regulation 33 and 34 of this part in respect of the sum remaining unpaid.b. When the property seized is perishable or subject to speedy natural decay or if the expenses of keeping it together with the water and sewerage tax due shall exceed the value of the property, the authorised authority may sell it at any time before the expiry of the same period of the time prescribed unless the amount is sooner paid.c. The authorised authority shall consider any objection to the distraint of any property which are made within the same period of the time prescribed and may postpone the sale, pending investigation thereof, if the authorised authority decide that the property attached was not liable to distraint, he shall return it or if it has already been sold the proceeds of the sale to the person appearing to the entitled thereto and may again proceed under regulation 33 and 34 and all fees and expense s connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the authorized authority that he willfully permitted the distraint of the property when his knowledge was not liable to distrain.

35.

a. Fees shall be levied on such distraints with reference to the amount due for which the distraint is made and according to the rates specified in the following Table:

Sum Distained for	Fees (Rs.)
Below Rs. 25	5.00
Rs. 25 and above but below Rs. 50	7.00
Rs. 50 and above but below Rs. 100	15.00
Rs. 100 and above	25.00

b. Such fee shall include all expenses, except,i. the cost of maintaining any live stock or the expenses incidental to the detention of the distrained property,ii. the tax payable on account of person having or put incharge of the property, namely, Rs.5/- per day per person.

36.

a. The immovable property of defaulter may be distrained wherever it may be found within the state of Tamil Nadu.b. If it is necessary to distrain property outside the limits of the city, the authorized authority shall address this warrant to such public servant having local Jurisdiction as the Government of Tamil Nadu may be general or special order direct.c. Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.d. Subject to the modification set out in the following clauses, the provisions of regulations 35 and 39 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.e. For the purpose of action under regulation 35, no special order in writing of the authorised authority shall be required but if the Public servant to whom the warrant is addressed charges any

subordinate to the execution thereof, he shall furnish such subordinate with a special order in writing to that effect and such subordinate shall then have authority to take action under the regulation.f. For the purpose of action under Regulation 37, the public servant to whom the warrant is addressed may without further orders from the authorized authority, sell or direct the sale of the property seized and shall on completion of the same, transmit proceeds to the authorised authority subject to such deduction, if any, as may be necessary to meet expenses incurred locally.g. It shall be unlawful for such public servant himself or for any person subordinate to hi in to purchase directly or indirectly any such sale.

37.

If the water and sewerage tax due on any account of any building or land remains unpaid in whole or in part at the end of the period, specified in regulation 24, the authorised authority may, if the said tax due have retained unpaid for more than the time prescribed, require the occupier for the time being of such building or land to pay the amount within a specified period and if the occupier fails to comply with such requisition, the authorised authority may distrain and sell any immovable property found on the building or land and the provisions of the foregoing regulations shall mutatis mutandis apply to all distraints and sales effected under this regulation:Provided that no occupier shall be liable for prosecution or to a civil suit in respect of any sum recoverable from him under these regulation unless he had willfully prevented distraint or a sufficient distraint.

38.

If any tax due from any person remains unpaid in whole or in part at end of the period specified in regulation 9 and 10 and such a person has left India or cannot be found, the said amount or such part thereof as remains unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrears of land revenue.

39.

(a)If any tax due from any person remains unpaid in whole or in part at the end of the period specified in regulations 9 and 10 the defaults shall be liable on proof to the satisfaction of the Magistrate that he willfully omitted to pay the amount due by him to pay a fine not exceeding twice the amount which maybe due by him on account ofi. the tax due and the warrant fee, if any,ii. if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.(b)Whenever any person is convicted of an offence under sub-clause (i) of this clause the Magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the Board the amount, if any, due under the heads specified in items (a) and (b) of sub-clause (i) of this clause and may in his discretion also recover summarily and pay to the Board such amount, if any, he may fix as costs of the prosecution.

40.

No officer or subordinate of the Board shall directly or indirectly purchase any property at any sale or distrained property held under foregoing regulations.