THE HYDERABAD METROPOLITAN WATER SUPPLY AND SEWERAGE ACT, 1989.

(ACT NO. 15 OF 1989)

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THE HYDERABAD METROPOLITAN WATER SUPPLY AND SEWERAGE ACT, 1989.[1]

ACT No. 15 OF 1989.

CHAPTER - I
PRELIMINARY

1. (1) This Act may be called the Hyderabad Metropolitan Water Supply and Sewerage Act, 1989. Short title, extent and commencement.

(2) It extends to the whole of the Hyderabad Metropolitan area.

(3) It shall come into force on such date as the Government may, by notification appoint, and they may appoint different dates for different provisions or different chapters.

2. (1) In this Act, unless the context otherwise requires,- Definitions.

(a) "Board" means the Hyderabad Metropolitan Water Supply and Sewerage Board constituted under section 3;

(b) "bye-laws" means bye-laws made by the Board under this Act;

(c) "Chief Engineer" means the officer appointed or authorised by the Board to perform the functions of the

1. The Hyderabad Metropolitan Water Supply and Sewerage Act, 1989 received the assent of the Governor on the 30th June, 1989. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

2 [Act No. 15 of 1989]

Chief Engineer under this Act and includes an Officer placed in additional charge of the duties of the Chief Engineer;

(d) "communication pipe" means-

(i) where the premises supplied with water about on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(ii) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid and includes the ferrule at the junction of the service pipe with the main, and also-

(a) where the communication pipe ends at a stopcock that stopcock; and

(b) any stopcock fitted on the communication pipe between the end thereof and the main;

(e) "Government" means the State Government;

(f) "Hyderabad Metropolitan area" means the area of the Hyderabad Urban district and includes such other areas adjacent thereto as the Government may, by notification from time to time, specify;

(g) "licenced Engineer or Plumber" means a person licenced under the provisions of this Act as an Engineer or Plumber;

(h) "local authority" means,-

(i) a municipal corporation constituted under the law relating to municipal corporation for the time being in force;

(ii) a municipal council constituted under the [2][Telangana Municipalities Act, 1965]; Act VI of 1965.

(iii) a cantonment Board constituted under [3]the Cantonments Act, 1924; Central Act 2 of 1924.

(iv) a Mandal Praja Parishad, a Zilla Praja Parishad or a Zilla Abhivrudhi Sameeksha Mandali constituted under the [4][Andhra Pradesh Mandala Praja Parishads, Zilla Praja Parishads and Zilla Abhivrudhi Sameeksha Mandals Act, 1986]; and Act 31 of 1986.

(v) a gram panchayat or a township constituted under the [4][Andhra Pradesh Gram Panchayats Act, 1964]; Act 2 of 1964.

(i) "main" means a pipe laid for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

(j) "notification" means a notification published in the [5]Telangana Gazette; and the word "notified" shall be construed accordingly;

2. Substituted by G.O.Ms.No.142, MA &UD (F2) Department, dated 29.10.2015.

3. See now the provisions of the Cantonments Act, 2006 (Central Act 41 of 2006) wherein this Act has been repealed.

4. Act No.13 of 1994 has to be referred, since these two Acts were repealed by the said Act.

5.Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

(k) "prescribed" means prescribed by rules made by the Government or the regulations made by the Board, as the case may be, under this Act;

(l) "Public Health Engineer" means an officer appointed by the Board to be the Public Health Engineer to discharge the duties of sanitation and water supply under the provisions of this Act and includes any officer placed incharge of the duties of the Public Health Engineer;

(m) "Schedule" means the Schedule appended to this Act;

(n) "service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subjected but for the closing of some tap;

(o) "sewer" means a closed conduit for carrying off sewage, sullage, rain water, polluted water, waste water or sub-soil water;

(p) "shed" means a slight or temporary structure for shade or shelter;

(q) "State" means the State of [6]Telangana;

(r) "supply pipe" means so much of any service pipe as is not a communication pipe;

(s) "trade premises" means any premises used or intended to be used for carrying on any trade, industry or company;

6. Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

(t) "trade refuse" means the refuse of any trade or

industry;

(u) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from the part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(v) "Water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

(2) All words and expressions used in this Act and not defined, but defined in 7the Hyderabad Municipal Corporations Act, 1955, shall have the meanings respectively assigned to them in that Act. Act II of 1956.

CHAPTER - II

ESTABLISHMENT OF THE BOARD

Constitution and composition of the Hyderabad Metropolitan Water Supply and Sewerage Board.

3. (1) (a) The Government shall, as soon as may be after the commencement of this Act by notification constitute a Board by the name of "The Hyderabad Metropolitan Water Supply and Sewerage Board";

(b) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules made thereunder, to acquire hold and dispose of property, and enter into contracts, and shall by the said name sue and be sued;

7. Changed as the Greater Hyderabad Municipal Corporation Act, 1955.

6 [Act No. 15 of 1989]

(c) For the purposes of this Act and the Land Acquisition Act, 1894, the Board shall be deemed to be a local authority. Central Act 1 of 1894.

(2) The Board shall consist of the following:-

(a)	Chief Minister	Ex-Officio Chairman;
(b)	Minister for Municipal Administration.	Ex-Officio Vice-Chairman;
(c)	Secretary to Government, Housing Municipal Administration and Urban Development Department.	Ex-Officio Director;
(d)	Secretary to Government, Finance	Ex-Officio

	Department.	Director;
(e)	Secretary to Government, Irrigation Department.	Ex-Officio Director;
(f)	8[Commissioner, Municipal Corporation of Hyderabad].	Ex-Officio Director;
(g)	Chairman, 9Telangana State Pollution Control Board.	Ex-Officio Director;
(h)	Director, Medical, Health and Family Welfare Services.	Ex-Officio Director;
(i)	A Chief Engineer of the Board to be appointed by the Government.	Director;

8. Now, the Greater Hyderabad Municipal Corporation.

9. Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

(j)	One Person nominated by the Government of the rank of Additional Accountant General drawn from either I.A. & A.S. or any financial institution or a Chartered Accountant with not less than twenty years of experience in the field of finance and accounts.	Director;
10[(ja)	Four persons to be nominated by the Government from the category of Mayors/Chairpersons/elected members of the Greater Hyderabad Municipal Corporation and Municipalities falling within the area of the Board.]	Directors
(k)	One person of the I.A.S. cadre to be nominated by the Government.	Mananging Director;

(3) No act done by the Board shall be called in question on the ground only of the existence of any vacancy or any defect in the constitution of the Board.

4. All orders and decisions of the Board shall be authenticated by the signature of the Managing Director or any other Director authorised by the Board in this behalf and all other instruments issued by the Board shall be authenticated by the signature of such Director or Officer of the Board as may be authorised by the Board in this behalf. Authentication of orders and other instruments of the Board.

5. (1) The Board shall hold ordinary meetings at such intervals as may be provided in the regulations and a Meetings of the Board.

10. Clause (ja) of sub-section (1) of section 2 added by Act No.28 of

2007.

meeting may be convened by the Managing Director at any other time for the transaction of urgent business.

(2) The number of Directors necessary to constitute a quorum at a meeting and the procedure to be followed thereat shall be such as may be provided in the regulations.

Appointment of staff.

6. (1) The Board may appoint a Chief Engineer, Public Health Engineer, and such other officers and employees as

may be required to enable the Board to carry out its functions under this Act:

Provided that the appointment of the Chief Engineer and the Public Health Engineer shall be made in consultation with the Government.

(2) The Board may, subject to such conditions as may be prescribed by regulations from time to time appoint qualified persons to be as consultants to the Board and pay them such remuneration as it think proper.

General Duties of the Board.

7. (1) It shall be the duty of the Board to provide for:-

(a) the supply of potable water, including pIanning, design, construction, maintenance, operation and management of water supply system; and

(b) sewerage, sewage disposal and sewage treatment works including planning, design, construction, maintenance, operation and management of all sewerage and sewage treatment works;

in the Hyderabad Metropolitan area.

(2) For the efficient, discharge of the duties entrusted to it, the Board shall exercise such powers and perform such functions as are conferred or imposed by or under this Act:

Provided that no scheme, the estimated cost of which exceeds rupees ten crores shalI be carried out by the Board except with the previous approval of the Government.

11[(3) The Board shall involve Greater Hyderabad Municipal Corporation and all the Municipalities falling within the area of the Board in the preparation and implementation of major water supply and sewerage projects.]

CHAPTER - III

BOARD"S FINANCE, ACCOUNTS AND AUDIT

General Principles of Board"s Finances.

8. For carrying on its operations under this Act the Board shaII levy rates, fees, tariffs, rentals, deposits, contributions and other charges, and may vary such rates, fees, tariffs, rentals, deposits, contributions and other charges from time to time in order to provide sufficient revenues,-

(a) to cover operating expenses, taxes and interest payments and to provide for adequate maintenance and depreciation;

(b) to meet repayments of loans and other borrowings;

(c) to finance normal year to year Improvements;

(d) to provide for further capital works as are necessary from time to time; and

(e) to provide for the cost of such other purposes beneficial to the promotion of water supply and construction

11. Sub-section (3) of section 7 inserted by Act No.28 of 2007.

of sewerage and sewage treatment works in the Hyderabad Metropolitan area as the Board may determine.

Annual Financial Statement.

9. (1) In February of each year, the Board shall submit to the Government a statement, in the form prescribed by regulations, of the estimated capitaI and revenue receipts and expenditure for the ensuring year.

(2) The said statement shall include a statement of the salaries and allowances of Directors, Officers and employees of the Board and of such other particulars as may be prescribed by rules.

(3) The Board may, at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the Government a supplementary statement, and all the provisions of this section shall apply to such statement as they apply to the statement under the said sub-section.

Restriction on unbudgeted expenditure.

10. (1) Except where in the opinion of the Board circumstances of extreme urgency have arisen, no sum exceeding five lakhs of rupees on account of recurring expenditure or exceeding ten lakhs of rupees on account of non-recurring expenditure shall be expended by the Board in any year of account unless such sum has been included in a statement submitted under sub-section (1) or sub- section(3) of section 9.

(2) Where any such sum is expended under circumstances of extreme urgency, a report thereon indicating the source from which it is proposed to meet the expenditure shall be made as soon as practicable to the Government.

Subventions and loans to the Board.

11. (1) The Government may, make subventions to the Board for the purposes of this Act, on such terms and conditions as the Government may determine.

(2) The Government may, from time to time, advance loans to the Board for the purposes of this Act on such terms and conditions as the Government may determine.

Powers of Board to borrow.

12. (1) The Board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Act, and to such conditions as may be prescribed by rules made in this behalf, borrow any sum required for the purposes of this Act.

(2) The Government may, by rules made for the purposes of this section, empower the Board to borrow by the issue of bonds or stocks or otherwise and to make arrangements with bankers.

(3) The maximum amount which the Board may at any time raise as loan under sub-section (1) shall be ten crores of rupees, unless the Government, by notification fix a higher maximum amount.

(4) Stock issued by the Board, under this section shall be issued, transferred, dealt with and redeemed in such manner as may be prescribed by rules.

13. The Government may guarantee in such manner as they think fit the payment of the principal and interest of any loan proposed to be raised by the Board or of either the principal or the interest. Guarantee of Loans.

12[14. (1) The Board shall every year provide out of its revenues, depreciation in respect of each depreciable asset Depreciation Reserve.

12. Section 14 with marginal heading substituted by Act No.4 of 1997.

specified in column (1) of the First Schedule, so that the depreciation provided in respect of such asset over the period specified in column (2) accumulates to ninety percent of the original cost of acquisition of the asset, either,-

(a) in equal annual instalments in respect of each such asset; or

(b) at a fixed annual percentage of the original cost of acquisition during the year of acquisition and of the depreciated value of the asset as at the end of the previous financial years during each subsequent year.

(2) If any asset is sold, discarded, demolished or destroyed during the year,-

(a) the excess, if any, of the written down value of such asset over its sale proceeds or as the case may be its scrap value shall be written off;

(b) the excess, if any, of the lower of the sale proceeds and the cost of acquisition over the written down value of the asset shall be accounted for as income during such financial year; and

(c) the excess, if any, of the sale proceeds over the cost of acquistion of the asset shall be credited to the capital reserve of the Board;

in the financial year in which the asset is sold, discarded, demolished or destroyed.]

Improvements Reserve. 15. The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenues, such percentage of the balance remaining after meeting its operating, maintenance and

management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings as the Board may determine taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage treatment works in the Hyderabad Metropolitan area.

16. (1) The Board shall cause proper accounts and other records in reIation thereto to be kept, including the proper system of internal check and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet in such form as may be prescribed by regulations. Accounts and audit.

(2) The accounts of the Board shall be audited by such person as may be appointed by the Government and any expenditure incurred in connection with such audit shall be payable by the Board to the Government.

(3) The person so appointed and any other person authorised by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor General of ith the audit of

Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, from any of the offices of the Board in connection with the audit of accounts of the Board.

(4) The accounts of the Board as certified by the person so appointed or any other person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof

as they deem fit and the Board shall comply with such instructions.

(5) The Government shall cause the accounts of the Board to be published in the manner prescribed by rules and make available copies thereof on sale at a reasonable price fixed therefor.

CHAPTER - IV
WATER SUPPLY

Vesting of works on Board.

17. On and from the date of coming into force of this chapter, all public reservoirs, tanks, cisterns, fountains, wells and bore wells, pumps, pipes, taps, conduits and other works connected with the supply of water to the Hyderabad Metropolitan area, including the headworks, reservoirs and the rising mains, and all bridges, buildings, machinery, works, materials and other things connected therewith and all land (not being private property) adjacent and appertaining to the same, shall vest in the Board and be subject to its control.

Construction of water works.

18. (1) The Board may construct, lay, or erect filtration plants, reservoirs, machinery, conduits, pipes, or other works in any place in the State for supplying the Hyderabad Metropolitan area with water and may provide, tanks, reservoirs, machinery, mains, fountains and other conveniences within the Hyderabad Metropolitan area for the use of the inhabitants.

(2) The Board may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Trespass on water supply premises.

19. No person shall, except with the permission duly obtained from the Board or the Public Health Engineer, incharge of water supply enter on land vested in the Board along which a conduit or pipe runs or on any premises connected with the water supply.

Prohibition of building over water mains.

20. (1) Without the permission of the Board the Public Health Engineer incharge of water supply or any other officer authorised by the Board in this behalf, no building, wall or other structure shall be newly erected and no street shall be laid over any water main belonging to the Board.

(2) If any building, wall or other structure be so erected or any street be so laid, the Public Health Engineer incharge of water supply or any other officer authorised by the Board in this behalf may cause the same to be removed or otherwise dealt with as he deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

Control over premises to house connections.

21. All house connections, whether within or without the premises to which they belong, with the water supply mains shall be under the control of the Board, but shall be altered, repaired and kept in proper order at the expense of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with the regulations made in that behalf.

Payment to be made for water supplied.

22. Notwithstanding anything contained in this Act or any law, contract or other instrument, for all water supplied under this Act, payment shall be made at such rates, at such times and under such conditions as may be prescribed by regulations; and different rates, may be prescribed for supply of water for different purposes and for different quantities.

Water supply for domestic consumption.

23. (1) The Public Health Engineer incharge of water supply may, on application by the owner or occupier of any building arrange, in accordance with the rules and regulations, to supply water thereto for domestic consumption and use.

(2) It shall not be lawful for the owner of any dwelling house which may be constructed or reconstructed after the coming into force of this Act to demand water supply from the Board unless he has obtained a certificate in the prescribed manner from the Board that there is provided within or within a reasonable distance of the house such supply of wholesome water as appears to the Board to be sufficient for the domestic consumption and use of the inmates of the house.

(3) Where on any land there are two or more superstructures, and the owner of the land is not the owner of all the superstructures, the Board may, if it appears to it that the superstructures are without a proper supply of water for domestic consumption and use and that such supply can be furnished from the main not more than thirty-five metres distance from any part of any such superstructure, by notice, require the owner of the land to obtain such supply.

Supply of water for domestic purpose not to include any supply for certain specified purposes.

24. The supply of water for domestic purposes under this Act shall not be deemed to include any supply for commercial or industrial purpose and in particular any supply:-

(a) for any trade, manufacture or business;

(b) for gardens or for purposes of irrigation;

(c) for building purposes;

(d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes;

(e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;

(f) for the consumption and use by the inmates, in hotels, commercial boarding houses and residential clubs;

(g) for the consumption and use by the persons resorting to theatres and cinemas;

(h) for construction or for watering streets; or

(i) for washing vehicles where they are kept for sale or hire;

but shall be deemed to include a supply-

(i) for flushing latrines or drains; and

(ii) for all baths other than swimming baths or public baths.

Water supplied for domestic purposes not to be used for non-domestic purposes.

25. No person shall use or allow to be used for other than domestic purposes water supplied for domestic purposes.

Power to supply water for non-domestic purposes.

26. (1) The Chief Engineer may, supply water for any purpose other than a domestic purpose, on such terms and conditions consistent with this Act and the regulations made thereunder on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

18 [Act No. 15 of 1989]

(2) On the sanction of the application under sub-section (1), the Chief Engineer may, subject to such charges and rates as may be fixed by the regulations, lay or allow to be laid the necessary pipes and water fittings of such dimensions and descriptions as may be prescribed by the regulations and may arrange for the supply of water through such pipes and fittings.

Supply of water in bulk to the Government, Corporation and other local authorities.

27. The Board may by agreement, supply water in bulk to the Government including the Central Government, the Corporation or any other local authority or any other public or private undertaking on such terms as to payment and as to the period and the conditions of supply as may be agreed upon between the Board and such authority.

Public water supply.

28. The Board may, provide free of charges gratuitous supply of wholesome water to the public within the city of Hyderabad or the city of Secunderabad and may, for that purpose, erect public stand posts or other conveniences.

Power to lay mains.

29. (1) Notwithstanding anything contained in the 13[Greater Hyderabad Municipal Corporation Act, 1955], or any other law for the time being inforce, the Board may lay a main whether within or without the local limits of the Hyderabad Metropolitan area-

Act 2 of 1956.

(a) in any street or any land vested in the Government, the Corporation or any other local authority or any Government Company or Corporation owned or controlled by the Government;

forming part of a street, in over or on that land, and may, from time to time inspect, repair, alter or renew or

13. Substituted by Act No.13 of 2008 and adapted to the State of Telangana vide. G.O.Ms.No.134, Municipal Administration and Urban Development (F2) Department, dated 13.10.2015.

may, at any time remove any main, whether laid under this Act or otherwise:

Provided that where a consent required for the purpose of this sub-section is withheld, the Board may, after giving the owner or occupier of the land a written notice of its intention so to do lay the main in, over or on that land even without such consent.

(2) Where the Board, in exercise of the powers under this section, lays a main in, over or on any land not

forming part of a street or land referred to in clause (a) of sub-section (1) or inspects, repairs, alters, renews or removes a main so laid in, over or on any such land, it shall pay a compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of such laying, inspection, repairs, alteration, renewal or removal of the main.

Power to lay service pipes etc.

30. (1) The Board may, in any street or any land referred to in clause (a) of sub-section (1) of section 29, whether within or without the local limits of the Hyderabad Metropolitan area, lay such service pipes with such stopcocks and other water fittings as it may deem necessary for supply of water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in such street or land whether under this Act or otherwise.

forming part of a street or land referred to in sub-section (1), such officers as the Board may authorise, from time to time, enter upon that land and inspect, repair, alter, renew, or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

Provision of fire hydrants.

31. (1) The Public Health Engineer incharge of water supply shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire and shall keep in good order and from time to time renew every such hydrant.

Every such hydrant shall be denoted by letters, marks or figures displayed prominently on some wall, building or other structure near such hydrant.

(2) As soon as any such hydrant is fixed, the Public Health Engineer incharge of water supply shall deposit a key thereof at such place where a public fire engine is kept and in such other places as he deems necessary.

(3) The Board, may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business, situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(4) The Board shall allow all persons to take water for extinguishing fire from any pipe on which a hydrant is fixed without any payment.

Power to require owners of premises to set up pumps etc. at the ground level of the premises. It shall not be lawful for any owner or occupier to demand water supply connection from the service pipe at any other elevation or level.

32. (1) Water supply connection by the Board for any purpose including that of domestic use shall be given only

(2) It shall not be lawful for any owner or occupier to use any devices to suck water directly or indirectly from the mains or service pipes.

(3) The owner of every premises having more than one storey and connected with water supply from the communication pipe at the ground level shall on and after the commencement of this Act and within a period of sixty days therefrom provide a sump and set up electrical pump or other contrivances of adequate capacity and such other arrangements as prescribed, to pump the water to the top most storey of such premises.

(4) Any person who wilfully violates the provisions of this section shall be liable to have the water supply disconnected to the premises and no new connection shall be sanctioned unless the owner or the occupier complies with the provisions of this section.

Supply of Water.

33. The Public Health Engineer incharge of water supply or any other officer authorised by him in this behalf, may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from water works of the Board subject to conditions and requirements laid down in the rules

Power to require separate service pipes.

34. (1) The Board may require the provision of a separate service pipe for each of the premises supplied or to be supplied by it with water.

(2) If in the case of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Board shall, within thirty days after the owner has done so, lay so much of the required pipe as will constitute a

communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner to whom a notice has been given under sub-section (2) fails to comply therewith the Board may itself execute the work which the owner was required to execute and recover the expenses reasonably incurred by it in executing the work as an arrear of water rate under this Act.

Stopcocks.

35. (1) On every service pipe laid after the date of coming into force of this chapter, the Board shall, and on every service pipe laid before such date the Board may, fit a stopcock enclosed in cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the date of coming into force of this chapter shall be placed in such position as the Board deems most convenient:

Provided that-

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters that premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

Water meters.

36. (1) Every owner or occupier of the premises having or seeking water supply connection from the Board, shall provide at his own cost water meter and attach the same to the service pipe.

(2) The installation, use, maintenance and testing of meters and disconnection of water supply shall be regulated by bye-laws made in this behalf.

Presumption as to correctness of meters.

37. When water is supplied in accordance with the provisions of this Act through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Prohibition of waste or misuse of water.

38. (1) Every owner or occupier of the premises shall maintain his pipe connections and the meter, in proper working order and efficient condition so as to prevent water from running to waste.

(2) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain-

(a) to be or remain so out of order or so in need of repair; or

(b) to be or remain so constructed or adopted or to be so used, that the water supplied to him by the Board is or is likely to be wasted, misused or unduly consumed or contaminated before use, of that foul air or any impure matter is likely to return into any pipe belonging to or connected with a pipe belonging to the Board.

(3) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adopted as aforesaid, the Board, without prejudice to any action against the person under any other provisions of this Act, may by notice, require that person to carry out any necessary repairs or alterations and if he fails to do so within forty eight hours, of the receipt of the notice, may itself carry out the work and recover from him the expenses reasonably incurred by it in so doing, as an arrear of Water rates payable under this Act:

Provided that no such notice need be issued in the case of emergencies involving contamintation of water supplies.

Power to enter premises to detect waste or misuse of water.

39. The Public Health Engineer incharge of water supply or any other officer authorised by the Board may, between sunrise and sunset, enter any premises supplied with water by the Board in order to examine if there is any waste or misuse of such water and the Public Health Engineer incharge of water supply or such other officer shall not be refused entry into the premises nor shall be obstructed by any person in making his examination.

Power to test water fittings.

40. The Board may test any water fitting used in connection with water supplied by the Board.

Water pipes etc. not to be placed where water will be polluted.

41. (1) No water pipe shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be damaged or the water therein polluted; and except with the approval of the Board, no cistern shall be constructed within six meters of a latrine, or cesspool.

(2) No latrine pit or soak pit or cesspool shall be constructed or made within six meters of any water pipe or cistern or in any position where the pipe or cistern is likely to be damaged or the water therein polluted.

(3) The Public Health Engineer incharge of sanitation shall take all precautionary measures to ensure that the sewerage and sewage do not flow into the water mains.

Power to cut off water supply.

42. (1) The Board may cut off the supply of water from any premises,-

(a) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein;

(b) if any charges or any other sum due for water or for the cost of making connection or the hire of a meter or

the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served;

(c) if after receipt of a notice from the Board requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule made thereunder;

(d) if the owner or occupier wilfully or negligently damages the meter or any pipe or tap conveying water;

(e) if the owner or occupier refuses to admit the Public Health Engineer incharge of water supply or any person authorised by the Board in this behalf into the premises which he proposed to enter for the purpose of executing any work or placing or removing any apparatus or making any examination or enquiry in connection with the water supply or prevents the Public Health Engineer incharge of water supply or such person from executing such work, or placing or removing such apparatus or making such examination or enquiry;

(f) if any pipes, taps, works or fittings, connected with the water supply are found on examination by the Public Health Engineer incharge of water supply or any person authorised by the Board to be out of repair to such an extent as to cause waste or contamination of water;

(g) if the owner or occupier causes pipes, taps, works or fittings connected with the water supply to be placed, removed, repaired, or otherwise interfere

within contravention of the provisions of this Act or of the rules or regulations made thereunder:

26 [Act No. 15 of 1989]

Provided that the Board shall not cut off the supply of water unless notice of not less than seven days has been given to the owner or occupier of the premises, except in cases involving contamination of water supplies, where no such notice need be given;

(h) if the consumer fails to provide proper disposal or treatment of the used water from his premises, in accordance with the provisions of the 14[Greater Hyderabad Act II of 1956 Municipal Corporation] Act, 1955] or the Water (Prevention Central Act 6 of 1974. and Control of Pollution) Act, 1974.

(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (1);

(b) The sums referred to in clause (a) shall be a charge on the premises;

(3) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In a case under clause (b) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expenses of cutting off the supply, including any penalities levied thereon has been paid by the owner or occupier, the Board shall cause water to be supplied as before, on payment of the cost of re-connecting the premises with the water works.

(5) Action taken under this section against any person shall be without prejudice to any penalities to which he may otherwise be liable.

14. Substituted by Act No.13 of 2008 and adapted to the State of Telangana vide G.O.Ms.No.134, Municipal Administration and Urban Development (F2) Department, dated 13.10.2015.

Joint and several liability of owners and occupiers for offence in relation to water supply.

43. If any offence relating to water supply is committed under this Act, on any premises connected with the water works of the Board, the owner, the person primarily liable for the payment of the charges for water, and the occupiers of the said premises shall be jointly and severally liable for such offence.

Non-liability of Board when supply reduced or not made in certain cases.

44. The Board shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Rights of user of lines of conduits lines, etc.

45. (1) The Board may place and maintain conduits and mains of pipes, over, under, along or across any immovable property whether within or without the local limits of the Hyderabad Metropolitan area without acquiring the same and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of main or pipes, enter on any property, over, under, along or across which the conduits or lines of mains or pipes have been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes is placed.

(2) In the exercise of the powers conferred upon the Board by this section, the Board shall cause as little damage and inconvenience as may be possible, and shall make compensation for any damages or inconvenience caused by it.

Power of owner of premises to place pipes through land belonging other persons.

46. (1) If it appears to the Board that the only technically feasible alternative means of water supply to any premises is by placing or carrying any pipe over, under, along or across the immovable property of another person, it may, by order in writing, authorise the owner of the premises to

place or carry such pipe, over, under, along or across such immovable property:

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(2) Upon making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with the assistants and the workmen at any time between sunrise and sunset for the purpose of placing a pipe over, under, along or across such immovable property or for the purpose of repairing the same

(3) In placing or carrying a pipe under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall,-

(a) cause the pipe to be placed or carried with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe.

(4) If the owner of the immovable property over, under, along or across which a pipe has been placed or carried under this section while such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe in such manner as shall be approved by him and to fill in, reinstate and make good the immovable property as if the pipe has not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

Power to execute work after giving notice to the person liable.

47. (1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Board may in accordance with the provisions of this Act and of any rule or regulation made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of water rate payable under this Act.

Work to be done by licenced Engineer or Plumber.

48. (1) No person other than an Engineer or a plumber licenced by the Board or an Officer authorised by the Board in this behalf shall issue a certificate for the execution of internal water supply connections of a premises.

(2) No water supply connection shall be given to the owner or occupier of a premises unless the internal water supply connection of such premises have been duly executed in accordance with the standard specifications prescribed under this Act:

Provided that, such certificate shall not be necessary in respect of trivial nature of work as provided by the regulations or as the case may be the bye-laws made in thi

(3) The Board may make regulations for compliance by the licenced Engineers or Plumbers and a copy of all such regulations shall be attached to every licence granted to an Engineer or a Plumber by the Board.

(4) The Board may, from time to time, prescribe the charges to be paid to the licenced Engineer or the Plumber.

(5) If any person contravenes the provisions of this section, his licence shall be suspended or cancelled in addition to the prosecution under this Act.

Prohibition of certain acts.

49. (1) No person shall,-

(a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull or remove any pillar post or stake fixed in the ground for the purpose of setting out the lines of such work or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other works or apparatus belonging to the Board; or

(c) unlawfully obstruct the flow off or flush, draw off or divert, or take, water from any water works belonging to the Board or any water course by which any such water is supplied; or

(d) obstruct any officer or other employee of the Board in the discharge of his duties under this chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water work; or

(e) bath in, at or upon any water works or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or flith into any water works or clean therein any cloth, cause water of any sink, or drain or any steam engine or boiler or any polluted water to turn or be brought into any water works, or do any other act whereby the water; any water works is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Regulations regarding water supply.

50. (1) The Board may, with the previous approval of the Government, make regulations to carry out the purposes of this chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for,-

(a) the power of the Board,-

(i) to stop the supply of water, whether for domestic purpose or not or for gratuitous use;

(ii) to prohibit the sale and use of water for the purpose of business;

(b) the power of the Board to take charge of private connections;

(c) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters;

(d) the licensing of plumbers and fitters, and for compulsory employment of licenced plumbers and fitters the terms and conditions of such licences and the suspension or cancellation thereof.

(3) In making any regulation under this section the Board may provide that a breach there of shall be punishable with fine which may extend to one thousand rupees and in case of continuing breach with the additional fine which may extend to one hundred rupees for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.

Bye-laws regarding water supply.

51. Subject to the provisions of the rules and regulations, the Board may, after previous publication make bye-laws to provide for-

(a) the connection of water supply pipes for conveying to any premises a supply of water from water works of the Board;

(b) the making and renewing of connections with such water works;

(c) the power of the Board to alter the position of connections;

(d) the equitable distribution of water supplied to occupiers;

(e) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any water works of the Board and the stamping of pipes and fittings and fees for such stamping;

(f) the size, material, quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act, to be so defective that they cannot be effectively repaired;

(g) the provision and maintenance of meters when water is supplied by measurement;

(h) the maintenance of pipe cisterns and other water works.

Penalties for certain offences.

52. Who ever,-

(a) contravenes any of the provisions of this Act, mentioned in the first column of the Second Schedule; or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him

under any of the said provisions, shall be an offence punishable-

(i) in the case of the first offence with fine which may extend to the amount specified in that behalf in the third column of the said Schedule or with simple imprisonment for a term which may extend to one month or with both and in the case of second or subsequent offence with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees or with simple imprisonment for a tetm which shall not be less than one month but which may extend to two months or with both;

(ii) in the case of a continuing contravention or failure, with daily fine which may extend to the amount specified in the fourth column of that Schedule for every day during which such contravention or failure continues after conviction.

CHAPTER V
SEWERAGE AND SEWAGE TREATMENT WORKS

Vesting of sewerage and sewage treatment works.

53. (1) On and from the date of commencement of this chapter, all public sewers and other sewers and sewerage disposal works and other sewerage works, materials and things appertaining thereto within or outside the Hyderabad Metropolitan area, shall vest in the Board, and be subject to its control.

(2) All the public and other sewers which are vested in the Board are hereafter in this Act referred to as Board sewers.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewerage disposal work, so much of the subsoil

appertaining thereto as may be necessary for the said purposes shall be deemed to vest in the Board.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set-up whether,-

(a) before or after the commencement of this Act; and

(b) for the use of the owner or occupier of such premises or not,

shall vest in the Board.

(5) All sewerage house connections, including those of owners or occupiers of domestic, commercial, industrial, trade or business whether within or without the premises to which they belong, with the Board sewers shall be under the control of the Board, but shall be altered, repaired and kept in proper, order at the expense of the owner or occupier to which they belong, or for the use of which they were constructed and in conformity with the regulations made in that behalf.

Certain matters not to be passed into Board sewers and treatment works.

54. Save as otherwise provided in the Water (Prevention and Control of Pollution) Act, 1974, relating to discharge and disposal of industrial effluents and other objectionable sewage effluents, no person shall throw, empty, or turn into any Board sewers, referred to in section 53,- Central Act 6 of 1974.

(a) any matter likely to damage or interfere with the free maintenance or execution or otherwise to effect prejudicially the progress of work; or

(b) any roof water pipe; or

(c) any chemical, refuse or waste water or steam or any other industrial effluent from any type of industry, trade and business which may cause danger or nuisance or may be prejudicial to the health; or

(d) any dangerous petroleum or petroleum products.

Explanation: In this section the expression "dangerous petroleum" has the same meaning as assigned to it in the Petroleum Act, 1934. Central Act 30 of 1934.

Charges towards the use of sewerage cess.

55. Every occupier of both domestic and non-domestic premises shall pay to the Board at the rate not exceeding thirty five percent of the bill charging for the water consumed or at such rate as may be prescribed by rules, to defray the capital cost of sewerage and

sewage treatment works undertaken by the Board and the operation and maintenance of the sewerage system from time to time:

Provided that no such charges shall be levied in any premises situated in the areas which are not served by the sewerage system of the Board.

Power to lay sewerage or treatment work.

56. (1) Notwithstanding anything contained in the [15][Greater Hyderabad Municipal Corporation] Act, 1955 the [16][Telangana Municipalities Act, 1965] or any other law for the time being in force the Board may lay sewer or construct sewerage treatment work where within or without the local limits of the Hyderabad Municipal area:-

Act II of 1956.

Act 6 of 1965.

(a) in any street or any land vested in the Government the Corporation or any other local authority or any Government Company or Corporation owned or controlled by the Government;

15. Substituted by Act No.13 of 2008 and adapted to the State of Telangana vide G.O.Ms.No.134, Municipal Administration and Urban Development (F2) Department, dated 13.10.2015.

16. Substituted by G.O.Ms.No.142, Municipal Administration and Urban Development (F2) Department, dated 29.10.2015.

forming a part of street, in, over, or on that land and may from time to time, inspect, repair or alter or renew or may at any time remove any sewer or sewerage treatment works, were laid under this Act or otherwise:

Provided that where a consent required for the purpose of this sub-section is with-held the Board may after giving the owner or occupier of the land a written notice of its intention so as to lay such works in, over or on that land even without such consent.

(2) Where the Board in exercise of the power under this section, lays a sewer or construct a sewerage treatment works in, over or on any land not

forming part of a street or land referred to in clause (a) of sub-section (1) or inspects, repairs, alters, renews or removes such works so laid in, over or on any such land, it shall pay compensation to every person interested in that land for any damage done to or injurious affect of that land, by the reason of such works inspection, repairs, alters, renewal or removal there of.

Power to lay service pipes.

57. (1) The Board may, in any street or any land referred to in clause (a) of sub-section (1) of section 56, where within or without the local limits of the Hyderabad Metropolitan area, lay such service pipes for the sewage and sewerage treatment works, with such other fittings as it may deem necessary for carrying of sewerage and disposal of sewage and may from time to time, inspect, repair, alter or renew and may at any time remove any service pipe laid in such street or land, laid under this Act or other-wise.

forming part of street or land referred to in

sub-section (1), such officers as the Board may authorise from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof, but shall pay compensation for any damages done in the course of such action.

Applications by owners and occupiers to connect into Board sewer.

58. (1) Subject to such conditions as may be prescribed by regulations made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within the Hyderabad Metropolitan area shall apply to the Board and obtain sanction to have his drain made to communicate with the Board sewers and thereby discharge foul water and sullage water from the premises of private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any Board sewer,-

(a) any effluent from any trade, business or industrial premises except in accordance with the regulations made in this behalf; or

(b) any liquid or other matter the discharge of which into Board sewers is prohibited by or under this Act or any other law.

(2) Any person desirous of connecting his private drain, with the Board sewer under sub-section (1) shall give to the Board notice of his proposals, and at any time within one month after receipt thereof, the Board may by notice to him refuse to permit the communication to be made, if it appears to it that the mode of construction or condition of the sewer is such that the making of the communication would be prejudicial to the sewerage system and for the purpose of examining the mode of construction and condition of the

sewer it may, if necessary, require it to be laid open for inspection.

(3) The Board may, if it thinks fit, construct such part of the work necessary for connecting a private drain with a Board sewer as is in or under a public street and in such a case, the expenses incurred by the Board shall be paid by the owner or occupier of the premises, or as the case may be the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of water rate payable under this Act.

Drainage of undrained premises without

59. (1) Where any premises are, in the opinion of the Board, sufficient means of effectual drainage and a Board sewer or some place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty-five meters from any part of the said premises, it may, by written notices, require the owner of the said premises:-

(a) to make a drain emptying into such Board sewer or place;

(b) to construct a closed cesspool or soakage pit and fittings as may appear to the Board necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from and conveying the same off, the said premises effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliances or things used or intended to be used for sewerage work;

(d) to provide a closed drain in substitution of open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or

thing in substitution of the existing open drain and other appliance or thing which is or is likely to be injurious to health.

(e) to provide and set up all such appliances and fittings as may appear to the Board to be necessary for the purpose of gathering and receiving the waste water from floors and gallories of buildings when they are washed, and conveying the same through spouts by downtake pipes as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or remodel an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Board, without sufficient means of effectual drainage, it may, by written notice, require the owner of the premises;

(a) to construct a drain upto a point to be prescribed in such notice but not at a distance of more than thirty-five meters from any part of the premises; or

(b) to construct a closed cesspool, or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

New premises not to be erected without drains or sewers.

60. (1) In areas in which Board sewers are provided, it shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless,-

(a) a sewer be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Board to be necessary for the effectual sewerage of such premises.

(b) there have been provided and set upon such premises such appliances and fittings as may appear to the Board to be necessary for the purpose of gathering or receiving the filth and any other polluted and obnoxious matter from and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The sewer so constructed shall empty into a Board sewer.

(3) The provisions of this section shall be applicable to premises any part of which is situated within a distance of thirty-five meters from a Board sewer.

Power to drain premises or group or block of

61. (1) If it appears to the Board that any group or block of premises may be drained more economically

advantageously in combination than separately and a Board sewer of sufficient size already exists or is, about to be constructed within thirty-five meters of any part of that group or block of premises, the Board may cause that group or block of premises to be drained by a combined operation.

premises by combined operations.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Board may determine and shall be recoverable from them as an arrear of water rate payable under this Act.

(3) Not less than fifteen days before any such work is commenced, the Board shall give to each such owner,-

42 [Act No. 15 of 1989]

(a) a written notice of the nature of the proposed work; and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Board may require the owners of such group or block of premises to maintain the work executed under this section.

Power of Board to close or limit the use of private sewerage in certain cases.

62. Where a sewer connecting any premises with a Board sewer is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Board adopted to the general system of sewerage in the Hyderabad Metropolitan area it may, by written notice addressed to the owner or occupier of the premises direct,-

(a) that such sewer be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such sewer shall, from such date as may be specified in the notice, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that-

(i) no sewer may be closed, discontinued or destroyed by the Board under clause (a) except on condition of its providing another drain equally effectual for the drainage of the premises except rain water and communicating with any Board sewer which it thinks fit; and

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(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) shall be borne by the Board.

Use of sewer by a person other than the owner.

63. Where the Board of either on receipt of an application from the owner of any premises or otherwise, is of the opinion that the only technically feasible alternative means of effectual drainage of the premises into a Board Sewer is through a drain belonging to a another person, the Board may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Board to be invalid or insufficient, the Board may, by

order in writing, either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain direction as to:-

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the aforesaid drain is situated with assistants and workmen at all reasonable hours for inspection;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

Sewage and rain water for drains to be distinct.

64. Whenever it is provided, in this chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Board, to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water, unpolluted sub-soil water each emptying into separate Board sewer or Corporation drain or other suitable places.

Appointment of places for the emptying sewers and disposal of sewage.

65. The Board may cause any or all the Board sewers to empty into, and all sewage to be disposed of at such place or places either within or outside Hyderabad Metropolitan area or in any place in the State as it considers suitable:

Provided that no place, which has not been before the commencement of this chapter used for any of the purpose specified in this section shall, after such commencement, be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Board in this behalf, no sewage shall be discharged into any water-course until it has been treated in such manner as may be prescribed in the bye-laws made in this behalf.

Connection with sewerage and sewage treatment works not to be made without permission.

66. No person or any local authority as the case may be, shall for any purpose whatsoever, at any time make or cause to be made any connection or communication with the sewerage or sewage treatment works referred to in section 53 except with the written permission of the Board or an officer authorised by it in this behalf and subject to such terms and conditions as may be prescribed therefor.

Buildings and private streets not to be erected or constructed over the sewerage and sewage treatment works vested with the Board.

67. (1) Without prior written permission of the Board or an officer authorised in this behalf no private street, shall be constructed and no building, wall, fence or other structure

shall be erected over, along, under or across the sewerage works and sewage treatment works belonging to the Board.

(2) If any private street be constructed or any building, wall, fence or other structure be errected over the works mentioned in sub-section (1)

without the permission, the Board may remove or otherwise deal with the same as it deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1) and recoverable in the same manner as an arrears of water charges under this Act.

(3) The provisions of this section shall apply equally to the Municipal Corporation of Hyderabad or the other local authority as the case may be, as they apply in relation to any other person.

Rights of user of property for sewerage and sewage treatment works.

68. (1) The Board may place or maintain or construct sewage lines and sewage treatment works referred to in section 53 over, under, along or across any immovable property whether within or without the local limits of the Hyderabad Metropolitan area, without acquiring the same and may at any time for the purpose of examining, repairing, altering, remodelling or removing any sewerage and sewage treatment works enter on any property over, under, along or across which the sewer has been laid:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any sewerage or sewage treatment works is laid.

(2) In the exercise of the powers conferred upon it by this section, the Board shall cause as little damage as may be possible and shall make compensation for any damage caused by it.

Power of owner of premises to lay sewer through land belonging to other person.

69. (1) If it appears to the Board that during the construction of any premises is by laying any sewer over, under, along or across the immovable property of another person, the Board may, by order in writing authorise the owner of the premises to lay or carry such sewer over, under, along or across such immovable property:

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such work or line is laid.

(2) Upon the making of an order under sub-section (1) the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of laying a sewer over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In laying a sewer under this section as little damage as possible shall be done to the immovable property and the owner of the premises shall,-

(a) cause the sewer to be laid with least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay

broken up or removed for the purpose of laying such sewer; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the laying of such sewer.

(4) If the owner of the immovable property over, under, along or across which a sewer has been laid under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing require the owner of the premises to close, remove or divert the sewer in such manner as shall be approved by it and to fill in, reinstate and make good the immovable property as if the sewer had not been laid over, under, along or across the same:

Provided that no such requistion shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the sewer should be closed, removed or diverted.

Power to execute work after giving notice to the person liable.

70. (1) When under the provisions of this Chapter any person may be required or is liable to execute any work, the Board may, in accordance with the provisions of this Act and of any regulations made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable thereof as an arrears of water charges payable under this Act.

Power to affix shafts, etc. for ventilation of sewer or cesspool.

71. For the purpose of ventilating any sewer or cesspool, whether vested in the Board or not, the Board may, in accordance with the regulations made in this behalf, erect upon any premises or affix to the outside of any building or to any tree; any such shaft or pipe as may appear to it to be necessary.

Power to examine and test sewers, etc., believed to be defective.

72. (1) Where it appears to the Board that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private sewer communicating directly or indirectly with a Board sewer is so defective as to admit sub-soil water, it may examine its condition and for that purpose may apply for any test; other than a test by water under pressure, and if it deems necessary, open the ground.

(2) If on examination the sewer or cesspool is found to be improper condition, the Board shall, as soon as possible, reinstate any ground which has been opened by it and make good the damage done by it.

Work to be done by licenced Plumber.

73. (1) No person other than an Engineer or a Plumber licenced by the Board or an Officer authorise in this behalf shall

issue a certificate for the execution of the work under this chapter relating to internal sewerage connections of a permises.

(2) No sewerage connection shall be given to the owner or occupier of a premises unless the internal sewerage connection of such premises has been duly executed in accordance with the standard specifications prescribed under this Act:

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Provided that, such certificate shall not be necessary in respect of trivial nature of work as provided by the regulations or as the case may be the bye-laws made in this behalf.

(3) The Board may make regulations for compliance by the licenced Engineers or Plumbers and a copy of all such regulations shall be attached to every licence granted to an Engineer or a Plumber by the Board.

(4) The Board may, from time to time, prescribe the charges to be paid to the licenced Engineer or Plumber.

(5) If any person contravenes the provisions of this section, his licence shall be suspended or cancelled in addition to the prosecution under this Act.

74. No person shall,- Prohibition of certain acts.

(a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pullup or remove any pillar, post or shaft fixed in the ground for the purpose of setting out lines of such work;

(b) wilfully or negligently break, injure, turn on, repairs;

(c) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, or other work or apparatus belonging to the Board;

(d) unlawfully obstruct the flow of or flush, draw off, divert or take sewege from any sewage work belonging to the Board; or

(e) obstruct any officer or other employee of the Board in the discharge of his duties under this chapter or refuse or

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wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any sewage work.

Regulations regarding sewage.

75. (1) The Board may, with the previous approval of the Government, make regulations to carry out the purposes of this chapter.

(2) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees and in case of continuing breach with an additional fine which may extend to hundred rupees for every day during which the breach continues after receipt of a notice from the Board to discontinue such breach.

Bye-laws regarding sewage.

76. Subject to the provisions of rules and regulations, the Board may, after previous publication make bye-laws to provide for,-

(a) the nature of works in respect of which a certificate from a licenced Engineer or plumber is necessary;

(b) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter, polluted and obnoxious matters into sewers;

(c) the regulations in any manner not specifically provided for in this Act of the construction, alternation, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrine pits, soak pits, urinals, cesspools and other sewerage works;

(d) the cleaning of sewers;

(e) the prohibition of erection of building structures over sewers without the permission of the Board;

(f) the connection of private drains with Board sewers;

(g) the location and construction of cesspools; latrine pits and soak pits etc;

(h) the covering and ventilation of cesspools, latrine pits and soak pits etc;

(i) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers;

(j) the exclusion from trade effluent of all condensing matter;

(k) the elimination from trade effluent before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(l) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on anyone day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers;

(m) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge;

(n) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take

at any time samples of what is passing into Board sewers from trade premises; and

(o) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters.

Punishment for certain offences.

77. Whoever-

(a) contravenes any of the provisions of this Act mentioned in the first column of the Third Schedule;

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions; shall be punishable;

(i) in the case of first offence with fine which may extend to the amount specified in that behalf in the third colunm of the said Schedule or with simple imp h may extend to one month or with

both and in case of second or subsequent offence with fine which shall not be less than one thousand rupees but which may extend to two thousand rupees or with simple imprisonment for a term which shall not be less than one month but which may extend to six months or with both;

(ii) in the case of continuing contravention of failure with a daily fine which may extend to the amount specified in the fourth column of the said Schedule for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

CHAPTER VI
MISCELLANEOUS.

Annual reports, statistics and returns.

78. (1) The Board shall before such date and in such form as may be prescribed by rules submit to the Government an annual report upon such matters as may be so prescribed,

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as may be after the end of each financial year, prepare and submit to the Govrenment in such form as may be prescribed by regulations a report giving an account of its activities during the previous financiaI year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next financial year; and the Government shall cause every such report to be laid before the Legislature of the State as soon as may be after it is received by the Government.

(3) The Board shall furnish to the Government at such times and in such form and manner as the Government may direct, such statistics and returns, and such particulars in regard to any proposed or existing scheme, as the Government may, from time to time require.

Power to make rules.

79. (1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Any rule made under this Act may be made with retrospective effect and when such a rule is made, the reasons for so making the rule shall be specified in a statement to be laid before the Legislature of the State.

17. Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of Board to make regulations.

80. The Board may, with the previous approval of the Government, make regulations, not inconsistent with this Act and the rules made thereunder, to provide fo owing matters, namely:-

(a) the administration of the funds and other property of the Board and the maintenance of its accounts;

(b) the summoning and holding of meetings of the Board and the times and places at which such meetings shall be held, and the conduct of business thereat and the number of Directors necessary to constitute a quorum;

(c) the duties of officers and employees of the Board and their salaries, allowances and other conditions of service;

(d) the fine which may be imposed for the breach of any bye-law, which may extend to one thousand rupees, and in case of continuing breach with the additional fine which may extend to one hundred rupees for every day, during which

the breach continues after receipt of a notice from the Board to discontinue the breach;

(e) the procedure to be followed by the Board in inviting, considering and accepting tenders; and

(f) any other matter arising out of the Board‟s functions under this Act, in which it is necessary or expedient to make regulations.

Directions by the Government.

81. (1) In the discharge of its functions, the Board shall be guided by such directions on questions of policy as may be given to it by the Government:

Provided that such direction shall be given after consultation with the Board.

(2) In the case of any difference of opinion as to what is a question of policy the decision thereon of the Government shall be final.

Licence and written permission.

82. (1) Whenever it is provided in this Act or any rule or regulation made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Public Health Engineer or by the officer empowered to grant the same under this Act or the rules or regulations made thereunder and shall specify in addition to any other matter required to be specified under any other provisions of this Act or any provision of any rule made thereunder-

(a) the date of grant thereof;

(b) the purpose and the period, if any, for which it is granted;

(c) restrictions or conditions, if any subject to which it is granted;

(d) the name and the address of the person to whom it is granted; and

(e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any rule or regulation made thereunder, for every such licence or written permission, a fee may be charged at such rate as may, from time to time, be fixed by the Board and such fees shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any rule or regulation made thereunder any licence or written permission granted under this Act or any rule or regulation made thereunder may at any time be suspended or revoked by the Board or by th granted, if it or he is satisfied that

it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions, has been infringed or evaded by the grantee or if the grantee has convicted for the contravention of any of the provisions of this Act or any rules or regulations made thereunder relating to any matter for which the licence or permission has been granted:

Provided that-

(a) before making any order of suspension or revocation, reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any rule made thereunder be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Board or the authority by whom it was granted, produce such licence or written permission.

Power of entry and inspection.

83. The Chief Engineer, the Public Health Engineer or any officer authorised by the Board in this behalf or empowered in this behalf by or under the provisions of this Act may enter into or upon any land or building with or without assistants and workmen,-

(a) for the purpose of ascertaining whether there is or has been or in connection with the land or building any contravention of the provisions of this Act or any rule or regulation made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Board or any officer authorised or empowered in this behalf to take action or execute any work under this Act or any rule or regulation made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any rule or regulation made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act, or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functioning by any officer of the Board under this Act or any rule or regulation made thereunder.

Power to enter on adjoining land in relation to any work.

84. (1) The Chief Engineer, Public Health Engineer or any officer authorised in this behalf by or under any provision of this Act, may enter on any land within fifteen meters of any work authorised by or under this Act with or without assistants and workmen for the purpose of

depositing thereon any soil, gravel, stone, or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required by the owner or occupier thereof, for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be and compensation shall be payable by the Board in accordance with the regulations made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

Breaking into Building.

85. (1) It shall be lawful for the Chief Engineer, the Public Health Engineer, or any officer authorised in this behalf by

the Board, or empowered in this behalf by or under any provision of this Act, to make any entry into any place and to open or cause to be opened any door, gate or other barrier,-

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Chief Engineer, the Public Health Engineer, or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Board as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

Time of making entry.

86. Save as otherwise provided in this Act or any regulation made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

Consent ordinarily to be obtained.

87. Save as otherwise provided in this Act or any regulation made thereunder, no entry upon or into any land or building shall be made without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours written notice of the intention to make such entry.

Regard to be paid to social or religious usages.

88. When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or break open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

Prohibition of obstruction or molestation in execution of work.

89. No person shall obstruct or molest any person authorised or empowered by or under this Act in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue of or in consequence of any of the provisions of this Act or any rule or regulation made thereunder.

Notice, etc., to fix reasonable time.

90. Where any notice, bill, order or requisition issued or made under this Act or any rule or regulation made thereunder, requires anything to be done for the doing of which no time is fixed in this Act or the rule or the regulation made thereunder, the notice, bill, order or the rule or the regulation made thereunder, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

Signature on notice, etc., may be stamped.

91. (1) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or regulation made thereunder to bear the signature of the Public Health Engineer or of any officer authorised or empowered to do so shall be deemed to be properly signed if it bears a facsimile of the signature of any such officer stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque or any negotiable instrument.

Service of notice, etc., required by this Act or any regulation made thereunder to

be served upon, or issued to, any person, shall be served or issued by such persons as may be authorised by the Board.

(2) Every notice, bill, summon, order requisition or other document required or authorised by this Act or any rule or regulation made thereunder to be served or issued on any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served,-

(a) where the person to be served is a company if the document is addressed to the Secretary of the Company at its registered office or at its principal office or place of business and is either,-

(i) sent by registered post; or

(ii) deliver at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name and style under which its business is carried on, and is either,-

(i) sent by registered post; or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head of office of that body, corporation or society at its principal Office, and is either,-

(i) sent by registered post; or

(ii) deliver at that office;

(d) in any other case, if the document is addressed to the person to be served and,-

(i) is given or tendere

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business if within the State or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any to which it relates; or

(iii) is sent by registered post to that person.

(3) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed as, „the owner" or „the occupier" as the case may be, of that land or building (identifying that land or building) without further name of description, and shall be deemed to be duly served,-

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (2); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed on some conspicuous part of his land or building.

(4) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(5) For the purpose of enabling any document to be served on the owner of any premises, the Public Health Engineer or any other officer authorised or empowered to

do so may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(6) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

(7) Nothing in section 91 and in this section shall apply to any summons issued under this Act by a court.

(8) A servant is not a member of the Family within the meaning of this section.

Service of bills for charges or, notice of demand by ordinary post.

93. Notwithstanding anything contained in section 92 a bill for any charges or a notice of demand may be served by sending it by ordinary post with a prepaid letter under a certificate of posting addressed to the appropriate person specified in section 92 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

Power in case of non-compliance with notice, order etc.,

94. In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or regulation made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on

such account shall be payable to the Board on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of charges payable under this Act.

Liability of occupier to pay in default of owner.

95. (1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner, the authority or officer at whose instance such notice, order or requisition has been issued, may require the occupier of such property or of any part thereof pay to him, instead of the owner, any rent payable by him in respect of such property, as it falls due upto the amount recoverable from the owner under section 94:

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 94 as an arrear of charges payable under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall, in the absence of any contract between the owner and the occupier to the cantrary, be deemed to have been paid to the owner.

Execution of work by occupier in default of owner and deduction of expenses from rent.

96. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any rule or regulation made thereunder, the occupier, if any, of such land or building may, with the approval of the Board, execute, the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

Relief to agents and trustees.

97. (1) Where any person, by reason of his receiving rent of immovable property, as a receiver, agent or trustee or of his being, as a receiver, agent or trustee, the person who would receive the rent if the property were let to a tenant, would under this Act or any rule or regulation made thereunder, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Board may by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf or for the use of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

Compensation to be paid by offenders for damage caused by them.

98. (1) Any person who has been convicted of an offence against this Act or any rule or regulation made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said, offence, be liable to pay

such compensation for any damage to the property of the Board resulting from the said offence as the Board may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, an application made to him be determined by the Magistrate before whom the said person was convicted of the offence; and on non-payment of the amount of

compensations so determined the same shall be recovered under a warrant from the said Magistrate as if it were a fine imposed by him on the person liable therefor.

Mode of recovery of dues.

99. Any sum due to the Board on account of any charge, costs, expenses, fees, rates of rent or on any other account under this Act or any rule, regulation, bye-law or order made thereunder may, without prejudice to any other mode of recovery, be recovered from any person from whom such sum is due-

(a) as if it were an arrear of land revenue; or

(b) on application to any Judicial Magistrate, by such Magistrate as if it were a fine imposed by him.

General penalty.

100. Whenever in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision of this Act or any rule or regulation or bye-law or otherwise contravenes any of the provisions of this Act or any rule or regulation, or bye-Iaws, shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing failure or contravention with an additional fine which may extend to one hundred rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

Offences by companies.

101. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the Company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:-For the purpose of this section:-

(a) „Company" means a body corporate, and include a firm or other association or individuals; and

(b) „director" in relation to a firm means partner in the firm.

Prosecutions.

102. Save as otherwise provided in

proceed with the trial of any offence made punishable by or under this Act or any rule or regulation except on the complaint of or upon information received from, the Public Health Engineer or any officer authorised by the Board by a general or special order in this behalf.

Compounding of offence.

103. (1) The Board or any Officer of the Board authorised by it, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act, in such manner as may be prescribed by regulations:

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Provided that no offence shall be compounded which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Board unless and untill the same has been complied with so far as such compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Arrest of offender.

104. (1) The Chief Engineer, the Public Health Engineer, or any officer authorised in this behalf by the Board or any police officer who shall be, of, or equal to or higher than the status of a sub-inspector of police may arrest any person who commits in his view any offence against this Act or against any rule or regulation made thereunder, if:-

(a) the name and address of such person be known to him; and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate, for a period longer than twenty four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

Duties of police officers and employees of the Corporation.

105. It shall be the duty of all police officers and officers and employees of the Corporation or any Local Authority to give immediate information to the Board or officers of the Board authorised in this behalf, of the commission of, or the attempt to commit, any offence against this Act or any rule

or regulation made thereunder and to assist all such officers in the exercise of their lawful authority.

Validity of notices and other documents.

106. No notice, order, requisition, Iicence, permission in writing or any other document issued under this Act or any rule or regulation shall be invalid merely by reason of any defect in form or detail.

Admissibility of document or of entry as evidence.

107. A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of the Board shall, if duly certified by the legal keeper thereof or other person authorised by the Board in this behalf, be admissible in evidence of the existen try and shall be

admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which original document or entry would, if produced, have been admissible to prove such matters and transactions.

Evidence of officers of Board.

108. No officer or employee of the Board shall in any legal proceedings to which the Board is not a party, be required to produce any register or document the contents of which can be proved under section 107 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

Delegation of powers.

109. The Board may, by notification, direct that any power conferred or any duty imposed on the Public Health Engineer by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or performed also by any other officer or employee of the Board specified in the notification.

Chief controlling authority.

110. (1) The Managing Director shall be the Chief Controlling Authority in respect of all matters relating to the

administration of this Act and for that purpose may exercise all powers necessary in that behalf.

(2) The Chief Engineer or any other officer or officers notified by an order of the Managing Director in this behalf may also exercise any power or perform any function entrusted to him by such notification.

Appeals.

111. Any person aggrieved by any decision or order of the Public Health Engineer or other officer under this Act or any rule or regulation made thereunder may, within a period of sixty days from the date of service of such decision or order, appeal to the authority prescribed by the regulation and subject to revision by the Board, the orders of the appellate authority on such appeal shall be final.

Revision.

112. The Board may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

Provisions to employees employed in connection with water supply and sewerage undertakings.

113. (1) Every officer and other employee employed with the Hyderabad Metrpolitan Water works and sewerage and sewage treatment works as the case may be, shall stand transferred to and become an officer or other employee of the Board with such designations as the Board may determine and shall hold by the same tenure, at the same remuneration the same terms and conditions of service applicable immediately before such transfer and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Board:

Provided that any service rendered by such officer or employee before such transfer shall be deemed to be service rendered under the Board.

(2) Every officer or employee of the Telangana Public Health and Municipal Engineering Service and the Telangana Public Health and Municipal Engineering Subordinate ts not below the

rank of Assistant Engineer in the Hyderabad Metro Water Works or Sewerage and Sewage treatment works shall continue to serve in the Hyderabad Metro Water Works or Sewerage and Sewage treatment works under the same terms and conditions applicable to them in their parent Department and until their absorption is finally determined by the Board in accordance with the rules and regulations made for this purpose under this Act:

Provided that an officer or employee shall be given an opportunity to opt for the service of the Board or to remain in the service of his parent department.

(3) The Board may employ any officer or other employee transferred under sub-section (1) in the discharge of such functions under this Act, as it may think proper and every such officer or other employee shall discharge those functions accordingly.

Members, Officers and employees of the Board to be public servants.

114. (1) All members, officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any rule or regulation made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1988 for the time being in force.

Central Act 45 of 1860.

Central Act 49 of 1988.

(2) The words „State Government" and „Government" in section 161 of the Indian Penal Code, 1860 shall for the purposes of sub-section (1) be deemed to include the Board.

Central Act 45 of 1860.

Protection of action done in good faith.

115. (1) No suit or prosecution shall be entertained in any court against the Board or against any officer or employee of the Board or against any person acting under the order or direction of the Board or any officer or employee of the Board for anything which is in good faith done or intended to be done under this Act or any rule or regulation, made thereunder.

(2) No suit, prosecution or other legal proceedings shall lie against any officer or employee of the Board for any act done or purporting to be done under this Act or any rule or regulation made thereunder without the previous sanction of the Board.

Notice to be given of suits.

116. (1) No suit shall be instituted against the Board or against any officer or employee of the Board or against any person acting under the order or direction of the Board or any officer or other employee, in respect of any act done, or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder, until the expiration of two months after notice in writing has been left at the office of the Board, and in the case of such officer, employee or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is as an injunction of which the object would

be defeated by giving of the notice or the postponement of institution of the suit.

Continuation of appointments, rules, bye-laws etc.

117. (1) With effect from the date of which Chapter IV comes into force,-

(a) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued, and any licence or permission granted immediately before the commencement of this Act in so far as it relates to the water supply undertaking, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act;

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done immediately before the commencement of this Act, in connection with the water supply undertaking shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board;

(c) all property, movable and immovable, and all interest of whatsoever nature and kind therein in so far as they relate to the water supply undertaking shall, with all rights of whatsoever description used, enjoyed or possessed immediately before the commencement of this Act in respect of the water supply undertaking, vest in the Board;

(d) all rates, fees, rents and other sums of money due in connection with the water supply undertaking shall be deemed to be due to the Board;

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted so far as it relates to the water supply undertaking may be continued or be instituted by or against the Board.

(2) With effect from the date on which Chapter V comes into force,-

(a) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued and any licence or permission granted immediately before the commencement of this Act, in so far as it relates to the sewerage and sewage treatment works referred to in Chapter V, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act.

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done immediately before the commencement of this Act, in connection with the sewerage and sewage treatment works referred to in Chapter V shall be deemed to have been incurred, entered into or engaged to be done, by, with, or for the Board;

(c) all property, movable and immovable, and all interests of whatsoever nature and kind therein in so far as they relate to the sewerage and sewage treatment works referred to in Chapter V shall, with all rights of whatsoever description used, enjoyed or possessed by immediately before the commencement of this Act in respect of the sewerage and sewage treatment works referred to in Chapter V, vest in the Board;

(d) all rates, fees, rents and other sums of money due in connection with the sewerage and sewage treatment works referred to in Chapter V, shall be deemed to be due to the Board;

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted in so far as it relates to the sewerage and sewage treatment works referred to in Chapter V may be continued or be instituted by or against the Board.

Power of Government to make certain supplemental orders.

118. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may, by order published in the [18]Telangana Gazette, make such provisions as appear to them to be necessary or expedient:-

(a) for bringing the provisions of this Act into effective operation;

(b) for making omissions from, additions to and adaptations and modifications of the bye-laws, notifications and orders referred to in clause (a) of sub-section (2) of section 117 for purposes of giving effect to the provisions of this Act;

(c) for removing difficulties arising in connection with the transition to the provisions of this Act, including difiiculties in the construing of reference to the Corporation of other authorities in any law;

(d) for authorising the continued carrying on for the time being by the Board of services and activities carried on by the Corporation; and

(e) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the powers of jurisdiction of any authority and empowering

18. Substituted by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.

other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall, have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provisions thereof retrospective to any date before the making thereof.

Savings.

119. All things done or action taken by the Chief Engineer, Hyderabad Metro Water Works in respect of water works vested in them by virtue of orders of Government issued prior to the date of commencement of this Act and by the Commissioner, Municipal Corporation of Hyderabad in respect of sewerage and sewage treatment wor in so far as they are not

inconsistant with the provisions thereof, be deemed to have been done or taken by the Board constituted under this Act and all assets vested in him and all liabilities subsisting against the said Chief Engineer and Municipal Commissioner shall on such commencement devolve on the Board constituted under this Act.

Amendment of Act 30 of 1988.

120. Sections 2, 3, 4, 5, 6 and 7 of the Hyderabad Metropolitan Water Supply (Validation of Water Rates and Service Charges) Act, 1988 shall be omitted.

FIRST SCHEDULE

(see section 14)

	Description of assets.	Number of years of period.
A.	Land Owned under full title	.. Infinite
B.	Land held under lease ..	
	(a) for investment in the land	.. The period of the lease or the period remaining unexpired on the assignment of the lease.
	(b) for cost of clearing site	.. The period of the lease remaining unexpired as on the date of clearing the site.
19[C.	Assets acquired new	
	(a) (i) Buildings and civil construction of permanent nature.	.. Fifty
	(ii) Temporary erections such as wooden structures.	.. Five
	(iii) Bridges, Barrages and Reservoirs.	.. Fifty
	(b) (i) Roads other than katcha Roads.	.. Fifty
	(ii) Katcha Roads	.. Five
	(c) (i) water and Sewerage Treatment Plants.	.. Thirty five

19. Substituted by Act No.4 of 1997.

	(ii) Pumping Plants	.. Fifteen
	(iii) Pipe Lines (mains and distribution lines)	.. Fifty
	(iv) Power Stations and equipment	.. Twenty five
	(v) Boring sets	.. Fifteen
	(d) Vehicles	.. Seven
	(e) (i) Office furniture	

.. Fifteen

	(ii) Office equipment	.. Seven
	(f) Other Assets	.. Fifteen]
D.	Assets purchased	.. Such reasonable period

second hand assets not otherwise provide herein.

and as the Government determine in each case having regard to the nature, age and condition of the assets at the time of its acquisition by the owner.

SECOND SCHEDULE

(see section 52)

Provision of the Act	Subject	Maximum Fine which may be imposed	Daily Fine which may be imposed
(1)	(2) (3)	(4)	
		Rs.Ps.	Rs.Ps.
Section 19	Trespassing on premises connected with water supply.	500.00	100.00
Section 21	Failure to maintain house connections in conformity with regulations.	300.00	50.00
Section 23 sub-section (3)	Failure to comply with requisition to make house connection.	200.00	10.00
Section 25	Use for non-domestic purposes of water supplied for domestic purpose.	1,000.00	100.00
Section 32 sub-section (2)	Sucking water directly or indirectly from water main or service pipes.	1,000.00	200.00
Section 32 sub-section (3)	Failure to provide sump and electrical pump etc., to pump water to the top most storey.	1,000.00	50.00

Provision of the Act	Subject	Maximum Fine which may be imposed	Daily Fine which may be imposed
(1)	(2) (3)	(4)	
		Rs.Ps.	Rs.Ps.
Section 38	Waste or misuse of water	200.00	20.00
Section 39	Refusal of Admittance	200.00	10.00
Section 41 sub-	Laying of water pipes etc., in a positi	200.00	10.00

section (1)	the same may be damaged or water therein polluted		
Section 41 sub-section (2)	Construction of latrines etc., in a pollution where pipes may be damaged or water therein polluted	..	100.00
Section 48 sub-section (4)	Licenced Engineer or plumber not to damand more than the charges prescribed.	200.00	..
Section 48 sub-section (3)	Licenced Engineer or plumber not to contravene regulations.	200.00	..
Section 49	Prohibition of willful or neglectfull acts relating to water works.	200.00	..

Provision of the Act	Subject	Maxi-mum Fine which may be imposed	Daily Fine which may be imposed
(1)		(2) (3)	(4)
		Rs.Ps.	Rs.Ps.
Section 54	Damage to, or interference with free flow of contents of Board sewers or sewers communicating with Board sewers.	1,000.00	100.00
Section 57	Connection with Board sewers without written permission.	1,000.00	50.00
Section 58	Private drain not to be connected with Board sewers without notice.	500.00	50.00
Section 58 sub-section (1)	Erection or construction of buildings or private streets over the Board sewerage line or sewage treatment works.	750.00	100.00

Section 60 sub-section (4)	Non-compliance with requisition to close, remove or divert a pipe or drain.	500.00	20.00

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Provision of the Act	Subject	Maximum Fine which may be imposed	Daily Fine which may be imposed
(1)	(2)	(3)	(4)
		Rs.Ps.	Rs.Ps.
Section 48, (4) read with sub-section (4) of section 73.	Licenced Engineer or plumber not to demand more than the charge prescribed.	300.00	..
Section 48, (3) read with sub-section (3) of section 73.	Licenced Engineer or plumber not to contravene regulations.	300.00	..
Sections 49 and 74	Prohibition of wilful or negligentful acts relating to sewerage works.	200.00	..

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