

Water Tax Collection Rules
1975

Nepal Rajapatra, Vol. 28, No. 31, Marg 1, 2032 (November 17, 1975).

Ministry of Water and Power

In exercise of the power conferred by Section 2 of the 1956 Administrative Procedure (Regulations) Act, His Majesty's Government has framed the following rules:

1. Short Title and Commencement: (1) These rules may be called the Water Tax (Collection) Rules, 1975.
 - (a) Sub-rule (4) of Rule 4 of these rules shall come into force at once, while the remaining rules shall come into force with retroactive effect from Shrawan 1, 2031 (July 16, 1974).
2. Definitions: Unless otherwise meant with reference to the subject or context, in these rules:
 - (a) Water Tap means the water tap installed for the purpose of consumption of water supplied by the department.
 - (b) Tax means the fees payable under these rules in consideration of the water tap and the branch connection installed thereon.
 - (c) Tax-payer means the person who is under obligation to pay water tax.
 - (d) Department means the Water Supply and Sewerage Department.
 - (e) Office means the local office established by the department for the supply and supervision of water taps and the collection of water tax. The term includes any other office or authority specified by the department for the purpose of performing such functions.

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3. Rates of Tax: (1) The rates of the tax shall be as prescribed in the schedule.
- (2) His Majesty's Government may increase, reduce, or alter the rates of the tax prescribed in the schedule.
4. Time-Limit for Payment of Tax, and Office of Payment: (1) Every tax-payer shall pay the tax payable under these rules to the office.
- (2) The tax payable under Sub-rule (1) shall be calculated from the time of installation of the water tap, and paid under Sub-rule (3). Payment shall be made for the full month, irrespective of the date of installation of the water tap.
- (3) The tax-payer shall pay the tax for every month by the end of next month.
- (4) The tax-payer may pay tax for any number of months in advance before the expiry of the time-limit mentioned in Sub-rule (3). In case the tax is paid till the fifteenth day of the month for which it is due, a rebate of R 0.50 per tap shall be granted.
- (5) Notwithstanding anything contained in Sub-rule (4) no rebate shall be granted in the case of water taps granted on a temporary basis.
5. Surcharge in the Event of Expiry of Time-Limit: (1) In case payment of the tax is sought to be made after the expiry of the time-limit, surcharges shall be paid at the following rates:-
- (a) For one month from the date of the expiry of the time-limit, at the rate of ten percent of the tax.
- (b) For one month after the expiry of the period mentioned in Clause (a), at the rate of twenty-percent of the tax.
6. Discontinuation of Water Supply: (1) The department may discontinue the supply of water to any tax-payer in the following circumstances:-
- (a) In case the tax-payer defaults in the payment of arrears within the time-limit prescribed in Clause (a) of Rule 5.

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(b) In case the tax-payer uses water without installing the water tap, or tampers with the meter or pipe of the water tap, if any, installed, with the intent of showing low consumption of water.

(2) Once water supply has been discontinued, it shall not be resumed unless the arrears of tax (inclusive of surcharges) are paid, or unless the loss of tax suffered by the department by reason of the act of tampering with the meter is compensated, or compensation is paid for the meter.

7. Transfer of Water Tap: (1) In case any person purchases or otherwise acquires title to any house or compound containing a water tap, (the water tap) may be transferred in the name of such purchaser.

(2) The person acquiring title to any house or compound under Sub-rule (1) shall submit an application along with the evidence of such title to the office which maintains records of water taps. On receipt of such application, the concerned office shall, if it finds the particulars contained therein to be correct after investigations, transfer the water tap in the name of the applicant. The transferee shall pay the tax from the month of acquisition of the house or compound containing the water tap title to which has been acquired from the transferor, irrespective of the actual date of transfer. But the transfer shall not be effected unless the arrears have been recovered.

(3) In case any person desires to transfer the water tap registered in his name to any other person, he shall submit an application to the concerned office along with a transfer fee of Rs 20.

(4) The concerned office shall effect the transfer of the water tap if it is satisfied after conducting necessary investigations in respect to the application mentioned in Sub-rule (3) that no other person has title to such water tap. The tax payable up to the month preceding the month of such transfer shall be paid by the transferor.

8. Water Tap not to be Shifted: The water tap shall not be shifted except within the house or compound where it has been installed. A fee of ten rupees shall be charged in consideration of the shifting of the water tap within the house or compound where it is installed.

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9. Removal of Records of Water Tap: In case any person does not require a water tap any longer, he shall submit an application to the concerned office for the removal of records relating to such water tap. In such a case, he shall be required to make full payment of tax due for the concerned month, irrespective of the actual date of removal of such records. In case he has paid the tax for the months following the month during which records of the water tap have been removed, the excess amount which he has so paid in advance shall be refunded.
10. Installation and Repair Costs: The costs involved in the installation of a new water tap shall be borne by the person seeking a new water tap and the costs of repair of an existing water tap shall be met by the concerned tax-payer.
11. Power to Grant Remission for Period for Which Water Supply is Discontinued: (1) In case the department is satisfied that any tax-payer has been unable to make full use of water as a result of disruption of water supply for any reason, it may grant remission in tax for the period for which he has been so unable to use water.
- (2) In case it becomes necessary to grant remission under sub-rule (1) to all the tax-payers of a specific area, the department shall do so by notification in the Nepal Gazette.
12. Power of His Majesty's Government to Remit Arrears: (1) In case the department is satisfied that it is not possible or practical to recover arrears of tax for any reason, it shall forthwith initiate action to cut off water connection and request His Majesty's Government to remit such arrears.
- (2) His Majesty's Government shall, if it so deems appropriate, remit arrears of tax under sub-rule (1).
13. Water Connections to be Cut off in the Event of Default in Payment of Water Tax Arrears: In case any tax-payer is found to be in arrears of water tax payable according to Nepal law in force before the commencement of these rules, his water connections may be cut off on the orders of the department.

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14. Non-Applicability of these Rules: These rules shall not be applicable to areas where water is supplied by the Water Supply and Sewerage Board.

Schedule

(Pertaining to Sub-Rule (1) of Rule 3)

<u>Size of Tap</u> <u>(in inches)</u>	<u>For the first tap</u>	<u>Rate</u> <u>For each branch connection</u>
$\frac{1}{2}$	Rs 5	Rs 3
$\frac{3}{4}$	Rs 30	Rs 6
1	Rs 60	Rs 12
$1\frac{1}{2}$	Rs 170	Rs 30
2	Rs 340	Rs 50
3	Rs 930	Rs 100
4	Rs 1860	Rs 200
