THE DELHI COMMON EFFLUENT TREATMENT PLANTS ACT, 2000

(Delhi Act No. 7 of 2000)

and

THE DELHI COMMON EFFLUENT TREATMENT PLANTS RULES, 2001

(w.e.f. 22.5.2001)
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FORMS
DELHI COMMON EFFLUENT TREATMENT PLANTS ACT, 2000

(DELHI ACT NO. 7 OF 2000)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 28th day of November, 2000)

DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS

NOTIFICATION

No.F. 14(29)/LA-2000/1, Dated 5th January, 2001. – The following Act of the Legislative Assembly received the assent of the Lt. Governor of the National Capital Territory of Delhi on the 15th day of December, 2000 is hereby published for general information :-

An act to provide for recovery of the dues as arrears of land revenue in respect of the capital and recurring costs of common effluent treatment plants set up in the Industrial Estates in the National Capital Territory of Delhi and matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty First Year of Republic of India as Follows :-

CHAPTER-I

PRELIMINARY

1. Short title and commencement
   (1) This Act may be called the Delhi Common Effluent Treatment Plants Act, 2000.
   (2) It shall come into force at once.

2. Definitions
   In this Act, unless the context otherwise requires –

   (1) “appellate authority” means the authority referred to in sub-clause (2) of Clause 13 of this Act;
   (2) “appropriate authority” means the Commissioner of Industries or any other officer not below the rank of Joint Director authorized by him from time to time in this regard;
   (3) “CETP” means common effluent treatment plant;
   (4) “CETP Society” means a society constituted under clause 3;
   (5) “clause” means a clause of this Act;
“Delhi” means the National Capital Territory of Delhi.

“effluent” includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry operation or process, or treatment and disposal system including domestic sewage;

“Government” means the Lieutenant Governor as referred to in Article 239 AA of the Constitution;

“Lieutenant Governor” means the Administrator of the National Capital Territory of Delhi appointed by the President under an article 239 of the Constitution;

“occupier” in relation to any establishment, factory or premises, means the person who has control over the affairs of the establishment, factory or the premises, as the case may be, and includes, in relation to any substance, the person in possession of the substance;

“Prescribed” means prescribed by rules made by the Government under this Act.

CHAPTER-II

CONSTITUTION OF CETP SOCIETIES AND THEIR FUNCTIONS

3. Constitution of CETP Societies

(1) An Industrial estate either by itself or along with one or more industrial estates in Delhi and any area included in the jurisdiction of any CETP Society or Societies may constitute a CETP society which shall be registered under the Societies Registration Act, 1860 (21 of 1860) and duly approved by the appropriate authority, for the purposes of performing such functions including setting up and operating a CETP for the units in that such industrial estate or estates, as may be entrusted to such society.

(2) Every occupier shall be a member of that CETP Society referred to in sub clause (1).

4. Functions of CETP Societies

The CETP societies shall perform such functions as may be prescribed in the rules made under this Act.
CHAPTER-III

CONSTITUTION, POWERS AND FUNCTIONS OF APPROPRIATE AUTHORITY

5. Constitution of appropriate authority

The Government shall with effect from such date as it may be notification in the official Gazette appoint, constitute an appropriate authority to exercise the powers conferred on, and perform the functions assigned to, that authority under this Act.

6. Functions of the appropriate authority

(1) Subject to the provisions of this Act, the main function of the appropriate authority shall be to recover any unpaid dues from the occupiers in order to ensure the proper setting up operation and maintenance of the CETP within Delhi;

(2) In particular and without prejudice to the generality of the foregoing function, the appropriate authority may perform all or any of the following functions, namely:-

(a) To carry out the apportionment of the cost among the occupiers of the CETP in respect of initial capital cost, recurring cost, operation and maintenance cost.

(b) To recover any due from any occupier in the manner as laid down in this Act:

(c) To take such other steps as may be necessary for the fulfillment of the objects of this Act.

Provided that the society managing the CETP shall be responsible for upgradation and technology of the installed CETP as per future requirements.

7. Levy and collection of apportioned cost

(1) The appropriate authority shall levy and collect from each occupier the apportioned cost in respect of the capital and recurring costs of the CETP.

(2) The apportioned cost shall be payable by each occupier to the person / agency specified by the appropriate authority. The manner of calculation of the apportioned cost as well as collection from each occupier may be as prescribed by rules in this regard.
(3) Every occupier liable to pay the apportioned cost under sub-clause (2) shall furnish to the appropriate authority such returns, in such form, at such intervals and containing such particulars as may be prescribed.

(4) If an occupier liable to pay the apportioned cost under sub-clause (2) fails to furnish any return under sub-clause (3), the appropriate authority shall give a notice requiring such occupier to furnish such return before such date as may be specified in the notice.

8. Power to obtain information

(1) For the purpose of enabling the appropriate authority to perform the functions conferred on it by or under this Act the appropriate authority or any officer empowered by it in that behalf may permit in writing a specific officer or officers in each case to make survey of any area and gauge and keep record of the flow or volume and other characteristics of any effluent and may take steps for the installation and measurement of apparatus and works connected therewith including such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) The appropriate authority may give directions requiring any person, who, in its opinion is discharging effluent to give such information and in such form as may be specified in the directions.

(3) Without prejudice to the provisions of sub-clause (2), the appropriate authority may give directions to any person in charge of any establishment where any industry, operation or process or treatment and disposal system is carried on to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto, in such establishment and such other particulars as may be prescribed.

9. Power of entry and inspection

Subject to the provisions of this clause, any person empowered by the appropriate authority in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place for the purpose of performing any of the functions of the appropriate authority as may be prescribed in rules.

10. Interest payable for delay in payment of dues

If any person fails to pay any amount payable under this Act within the date specified in the order made under sub-clause (2) of Act (7), such person shall be liable to pay interest on the amount to be paid at the rate of one and half
per cent for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid.

11. **Penalty for non-payment within specified time**

    If any amount payable by any person is not paid within the date specified in the order, if shall be deemed to be in arrears and the appropriate authority may after such inquiry as it deems fit, impose on such person a penalty not exceeding the amount in arrears:

    Provided that before imposing any such penalty, such person shall be given a reasonable opportunity of being heard and if after such hearing the appropriate authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this clause.

12. **Recovery of amount due under the Act**

    Any amount due under this Act (including any interest or penalty payable under clause 10 or clause 11, as the case may be) from any person may be recovered by the Government in the same manner as an arrear of land revenue:

    Provided that the appropriate authority may for the reasons to be recorded in writing, allow payment of amount due in installments.

13. **Appeals**

    (1) Any person aggrieved by an order made by the appropriate authority may, within thirty days from the date on which such order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the Government may think fit to constitute:

    Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

    (2) An appellate authority may consist of Financial Commissioner of the Govt. of NCT of Delhi or any other officer of equivalent rank as Chairperson and one expert in the field of public health engineering and one person in the field of Finance or Taxation as members.

    (3) The form and manner in which an appeal may be referred under sub-clause (1), the fees payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

    (4) On receipt of an appeal preferred under sub-clause(1), the appellate authority shall, after giving the appellant and the appropriate authority an
opportunity of being hear, dispose of the appeal within ninety days after first hearing of the appeal.

14. **Maintenance of CETP**

The CETPs shall be operated and maintained effectively and efficiently by the CETP Societies subject to such conditions as may be specified by a notification issued by the Government. In case the Government considers that the CETP society has failed to effectively and efficiently discharge its duties of operation and maintenance then after giving due notice as prescribed by rules the Government may by notification in the Official Gazette authorize any non-government organization, local body or any such other authority, as it may consider fit, to operate and maintain the plant efficiently and effectively.

15. **Delegation of powers by the appropriate authority**

The appropriate authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by such authority officer or person or body of persons as may be specified therein.

16. **Power to give directions**

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, the appropriate authority may, in exercise of its powers and performance of its functions under this Act, issue any directions in writing to any occupier, society, person, officer or authority, and such occupier, society, person officer or authority shall be bound to comply with such directions.

Explanation – For the avoidance of doubts, it is hereby declared that the power to issue directions under this clause includes the power to direct –

(a) the closure, prohibition or regulation of any industry, establishment, operation or process; or
(b) the stoppage or regulation of supply of electricity, water or any other service.
CHAPTER-IV

PENALTIES

17. Failure to comply with directions

(1) Whoever fails to comply with the directions given under sub-clause (2) or sub-clause (3) of clause 8 within such time as may be specified in the direction shall be liable to pay a penalty which may extend up to ten thousand rupees and in case the failure continues, with an additional penalty which may extend up to five hundred rupees for every day during which such failure continues after the imposition of penalty for the first such failure.

(2) Whoever fails to comply with any direction issued under clause 15 shall in respect of each such failure, be liable to pay a penalty which may extend up to thirty thousand rupees and in case the failure continues, with an additional penalty which may extend up to five thousand rupees for every day during which such failure continues after the first such failure.

18. Penalty for certain acts

Whoever –

(a) Obstructs any person acting under the orders or directions of the appropriate authority from exercising his powers and performing his functions under this Act; or

(b) fails to furnish to any officer or other employee of the appropriate authority any information required by him for the purpose of this Act; or

(C) in giving any information which he is required to give under this Act knowingly or willfully makes a statement which is false in any material particular,

Shall be liable to pay a penalty which may extend up to five thousand rupees.

19. Penalty for contravention of certain provision of the Act

Whoever contravention any of the provision’s of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be liable to pay a penalty which may extend up to ten thousand rupees and in the case of a continuing contravention or failure with an additional penalty which may extend up to five hundred rupees for every day during which such contravention or failure continues after the first such contravention or failure.
20. Contravention etc. by companies

(1) Where a contravention of any of the provisions of this Act or failure to comply with any order or direction given under this Act has been made by a company, every person who at the time the contravention or failure was made 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 contravention or failure, as the case may be, and shall be liable to be proceeded against the imposition of penalty accordingly:

Provided that nothing contained in this sub-clause shall render any such person liable to any penalty, if he proves that such contravention or failure, as the case may be, was made without his knowledge or that he exercised all due diligence to prevent the making of such contravention or failure, as the case may be.

(2) Notwithstanding anything contained in sub-clause (1), where a contravention or failure under this Act has been made by a company and it is proved that such contravention or failure has been made 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 or Manager, Secretary, or other officer shall also be deemed to be guilty of that contravention or failure, as the case may be and shall be liable to be proceeded against and imposed penalty accordingly.

Explanation – For purposes of this clause -

(a) “company” means any body corporate, and includes a firm or other association of individuals;
(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER-V

MISCELLANEOUS

21. Local authorities to assist

All local authorities shall render such help and assistance and furnish such information to the appropriate authority as it may require for the discharge of its functions, and shall make available to the appropriate authority for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.
22. **Bar of jurisdiction**

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

23. **Cognizances of offences under this Act**

(1) No court inferior to that of Metropolitan Magistrate shall take cognizance of any offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint filed by the appropriate authority or any officer authorized by him in this behalf.

(3) All offences under this Act will be non-cognizable and bailable.

24. **Power to compound offences**

Any offence under this Act may be compounded by the appropriate authority at any time on payment of such amount not exceeding the amount of penalty imposable under this Act.

25. **Other laws not affected**

The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

26. **Power to make rules**

(1) The Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) prescribing the functions to be performed by CETP Societies;

(b) the manner of calculating the apportioned cost payable and collection thereof from each occupier;
(c) prescribing returns to be furnished to the appropriate authority by every occupier, the form in which such returns shall be furnished and the intervals at which and particulars to be contained in such returns;

(d) furnishing of information, regarding the construction, installation or operation of the establishment or of any disposal system or of any extension or addition thereto and any other particulars where an industry, operation or process or treatment and disposal system is carried on;

(e) prescribing the form and manner in which an appeal may be filed against the orders of the appropriate authority, the fees payable for such appeal and the procedure to be followed by the appellate authority;

(f) prescribing the form of notice to be given to a CETP Society under clause 14 of this Act;

(g) The matters which are to be and may be prescribed under this Act.

(3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of the National Capital Territory of Delhi while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House of the Legislative Assembly agrees in making any modification in the rules or the house agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of non effect, 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.

27. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty;

Provided that no such order shall be made after the expiry of the period of two years from the date on which this Act comes into force.

(2) Every order made under this clause shall, as soon as may be after it is made, be laid before the Legislative Assembly of Delhi.
THE DELHI COMMON EFFLUENT TREATMENT PLANTS RULES, 2001

NOTIFICATION

No.F.7(99)/CETP/2000/CI/409, dated 22nd May, 2001. – In exercise of the powers conferred by section 26 of the Delhi common Effluent Treatment Plants Act, 2000 (Delhi Act N. 7 of 2000), the Government of the National Capital Territory of Delhi hereby makes the following rules, namely :-

1. **Short title and commencement**

   (1) These rules may be called the Delhi Common Effluent Treatment Plants Rules, 2001.

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

2. **Definitions**

   In these rules, unless the context otherwise requires-

   (a) “Act” means the Delhi Common Effluent Treatment Plants Act, 2000 (Delhi Act No. 7 of 2000);

   (b) appellate authority” means an authority consisting of Financial Commissioner of the Government of National Capital Territory of Delhi or any other officer of equivalent rank appointed by the Government by notification in the official Gazette as Chairperson and one expert in the field of public health engineering and one person in the field of finance or taxation as members appointed by the Government by notification in the official Gazette as its members;

   (c) “apportionment cost” means the share of the capital cost and recurring cost of a CETP payable by an occupier;

   (d) “apportioned of the cost” means the distribution of cost of a CETP among the occupiers of an estate as per formula;

   (e) “appropriate authority” means the Commissioner of Industries of the Government of National Capital Territory of Delhi or any other officer not below the rank of a Joint Director of Industries, Delhi, authorized by him from time to time in this regard;
(f) ‘defaulter’ means any occupier including a CETP society for defaulting in payment of CETP of the rules;

(g) “dues” means any balance amount payable by an occupier towards the cost of setting up of a CETP, operation and maintenance of CETP within Delhi;

(h) “estate” means any industrial area or estate established in Delhi for the industrial and commercial use;

(i) ‘Form” means a form appended to these rules;

(j) “recurring cost” means annual cost incurred in operation and maintenance of a CETP;

(k) “Schedule” means a Schedule appended to these rules;

(l) “Section” means a section of the Act;

(m) words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Functions to be performed by CETP Societies under section 4**

The following functions shall be performed by the CETP Societies, namely :-

(i) To obtain requisite information in writing from an occupier in Form-I with regard to his establishment of industry and to have a right at any time to confirm the same by entering any place / premises for determining the nature of activity, operation or process of industry and other information / data.

(ii) To issue demand letter to the occupier of a factory premises for deposit of apportioned cost of CETP in Form II.

(iii) To collect contributions from industries located in the estate towards the cost of construction, maintenance, operation and upgradation of CETP.

(iv) To manage, maintain and operate the CETP in accordance with the prescribed standard of the Environment (Protection) Act, 1986 (29 of 1986), the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(v) To upgrade technology of the installed CETP as per future requirements

(vi) To arrange CETP funds by way of contributions, grants or loan with or without security or on the security of a mortgage charge or on hypothecation or pledge of overall or
any of the immovable or movable properties / stores / consumables belonging to the CETP Society.

(vii) To make purchases of immovable or movable assets / machinery, equipments, consumables, chemicals. Stores, etc.

(viii) To maintain and keep proper records of all inventories, stocks, consumables, chemicals; stores, etc.

(ix) To enter into agreements with financing institutions and contractors and take any or all appropriate measures to construct, operate and maintain CETP for controlling pollution.

(x) To obtain the necessary clearances which are required under the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 or under any other Act / Rules relevant to the subject.

(xi) To open and maintain account for construction, operation and maintenance of the CETP in which all contributions from the occupiers / industries, subsidies / grants received from the Government towards capital costs, and loan, if any raised by it from financial institutions shall be accounted for.

(xii) To furnish the details relating to collection of apportioned cost from the occupiers to the appropriate authority in Schedule-I.

(xiii) To allow entry and inspection of the CETP and related installations / offices / documents, stocks, consumables. Stores, etc. to the officers of the authorities / local bodies who are required to carry out routine check up / inspection, lifting of sample for the purpose of ensuring compliance of various standards under the laws.

(xiv) Not to deviate, after, take on major renovation / modifications / expansion of the originally planned CETP without obtaining the prior consent of the appropriate authority and the clearance from the local pollution control authority, that is to say, Delhi Pollution Control Committee.

(xv) To take over from the constructing agency, the CETP, after the constructing agency has undertaken a trial run thereof and has ensured that the discharge effluent meets the standards prescribed under the law and duly certified as such by Delhi
Pollution Control Committee and also to take over from the constructing agency all assets and liabilities along with all technical details / documents / accounts, etc. in respect of the CETP for maintaining accounts of expenditure incurred on the project.

4. **Manner of apportionment of the CETP cost**

The apportionment of the CETP cost under clause (a) of sub-section (2) of section 6 shall be as under :-

1. **Apportionment of capital cost of CETP**:

   (A) The capital cost of CETP includes cost of land, electricity installation, conveyance system in an estate and cost of construction of the CETP which shall be apportioned as under :-

   (i) Cost to be paid by the Government of National Capital Territory of Delhi 25 per cent.

   (ii) Cost to be paid by the Government of India 25 per cent.

   (iii) Cost to be paid by the industrialists of the estate 50 per cent.

   (B) The capital cost among the occupiers shall be apportioned in accordance with the formula given in Schedule-ii

   **II. Apportionment of recurring cost**:

   A. The recurring cost of the CETP shall be completely ................. by the occupiers in the estate.

   B. The recurring cost among the occupiers shall be apportioned in accordance with the formula given in Schedule –II.

5. **Manner of collection of the CETP cost**

The collection of the CETP cost shall be made in the following manner namely :-

   (i) To collect the cost as apportioned by the appropriate authority, the CETP Society or the body authorized under sub-rule (3) of rule 9 (hereinafter referred to as “the authorized body”), as
the case may be, shall issue a demand letter to the occupier / person in Form-II.

(ii) The person / occupier to whom the demand letter has been served shall deposit the dues with the CETP Society or the authorized body, as the case may be within the specified period.

(iii) In the event of failure or refusal to pay the apportioned cost by any person(s) / occupier(s), a consolidated list of such defaulter(s) with details of dues against them shall be made available by the CETP society or by the authorized body, as the case may be, to the appropriate authority every month in Schedule-III.

(iv) The appropriate authority may initiate, recovery proceedings against such occupiers who are listed in defaulter’s list by a CETP Society or by the authorized body, as the case may be, by issuing notice in Form –III.

6. Furnishing of information and returns to the appropriate authority

(1) Every occupier shall furnish a return on quarterly basis in Form-I to the appropriate and any such information as required by the CETP Society or by the authorized body, as the case may be, for the purpose of carrying out its functions under the Act.

(2) Every CETP Society / authorized body shall furnish an information and any such return(s) as are require by the appropriate authority or officer authorized by it for the purpose of performing its functions under the Act.

(3) The appropriate authority or the officer so authorized by the appropriate authority shall, at all times, have access to all books, accounts, papers, vouchers and other property of the CETP society / authorized body and may in the event of serious irregularities discovered during inspection, take them into possession and shall have power to verify the cash balance of the CETP Society / authorized body.

7. Procedure for recovery of dues as arrears of land revenue and other action under section 7 and section 12.

Any sum apportioned by way of cost under rule 4 and rule 5 may be recovered by adopting the following procedure :-
(a) Upon receipt of the defaulters list from a CETP society, the appropriate authority may issue a notice of recovery in Form III to an occupier calling upon him to pay the dues by the specified date failing which proceedings of recovery of dues, closure of industry, stoppage of power and water supply may be initiated against him.

(b) Where an occupier refuses to pay his dues or he does not file any objection in writing or if objection filed by him is not found tenable by the appropriate authority, the appropriate authority may proceed further and pass an order in Form-IV.

(c) For affecting the recovery of dues from an occupier / defaulter through the office of the Collector, appropriate authority shall furnish a certificate in Form V to the Collector requesting him to recover the dues as arrears of land revenue. This shall be done after the expiry of the appeal period of thirty days and ensuring that no appeal is lying before the appellate authority against the order of the appropriate authority under clause (b) above.

(d) The Collector on receipt of a certificate under clause © above shall initiate recovery proceedings against the defaulter in accordance with the law.

8. Procedure in appeals under sub-section (3) of section 13

(1) An appeal under section 13 of the Act shall be legible handwriting, preferably typed, in Form-VI and shall be accompanied by a copy of the order appealed against together such of the documents as are required to support grounds of objection mentioned in the appeal.

(2) Every appeal shall set forth concisely under distinct heads the grounds of appeal and such grounds shall be numbered consecutively.

(3) An appeal preferred by any occupier shall be accompanied by fee of five thousand rupees by a Bank draft drawn in favour of the appellate authority, payable at…………………..

(4) The appellate shall submit four copies of the appeal to the appellate authority for official purpose.

(5) On receipt of an appeal and after calling for and perusing the record of the proceedings before the appropriate authority, if deemed necessary, the appellate authority shall appoint a time and
place for the hearing of the appeal and shall give notice thereof to
the appropriate authority against whose orders the appeal is
preferred, to the appellant.

(6) On the date of hearing or on any other day to which hearing
may be adjourned, it shall be obligatory for the appellant or his
authorized representative to appear before the appellate authority.
If the appellant or his authorized representative fails to appear on
such date, the appropriate authority may, in its discretion, either
dismiss the appeal or decide ex parte on merits. If the respondent
(appropriate authority) or his authorized representative fails to
appear on such date, the appellate authority shall proceed ex parte
and decide the appeal on merits of the case. –

(7) The appellate authority, after considering the objections of
the appellant as well as records and submissions made by the
appropriate authority, shall dispose of the appeal within ninety days
after first hearing of the appeal.

9. Form of notice to be given to a defaulting CETP Society under
section 14

(1) When the appropriate authority under section 14 has
reasonable cause to believe that the CETP society has failed to
effectively and efficiently discharge its duties of operation and
maintenance of the CETP(s), then, it shall issue a notice by
registered / speed post in Form-VII to the CETP Society at its
registered address.

(2) If the appropriate authority receives reply from the CETP
society within fifteen days from the date of the posting of the notice,
it shall, after considering the submissions of the CETP society as
well as the material on record pass an order.

(3) At the expiration of the time mentioned in the notice issued under
sub-rule (1), above, the appropriate authority, shall unless cause is
shown previously by the CETP Society, publish notice thereof in the
official Gazette, authorizing any non-government organization, local
body or any such other authority as it may consider fit, to operate
and maintain the CETP efficiently and effectively.

10. Directions

(i) Any direction issued by the appropriate authority under the
Act / rules shall be in writing.
(ii) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person / occupier, officer or the authority to whom such direction is given.

(iii) When the direction / order is for the closure / sealing / auction of an industry process or operation or stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and issued ............... officer or an authority a copy of the direction shall also be enclosed to the occupier of the premises industry operation or process and issued to an officer or an authority, a copy of the direction shall also be endorsed to the occupier of the premises / industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the provisions of the Act.

Provided that no opportunity of being heard shall be given to the occupier if he has already been heard earlier and the direction for the stoppage or regulation of electricity or water or closure / sealing / auction of an industry was the resultant decision of the Government, appropriate authority or the appellate authority as the case may be after such earliest hearing.

11. Manner of service of notices and orders

(1) Every notice or direction or order to be issued under the Act shall be deemed to be duly served if the notice / order is addressed in the name of the person / occupier at his / its registered office or at its principal office or place of business and is either sent by registered post or speed post or delivered at the registered office / premises / place of business of that occupier / person.

(2) Where the copy of the notice or the order is delivered, the signature of the person to whom the copy is so delivered shall be obtained in token of acknowledgment of the service.

(3) Where the person / occupier refuses to sign the acknowledgement, or when such person cannot be found after using all due and reasonable diligence, a copy of the notice or the order, as the case may be, shall be affixed on the outer door or some other conspicuous part of the place of business and the original shall be returned to the authority who issued the notice or the order, as the case may be, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the
circumstances under which it was done so and the name and address of the person in whose presence the copy was affixed.

(4) Where the copy of the notice or the order issued by any authority under any of the provisions of the Act cannot be served in the manner provided in this rule, the authority, if thinks fit, may direct that such notice or order, as the case may be, shall also be published in, at least, one newspaper having circulation in the locality and he may also proclaim the contents of any notice or order in the locality by beat of drum.

FORM –I
[See rules 3 (i) and 6 (1)]

Information / returns to be furnished to the CETP Society / appropriate authority under section 8 of the Delhi Common Effluent Treatment Plants Act, 2000.

Return for the period from ………………………….. to ………………………

1. Owner / Lessee of the industrial plot:
2. Name & Address of the occupier(s):
3. Area of the plot:
4. Number of occupiers / tenants on the plot:
5. Area occupied by occupier / tenant
6. Horse Power of pumps installed on tubewells of an occupier:
7. Number of workers:
8. MCD water supply on the plot per month in Kiloliters:
9. Item of Manufacturing.
10. Brief manufacturing / assembling process:
11. Type of industrial effluent discharged

1. Volume in Kilolitre per day;
2. Solid waste in Kg. Per day:

The above statements are true to the best of my knowledge and belief.

Date……………….                  Signature

Name of applicant / occupier
Status in the unit

Note: Every occupier has to submit Separate Performa.
FORM-II
[See rules 3 (ii) and 5 (i)]

DEMAND LETTER

To

M/s Sh./ Smt…………………………
………………………………………
………………………………………

Subject: Payment of apportioned cost of the CETP.

Sir,

M/s………………… is an occupier of the premises no. …………………. Industrial Estate. In your industry, operation or/ process , pump load is …………………..H.P. Plot area is …………………………………. Sq. mt. Average water supply is ……………………………..kilo liters / month, No. of labour is ……………………………..and nature of activity falls under highly polluting / medium polluting / low polluting activity.

Considering the above inputs / requirements, the cost of CETP has been apportioned by the appropriate authority in accordance with formula given in Schedule II of the Common Effluent Treatment Plants Rules, 2001. Accordingly, you are required to pay a sum of Rs….. …………………(rupees …………………..) only for the period from ………………….to ……………………..on account of your share / contribution towards capital cost / recurring cost of the CETP on or before …………………….. The above dues may please be deposited in this CETP Society account no............at...............branch or directly in the office of this society on any working day. The acknowledgement of this Demand letter may please be confirmed.

Yours faithfully

(                         )
General Secretary
CETP Society / Authority
FORM-III
[See rules 5 (iv) and rule 7 (a)]

Notice under clause (b) sub-section (2) of section 6 and section 16 of Delhi Common Effluent Treatment Plants Act, 2000.

To

M/s. / Sh./ Smt. ........................................

..................................................

..................................................

Whereas I, the undersigned, am satisfied that you are an “occupier” of premises no. ................................ in ..........................Industrial estate.

And whereas in exercise of the powers conferred on me by clause (b) of the sub-section (2) of section 6 of the Delhi Common Effluent Treatment Plants Act, 2000, I consider that apportioned cost of Rs. .............................................................. (Rupees ..................................................) are due for the period(s) and at the rate(s) shown in the Table below on account of your contribution in respect of the capital cost / recurring cost / annual operation and maintenance cost of CETP in the Estate.

And whereas in exercise of the powers conferred on me by section 10 of the Delhi Common Effluent Treatment Plants Act, 2000, I consider that you are also liable to pay interest to the govt. / statutory authority / CETP society on the said arrears at the rate of one and half percent for every month or part of the month comprised in the period till its final payment.

Now, therefore, under the provisions of clause (b) of sub-section 6 read with section 7 and section 16 of the said Act, I hereby call upon you to show cause on or before ........................................... why an order requiring you to pay the said dues together with interest, an order to close down your industry, stop supply of electricity and water should not be made.

<table>
<thead>
<tr>
<th>Table</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Details of period</th>
<th>Apportioned cost</th>
<th>Paid</th>
<th>Balance in arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature and seal of the Appropriate Authority

Copy forwarded to the Authorities / Local bodies
FORM-IV
[See rule 7 (b)]
Order under sub-section (2) of sections 6 and section 7 of the Delhi Common Effluent Treatment Plants Act, 2000.

To
M/s./Sh./Smt.…………………………
…………………………………………
…………………………………………

Whereas I, the undersigned, am satisfied that you are an “occupier” of premises no. ……………………… in………………………..Industrial Estate.

And whereas by a written notice No. …………………….dated ………………….you were called to show cause on or before ……………………why an order requiring you to pay dues to Rs. …………………….together with interest should not be made;

And whereas I have considered your objection (s) and / or the evidence before the said date.

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of section 6 of the Common Effluent Treatment Plants Act, 2000, I hereby order you to pay the sum of Rs ……………………. (rupees ……………………. apportioned by me as the CETP dues on or before ………………….

In exercise of the powers conferred by section 10 of the said Act, I hereby further require you to pay interest at the rate of one and half per cent every month or part of the month on the above sum w.e.f. ………………….till its final payment within the aforesaid period.

In the event of your refusal or failure to pay the said dues or any installment thereof, within the aforesaid period, the amount shall be recovered as an Arrear of Land Revenue and other action as mentioned in the said notice will be liable to be taken against you by the respective authorities / local bodies.

Signature and sent of the Appropriate Authority

Date:
Copy forwarded to the Authority / Local Bodies for taking necessary action relating to recovery of dues, stoppage of supply of electricity, water and other services and closure of industry.
FORM –V

[See rule 7 (c )]

Certificate under section 12 of the Delhi Common Effluent Treatment Plants Act, 2000 from the Appropriate Authority to the Collector.

This is certify ................................ that an amount of Rs. .................................(Rupees ..................................................) is due to the Government / statutory authority / CETP Society from M/s ...................................in respect of ................................................for the period from ........................................to.................................on account of the apportioned cost of the CETP and the interest thereupon.

In pursuance of section 12 of the Delhi Common Effluent Treatment Plants Act, 2000. I, ..........................................., as the Appropriate Authority require you to proceed to recover the above due as Arrears of Land Revenue.

Date: ................................ Signature and seal of the Appropriate Authority

FORM–VI

[See rule 8 (1)]

Appeal under sub-section (3) of section 13 of the Act to be made by an occupier before appellate authority and to be submitted in six copies)

To

The Appellate Authority (Financial Commissioner)
Govt. of NCT of Delhi

Subject : Appeal against the order of Appropriate Authority under sub-section (3) of section 13 of Delhi CETP Act, 2000.

Sir,

We are filing this appeal on the basis of grounds as narrated in the Table below, against the order no. ................................. dated
This appeal contains the following documents:-

(i) Grounds of objections to the order in the said Table.

(ii) Copy of order no. .................. dated ...................... against which this appeal is preferred.

(iii) Appeal fee of rupees five thousand vide Bank draft / Bankers cheque No...........dated ...............drawn at branch....................

(iv) Copy of supportive documents in respect of grounds preferred in appeal under the said Table.

Place............
Dated....................

Signature of Appellant

Table

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Reasons / grounds in the order Of Appropriate Authority</th>
<th>Grounds of objections to be given by the Appellant</th>
</tr>
</thead>
</table>

Place............... 
Date............... 

Signature of Appellant

FORM-VII

[See rule 9(1)]

Notice under section 14 of the Delhi Common Effluent Treatment Plants Act, 2000

To

The CETP Society

.................

.................

.................

Whereas the above named society was constituted under section 3 of the Delhi Common Effluent Treatment Plants Act, 2000 and designated by the government of NCT of Delhi in .........................Industrial Estate for performing all the functions as prescribed under rule 3 of the Delhi Common Effluent Treatment Plants Rules 2001.

And whereas it is obligatory on the part of the CETP society under section 14 of the said Act to operate and maintain the CETP effectively and efficiently.
And whereas it has been brought to our notice by the ................. (name of Law enforcing agency / Local body ) that the CETP society has failed to perform the aforementioned functions required under the said Act / Rule (violations may be elaborated herein).

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 9 read with section 14 of the Delhi Common Effluent Treatment Plants Act, 2000. I hereby call upon you to show cause on or before the .................as to why you have failed to discharge your duties of operation and maintenance and as to why the Government should not derecognize you, and should not take over the possession of the CETP, and / or should not hand over the CETP to any NGO / Local Body / othr authority as it deem fit, to operate and maintain the plant efficiently and effectively.

In the event of your failure to reply to this notice within the said period, it would be presumed that you have nothing to say in this regard and action as proposed above will be taken without affording any other opportunity to you.

Date.....................

Signature and seal of the
Appropriate Authority
SCHEDULE –I
[See rule 3 (xii)]

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>PLOT NO.</th>
<th>NAME OF OCCUPIER</th>
<th>APPORTIONED COST IN RUPEES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total payable paid Balance (dues)</td>
</tr>
</tbody>
</table>

Signature of the General Secretary
Of the CETP Society

SCHEDULE –II
(See rule 4)

Formula for cost apportionment to all units existing in industrial estates:

\[
C_p(i) = \frac{Pop(i)}{E \text{Pop}} \times 0.4 + \frac{Ws p(i)}{E \text{swp}} \times 0.3 + \frac{Labp (i)}{Elabp} \times 0.2 + \frac{Lap (i)}{Elap} \times 0.1 \times Cs + C_f (i)
\]

Where,

- \(C_p(i)\) = Cost to be shared by units located on plot (i)
- \(Cs\) = Total cost to be raised by the industrial estate
- \(Pop(i)\) = Total Horse power of pumps installed on tubewells in plot (i)
- \(E \text{Pop}\) = Total Horse power of pumps installed on tubewells in the Estate
Wsp(i) = MCD water supply to plot (i) Kilolitres /month
EWsp = Total MCD water supply to the Estate, Kiloliter /month
Lap(i) = Area of the plot (i) Sq. mt.
ELap = Total area of the plots in the Estate Sq. mt.
Labp(i)= No. of labours working in plot (i)
ELab p= Total no. of labours working in the Indl. Estate
Cf(i) = Additional fixed cost to be paid by plot owner (i) depending on the nature of activity carried out in the plot such as:

(i) Highly polluting activities = Rs. 10,000/-
(ii) Medium polluting activities = Rs. 5,000/-
(iii) Low polluting activities = Rs. 2,000/-

A. Highly polluting activities pickling = 10,000
   Pickling
   Electroplating / anodizing
   Chemical manufacturing
   Pharmaceutical manufacturing
   Soap and detergent manufacturing
   Paint / varnish / dye manufacturing
   Rubber / Plastic reprocessing
   Similar industries as per DPCC classification

B. Medium polluting activities = 5000
   Cloth Dyeing & printing
   Food processing
   Meat processing
   Foam manufacturing
   Automobile service stations
   Laundry and dry-cleaning
   Similar industries as per DPCC classification

C. Low polluting activities
   Wire drawing
Activities resulting in only cooling water generation
  e.g. Cold & hot rolling
  Printing press
  Similar industries as per DPCC classification

Industries, where a functional ETP exists meeting prescribed standards, will be treated at par with dry industries and in such cases, only land and labour coefficients of above equation will be operative.

SCHEDULE-III

[Sea rule 5(iii)]

Schedule of defaulters under clause (iii) of rule 5 read with section 8 of the Delhi Common Effluent Treatment Plants Act, 2000.

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>PLOT NO.</th>
<th>NAME OF OCCUPIER</th>
<th>APPORTIONED COST IN RUPEES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total payable</td>
</tr>
</tbody>
</table>

Signature of the General Secretary of the CETP Society