

*The Calcutta Metropolitan Water and Sanitation Authority  
Act, 1966.*

[West Ben. Act

*(Chapter V.—Vesting of existing municipal water-supply, sewerage, drainage and certain other services.—Section 27.—Chapter VI.—Revenue, Finance, Accounts, Audit and Budget.—Sections 28-30.)*

if any, lying at his credit with such municipal corporation or municipality, or the Board of Trustees, on the date of transfer, and he shall have, within two months from the date of receipt of the payment, the option of depositing the amount in his provident fund account with the Authority. The period of service under the municipal corporation, municipality or the Board of Trustees, as the case may be, of each such person shall be taken into account in determining the amount of pension or gratuity, if any, to which he may be entitled.

Consequen-  
tial  
reduction of  
rates by  
municipal  
corporations  
and  
municipali-  
ties.

**27.** On and from the date the Authority takes up the responsibilities for one or more of the services relating to water-supply, sewerage, drainage, collection and disposal of night-soil and collection and disposal of garbage, the municipal corporations and municipalities concerned shall correspondingly reduce their rates by such percentage as the State Government may in consultation with the municipal corporations and municipalities concerned determine.

CHAPTER VI

**Revenue, Finance, Accounts, Audit and Budget.**

Fund of the  
Authority.

**28.** (1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made there from.

(2) Except as otherwise directed by the State Government, all moneys belonging to that fund shall be deposited either in the State Bank of India or in such other Scheduled Bank, or invested in such securities, as may be approved by the State Government.

Source of  
fund.

**29.** The fund required by the Authority may be raised from the following sources, namely:—

- (a) grant from Government or any other source,
- (b) loans from Government or any other source,
- (c) issue of debentures, and
- (d) taxes, fees and charges levied and collected under this Act.

Borrowing  
of money.

**30.** (1) The Authority may, for the purpose of carrying out its functions under this Act, from time to time, raise loans, by the issue of debentures or otherwise, of such sums of money, at such rates of interest, for such period, and upon such terms (as to the time and method of repayment, and the like) as the State Government may sanction.

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—Sections 31-33.)*

(2) All loans under sub-section (1) shall be guaranteed by the State Government as to repayment of the principal and payment of interest.

**31.** The Authority shall provide for sinking, depreciation, reserve and other funds at such rates and on such terms as it may deem necessary and in accordance with the regulations. Sinking and other funds.

**32.** The taxes, fees and charges authorised to be imposed under this Act shall be sufficient to enable the Authority to cover the following:— Basis for fixation of taxes, fees and charges.

- (i) operating expenses,
- (ii) maintenance,
- (iii) taxes payable by the Authority,
- (iv) depreciation,
- (v) interest payments,
- (vi) amounts required for the repayment of long-term extent that such repayments shall exceed the provision for depreciation, and
- (vii) adequate allocation to reserves.

**33.** (1) In addition to the charges and fees authorised elsewhere in this Act, the Authority may impose any one or more of the following charges and taxes, namely:— Imposition of taxes, fees and charges.

- (a) a water-charge based on consumption, subject to a minimum charge, which may be at different rates for water supplied for different purposes, such as domestic, industrial and other purposes;
- (b) a surcharge on water-charge for sewerage;
- (c) a graduated tax, which may be at rates different for different areas, on the annual valuation of all lands and buildings within the District and which shall not exceed—
  - (i) 5 per cent, on the annual valuation—where the annual valuation does not exceed one thousand rupees;
  - (ii) 7½ per cent, on the annual valuation—where the annual valuation exceeds one thousand rupees, but does not exceed five thousand rupees;
  - (iii) 10 per cent, on the annual valuation—where the annual valuation exceeds five thousand rupees but does not exceed ten thousand rupees;
  - (iv) 15 per cent, on the annual valuation—where the annual valuation exceeds ten thousand rupees;

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Sections 34, 35.)*

(d) a further tax not exceeding 5 per cent, on the annual valuation of all lands and buildings in any area in respect of which the Authority takes over the responsibilities of collection and disposal of garbage under clause (b) of sub-section (1) of section 10.

(2) The rates of water-charge, surcharge and tax referred to in sub-section (1) shall be fixed annually and shall be notified to the public in such manner as may be provided by regulations.

Amount of  
tax, how to  
be fixed.

**34.** (1) For the purpose of assessment of tax under clauses (c) and (d) of sub-section (1) of section 33, the annual value shall be,—

- (a) in respect of any land or building lying within the jurisdiction of a municipal corporation or municipality, the annual value as assessed by or for such corporation or municipality and prevailing for the time being, and
- (b) in respect of any other land or building, the gross annual rent at which the land or building might at the time of assessment be reasonably expected to let from year to year, less, in the case of a building, an allowance of ten *per cent*, for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent.

(2) If the gross annual rent under clause (b) of sub-section (1) of any land or building not ordinarily let cannot be easily estimated, then—

- (i) in the case of such land, the gross annual rent shall be deemed to be five per cent, of the estimated present value of such land, and
- (ii) in the case of such building, the gross annual rent shall be deemed to be five per cent, of the value of the building obtained by adding the estimated cost of erecting the building at the time of assessment less a reasonable amount to be deducted on account of depreciation, if any, to the estimated present market value of the land with the building as part of the same premises.

Determina-  
tion of  
annual value  
of any land  
or building  
not within a  
municipal  
area.

**35.** The annual value under clause (b) of sub-section (1) of section 34 shall be determined by the General Manager or such other officer or officers authorised by him in this behalf, in such manner as may be prescribed. Such determination of annual value shall be final subject to appeal as hereinafter provided.

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—Sections 36-38.)*

**36.** All street hydrants including fire hydrants, if any, within the jurisdiction of any local or public authority and all places of public resort under the control of such local or public authority shall be supplied with water, charges for which shall be payable by the local or public authority, as the case may be. Such charges shall be determined in the manner laid down in section 37.

Local and  
Public  
Authorities to pay  
for  
Supply of  
water.

**37.** (1) For calculating the amount payable by the owner of any premises for consumption of water, the Authority may determine the quantity consumed on the basis of readings recorded by a meter attached to the premises.

Calculation  
of charges  
for water  
supply.

(2) Until meters can be attached to any premises, the Authority may, in such manner as may be provided by regulations, determine the average consumption of water on the basis of the pressure of water supply, the number and size of water-taps and the size of ferrules, if any, used in the premises, and may determine the amount payable on the basis of such average consumption.

(3) For calculating the amount payable by a local or public authority for consumption of water—

(i) in any place of public resort, the quantity of water consumed may be determined in the manner specified in sub-sections (1) and (2), and

(ii) through street hydrants and fire hydrants within its jurisdiction, the quantity of water consumed may, in such manner as may be provided by regulations, be determined by the Authority on the basis of the number of such hydrants, the pressure of water-supply and the diameter and size of pipes and fittings connecting the hydrants with the mains of the Authority.

(4) Meters shall be installed and owned by the Authority and cost thereof shall be paid out of the fund of the Authority:

Provided, however, that the Authority may realise for the meters such charge as it may from time to time specify by regulations.

*Explanation.*—In this section the expression "owner" includes an occupier where the premises or any part of it is in the occupation of such occupier and a separate water-supply connection stands in his name.

**38.** If the owner of any premises having independent source of water-supply is allowed by the Authority to take sewerage service, he shall be liable to pay for such service such amount as would be payable as surcharge calculated on the basis of water consumed from his independent source, the same being deemed to be water supplied by the Authority. The quantity of water so consumed shall be determined by the Authority by affixing meters for such periods and at such places as it may deem proper:

Charge for  
Sewerage  
Service only  
in certain  
cases.

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Sections 39-41.)

Provided that no such amount shall be payable by the owner of any premises, solely used for residential purposes, having not more than one tube-well of diameter not exceeding four centimetres as independent source of water-supply.

Presumption  
as to  
correctness  
of meters.

**39.** The readings of meters indicating the quantity of consumption of water shall be presumed to be correct unless the contrary is proved.

Requisition  
of services  
of local  
authorities  
for certain  
purposes.

**40.** (1) Subject to the previous approval of the State Government, the Authority may require a local authority to perform specified functions on behalf of the Authority in connection with the collection of taxes, charges, surcharges or fees imposed under this Act.

(2) The manner in which such functions shall be performed, the procedure to be followed in connection therewith, the manner by which the local authority shall account to the Authority, the time and manner of payment to the Authority of the amounts collected, and the provision of credits or allowances, if any, to the local authority to cover its administrative costs shall be such as may be prescribed.

(3) For the purpose of facilitating and enforcing collections by the local authority under this section, the Authority or the General Manager, as the case may be, may delegate to the local authority or any of its officers all or any of the powers granted in this behalf in this Act or in the regulations to the Authority or the General Manager, and in such event the relevant provisions of this Act or the regulations shall apply *mutatis mutandis* to the local authority and its officers.

Realisation  
of taxes, fees  
and charges  
and recovery  
of arrears  
thereof.

**41.** (1) The Authority shall by regulations specify the time, place and manner of payment of the taxes, fees, charges and surcharges payable under this Act.

(2) Interest at *six per cent, per annum* shall be payable on all taxes, fees, charges and surcharges remaining unpaid after due dates.

(3) The taxes, fees, charges and surcharges due from any person in respect of any premises on account of supply of water and other services rendered by the Authority together with interest, if any, payable thereon shall, subject to the prior payments of land-revenue, if any, due to the Government thereon and of municipal rates, if any, due to any municipal corporation or the commissioners of a municipality, as the case may be, be a first charge on the land and buildings, comprised in the premises, and upon the movable property, if any, found within such premises and belonging to the said person.

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(4) (i) If any local or public authority fails to pay the taxes, fees, charges and surcharges or any interest thereon due from it for a period of six months, the Authority may approach the State Government for taking necessary steps for recovery of the same and the State Government may then attach the fund or any portion thereof belonging to such local or public authority.

(ii) After attachment, no person except an officer appointed in this behalf by the State Government shall in any way deal with the attached fund or portion thereof but such officer may do all acts in respect thereof which any such local or public authority or officer or servant thereof might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interests due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Authority.

**42.** (1) The accounts of the Authority shall be maintained in such manner and in such form as may be provided by regulations.

Accounts  
and audit.

(2) The accounts of the Authority shall be audited from time to time and at least once a year by such auditor as the State Government may appoint in this behalf, and the Authority shall pay to the auditor such remuneration as the State Government may direct.

(3) The Authority shall afford to the auditor, his clerks and assistants, access to all such books and documents as are necessary for the purposes of the audit, and shall, when required, furnish to them all vouchers and information requisite for that purpose, and also afford to them all facilities for the proper execution of their duty.

(4) The said auditor shall—

- (a) report to the Board any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Authority, or in the accounts, and report the same to the State Government,
- (b) furnish to the Board such information as they may from time to time require concerning the progress of his audit, and
- (c) within fourteen days after the completion of his audit, forward his report upon the accounts to the General Manager and such report shall form part of the annual financial statement prepared under section 43.

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Sections 43, 44.—Chapter VII.— Water Supply.—Sections 45, 46.)*

Annual  
Financial  
Statement

**43.** (1) The General Manager shall prepare an annual financial statement in such form as may be provided by regulations and submit the same to the Board within six months after the expiry of each financial year.

(2) The annual financial statement shall give a true and faithful account of the income and expenditure during the previous financial year, including the progressive totals since the inception of the Authority and indicating the up-to-date financial position.

Budget

**44.** The General Manager shall in each year, by such date and in such form as may be provided by regulations, prepare a budget for the next financial year showing the estimated receipts and expenditure and place it before the Board for adoption.

CHAPTER VII

**Water Supply.**

Authority to  
Provide  
supply of  
water.

**45.** (1) The Authority shall provide supply of water throughout the District for domestic, commercial, industrial, recreational and other private or public purposes in accordance with such public health standards as may be prescribed, and the Authority may regulate the hours, quantity and pressure of such supply.

(2) The supply of water under sub-section (1) shall include supply, free of charge, of water for domestic purposes through public stand-posts for which the Authority may erect such stand-posts at such convenient places as it may consider necessary. The Authority shall also, until such time as it may consider necessary, continue to maintain the existing hand-operated public tube-wells belonging to a municipal corporation or municipality and vested in it under section 23.

(3) The Authority shall not be liable to any penalty or damages for failure to supply water either due to accident or other unavoidable cause or due to necessary repairs, replacements, extensions or other works connected with such supply.

Regulations  
to provide  
connections  
for supply of  
water.

**46.** All connections of premises, street hydrants including fire hydrants and places of public resort to the mains of the Authority for the supply of water therein and all pipes, taps and other fittings used for such supply shall be made, maintained and regulated in accordance with, and subject to, such regulations as may be made. The Authority may charge such connection and re-connection fees as may be provided by regulations.