

## **BANGALORE WATER SUPPLY AND SEWERAGE (APPEALS) REGULATIONS, 2012**

In exercise of the powers conferred by Sections 61, 84 and 88 read with Section 120 of the Bangalore Water Supply and Sewerage Act, 1964 (Karnataka Act 36 of 1964) and all other powers enabling it in this behalf and with previous approval of the State Government vide Government Order No. UDD 19 MNI 2012, dated 19-1-2013, the Bangalore Water Supply and Sewerage Board hereby makes the following regulations the draft of the said Regulations having been previously published as required by sub-section (2) of Section 88 of the Bangalore Water Supply and Sewerage Act, 1964 vide Notification No. BWSSB/CAO-S/4170/12-13, dated 29th January, 2013, in the Part III of Karnataka Gazette, dated 28th February, 2013, namely:-

### **RULES**

**1. Title and commencement.**-(1) These regulations may be called the Bangalore Water Supply and Sewerage (Appeals) Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.**-In these regulations unless the context otherwise requires.-

(1) "Act" means the Bangalore Water Supply and Sewerage Act, 1964;

(2) "Appellate Authority" means the Authority constituted in Regulation 3 and includes Water Adalat.

**3. Constitution of Appellate Authority.**-There shall be constituted by the Board following Appellate Authority in respect of jurisdictions as specified below, namely.-

(a) In respect appeals pertaining to water and sanitary disputes upto Rupees 25,000/. The Appellate Authority shall be called as "Water Adalat" which shall consists of the following.-

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|-------|--|----------|
| (i)   | Executive Engineer of the respective Division              | Chairman |
| (ii)  | Assistant Executive Engineer of the concerned Sub-Division | Member   |
| (iii) | Accounts Superintendent of the respective Division         | Member   |

The Revenue Manager of the concerned Sub-Division shall be convener who shall provide Secretarial Assistance and also present the case in favour of the Board.

(b) In respect of appeals pertaining to water and sanitary disputes of and above Rupees 25,000 and upto Rupees 1,00,000 the Appellate Authority shall be called as "Appellate Authority II" which shall consist of the following, namely.-

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|-------|--|----------|
| (i)   | Additional Chief Engineer of respective Circle | Chairman |
| (ii)  | Deputy Chief Engineer of maintenance Zone      | Member   |
| (iii) | Accounts Officer (Revenue)                     | Member   |

Technical Assistance (maintenance zone) shall be the convener who shall provide Secretarial Assistance to the Authority. The respective Executive Engineer shall present the case on behalf of the Board.

(c) In respect of appeal pertaining to water and sanitary disputes of and above Rupees 1 lakh the Appellate Authority shall be called as "Appellate Authority I" which shall consist of the following, namely.-

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|-------|---|----------|
| (i)   | The Financial Advisor and Chief Accounts Officer                | Chairman |
| (ii)  | The Chief Engineer or the Engineer-in-Chief of maintenance Zone | Member   |
| (iii) | Additional Chief Engineer of respective maintenance circle      | Member   |

The Executive Engineer (Revenue Billing and Collection) shall be the convener who shall provide Secretarial Assistance to the Authority. The Executive Engineer of respective Division shall present the case on behalf of the Board.

**4. Procedure of Appealing.**-(1) The appeals against the decision or orders of the Water Supply Engineer or Sanitary Engineer or other Officer under the Act or Regulations shall be filed in writing before the concerned Appellate Authority within a period of sixty days from the date of such decision or order.

(2) Where the appeal has been filed challenging the bill or demand issued by the Board, the appellant shall deposit with the Board 50% of the disputed amount of the bill or demand.

(3) The convener on receipt of appeal shall verify and scrutinise the appeal and place before the concerned Appellate Authority.

(4) The Appellate Authority, on receipt of the appeal, shall refer to the concerned Water Supply/Sanitary Engineer/Officer who shall investigate and file his report before the Appellate Authority without any delay.

(5) The Appellate Authority shall fix the time and date of hearing the appeal and issue notice to the appellant.

(6) The Appellate Authority shall hear the parties and proceed to pass order on the appeal.

(7) The Appellate Authority shall endeavor to decide the appeal within sixty days from the date of presentation.

(8) The order on the appeal shall contain brief facts of the case, respective contentions of the parties, materials considered, decision and the reasons for the decision.

(9) Copy of the order shall be furnished to the appellant as soon as appeal is decided.

(10) The decision of Appellate Authority shall be subject to revision by the Board.

**5. Review Application.**-(1) Any person aggrieved by the order of the Appellate Authority may file a revision petition to the Board within sixty days from the date of order of the Appellate Authority.

(2) The Board on receipt of such revision petition examine and after providing an opportunity of being heard to both parties may pass such order as it deems fit and orders of the Board there upon shall be final.