

Drinking Water Service Charge (Recovery) Rules, 2050 (1994)

Date of Publication in Nepal

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In exercise of power conferred by Sub-section (1) of Section 2 of the Administrative Procedure (Regulation) Act, 2013, the Government of Nepal has framed the following Rules.

1. **Short title and Commencement:** (1) These Rules may be called as "Drinking Water Service Charge (Recovery) Rules, 2050 (1994)."

(2) These Rules shall come in to force since the 1st Date of *Baisakh* 2051 (14 April 1994).

2. **Definition:** Unless the subject or context otherwise requires, in these Rules,-

(a) "Department" means Department of Drinking Water and Sewerage of Government of Nepal.

(b) "Office" means the local office established by Department to distribute and maintain and to receive the charge of drinking water and this word also refers any other office, official or institution designated by the department to perform such job.

(c) "Tap (Spout)" means the tap that has been joined by the department or office in the name of any person, Institution or body to consume the drinking water.

(d) "Consumer" means the person, Institution or body using the facility of the tap.

- (e) "Charge" means the drinking water service charge that has to be paid pursuant to these rules for using the facility of the tap by a consumer.
- (f) "Meter" means the meter joined in the pipe line of a consumer with the purpose of measuring the quantity of consumption of drinking water.

3. **Application has to be submitted to join a tap:** (1) A person, an Institution or a body which intends to join a tap in their own house/ premises shall submit an application in prescribed format in the office, attaching the evidence of their ownership on that house/ premises.

(2) Receiving the application pursuant to Sub-rule (1) and on the examination of the application if the office finds that it is appropriate to join the tap in the name of applicant then a tap shall be joined in the place demanded by the applicant after receiving (taking) the required joining fee pursuant to the Schedule-1.

Provided that,

- (1) If it is not possible to join a tap in that place due to shortage of water in the sources or technical reason, the office shall not be obliged to join a tap.
- (2) If a tap not been joined due to be shortage of water in the sources, the office shall join the tap giving the priority to the previous application out of the applications submitted in the office, if the capacity of the water sources has been increased.
- (3) To join the tap pursuant to Sub-rule (2) required goods such as pipe, meter etc. shall be managed by the applicant.

4. **Permission to be taken:** (1) The applicant shall take the permission from the concerned body if the road has to excavate to join the tap or in the course of change of hole.

(2) If the tap has to join through a house, road or premises of personal ownership of any persons or a hole has to be changed on such place then applicant shall take the permission from the concerned land owner for the purpose.

5. **Meter has to be joined:** (1) Consumer has compulsorily joined a meter while joining a new tape.

(2) The office shall join the meter taking the price of the meter and charge for joining the meter, if meter is available in the stock of the office.

(3) If meter is not available in the stock of the office pursuant to Sub-rule (2), consumer shall manage a meter of prescribed quality by office, by themselves and shall join it.

(4) Notwithstanding anything contained in Sub-rule (3), if meter is not available in the stock of the office or a consumer could not provide the meter, meter shall immediately be joined when available.

(5) Office may join meter even in the old tap without the meter, if deemed necessary.

6. **Security of the meter:** (1) Consumer shall make a chamber to protect the meter as prescribed (recommended) by the office and shall secure the meter.

(2) If the meter has been lost or out of order due to any reason, consumer shall submit a written notice of it to the office immediately.

(3) If the notice pursuant to Sub-rule (2) has been received, the office shall join a meter or repair it according to the demand after taking the required expense from the consumer.

7. **To repair free of cost:** (1) The repairing of main pipe line from the meter which is in the ownership of the office shall be made free of cost by the office. The required goods to repair the pipe and other cost as prescribed by the office shall be paid by the consumer.

(2) To make repair of the pipe pursuant to Sub-rule (1), consumer shall submit an application in the office attaching the receipt of the payment of the charge up to previous month.

(3) The office shall repair the pipe of the tap free of cost, if received the application pursuant to Sub-rule (2).

8. **The hole may be changed:** (1) If a hole has to be changed due to any reason, an application may be submitted in the format prescribed by the department.

(2) The application received pursuant to Sub-rule (1) shall be examined and if the hole deemed to be changed technically, then the office shall change the hole taking the charge as prescribed in Schedule-2.

9. **Rate of Charge for tap:** Consumer shall pay the charge every month, as prescribed in Scheule-3.

Provided that, the following charge shall be levied in the following situation:-

(a) If meter has not worked, ;then on the basis of average consumption of last Three months, till the meter works properly,

(b) With the approval of the office or office itself has taken out the meter from the pipe line, then as per the tap without joining the meter.

10. **Rate of charge for branch tap:** If a tap without joining the meter also joins a 'tee" for branch tap then for every such branch the

additional charge shall be charged as prescribed in parts (b) of Schedule-3.

11. Period for payment of charge: (1) Consumer shall pay the charge, which is supposed to be paid every month pursuant to these Rules, with in the last day of the next month in the office.

(2) The consumer shall pay the full charge of the month even if a tap without meter is joined on in any day of the month.

12. Recovery of due charge: If somebody have to pay the due charge before the commencement of these Rules, under the provision of then prevailing Rules, the recovery shall be made also with the additional fees pursuant to Rule 13.

13. Additional fees to be paid: If the charge has not been paid within the period specified pursuant to Sub-rule (1) of Rle 11, the following additional fee shall be charged:-

(a) For the two months period from the end of the period pursuant to Sub-rule (1) of rule 11, at the rate of five percent of the charge.

(b) For further One more months period from the end of the period pursuant to part (a), at the rate of Seven percent of the change.

(c) After crossing the period mentioned in part (b) if the supply of water was not stopped then for that period at the rate of Ten percent per month.

14. The supply of the water may be stopped: (1) Office may stop the supply of water from the tap of a consumer in the following circumstances:-

(a) If a consumer has not paid the due charge and additional fees within the period prescribed pursuant to part (b) of Rule 13.

- (b) If water has been consumed without joining a value (head) on the tap or if the pipe or meter is joined in the tap then making any type of undue action in the pipe or meter with the motive of showing less consumption of water,
- (c) If making leakage of water without repairing the pipe line from the main line to the meter, which is in the ownership of office,
- (d) If pumping the water by the consumer by using any equipment from the pipeline before the water tank,
- (e) Not joining the meter even if meter has been available.

(2) If the supply of water has been closed pursuant to Sub-rule (1) then the water shall not be supplied again unless the due charge and additional fees has not been paid or meter or value (head) has not been joined or the loss amount made to the office because of the undue action in meter has not been paid.

15. Due charge and Additional fees may be recovered: The charge and additional fees has to be paid pursuant to these rule by a consumer, if has not been paid in the prescribed period and kept as due, such due charge and additional fee shall be recovered as equivalent to Government due pursuant to prevailing law.

16. Charge may be exempted for the period in which water has not been supplied: (1) If due to any reason water supply has been disturbed and a consumer has deprived of in consuming of water has been established from the information of the consumer or the inspection (inquiry) of the office, then the office may exempt the charge for the period in which consumer has deprived of in consumption of water.

(2) If all the consumers of a particular area or region has been deprived of in consumption of water and exemption has to be provided, then department may provide exemption by publishing the notice about it on Nepal Gazette.

17. Government of Nepal may excuse the due charge: Recovery of due charge if deemed to be unpractical due to any reason, Department shall immediately proceed to disconnect (cut off) the tap and shall recommend to the Government of Nepal to excuse the due charge.

(2) If excuse for due charge pursuant to recommendation made in Sub-rule (1) has deemed to be appropriate, the Government of Nepal may excuse such due charge.

18. Transfer ownership : (1) If the right of house or property where the tap is situated has received by any person through purchase or any other means, the ownership of the tap also may be changed in the name of such right receiver.

(2) The person who receives the right pursuant to Sub-rule (1) if intends to transfer the ownership of tap in his/her name shall submit an application with the evidence of it in the office where the records of Tap has been kept.

(3) The application received pursuant to Sub-rule (1) if has been deemed appropriate while examined by the office, then the ownership of the tap shall be transferred in the name of applicant. If tap has been thus transferred, then the due charge before the month of such transfer if exists, shall be paid by the person who receives the right on such house or property.

19. The tap may not be transferred in other place: (1) A tap may not be generally transferred to any other place except within the compounds of a house where it has been joined.

(2) If a tap has been transferred, pursuant to Sub-rule (1) the fee equivalent to joining a new tap and if the hole has to be changed the fee pursuant to Sub-rule (2) of Rule 8 shall be charged.

20. The Record of the Tap may be deleted: (1) A consumer who does not need the tap may submit an application to the office to delete the record of the tap by paying the charge of the tap till the month.

(2) The application pursuant to Sub-rule (1) if received, the office shall delete the name of the applicant from the record of the tap.

21. Schedule may be changed: Government of Nepal may make change in Schedule as per the need by publishing a notice in Nepal Gazette.

22. Repeal : The Tap Charge (Recovery) Rules, 2032 has been repealed.

Schedule-1

(Related to Sub-rule (2) of Rule 3)

New Tap Joining Fee

| Size of the Tap (in.. Inch.. | Within 100 feet (Rs.) | For more than 100 feet per ft (Rs.) |
|---------------------------------|-----------------------|--|
| 1/2 | 400 | 4/- |
| 3/4 | 500 | 5/- |
| 1 | 700 | 7/- |
| 1 1/2 | 900 | 9/- |
| 2 | 1200 | 12/- |
| 3 | 1800 | 18/- |
| 4 | 3000 | 30/- |

Schedule-2

(Related to Sub-rule (2) of Rule 8)

Fee for changing the hole

| Size of Tap (In Inch) | Fee (Rs) |
|-----------------------|----------|
| 1/2 | 150/- |
| 3/4 | 300/- |
| 1 | 500/- |
| 1½ | 1200/- |
| 2 | 2300/- |
| 3 | 5200/- |
| 4 | 10,000/- |

Schedule-3

(Related to Rule 9)

(a) Charge for the Tap with meter

| Size of the Tap | Quantity of water (in liters) | Minimum charge Rate (In Rs.) | Extra charge for per thousand litre |
|-----------------|-------------------------------|------------------------------|-------------------------------------|
| 1/2 | Up to 8000 | 20/- | – |
| 1/2 | 8001 to 30000 | - | 5/- |
| 1/2 | 30001 to 50000 | - | 6/- |
| 1/2 | 50001 to 100000 | - | 7/- |
| 1/2 | More than 100000 | - | 8/- |
| 3/4 | Up to 27000 | 300 | 11/- |
| 1 | Up to 50000 | 550 | 11/- |
| 1½ | Up to 140000 | 1550 | 17/- |
| 2 | Up to 235000 | 2600 | 11/- |
| 3 | Up to 700000 | 7700 | 11/- |
| 4 | Up to 1400000 | 15400 | 11/- |

(b) Charge for tap without the meter

| Size of tape (in inch) | Main Tap Charge Rate (in Rs.) | Branch tape charge rate (in Rs.7) |
|---------------------------|----------------------------------|--------------------------------------|
| 1/2 | 75.00 | 25.00 |
| 3/4 | 540.00 | 180.00 |
| 1 | 1080.00 | 360.00 |
| 1½ | 3240.00 | 1080.00 |
| 2 | 5400.00 | 1800.00 |
| 3 | 16200.00 | 5400.00 |
| 4 | 33600.00 | 12000.00 |
| Public | – | 500.00 |

Note: Notwithstanding anything contained in Part (a) and (b)-

- (1) The charge shall be increased by Five percent in every Fiscal year.
- (2) If exemption has provided pursuant to Rule 16, every month Ten Rupees shall be charged as maintaining the record.
- (3) If on the examination (inquiry) made by a technician of the office proves that, less than 3000 liters water per month has been supplied, such tap shall be considered as the tap unable to supply the water and only charged the charge pursuant to part (b).