

SIKKIM

GOVERNMENT GAZETTE
EXTRA ORDINARY
PUBLISHED BY AUTHORITY

Gangtok Wednesday, January 30, 1991

No. 12

GOVERNMENT OF SIKKIM
DEPARTMENT OF PUBLIC HEALTH ENGINEERING
GANGTOK

Notification No, 1/PHE/91

Dated 30.1.91.

THE SIKKIM WATER SUPPLY RULES, 1990.

In exercise of the powers conferred by section 43 of the Sikkim Water Supply and Water Act, 1986 (8 of 1986) the State Government hereby makes the following rules,

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) These rules may be called the Sikkim Water Supply Rules, 1990,
- (2) They shall extend to such areas as the Government may, by notification in the Official Gazette, specify.
- (3) They shall come into force on the date of their publication in Official Gazette

2. Definition

- (1) In these rules, unless the content otherwise requires:—
 - (a) "Act" means the Sikkim Water Supply and Water Tax Act, 1986;
 - (b) "Department" means the Public Health Engineering Department of the Government.
 - (c) "Form" means a form appended to these rules;
 - (d) "Government" means the State Government of Sikkim;
 - (e) "Tap" means any outlet or inlet installed for extracting water from consumer pipe line connected to Government Water Pipe line. Some of the specific example of taps shall be as under:-

Bib Cock, inlet to cistern, shower, stop cock (opened at one end to let out water),
Ball cock fixed at the reservoir and used for inletting water to reservoir.

3. Procedure of Applying For Water Supply Connection:—

- (1) An application for water supply connection from the Government Main shall be made in Form W/S-I duly filled in with all the requisite information sought therein.
- (2) Application Forms can be had during office hours from the office of the Divisional Engineer, Water Supply Division/on production of a Bank Receipt for five rupees duly deposited in the State Bank of Sikkim under the Head as may be specified by the Department.

- (3) The duly filled up Application Form should be submitted along with the following documents in the office of the Divisional Engineer, Water Supply Division namely :—
- (a) Blue Print in triplicate of the Site Plan of the premise in 1"=16 scale, It should show the followings :—
- (i) All units, such as, kitchen, out house, etc. (not attached to the building) where water is proposed to be taken.
- (ii) All roads, foot path and drains to be crossed by the consumer line.
- (iii) All the future extension (to be shown with dotted lines)
- (b) Where the premises falls within the jurisdiction of the Local Self Government and Housing Department, Blue Print Plans of the premises passed by that department or by such agency as may be authorised by the competent authority should be produced; and
- (c) If the premises falls outside the jurisdiction of the local Self Government and Housing Department or any such agency, the applicant shall produce three Blue Print Plan of the premises where water is proposed to be taken.

4. Approval For Water Supply Connection:—

- (1) After the receipt of the application, the Department shall prepare a Datta Sheet in Form W/S—II and make necessary corrections on the Blue Prints, verify datas and carry out other necessary scrutiny of the application.
- (2) The Competent authority shall thereafter approve the connection point, method of the connection, montlily assesment of cess, annual tax, if any, as well as connection. fees to be paid by applicant printr to allowing the connection to be effected He shall also demarcate on the Blue Print the premises as defined in rule 21 for the purpose of levying water tax and/or water charges if he is satisfied that the datas as sought-for in the Application Form and other procedures have been correctly abided and met by the applicant.

5. Intimation To Applicant For Making Payment For Connection:—

The applicant shall, thereafter, be informed through an intimation letter in duplicate in Form W/Sr-III indicating amount of connection fee and other charges as may be applicable. (The document shall also form an agreement between the applicant and the Derartment). The applicant shall, thereafter, return the orginal Form duly signed, along with the Bank Receipt for the amount paid as cost of the Form.

6. Grant of Permission:—

Consequent upon payment of the required amount by the applicant under rule 5 the competent authority shall issue a letter in Form W/S—IV permitting the connection of consumer's main from the Government main as per the procedures stipulated under the provisions of the Act and these rules and as per the directions communicated to the applicant.

7. Changes in Consumer Supply System After the Application is made and approval for connection is granted: -

After the application is made and connection is approved, the applicant may make changes in his water supply system, after giving an information to the Department of his intention fifteen days prior to the-effecting of such changes.

8. Method of Laying of Consumer Pipe Lines:—

- (1) The connection shall be allowed in such a manner that the pressure in the consumer main shall be normally enough for supply of water at ten feet of water head. For lifting water to higher levels in high rise buildings the owner shall make his own arrangement with prior approval of the competent authority.
- (2) All pipes and fittings including meters, pumps, tanks and accessories shall be of approved quality of ISI specification.
- (3) Pipe must be buried minimum two feet under ground in all cases. They can be exposed above ground provided under ground concealing is not possible for which the prior approval of the Department shall be obtained.
- (4) All pipe lay outs should be in geometrical form and should present aesthetic look.
- (5) Sizes of pipes and taps in all cases shall be half inch (15mm) in dia unless otherwise approved by the Department in writing.
- (6) No pipe shall be laid adjacent to sewer lines or drains unless the pipe is encased inside Cement Concrete or Reinforced Cement Concrete beam and is approved by the Department.
- (7) All the damages occurring during the laying of the pipes shall be made good by the consumer at his own cost.
- (8) All the connections shall be carried out by licenciate/trained plumbers only.

9. Conditions For Permission of Permanent Water Connection To Dwelling House And Building:-

- (1) Permanent water connection shall be granted to dwelling house and buildings only on completion of such structures either in whole or in part, and on receipt of a certificate from the local authority under whose administrative control the house or building has been constructed or in the absence of such authority, from the competent authority, to the effect that the construction of such house or building, in whole or part has been completed and is worth dwelling.

10. Supply of Water To Government Agencies, Etc:—

- (1) Where the Department agrees to supply bulk water or any quantity of water to the Government agencies, institutions, or Defence organisations, such Government agencies, institutions or defence organisations shall furnish all the relevant details as may be sought by the Department prior to approval and provide all such information in planner stipulated under rule 3.
- 11 In case the Department has to maintain the water supply system of the above mentioned consumer/parties, the maintenance cost assessed by the Department shall be final and shall be borne by the consumer/parties wherever applicable.

11. Charges For Consumption of Water For Domestic And Drinking Purposes:—

- (1) For each dwelling unit where meter is not provided, charges of water consumed shall be twenty one rupees per month upto first five taps, thereafter fifty paise per additional tap upto twenty taps. Beyond twenty taps the charges shall be at the rate of one rupee fifty paise per tap per month irrespective of number of users and taps.

12. Valuation of Water Charges by other Rational Methods: -

The Competent authority, if deems necessary, may also evaluate water charges considering various technical factors which the consumer shall be bound to accept, provided that reasons for such valuation of water charges by analysis shall have to be recorded.

13. Increase In Size of Consumer's Supply Line:—

Where the Department is satisfied that the quantity of water required by a consumer is such that the existing supply line to his premises is not sufficient, the Department may, on receipt of a request in writing from the consumer for enhancement of his supply line, and on payment of requisite charges for such connection, allow increase in size of the supply line, in which case the consumer shall pay an additional sum of twenty five rupees per unit area of supply line so enhance per month, the unit are being equivalent to area of a half inch (15mm) diameter pipe.

14. Obligations And Responsibilities of The Consumers:—

- (1) Consumer's supply line from the mains and valves therein shall be maintained by the owner, who shall also be responsible for breakages, damages or theft of the same
- (2) The consumers shall not give any type of subconnection from his supply line.
- (3) All consumers before vacating their respective premises shall report to the Department of such move and clear their arrears, if any.

15. Charges For Water Extracted From The Notified Water Source:-

Water charges shall be twenty five percent of water charges payable under rule 11 for used or consumption of water extracted from the notified water source.

16. Assessment of Market Value:-

- (1) Under the provisions of section 33 and sub section (1) of section 34 of the Act, the market value shall be assessed by the Department using the following formula.

Market value (=) Plinth area of the premisses (x) construction rate per unit plinth area determined by the department (—) Depreciation of the premisses determined by the department.

- (2) The market value shall be valid for minimum of five years or till the Department may revise same.
- (3) Construction rate per unit plinth areas may differ for different type of structures as may be determined by the Department from time to time.
- (4) Depreciation value shall be calculated using the standard formula.

Market value determined by any other agency or any other "method can be adopted only if it is ascertained by the competent authority that such adoption is in the best interest of Government and represents more reliable value.

17. Fees:—

- (1) The Competent authority shall charge water supply fees at the rates calculated in the following manner namely :—

- (a) Fees for fresh connection shall be calculated as under:

Fee = [Market value of the premises (x) K percent] divided by 12, Where K=3.0

or any other value as may be determined by the competent authority, depending on the type, condition location and utility of the premises.

- (b) Fees for reconnections shall be one hundred rupees in all cases.
- (c) All other fees shall be as may be determined by the Competent authority.

- (2) Water Supply fees may be enhanced from time to time with approval of the Government.

- (3) Minimum connection Fee shall be not less than one hundred rupees and maximum fee shall not be more than five thousand rupees for 1/2 dia connection.
- (4) For temporary use of water, the connection Fee shall be one fourth of the connection fee as stipulated under Clause (a) of sub-rule (1) and the charges of water consumed or used through 1/2 dia pipe will be forty two Rupees per month.
- (5) In no circumstance such temporary connection shall be allowed to be used for any other purposes than for the purpose for which such connection has been granted.
- (6) All temporary connection shall be given for specific period only and such period shall not exceed one year. However, the Temporary connection can be renewed on full payment as stipulated under sub-rule (4).
- (7) In the event where water supply connection is to be given to premises which is under construction, the connection fee shall be calculated on the basis of the Blue Print plan of the premises passed by the authority responsible for approving such Blue print plan.
- (8) Where such approved Blue Print plans are not available, the competent authority shall satisfy himself with respect to the authenticity of such plan so produced and charge water supply connection fee accordingly.

18. Manner of Realization of Water Charges, Dues And Water Tax From The Defaulters:-

- (1). For any water supply revenue arrear, charges, fees, fines not cleared for over three months or the amount exceeding five hundred rupees, the defaulter shall be sent a notice in Form W/S—V, requiring him to pay the, dues within fifteen days from the date of receipt of the said Notice.
- (3). Where a defaulter fails to pay the amount due in her/him, the department shall take action in accordance with the submission of sub-section (2) of section 37 of the Act.

Accordingly the certificate required to be prepared by the Competent authority under sub-section (2) of section 37 shall be in the Form W/S—VI.

19. The Defaulter's Refusal To Acknowledge The Notice:—

If the defaulter refuses to acknowledge the notice or if in the opinion of the competent authority the defaulter has refused to acknowledge the receipt of the notices deliberately or thirty days have elapsed from the date of issue of Notice, then the Department may take action against such defaulters in accordance with the provision of sub-rule (2) of Rule 18.

20. One Connection Per Premises:—

Normally in all cases only one connection shall be provided/allowed for one premises whereas a premises shall be a discrete unit of building, flat, dwelling house or any other structure or structures, including landed properties determined by the competent authority for the purpose of levying water charges and/or water tax.

21. Prescribed Authority To Hear Appeal Against Assessment of Annual Value:—

The prescribed authority to hear the appeal under sub-section (4) of section 34 of the act against assessment of Annual value shall be the Chief Engineer cum-Secretary of the Public Health Engineering Department