

WATER (PREVENTION AND CONTROL OF POLLUTION) CESS RULES, 1978

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WATER (PREVENTION AND CONTROL OF POLLUTION) CESS RULES, 1978

¹1 . Vide G.S.R. 378(E), dated 24th July, 1978, published in Gazette of India, Extra., Pt. II, Sec. 3(i), dated 24th July, 1978, pp. 653-55. In exercise of the powers conferred by section 17 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977), the Central Government hereby make the following rules, namely:-

1. Short title and commencement :-

(a) These rules may be called the Water (Prevention and Control of Pollution) Cess Rules, 1978.

2. Definitions :-

In these rules, unless the context otherwise requires:-

(a) "Act" means the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(c) "consumer" means a person or local authority by whom the cess under sub- section (1) of section 3 is payable under sub-section (2) of that section;

(d) "form" means a form annexed to these rules;

(e) "section" means a section of the Act;

(f) "State Government", in relation to a Union Territory means the Administrator thereof appointed under Article 239 of the Constitution.

3. Standards of meters and places where they are to be affixed :-

(1) For the purposes of measuring and recording the quantity of water consumed, every consumer shall affix water meters, venturi meters or Orifice meters with integrators and recorders in conformity with the standards laid down by the Indian Standards Institution and where no standards have been laid down by that institution in conformity with such standards as may be specified by the Board.

(2) Wherever the meters referred to in sub-section (1), are not available, the consumer shall install Vee notches or rectangular notches, with indicators and recorders or pressure gauges and pumping installations, after obtaining the permission of assessing authority.

(3) Every consumer shall provide a separate meter for assessing the quantity of water used for each of the four purposes mentioned in column (1) of Schedule II to the Act.

(4) The meters shall be affixed at the entrance of the water supply connections with the premises of the consumer or at any other place to be approved by the assessing authority, so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act:

Provided that the place where the meter is affixed shall, -in no case, be at a point before which water has been tapped by the consumer for utilisation for any purpose whatsoever.

4. Furnishing of returns :-

5. Manner of payment of the cess to the Central Government and the time within which it shall be paid :-

(1) Every State Government shall remit to the Central Government, the amount of cess collected from the consumer before the 10th day of the calendar month succeeding the month in which it is

collected from the consumer.

(3) On receiving the bank draft, the Ministry of Works and Housing shall remit the same through a challan into the Reserve Bank of India, New Delhi for the purpose of crediting under relevant Major Head.

6. Rebate :-

Where a consumer instals any plant for the treatment of sewage or trade effluent, such consumer shall be entitled to the rebate under section 70A and from the expiry of fifteen days from the date on which such plant is successfully commissioned and so long as it functions successfully: ¹ Provided that a consumer shall not be entitled to the rebate if he-

(a) consumes water in excess of the maximum quantity specified in column (3) of the First Schedule appended to these rules for the category of industries specified in the corresponding entry in column (2) relating to the specified industry given in column (1) thereto, or

1. Added by G.S.R. 311 (E), dated 28th, February, 1992.

6A. Collection by States/Union Territories :-

The Cess Collecting Authority of the State/Union Territory shall furnish a statement with the Central Government before the 10th day of the calendar month of January, April, July and October showing assessment of cess of specified industries, its collection and arrears.]

7. Powers to be exercised by the Officer or the Authority of the State Government under section 9 :-

The officer or authority of the State Government specially empowered under section 9 shall have in addition to the powers referred to in clauses (a) and (b) of that section, the power to-

(i) inspect the manufacturing process or plant of the consumer,

(ii) inspect the water supply systems and installations in the plant of the consumer;

(iii) inspect water treatment system and installations, in the plant of the consumer;

(iv) inspect the drainage system and installations, including storm water disposal in the plant of the consumer;

(v) call for and inspect records relating to the use and consumption of materials and water, and those relating to production, in the plant of the consumer;

(vi) call for and inspect the records relating to power consumption in the plant of the consumer; and

(vii) call for any other information or records relating to the supply, consumption and treatment of water in the plant of the consumer.

8. Authority to impose penalty under section 11 :-

The authority to impose penalty under section 11 shall be the assessing authority.

9. Appeal :-

(3) Such appeal shall be preferred within a period of thirty days from the date of communication of the order of assessment or the order imposing penalty:

Provided that if the chairman of the appellate committee is satisfied that there was good and sufficient reason for the delay in preferring the appeal, he may, for reasons to be recorded in writing, allow the appeal, to be preferred after the expiry of the aforesaid period of thirty days and before the expiry of forty-five days from the date of communication of the order of assessment, or the order imposing penalty, on the appellant.

(4) Every appeal shall be accompanied by a fees of rupees fifty.