

The Chennai Metropolitan Water Supply and Sewerage Service Charges (Levy and Collection) Regulations, 1998

TAMILNADU

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Rule

THE-CHENNAI-METROPOLITAN-WATER-SUPPLY-AND-SEWERAGE-S of 1998

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The Chennai Metropolitan Water Supply and Sewerage Service Charges (Levy and Collection) Regulations, 1998 In pursuance of the provisions of section 81(2) of Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act No. 28 of 1978), the Board makes the following regulations in respect of levy and collection of Water Supply and Sewerage Service Charges:-

1. Short title and Commencement.

- (i) These Regulations may be called the Chennai Metropolitan Water Supply and Sewerage Service Charges (Levy and Collection) Regulations, 1998. (ii) These regulations shall come into force with effect from 1st October 1998.

2. Definitions.

- In these Regulations, unless the context otherwise requires, -(1) "Act" means the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978) and Tamil Nadu Act Nos. 56 and 58 of 1977.

3.

(i)"Authorised Bank" means any Bank authorised by the Board to receive payments of bills for water supply and sewerage service charges.(ii)"Authorised Authority" means in relation to any power to be exercised or function to be performed under any provision of these Regulations means any Committee, Director, Officer or other employee of the Board to whom such power or function, has been delegated under section 22 of Chennai Metropolitan Water Supply and Sewerage Act, 1978.

4.

"Commercial Premises" means-(i)Irrespective of consumption of water, premises used fully for business, Commercial complexes, Trade, Commerce, building purposes fall under this category;(ii)Premises used fully or partly as Theatres, Hotels, Boarding Houses, Lodges, Clubs, Private Hospitals, Private Hostels, Kalyanamandapams, Clinics with inpatient facility, Swimming Baths, Places for keeping animals, vehicles Service Stations, Nurseries, etc.(iii)Industries, Railways, Port Trust and all other Business/ Commercial and Industrial Establishments not covered in sub-clauses (i) & (ii) of this clause above, Central and State Public Sector Undertakings, Commercial Boards and Authorities.

5.

"Partly Commercial" means premises partly used for commercial purposes other than referred under clause 4(ii) above and shops forming part of flats, clinics without inpatient facility, falls under this category.

6.

"Consumer" means any person drawing water supply from the Board and/or having sewerage connections provided by the Board or owner or occupier of any premises provided with a service connection-by the Board.

7.

"Domestic Residential Premises" means Dwelling units, Flats, Line of Houses, Residential Government Quarters, Raj Bhavan, Residence of Ministers, Judges and other High Dignitaries, Legislators Hostel, Hostel of Colleges and Schools recognised by State or Central Government and includes premises used exclusively for religious purposes and Old age homes.

8.

"Premises" means any land or building.

9.

"Institutional" means premises fully used for Government Offices, Government Hospitals, Educational Institutions, Fire Stations and premises used both for Educational Institutions and quarters like I.I.T., Anna University are classified under this category.

10.

"Municipal Bulk supply" means Municipalities, Town Panchayats, including Manali New town, Chennai Metropolitan Development Authority, Village Panchayats and other local bodies for whom water is supplied for domestic purpose.

11.

"Public Supply" means the gratuitous supply of water to the public through public hydrants, fire hydrants or other conveniences.

12.

(i) All premises having water connections from the sources maintained and operated by the Board and Private Ground Water sources, may be subject to discharge whether such connections are metered or not as prescribed under these Regulations. The decision as to which connection shall be metered or not shall vest with the Board. (ii) All premises having sewerage connection from the sewerage system maintained and operated by the Board shall be subject to a charge for the allied services rendered wherever applicable.

13.

The Board shall normally endeavour to render bills for metered premises at regular intervals as prescribed by the Board from time to time. It shall however be open, to the Board, to change the frequency of billing at its discretion.

14.

The scale of Tariff and or frequency of billing applicable to different categories of metered consumers shall be as specified in the Table below: Part-II Metered Consumers

	Category	Quantity of Water	Rate/ Kilo Litre	Min rate chargeable (including sewerage charges)Rs.	Frequency of Billing
A.	Domestic		2.50		

		Up to 10 Kilo Litre 10			
10 to 15 Kilo Litre	10.00				
15 to 25 Kilo Litre	15.00				
Above 25 Kilo Litre	25.00	50	Monthly		
B.	Commercial	Where monthly consumption does not exceed 500K.L.	25.00	200.00 (non-water intensive)	Monthly
Where monthly consumption exceeds (for entire quantity)	40.00	400.00 (water intensive)	Monthly		
C.	Partly Commercial	Up to 10 Kilo Litre	5.00	150.00	Monthly
10 to 15 Kilo Litre	15.00				
Above 15 Kilo Litre	25.00				
D.	Institutional	Entire Consumption	20.00	200.00	Monthly
E.	Municipal Bulk Supply	Entire Consumption	15.00	-	Monthly
Entire Consumption	5.00	-	Monthly		
		Bd. Res. No. 147/2000 dt. 20.5.2000			
*wherever Local Bodies met the cost of infrastructure Sewerage charges 25% on water supply charges wherever sewer connections are provided.					
F.	(i) Hydrant Public Foundations	-			
(ii) Maintenance charges	Rs. 400 per fountain per month	Monthly			
G.	(i) Mobile Water Supply to Slums	Rs. 4 per 1000 Litres for entire quantity Supplied Monthly	Monthly		

(ii) Maintenance charges for steel tanks Rs. 200 per month per tank

H. Casual Water Supply:

(i) Mobile Water supply to Customers 1. Rs. 300/- for every load up to 6,000 Litres

2. Rs. 450/- for every load up to 9000 Litres

3. Rs. 600/- for every load up to 12,000 Litres

(ii) Water supply at the Metrowater filling points Rs. 30 per 1000 Litres

(iii) For the employees of the Chennai Metropolitan Water Supply and Sewerage Board who desires to avail the lorry water supply for their own household requirements, the cost will be calculated at actual cost price.

(iv) Hire charges for tanks hired out Rs. 250 for two days and

Rs. 50 for every additional day.

15.

For the purpose of levying the water charges, the quantity of water supply below 500 Litres may be ignored and 500 Litres and above, the quantity of water shall be charged for the next nearest 1000 Litres.

16.

With reference to the classification of any consumer under any of the clauses mentioned above, the decision of the Board shall be final.

17.

In addition to the tariff, as specified in clause 14, the Board shall also levy service charges for defraying the cost of purchase and installation, maintenance, repairs, renewal of meters. The service charges shall be as mentioned below:-

Size of meter Rupee/ Paise per month of part there of

15 mm	0.50
20 mm	0.50
25 mm	0.50
40 mm	4.00
50 mm	6.00

Meter service charges shall become payable from the date on which the metre fixed and no deduction shall be allowed in respect of any period during which the meter is not registering correctly or is under repair has been removed for renewal or repairs.

18.

The metre shall normally be read every month or periodically as possible on identical dates. The Depot Managers of the Board shall be visiting between 7.00 a.m. and 5.00 p.m. for metre reading purpose. The Depot Managers or authorised authority shall read the metre as far as possible in the presence of the consumer. If the consumer is not available, the bill with readings shall be handed over to any person on the premises in respect of flats etc.

19.

The owner or occupier of the premises to which a metre is fixed shall be liable to pay any loss or illegal use thereof tampering therewith or other damage thereto, such amount as may be considered reasonable by the authorised authority. He shall also be liable to get the metre repaired at his cost if so directed by the authorised authority. No person shall after the index of any metre or prevent any metre from duly registering the quantity of water supplied.

20.

Complaints in regard to the incorrect or excess reading of billing rates or classification or clerical errors are to be made within 30 days of the date of the bill otherwise the readings shall be taken as correct and the bill shall not be revised. The authorised authority may grant or refuse stay for payment of the bill for the disputed amount. Complaints regarding incorrect metres made within the period specified above should be accompanied by payment of metre testing fee for various sizes of metres as detailed below:

Category of Consumer	Size of metre	Revised
1. Domestic	15 mm & 20 mm	Rs. 50
2. Non-Domestic	20 mm & 25 mm	Rs. 100
3. Non-Domestic	40 mm & 100 mm	Rs. 200
4. Flats and Multi-storeyed Buildings	20 mm	Rs. 100
5. Flats and Multi-storeyed Buildings	25 mm & 50 mm	Rs. 200

6. Bulk Supply 150 mm Rs. 300

21.

(i) In the event that a metre reading cannot be made due to the fact that the metre has been out of order on account of no fault of the consumer or the metre has been taken or, removed by the Board on the order of the competent authority for the purpose of testing or rectifying the defects, the Board shall bill the consumer for that period on any one of the following basis namely:-(a) based on the actual reading of the metre for the corresponding period in the previous year if available, Or(b) an average of the metre reading for the previous 6 months or 12 months when the metre was functioning or whichever is higher. (ii) In the event that a metre reading cannot be made due to the fact that the metre, has been tampered or wilfully removed by the consumer so as to avoid billing on actual consumption the Board shall bill the consumer for that period at the following flat rates viz.:

(a) Individual house	Rs. 50/- p.m.
(b) Per flat in case of common service connection	Rs. 50/- p.m.
Commercial Water Non-Intensive Rs. 200/- p.m. Commercial [Water Intensive]	
[Water intensive means premises used fully or partly as Theatres, Hotels, Boarding	Rs.
(c) houses, Lodges, Clubs, Private Hospitals, Private Hostels, Kalyanarnandapams, Clinic	200/-
with inpatient facility, Swimming Baths, Places for keeping animals, Vehicle Service	p.m.
Stations, Nurseries:]	
(d) Partly Commercial	Rs. 150/- p.m.
(e) Institutional	Rs. 200/- p.m.

Provided that no charge shall be levied under this clause unless the consumer is given a reasonable opportunity of being heard of the charges of tampering or willful removal of the metre.

22.

In the event that a metre fixed having either failed or removed before the first metre reading or before the readings for three consecutive months are taken water charges shall in such cases, be levied on the basis of subsequent readings for 3 months after the matter is restored or replaced.

23.

In the case of new connection, if on account of any reason, the Board is unable to fix a metre, the Board shall take note of the subsequent readings, for a period of three months when the premises is subsequently metered and adopt the same for billing for the unmetered period.

24.

The scale of tariff for the unmetered consumers who are located in premises with a Service connection from the Board shall be as specified in the Table below:-Part - III Unmetered Consumers

Category	Water charges/ month (including sewerage charge)	Sew. Charges/ month	Frequency of Billing
A. Domestic	Rs. 50/- Rs. 200/- (water non-intensive)Rs. 400/-[water intensive] [Water intensive means premises used fully or partly as		Half-yearly
B. Commercial	Theatres, Hotels, Boarding houses, Lodges, Clubs, Private Hospitals, Private Hostels, Kalyanarnandapams, Clinic with inpatient facility, Swimming Baths, Places for keeping animals, Vehicle Service Stations, Nurseries:]	--	Half-yearlyHalf-yearly
C. Partly Commercial	Rs. 150/-		Half-yearly
D. Institutional	Rs. 200/-	-	Half-yearly
E. Public supply Tube well Pumps or mark pumps	Rs. 40/-	Rs. 10/-	Half-yearly

Sewerage Service Charges (where there is no water supply connection)

A. Domestic	Rs. 25/-	-	Half-yearly
B. Commercial	Rs. 75/-	-	Half-yearly
C. Partly Commercial	Rs. 75/-	-	Half-yearly

Part - IV Payment Conditions

25.

The Board shall issue a consumer card for recording the payment of water supply and sewerage service charges due under these Regulations. The Depot Managers specified in section 86 of the Act shall serve the consumer demand card to the consumer. The consumer shall not refuse to receive the consumer card on any account.

26.

All demands raised shall be paid periodically to the Board within the period as prescribed by the Board from time to time by the Competent Authority.

27.

(i) If any amount due under these Regulations is not paid within the period as specified by the Board, the authorised authority shall issue a notice for cutting off connection between any water works main or pipeline of the Board and the premises to which water is supplied and sewerage is provided giving a grace time as decided by the Competent Authority. (ii) If the charges due are not paid even after the grace time in the notice specified in Regulations 27(i) the authorised authority may proceed to cut off the water supply and sewerage connections. (iii) In addition to clause 27(i) and (ii) the Board shall levy surcharge at the rates specified from time to time for the belated payment of water supply and sewerage service charges. Present rate of surcharge is 1.5% p.m. for domestic flat rate and metered consumers and 20% p.m. for other category of consumers including metered consumers. (iv) Surcharge may be waived on the following reasons after proper examination and on approval of Competent Authority- (a) During drought period (b) During the period of no water supply (c) Defective water supply due to unforeseen circumstances.

28.

Unless and until otherwise provided under these Regulations by the competent authority, restoration of water supply or sewerage cut off under regulation 27 shall be done only after payment of the entire dues payable, to the Board together with penalty of Rs. 50 (Rupees Fifty only) and payment of all disconnection and reconnection expenses incurred by the Board. Explanation. - Competent Authority would be Managing Director.

29.

(i) Payment of water supply and sewerage service charges shall be made by cash or cheque or demand draft in favour of the Chennai Metropolitan Water Supply and Sewerage Board producing the consumer demand card or water supply bills. (ii) In the case of dishonoured cheque, the penalty at 1% of the cheque amount subject to minimum of Rs. 75 per cheque will be levied.

30.

The owners and occupiers of the building shall be jointly and severally liable for the payment of all sums due towards water supply and sewerage service charges and they should intimate in writing to the authorised authority of any change in ownership or tenancy.

31.

Request that water supply and sewerage connections should not be cut off for non-payment on the plea that such arrears are due from previous owners or occupiers shall not be considered. In such cases new owners or occupiers shall remit the arrears. Proceeding for Collection of Water Supply and Sewerage Service Charges

32.

Where any charges 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 33 below would be enforced.

33.

(i) If the amount due on account of any charges covered in the demand under Regulation 32 is not paid within the time prescribed from the service of the notice and if the person from whom the charges 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 buildings or land in respect of which the charge 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 charge together with the warrant fee, distraint fee and such further sums as will satisfy the probable charge that will be incurred in connection with the detection and the sale of the property so distrained: Provided always that the movable property described in the provision to subsection (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908), shall not be liable to distraint. (ii) If for any reason the distraint or, a sufficient distraint of the defaulters property is impracticable, the authorised authority may prosecute the defaulter before a Magistrate. (iii) Nothing herein contained shall preclude the Board from suing in a Civil Court for the recovery of the water supply and sewerage service charges, or other amount due to it under the Act.

34.

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.

35.

The officer charged with the execution of a warrant shall, before making the distraint demand payment of the charges due and the warrant fee. If charge due and warrant fee are paid no distraint shall be made and if the charges or warrant fee are not paid the officer shall:-(i)seize such movable property of the defaulter as he may think necessary,(ii)make an inventory of the property seized; and(iii)give to the person in possession of the property seized at the time of seizure, a copy of the inventory and notice of sale:Provided that a period of seven days shall be allowed for paying the amount due and redeeming the property seized.

36.

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

37.

(i)If the amount due by the defaulter on account of water supply and sewerage service charges 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 charges 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 supply and sewerage service charges, 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 Regulations 33 and 34 of this part in respect of the sum remaining unpaid. -(ii)When the property seized is perishable or subject to speedy natural decay or if the expenses of keeping it together with the water supply and sewerage service charges 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.(iii)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 Regulations 33 and 34 and all feesand expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the authorised authority that he wilfully permitted the distraint of the property when his knowledge was not liable to distraint.

38.

(i) Fees shall be levied on such distrains with reference to amount due for which the distraint is made and according to the rates specified in the following Table:-

Sum distrained 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

(ii) Such fee shall include all expenses, except (a) the cost of maintaining any live-stock or the expenses incidental to the detention of the distrained property; and (b) the charge payable on account of person having or put in charge of the property, namely, Rs. 5/- per day per person.

39.

(i) The immovable property of defaulter may be distrained wherever it may be found within the State of Tamil Nadu. (ii) If it is necessary to distrain property outside the limits of the city, the authorised authority shall address this warrant to such public servant having local Jurisdiction as the Government of Tamil Nadu may by general or special order direct. (iii) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself. (iv) 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. (v) 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. (vi) For the purpose of action under Regulation 37 the public servant to whom the warrant is addressed may without further orders from the authorised 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. (vii) It shall, be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any such sale.

40.

If the water supply and sewerage service charges 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 26, the authorised authority may, if the said charges 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 that provisions of the foregoing Regulations shall mutatis mutandis apply to all distrains 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 Regulations unless he had wilfully prevented distraint or a sufficient distraint.

41.

If any charge due from any person remains unpaid in whole or in part at end of the period specified in Regulations 26 and 27 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 revenues.

42.

(i) If any charge due from any person remains unpaid in whole or in part at the end of the period specified in Regulations 26 and 27 the defaults shall be liable on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the amount due by him to pay a fine not exceeding twice the amount which may be due by him on account of-(a) the charges due and the warrant fee, if any; and (b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained. (ii) 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.

43.

No officer or subordinate of the Board shall directly or indirectly purchase any property at any sale or distrained property held under foregoing Regulations. Regulation for Imposing Penalty on Illegal Water Supply/ Sewer Connections

44.

(i) The water and sewerage connection shall be obtained on formally applying through the prescribed application as per the procedure from time to time. (ii) In case, it is found that any water supply/ sewer connection have been obtained illegally the same could be got regularised on payment of following penalty within a period of 15 days from the date of issuing of notice. If it is not/ regularised within the above stipulated period the water supply/sewer connections shall be summarily disconnected.

Water Supply/ Sewer connection - domestic	Rs. 10,000
Water Supply/ Sewer connection - other than domestic	Rs. 20,000

Regulation for Imposing Penalty for Direct Sucking of Water

45.

(i) Where any direct sucking of water from the water supply main through electric/ diesel motor is noticed/ comes to knowledge of the Board these water supply connection shall be disconnected immediately. (ii) In all such cases, water supply connection will be restored after a period of 3 months on payment of the following fees:- (a) In case of domestic connections Rs. 10,000 (b) In case of other than domestic consumers Rs. 20,000 (iii) In case of consumers desirous of obtaining reconnection before the stipulated period of three months as above the requests may be considered by the Board subject to the payment of additional penal fees at the following rates:-

- | | |
|-------------------------------------------------|---------------------------------------|
| (a) 1 to 15 days from the date of disconnection | Triple the normal rate of fees |
| (b) 16-30 days | Double the normal rate of fees |
| (c) 31-60 days | 1.75 times of the normal rate of fees |
| (d) 61-90 days | 1.5 times of the normal rate of fees |
| (e) after 91 days | Normal rate of fees |
- (iv) If the offence of direct sucking of water is restored of more than 3 times, then the water connection will be disconnected permanently.

46.

The owner or occupier of the premises shall intimate the Board regarding any conversion or change of premises from one category to another as defined in the Regulations within 15 days from such conversion or change. In case of any failure on the part of the consumer to comply with the requirement and if the change has come to the knowledge of the Board, the Board will charge extra charge for the consumption of water at 2 times of the normal charge subject to a maximum back period of 3 years.