

**JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY
AUTHORITY
NOTIFICATION**

NO:...../JKSWRRA/201.....JAMMU

Dated_____

INTRODUCTION

In exercise of the powers conferred under sections 152 and 198(2)(k) of the J & K Water Resources (Regulation and Management) Act, 2010 (Act No XXI of 2010) and all powers enabling it in that behalf, the J&K State Water Resources Regulatory Authority, hereby makes the following Regulations, namely:-

CHAPTER – I

1. Short title, commencement and interpretation-(1) These Regulations may be called the J & K State Water Resources Regulatory Authority (Form and manner of filing appeal before the Appellate Authority) Regulations, 2013.

(2) These Regulations shall come into force from the date of their publication in the Government Gazette.

(3) These regulations are applicable to the state of Jammu& Kashmir and to all matters within the jurisdiction of the Authority.

2. Definitions- (1) In these Regulations unless the context otherwise requires-
 - (a) 'Act' means the Jammu and Kashmir Water Resources (Regulation & Management) Act 2010 (Act No XXI of 2010);
 - (b) 'Chairperson' means the Chairperson of the Authority;
 - (c) 'Authority' means the J & K State Water Resources Regulatory Authority, established under the Act;
 - (d) 'Government' means the Government of Jammu and Kashmir;
 - (e) 'Member' means a Member of the Authority;
 - (f) 'Officer', means an officer of the Authority;
 - (g) 'Secretary' means the Secretary of the Authority;
 - (h) 'Appellate Authority' means Executive Engineer concerned of the PHE Department exercising control over division of the area.
 - (i) 'Prescribed Authority', means the Chief Engineer concerned of the PHE Department for the purpose of these Regulations.
 - (j) 'Assessing officer' means the Assistant Executive Engineer concerned or a person designated as such by a licensee
 - (k) 'Unauthorized use of water' means the usage of water:-

- i. by an artificial means or from an unauthorized source; or
- ii. by a means not authorized by the concerned authority or licensee; or
- iii. through a tampered meter; or
- iv. for the purpose, other than, for which the usage of water was authorized;
or
- v. for the premises or areas other than those for which the supply of water was authorized.

(2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act or in the J&K Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

3. These regulations shall apply to the appeals in respect of assessment in the cases of un-authorized use of water by any user or person, if upon an inspection of any place or premises, any equipment, gadget, machine or device is found connected or used to benefit such person by such use.
4. The user or person aggrieved by the final assessment made by the assessing officer as per the procedure laid down under sections 151 of the J & K Water Resources (Regulation & Management) Act 2010, may within 30days from the date of said order prefer an appeal before the appellate authority.
5. The user or person aggrieved can submit the appeal to the appellate authority either in person or thought post, e-mail or fax.
6. This appeal shall be filed in the form specified in Annexure I of the regulations.
7. The appellant shall be issued acknowledgment in respect of his or her appeal by the office of the appellate authority. In case of registering the appeal in person, the acknowledgment shall be issued immediately, whereas, in respect of receipt of appeal by post, e-mail or fax, the acknowledgment shall be dispatched latest by the next working day.
8. No appeal against an order of assessment under Regulation 4 shall be entertained unless an amount equal to one-half of the assessed amount has been deposited by the person aggrieved in cash or by way of a bank draft with the concerned department or the licensee and documentary evidence of such deposit has been enclosed along with the appeal.
9. The appellate authority referred to in Regulation 4 shall dispose of the appeal after hearing the parties and pass an appropriate order and send a copy each thereof to the assessing officer and the appellant.
10. The order of the appellate authority passed under Regulation 9 shall be final.
11. No appeal shall lie to the appellate authority referred to in Regulation 4 against the final order made after hearing the parties.

12. When a user or person defaults in making payment of the assessed amount, he in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an interest at the rate of six percent per annum compounded every six months.
13. All appeals shall be accompanied by the documents, with which, the person aggrieved wants to support his objections, against the assessment order issued by the assessing officer and shall be accompanied by a fee of Rs 500.
14. The fees payable shall be in the form of a bank draft in favour of the appellate authority or in cash in the office of the appellate authority.
15. General power to amend.- The Authority may, at any time and on such terms as it may think fit, amend any provision of the Regulations for the purpose of meeting the objectives with which these Regulations have been framed.
16. Power to remove difficulties.-If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.