

The Delhi Common Effluent Treatment Plants Rules, 2001

DELHI

India

DELHI COMMON EFFLUENT TREATMENT PLANTS ACT, 2000

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Rule

THE-DELHI-COMMON-EFFLUENT-TREATMENT-PLANTS-RULES-2001 of 2001

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No.F.7(99)/CETP/2000/CI/409, dated 22nd May, 2001Notification

No.F.7(99)/CETP/2000/CI/409, dated 22nd May, 2001. - In exercise of the powers conferred by section 26 of the Delhi common Effluent Treatment Plants Act, 2000 (Delhi Act N. 7 of 2000), the Government of the National Capital Territory of Delhi hereby makes the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Delhi Common Effluent Treatment Plants Rules, 2001.(2)They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Delhi Common Effluent Treatment Plants Act, 2000 (Delhi Act No. 7 of 2000);(b)"appellate authority" means an authority consisting of Financial Commissioner of the Government of National Capital Territory of Delhi or any other officer of equivalent rank appointed by the Government by notification in the official Gazette as Chairperson and one expert in the field of public health engineering and one person in the field of finance or taxation as members appointed by the Government by notification in the official Gazette as its members;(c)"apportionment cost" means the share of the capital cost and recurring cost of a CETP payable by an occupier;(d)"apportioned of the cost" means the distribution of cost of a CETP among the occupiers of an estate as per formula;(e)"appropriate authority" means the Commissioner of Industries of the Government of National Capital Territory of Delhi or any

other officer not below the rank of a Joint Director of Industries, Delhi, authorized by him from time to time in this regard;(f)"defaulter" means any occupier including a CETP society for defaulting in payment of CETP of the rules;(g)"dues" means any balance amount payable by an occupier towards the cost of setting up of a CETP, operation and maintenance of CETP within Delhi;(h)"estate" means any industrial area or estate established in Delhi for the industrial and commercial use;(i)"Form" means a form appended to these rules;(j)"recurring cost" means annual cost incurred in operation and maintenance of a CETP;(k)"Schedule" means a Schedule appended to these rules;(l)"Section" means a section of the Act;(m)words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Functions to be performed by CETP Societies under section 4.

- The following functions shall be performed by the CETP Societies, namely :-(i)To obtain requisite information in writing from an occupier in Form-I with regard to his establishment of industry and to have a right at any time to confirm the same by entering any place/premises for determining the nature of activity, operation or process of industry and other information/data.(ii)To issue demand letter to the occupier of a factory premises for deposit of apportioned cost of CETP in Form II.(iii)To collect contributions from industries located in the estate towards the cost of construction, maintenance, operation and upgradation of CETP.(iv)To manage, maintain and operate the CETP in accordance with the prescribed standard of the Environment (Protection) Act, 1986 (29 of 1986) , the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);(v)To upgrade technology of the installed CETP as per future requirements(vi)To arrange CETP funds by way of contributions, grants or loan with or without security or on the security of a mortgage charge or on hypothecation or pledge of overall or any of he immovable or movable properties / stores / consumables belonging to the CETP Society.(vii)To make purchases of immovable or movable assets/machinery, equipments, consumables, chemicals. Stores, etc.(viii)To maintain and keep proper records of all inventories, stocks, consumables, chemicals; stores, etc.(ix)To enter into agreements with financing institutions and contractors and take any or all appropriate measures to construct, operate and maintain CETP for controlling pollution.(x)To obtain the necessary clearances which are required under the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 or under any other Act/Rules relevant to the subject.(xi)To open and maintain account for construction, operation and maintenance of the CETP in which all contributions from the occupiers/industries, subsidies/grants received from the Government towards capital costs, and loan, if any raised by it from financial institutions shall be accounted for.(xii)To furnish the details relating to collection of apportioned cost from the occupiers to the appropriate authority in Schedule-I.(xiii)To allow entry and inspection of the CETP and related installations/offices/documents, stocks, consumables. Stores, etc. to the officers of the authorities/local bodies who are required to carry out routine check up/inspection, lifting of sample for the purpose of ensuring compliance of various standards under the laws.(xiv)Not to deviate, after, take on major renovation/modifications/expansion of the originally planned CETP without obtaining the prior consent of the appropriate authority and the clearance from the local pollution control authority, that is to say, Delhi Pollution Control Committee.(xv)To take over from the constructing agency, the CETP, after the constructing agency has undertaken a trial run thereof and

has ensured that the discharge effluent meets the standards prescribed under the law and duly certified as such by Delhi Pollution Control Committee and also to take over from the constructing agency all assets and liabilities along with all technical details/documents/accounts, etc. in respect of the CETP for maintaining accounts of expenditure incurred on the project.

4. Manner of apportionment of the CETP cost.

- The apportionment of the CETP cost under clause (a) of sub-section (2) of section 6 shall be as under :-

1. Apportionment of capital cost of CETP :

(A)The capital cost of CETP includes cost of land, electricity installation, conveyance system in an estate and cost of construction of the CETP which shall be apportioned as under :-(i)Cost to be paid by the Government of National Capital Territory of Delhi 25 per cent.(ii)Cost to be paid by the Government of India 25 per cent.(iii)Cost to be paid by the industrialists of the estate 50 per cent.(B)The capital cost among the occupiers shall be apportioned in accordance with the formula given in Schedule-iiII. Apportionment of recurring cost :A. The recurring cost of the CETP shall be completely by the occupiers in the estate.B. The recurring cost among the occupiers shall be apportioned in accordance with the formula given in Schedule -II.

5. Manner of collection of the CETP cost.

- The collection of the CETP cost shall be made in the following manner namely :-(i)To collect the cost as apportioned by the appropriate authority, the CETP Society or the body authorized under sub-rule (3) of rule 9 (hereinafter referred to as "the authorized body"), as the case may be, shall issue a demand letter to the occupier/person in Form-II.(ii)The person/occupier to whom the demand letter has been served shall deposit the dues with the CETP Society or the authorized body, as the case may be within the specified period.(iii)In the event of failure or refusal to pay the apportioned cost by any person(s)/occupier(s), a consolidated list of such defaulter (s) with details of dues against them shall be made available by the CETP society or by the authorized body, as the case may be, to the appropriate authority every month in Schedule-III.(iv)The appropriate authority may initiate, recovery proceedings against such occupiers who are listed in defaulter's list by a CETP Society or by the authorized body, as the case may be, by issuing notice in Form -III.

6. Furnishing of information and returns to the appropriate authority.

(1)Every occupier shall furnish a return on quarterly basis in Form-I to the appropriate and any such information as required by the CETP Society or by the authorized body, as the case may be, for the purpose of carrying out its functions under the Act.(2)Every CETP Society/authorized body shall furnish an information and any such return(s) as are require by the appropriate authority or officer authorized by it for the purpose of performing its functions under the Act.(3)The appropriate authority or the officer so authorized by the appropriate authority shall, at all times, have access to

all books, accounts, papers, vouchers and other property of the CETP society/authorized body and may in the event of serious irregularities discovered during inspection, take them into possession and shall have power to verify the cash balance of the CETP Society/authorized body.

7. Procedure for recovery of dues as arrears of land revenue and other action under section 7 and section 12.

- Any sum apportioned by way of cost under rule 4 and rule 5 may be recovered by adopting the following procedure :-(a) Upon receipt of the defaulters list from a CETP society, the appropriate authority may issue a notice of recovery in Form III to an occupier calling upon him to pay the dues by the specified date failing which proceedings of recovery of dues, closure of industry, stoppage of power and water supply may be initiated against him.(b) Where an occupier refuses to pay his dues or he does not file any objection in writing or if objection filed by him is not found tenable by the appropriate authority, the appropriate authority may proceed further and pass an order in Form-IV.(c) For affecting the recovery of dues from an occupier/defaulters through the office of the Collector, appropriate authority shall furnish a certificate in Form V to the Collector requesting him to recover the dues as arrears of land revenue. This shall be done after the expiry of the appeal period of thirty days and ensuring that no appeal is lying before the appellate authority against the order of the appropriate authority under clause (b) above.(d) The Collector on receipt of a certificate under clause (c) above shall initiate recovery proceedings against the defaulter in accordance with the law.

8. Procedure in appeals under sub-section (3) of section 13.

(1) An appeal under section 13 of the Act shall be legible hand writing, preferably typed, in Form-VI and shall be accompanied by a copy of the order appealed against together with such of the documents as are required to support grounds of objection mentioned in the appeal.(2) Every appeal shall set forth concisely under distinct heads the grounds of appeal and such grounds shall be numbered consecutively.(3) An appeal preferred by any occupier shall be accompanied by fee of five thousand rupees by a Bank draft drawn in favour of the appellate authority, payable at.....(4) The appellate shall submit four copies of the appeal to the appellate authority for official purpose.(5) On receipt of an appeal and after calling for and perusing the record of the proceedings before the appropriate authority, if deemed necessary, the appellate authority shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the appropriate authority against whose orders the appeal is preferred, to the appellant.(6) On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the appellant or his authorized representative to appear before the appellate authority. If the appellant or his authorized representative fails to appear on such date, the appropriate authority may, in its discretion, either dismiss the appeal or decide ex parte on merits. If the respondent (appropriate authority) or his authorized representative fails to appear on such date, the appellate authority shall proceed ex parte and decide the appeal on merits of the case.-(7) The appellate authority, after considering the objections of the appellant as well as records and submissions made by the appropriate authority, shall dispose of the appeal within ninety days after first hearing of the appeal.

9. Form of notice to be given to a defaulting CETP Society under section 14.

(1)When the appropriate authority under section 14 has reasonable cause to believe that the CETP society has failed to effectively and efficiently discharge its duties of operation and maintenance of the CETP(s), then, it shall issue a notice by registered/speed post in Form-VII to the CETP Society at its registered address.(2)If the appropriate authority receives reply from the CETP society within fifteen days from the date of the posting of the notice, it shall, after considering the submissions of the CETP society as well as the material on record pass an order.(3)At the expiration of the time mentioned in the notice issued under sub-rule (1), above, the appropriate authority, shall unless cause is shown previously by the CETP Society, publish notice thereof in the official Gazette, authorizing any non-government organization, local body or any such other authority as it may consider fit, to operate and maintain the CETP efficiently and effectively.

10. Directions.

- (i) Any direction issued by the appropriate authority under the Act/rules shall be in writing.(ii)The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person/occupier, officer or the authority to whom such direction is given.(iii)When the direction/order is for the closure/sealing/auction of an industry process or operation or stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and issued officer or an authority a copy of the direction shall also enclosed to the occupier of the premises industry operation or process and issued to an officer or an authority, a copy of the direction shall also be endorsed to the occupier of the premises/industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the provisions of the Act.Provided that no opportunity of being heard shall be given to the occupier if he has already been heard earlier and the direction for the stoppage or regulation of electricity or water or closure / sealing/auction of an industry was the resultant decision of the Government, appropriate authority or the appellate authority as the case may be after such earliest hearing.

11. Manner of service of notices and orders.

(1)Every notice or direction or order to be issued under the Act shall be deemed to be duly served if the notice/order is addressed in the name of the person/occupier at his/its registered office or at its principal office or place of business and is either sent by registered post or speed post or delivered at the registered office/premises/place of business of that occupier/person.(2)Where the copy of the notice or the order is delivered, the signature of the person to whom the copy is so delivered shall be obtained in token of acknowledgment of the service.(3)Where the person/occupier refuses to sign the acknowledgement, or when such person cannot be found after using all due and reasonable diligence, a copy of the notice or the order, as the case may be, shall be affixed on the outer door or some other conspicuous part of the place of business and the original shall be returned to the authority who issued the notice or the order, as the case may be, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so and the name and address of the person in whose presence the copy was affixed.(4)Where the

copy of the notice or the order issued by any authority under any of the provisions of the Act cannot be served in the manner provided in this rule, the authority, if thinks fit, may direct that such notice or order, as the case may be, shall also be published in, at least, one newspaper having circulation in the locality and he may also proclaim the contents of any notice or order in the locality by beat of drum. Form -I[See rules 3 (i) and 6 (1)] Information/returns to be furnished to the CETP Society/appropriate authority under section 8 of the Delhi Common Effluent Treatment Plants Act, 2000. Return for the period from.....to.....

1. Owner/Lessee of the industrial plot:

2. Name & Address of the occupier(s):

3. Area of the plot:

4. Number of occupiers/tenants on the plot:

5. Area occupied by occupier/tenant

6. Horse Power of pumps installed on tubewells of an occupier:

7. Number of workers:

8. MCD water supply on the plot per month in Kiloliters:

9. Item of Manufacturing.

10. Brief manufacturing/assembling process :

11. Type of industrial effluent discharged

1. Volume in Kilolitre per day;

2. Solid waste in Kg. Per day:

The above statements are true to the best of my knowledge and belief. Signature _____ Name of applicant/occupier _____ Status in the unit _____ Date Note: Every occupier has to submit Separate Performa. Form-II[See rules 3 (ii) and 5 (i)] Demand Letter To M/s Sh./ Smt. Subject: Payment of apportioned cost of the CETP. Sir, M/s is an occupier of the premises no. in Industrial Estate. In your industry, operation or/ process , pump load is H.P. Plot area is Sq. mt. Average water supply is kilo liters/month, No. of labour is and nature of activity falls under highly polluting/medium polluting/low polluting activity. Considering the above inputs/requirements, the

cost of CETP has been apportioned by the appropriate authority in accordance with formula given in Schedule II of the Common Effluent Treatment Plants Rules, 2001. Accordingly, you are required to pay a sum of Rs.....(rupees) only for the period from.....toon account of your share/contribution towards capital cost/recurring cost of the CETP on or before The above dues may please be deposited in this CETP Society account no.....at.....branch or directly in the office of this society on any working day. The acknowledgement of this Demand letter may please be confirmed.Yours faithfully()General SecretaryCETP Society/AuthorityForm-III[See rules 5 (iv) and rule 7 (a)]Notice under clause (b) sub-section (2) of section 6 and section 16 of Delhi Common Effluent Treatment Plants Act, 2000.ToM/s./Sh./Smt.....Whereas I, the undersigned, am satisfied that you are an "occupier" of premises no..... in.....Industrial estate.And whereas in exercise of the powers conferred on me by clause (b) of the sub-section (2) of section 6 of the Delhi Common Effluent Treatment Plants Act, 2000, I consider that apportioned cost of Rs.....(Rupees) are due for the period(s) and at the rate(s) shown in the Table below on account of your contribution in respect of the capital cost/recurring cost/annual operation and maintenance cost of CETP in the Estate.And whereas in exercise of the powers conferred on me by section 10 of the Delhi Common Effluent Treatment Plants Act, 2000, I consider that you are also liable to pay interest to the Government/statutory authority/CETP society on the said arrears at the rate of one and half percent for every month or part of the month comprised in the period till its final payment.Now, therefore, under the provisions of clause (b) of sub-section 6 read with section 7 and section 16 of the said Act, I hereby call upon you to show cause on or beforewhy an order requiring you to pay the said dues together with interest, an order to close down your industry, stop supply of electricity and water should not be made.

Details of period Apportioned cost/| TablePaid| /Balance in arrears

Signature and seal of the Appropriate AuthorityCopy forwarded to the Authorities/Local bodiesForm-IV[See rule 7 (b)]Order under sub-section (2) of sections 6 and section 7 of the Delhi Common Effluent Treatment Plants Act, 2000.ToM/s./Sh./Smt.....Whereas I, the undersigned, am satisfied that you are an "occupier" of premises no. in.....Industrial Estate.And whereas by a written notice No.datedyou were called to show cause on or beforewhy an order requiring you to pay dues to Rs.together with interest should not be made;And whereas I have considered your objection (s) and/or the evidence before the said date.Now, therefore, in exercise of the powers conferred on me by subsection (2) of section 6 of the Common Effluent Treatment Plants Act, 2000, I hereby order you to pay the sum of Rs..... (rupees apportioned by me as the CETP dues on or beforeIn exercise of the powers conferred by section 10 of the said Act, I hereby further require you to pay interest at the rate of one and half per cent every month or part of the month on the above sum w.e.f.till its final payment within the aforesaid period.In the event of your refusal or failure to pay the said dues or any installment thereof, within the aforesaid period, the amount shall be recovered as an Arrear of Land Revenue and other action as mentioned in the said notice will be liable to be taken against you by the respective authorities/local bodies.Date:Signature and sent of the Appropriate AuthorityCopy forwarded to the Authority/Local Bodies for taking necessary action relating to recovery of dues, stoppage of supply of electricity, water and other services and closure of

industry. Form V [See rule 7 (c)] Certificate under section 12 of the Delhi Common Effluent Treatment Plants Act, 2000 from the Appropriate Authority to the Collector. This is certifythat an amount of Rs.....(Rupees) is due to the Government/statutory authority/CETP Society from M/s.....in respect of.....for the period fromto.....on account of the apportioned cost of the CETP and the interest thereupon. In pursuance of section 12 of the Delhi Common Effluent Treatment Plants Act, 2000. I,, as the Appropriate Authority require you to proceed to recover the above due as Arrears of Land Revenue. Date: Signature and seal of the Appropriate Authority Form VI [See rule 8 (1)] Appeal under sub-section (3) of section 13 of the Act to be made by an occupier before appellate authority and to be submitted in six copies) To The Appellate Authority (Financial Commissioner) Government of NCT of Delhi Subject : Appeal against the order of Appropriate Authority under subsection (3) of section 13 of Delhi CETP Act, 2000. Sir, We are filing this appeal on the basis of grounds as narrated in the Table below, against the order no..... dated..... of the Appropriate Authority for your consideration. This appeal contains the following documents:-(i) Grounds of objections to the order in the said Table. (ii) Copy of order no. dated against which this appeal is preferred. (iii) Appeal fee of rupees five thousand vide Bank draft/Bankers cheque No.....dated.....drawn at branch.....(iv) Copy of supportive documents in respect of grounds preferred in appeal under the said Table. Place.....Dated.....Signature of Appellant Table

Sl.	Reasons/grounds in the order of	Grounds of objections to be given by
No.	Appropriate Authority	the Appellant

Place.....Date.....Signature of Appellant Form-VII [See rule 9(1)] Notice under section 14 of the Delhi Common Effluent Treatment Plants Act, 2000 To The CETP Society.....Whereas the above named society was constituted under section 3 of the Delhi Common Effluent Treatment Plants Act, 2000 and designated by the government of NCT of Delhi inIndustrial Estate for performing all the functions as prescribed under rule 3 of the Delhi Common Effluent Treatment Plants Rules 2001. And whereas it is obligatory on the part of the CETP society under section 14 of the said Act to operate and maintain the CETP effectively and efficiently. And whereas it has been brought to our notice by the..... (name of Law enforcing agency/Local body) that the CETP society has failed to perform the aforementioned functions required under the said Act/Rule (violations may be elaborated herein). Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 9 read with section 14 of the Delhi Common Effluent Treatment Plants Act, 2000. I hereby call upon you to show cause on or before theas to why you have failed to discharge your duties of operation and maintenance and as to why the Government should not derecognize you, and should not take over the possession of the CETP, and/or should not hand over the CETP to any NGO/Local Body/other authority as it deem fit, to operate and maintain the plant efficiently and effectively. In the event of your failure to reply to this notice within the said period, it would be presumed that you have nothing to say in this regard and action as proposed above will be taken without affording any other opportunity to you. Date.....Signature and seal of the Appropriate Authority

I

[See rule 3 (xii)]

of collection of apportioned cost under clause (xii) of rule 3 of the Delhi Common Effluent Treatment Plants Rules, 2001.

Sl. No. Plot No. Name of Occupier Apportioned Cost in Rupees Total Payable Paid Balance (Dues)

Signature of the General Secretary of the CETP Society

II

(See rule 4) Formula for cost apportionment to all units existing in industrial estates:

$$Cp(i) = \frac{[Pop(i)EPop \times 0.4 + Wsp(i)EWsp \times 0.3 + Labp(i)ELabp \times 0.2 + Lap(i)ELasp \times 0.1]}{[Cs + Cf(i)]}$$

Where, $Cp(i)$ = Cost to be shared by units located on plot (i) Cs = Total cost to be raised by the industrial estate $Pop(i)$ = Total Horse power of pumps installed on tubewells in plot (i) $EPop$ = Total Horse power of pumps installed on tubewells in the Estate $Wsp(i)$ = MCD water supply to plot (i) Kilolitres /month $EWsp$ = Total MCD water supply to the Estate, Kiloliter /month $Lap(i)$ = Area of the plot (i) Sq. mt. $ELap$ = Total area of the plots in the Estate Sq. mt. $Labp(i)$ = No. of labours working in plot (i) $ELabp$ = Total no. of labours working in the Indl. Estate $Cf(i)$ = Additional fixed cost to be paid by plot owner (i) depending on the nature of activity carried out in the plot such as : (i) Highly polluting activities = Rs. 10,000/- (ii) Medium polluting activities = Rs. 5,000/- (iii) Low polluting activities = Rs. 2,000/-

A. Highly polluting activities	10,000
Pickling	
Electroplating/anodizing	
Chemical manufacturing	
Pharmaceutical manufacturing	
Soap and detergent manufacturing	
Paint/varnish/dyemanufacturing	
Rubber/Plastic reprocessing	
Similar industries as per DPCCclassification	
B. Medium polluting activities	5,000
Cloth Dyeing & printing	
Food processing	
Meat processing	
Foam manufacturing	
Automobile service stations	

Laundry and dry-cleaning

Similar industries as per DPCCclassification

C. Low polluting activities 2,000

Wire drawing

Activities resulting in onlycooling water generation e.g. Cold & hot rolling

Printing press

Similar industries as per DPCCclassification

Industries, where a functional ETP exists meeting prescribed standards, will be treated at par with dry industries and in such cases, only land and labour coefficients of above equation will be operative.

III

[See rule 5(iii)]

of defaulters under clause (iii) of rule 5 read with section 8 of the Delhi Common Effluent Treatment Plants Act, 2000.

S. No. Plot No. Name of Occupier Apportioned Cost in Rupees Total payable paid Balance (dues)

Signature of the General Secretary of the CETP Society