

**GOVERNMENT OF ODISHA
REVENUE & DISASTER MANAGEMENT DEPARTMENT**

NOTIFICATION

No.III-W-04/2015-

28356

/R&DM

Dated the

05-10-2015

The following draft of certain rules further to amend the Odisha Irrigation Rules, 1961, which the State Government proposes to make in exercise of the powers conferred by section 53 of the Odisha Irrigation Act, 1959 (Odisha Act 14 of 1959), is hereby published as required under sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft shall be taken into consideration on or after expiry of a period of thirty days from the date of their publication in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period specified above shall be considered by the State Government.

Draft

1.Short title and commencement. - (1) These rules may be called the Odisha Irrigation (Amendment) Rules, 2015.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Irrigation Rules, 1961 (hereinafter referred to as the said rules), in rule 23-A, —

(1) in sub-rule (1), —

(i) for clause (b), the following clause shall be substituted, namely : —

“(b) the Executive Engineer shall order installation of a Flow Meter or a suitable measuring device, as the case may be, after

execution of the agreement in accordance with the provision of clause (e) of sub-rule (2) and before making any drawal of water at its own cost by the concerned industrial, commercial or other establishment to measure the quantum of water to be drawn from the Government water source and the Flow Meter or the measuring device, as the case may be, shall be installed under the direct supervision of the Executive Engineer or an Engineer not below the rank of an Assistant Executive Engineer to be specifically authorized by him, failing which the water supply shall not be made and the industrial, commercial or other establishment found drawing water without execution of such agreement and installation of Flow Meter or a suitable measuring device, as the case may be, shall be charged with penal rate at six times the rate specified in the Schedule III on the allocated quantity;" ;

(ii) in clause (c), the word " and " occurring at the end shall be omitted;

(iii) in clause (d), at the end, the semi colon and the word ";and " shall be added;

(iv) after clause (d), the following clause shall be inserted, namely:

"(e) for bulk supply to Municipalities, Notified Area Councils, other local authorities and cluster of villages such industrial, commercial or other establishment shall install separate Flow Meter or measuring device, as the case may be, at a suitable place along the pipe line to ensure quantum of water supplied to such Municipalities, Notified Area Councils, other local authorities and cluster of villages for drinking and washing etc.in addition to installation of the Flow Meter under clause (b) which shall be treated as industrial or commercial use and license fee for such

industrial or commercial use shall be at the rate as provided in item 3 (ii) of SCHEDULE III." and

(2) in sub-rule(2), —

(i) for clause (f), the following clause shall be substituted, namely: —

"(f) License fees shall be charged and collected at the rate as specified in Schedule-III per unit or quantity of water actually drawn or allocated whichever is higher and shall be enhanced at the rate of ten per centum for annum with effect from the first day of April:

Provided that the State Government may, in the public interest, by notification in the Odisha Gazette, further revise the rates of license fees as and when it is considered necessary." and

(ii) in clause (i) for the word "lifted" the words " allocated, whichever is higher" shall be substituted.

3. In the said rules, for Schedule II, the following Schedule shall be substituted, namely:—

"Schedule II

(See rules 23 and 26)

SPECIAL RATES FOR PURPOSES OTHER THAN IRRIGATION

Item No.	Purpose for which supply is given	Rates in rupees	Per
(1)	(2)	(3)	(4)
1	Bricks or tile making	30.00	1000 bricks or tiles
2	(i) For water actually drawn or allocated , whichever is higher for industrial / commercial purposes		
	Slab I - Consumption not exceeding 5 cusec	4.20	1000 litre (1 m ³)

	Slab II - Consumption exceeding 5 cusecs	5.60	1000 litre (1 m ³)
	(ii) For water used for Hydropower Generation	0.01	1 KWH
3. (i)	For bulk supply to Municipalities and Notified Area Councils and other local authorities for drinking, washing etc.	0.25	1000 litre (1 m ³)
(ii)	For bulk supply to Municipalities and Notified Area Councils and other local Authorities and Cluster of villages by industrial, commercial or other establishments actually drawn or allocated whichever is higher for drinking, washing etc.	0.50	1000 litre (1 m ³)
4	Construction of commercial buildings	7.10	1000 litre (1 m ³)
5	For filling tanks	0.10	1000 litre (1 m ³)
6	For filling tanks mainly for drinking purposes	0.05	1000 litre (1 m ³)

4. In the said rules, for the Schedule III, the following Schedule shall be substituted. namely: —

"Schedule III

[See rule 23-A (1) (e) and (2) (f)]

RATE OF LICENCE FEE FOR INDUSTRIAL/COMMERCIAL USE OF WATER FROM GOVERNMENT WATER SOURCES

Item No.	Purpose for which supply is given	Rates in Rupees	Per
(1)	(2)	(3)	(4)
1	Bricks or tile making	25.00	1000 bricks or tiles
2	(i) For water actually drawn or allocated whichever is higher for industrial/commercial purposes		
	Slab I - Consumption not exceeding 5 cusec	3.40	1000 litre (1 m ³)
	Slab II - Consumption exceeding 5 cusecs	4.50	1000 litre (1 m ³)
	(ii) For water used for Hydropower Generation	0.01	2 KWH
3. (i)	For bulk supply to Municipalities and Notified Area Councils and other local	0.20	1000 litre (1 m ³)

authorities for drinking, washing etc.

(ii)	For bulk supply to Municipalities and Notified Area Councils and other local Authorities and Cluster of villages by industrial, commercial or other establishments actually drawn or allocated whichever is higher for drinking, washing etc.	0.40	1000 litre (1 m ³)
4	Construction of commercial buildings	5.30	1000 litre (1 m ³)
5	For sub soil water actually used and consumed for industrial/ commercial purpose		
	Slab I - Consumption not exceeding 5 cusec	6.80	1000 litre (1 m ³)
	Slab II - Consumption 5 cusec or more	9.00	1000 litre (1 m ³)

6. In the said rules, in Form 'K', for clause 9, the following clause shall be substituted, namely:-

"9. M/sLtd, drawing or allocated water from the reservoir for its uses, shall sign supplementary agreement with the Odisha Hydro Power Corporation Limited, to compensate the loss of energy generation due to its drawal and the Odisha Hydro Power Corporation Limited, shall raise demands for compensation of loss of energy generation within first week of every month against the quantity of water drawn or allocated, whichever is higher."

6. In the said rules, for Form V, the following Form shall be substituted, namely; -

" Form 'V' "
(see rule 23-A(2)(i) and rule 26)
NOTICE OF DEMAND

Office of the Executive Engineer

No.....

Date.....

To

M/s.....(Name of the industrial, commercial or other establishment). Notice is hereby given that you have been drawing/lifting water from the Government water source /Irrigation works as shown in the Format during the month of As per Flow Meter reading you have consumedcubic metre/litre of water in your Industrial/Commercial Establishment against the allocated quantity for the month iscubic metre/litre. As per sub rule 2(f) of rule 23-A read with rule 23 and rule 26, the quantity of water for this month iscubic metre/litre and you have been assessed with an amount as shown in the Format.

You are hereby directed to deposit the fees so assessed in the office of the Executive Engineer noted below byfailing which action as deemed proper under the provisions of the Act and rules shall be taken against you.

FORMAT

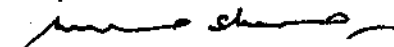
Rs. In Lakh

Name of the Government water source/ Irrigation work	Khata/ Plot No	Quantum of water for the month (in cum) /Energy generated in KWH	Unit rate of License fee/special water rate(Rate/cum)(Rate /KWH)	Total amount assessed for the month (Col.5= Col.3 x Col.4)	Cumulative - ve demand for the previous month (col.11 of previous month)	Collection during the month			Interest @ 2% per month [Col.10 = (Col.6 - Col.9) x 2/100]	Cumulative demand for the month (Col.11= Col.5 +Col.6 +Col.10 - Col.9)	Remarks
						current	Arrear	Total (Col.9 =Col.7+ Col.8)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Signature

(Designation of the Officer issuing the notice of Demand "

By order of the Governor



Principal Secretary

Revenue and Disaster Management Department

28357
Memo No. /R&DM dated 5-10-15

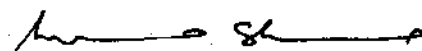
Copy forwarded to the Director, Printing, Stationery and Publication, Odisha, Cuttack with a request to publish the Notification in an extra ordinary issue of the Odisha Gazette and supply 10(ten) printed copies to this Department for reference.

This Notification will bear S.R.O. number as it is a statutory one.


Principal Secretary to Government

28358
Memo No. /R&DM dated 5-10-15

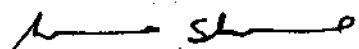
Copy forwarded to all Collectors for information and necessary action. Any objection / suggestion / recommendation etc. in respect of the draft amendment Rules may be sent to this Department on or before the time specified therein.


Principal Secretary to Government

28359
Memo No. /R&DM dated 5-10-15

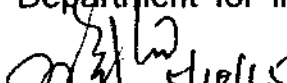
Copy forwarded to all Departments of the Governments / Secretary, Board of Revenue, Odisha, Cuttack / All RDCs / Land Reforms Commissioner, Odisha, Cuttack / Director, Land Records, Surveys and Consolidation, Odisha, Cuttack / Commissioner, Consolidation and Settlement, Odisha, Cuttack / Inspector General of Registration, Odisha, Cuttack for information and necessary action.

Any objection / suggestion / recommendation etc. in respect of the draft amendment Act may be sent to this Department on or before the time specified therein


Principal Secretary to Government

28360
Memo No. /R&DM dated 5-10-15

Copy forwarded to the Deputy Secretary to Government 9 in charge of MU Cell) / CH & S Branch / LR(A) & (B) Branches / Registration Branch / LR & GE (A), (B) & (C) Branches of Revenue & D.M. Department for information and necessary action.


Joint Secretary to Government