

“ജലം ജീവാതം”



E-mail: kwa.rmc@gmail.co
Website: <http://www.keralawater.org>

Tel: 91-0471-2328654
Fax: 91-0471-2324903

KERALA WATER AUTHORITY

Jala Bhavan
Thiruvananthapuram-695 033
Kerala, India.

No.KWA/HO/RMC/R1/500/2019

Dated: 05/02/2020

CIRCULAR

Sub: KWA-RMC-District Level Revenue Adalath, Connection Melas 2019-20 and settlement of unidentified connection - Streamlining of procedures - Direction issued - reg.

Ref: Resolution No.10833 of the 409th Authority Board meeting held on 17.05.2019.

The Authority in its meeting held on 17.05.19 had decided to conduct District Level Revenue Adalath, Connection Melas and settlement of unidentified connection in the fourteen Districts of the state in connection with Kerala Water Authority's endeavor to improve relationship with the consumers. The objective of the Adalath is

- (a). To provide an opportunity to the consumers, who had become defaulters due to non settlement of complaints regarding availability of water or due to complaint regarding the assessment of water charges for the previous periods, to come forward and settle their dues through mutual negotiation and thereby become regular payers of water charges.

- (b). To take necessary arrangements for giving water connection on the spot to those consumers who have applied for during the Revenue Adalath / Connection Mela.
- (c). To make the figures in DCB realistic by removing the bad debts appearing in DCB after ensuring that the water charges of unidentified / disconnected connections are not realizable / non realistic demand.

The procedures to be followed in the conduct of Adalath and tentative schedule are appended to this circular.

The Chief Engineers, Superintending Engineers and Executive Engineers are requested to go ahead with the arrangements, required for the Adalath in their respective regions, Circles and Divisions. In view of the above, following directions are issued for compliance by all the concerned officers.

1. The Superintending Engineers will be the nodal officers of the Adalath. They should identify the suitable venue for the Adalath, in consultation with the Regional Chief Engineers and Executive Engineer and inform the same to the Head Office for the final approval. The Superintending Engineer should arrange advance booking of the identified venue, after finalizing the dates. Accounts Officers of the Circle Office should assist the nodal officer for the smooth conduct of Adalath.
2. The Superintending Engineer shall make necessary arrangements to give wide publicity to the Adalath through Print / Audio / Visual and Social Media and through other effective means.
3. The Advertisement / notice / press release should invariably mention as to whom the application is to be filled, the last date for filing of application etc. The last date should be fixed in such a manner that there is sufficient time to process the application.
4. The Superintending Engineers should convene a pre-meeting with his subordinate officers to evaluate the arrangements made in regard to conduct of the Adalath, preferably 5 days before the schedule date of Adalath.

5. The Superintending Engineers should arrange to issue pre-printed stationary (forms) for the preparation of report and for the issue for Adalath decision on the spot. Uniformity of procedure and forms should be ensured, as far as possible. Specimen copy of the Adalath forms / Report is attached.
6. The Revenue Adalath applications by consumers shall be filed before the Assistant Executive Engineer under whose jurisdiction, the applicant is a consumer.
7. The receiving officer (AEE) shall arrange scrutiny of the application and place a convincing report before the Adalath bench / Sub bench, as the case may be. The report should be self explanatory and should include a brief account of the complaint followed by the observations of the MI / MR, HC / JS, Assistant Engineer / Assistant Executive Engineer. The observations / recommendations made should be supported by necessary documents or field reports as the case may be.
8. The Sub Bench, based on the report / recommendations should take a decision in the case, as mentioned in the approved guidelines or should refer the case to the full bench with proper recommendations.
9. The report containing the observations, recommendations and draft decisions should not be disclosed to public or others, before or after the Adalath, unless special situations warrant so.
10. The Executive Engineers should make necessary arrangements to facilitate on the spot collection of water charges or other miscellaneous charges from the consumers coming forward to remit the same, then and there.
11. After the close of the Adalath, each Executive Engineer should prepare and furnish a report showing the following details to the Superintending Engineer, who in turn, should furnish a consolidated report to Head Office.

Sl.No	Name of Sub Division	No. of petitions registered	No. of petitioners turned up	No. of petitions settled	No. of petitions unsettled	Amount Collected

12. A register should be maintained in Sub Division and Division office regarding each consumers attended for Adalath, the amount to be waived and the action taken in the Adalath etc.
13. The Superintending Engineer should arrange for a press release regarding the Adalath immediately after closing the Adalath.
14. The procedural guidelines appended should be taken care with due diligence. This should only be made available of Kerala Water Authority officials responsible for reporting or recommending on petitions received.

The guidelines and procedures to be followed in connection with the Adalath, Connection melas and settlement of unidentified connections etc. and the tentative dates are appended herewith.

I appeal to all officers and members of staff to whole heartedly co-operate in this endeavor to make it a "Grand Success"

MANAGING DIRECTOR

To,

All Chief Engineers

All Superintending Engineers

All Executive Engineers

Copy to: PA to MD / TM / AM / CE (HRD & GL) / DBA

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**Finance Manager &
Chief Accounts Officer** *2/2*

CONSTITUTION OF ADALATH BENCH AND GUIDELINES FOR CONDUCTING ADALATH – 2019-20

HIGHER ADALATH BENCH

1. FM & CAO
2. Chief Engineer of concerned region.
3. Superintending Engineer of concerned Circle

SUB ADALATH BENCH

1. Executive Engineer
2. Revenue Officer / Divisional Accountant
3. Assistant Executive Engineer

GUIDELINES FOR CONDUCTING ADALATH

1. NATURE OF COMPLAINTS

1. Excess metering and billing due to hidden leakages.
2. Billing during the period, during which water was not supplied to a particular area.
3. Wrong / Excessive computation of PIC while the meter was not working.
4. Conversion of domestic to non-domestic category without any valid reasons/or for periods during which such consumption was not made.
5. Non conversion of special connection even after completion of construction.
6. One time settlement to non-domestic consumers (only for fresh cases)
7. Mistakes in bills.
8. Excessive Surcharge on account of not working meters.
9. Arrears due to over run of water meter.

2. POWER OF THE ADALATH BENCH

1. The bench has unlimited powers and to be delegated the Bench to waive or write off any water charges claimed in excess and waiver of penal interest and surcharges on non-working meters based on merit of the petitions.
2. The Sub Bench shall be authorized to exercise the powers stated (1) above in cases of Domestic consumers involving waiver up to Rs.20,00,000/- (Twenty Lakh Only) and Non Domestic consumers involving waiver up to 5,00,000/- (Five Lakh Only) based strictly on the factors for computing water charges mentioned below.

3. In any case no further approval is required from the Head Office. All cases came before the Adalath should be settled in spot and to be waived in the eAbacus instantly. The consolidated list of cases and the amount waived to be submitted to Head Office for placing before the Board within 15 days from the date of Adalath.

3. FACTORS FOR COMPUTING WATER CHARGES

1. If water is not available to a particular area for a long period, the Water Supply Connection can be disconnected. But the consumer would have to apply for new connection when water is made available subsequently. In case the consumer is willing to pay water charges at minimum rates without fine, then the connection could be treated as live.
2. In cases of genuine leakage cases, leakage benefit can be granted as per Order No. KWA/HO/RMC/R4-001/2016 dated 26.09.2016. This benefit is however restricted only to domestic consumers. The pattern of consumption before and after the period of occurrence of leakage should be considered for this purpose. This benefit should be limited to once in 10 years to a consumer.
3. In case of excessive or wrong computation of average, meter over run it shall be recalculated considering the no. of occupants, supply to the area etc and the meter shall be replaced.
4. Water charges computed at non-domestic rate without sufficient grounds can be recalculated @ domestic rate.
5. For delayed conversion of special casual connection, conversion shall be allowed from the date of obtaining building number and the water bill may be recalculated. Renewal fee and connection charges shall be applicable.
6. For One Time Settlement 12% simple interest and 50% of the surcharge should be taken for calculation.
7. In the case of dispute in water charge for which litigation is pending, priority shall be given for settlement. For court cases, if the consumer is willing to settle the dispute, top priority shall be given for settling such cases. Mutual consent shall be obtained for withdrawing case from respective court. The decisions of the Adalath should be complied within one month of the Adalath otherwise the decision shall be treated as void.

8. Those connections which were disconnected before 3 years and initiated Revenue Recovery action only on later stage (3 years or more) – in which amount of fine mounting more than 100% of the actual amount due at the time of disconnection. Special effort to be made to settle such complaints by limiting the amount to a maximum of 100% of the actual amount due at the time of disconnection. The charges incurred for Revenue Recovery initiation and amount, if any to be paid to Revenue Department, has to be charged.

4. PROCEDURES TO BE FOLLOWED

1. Wide publicity shall be arranged at least one month in advance informing all consumers about the Adalath requesting the consumers to file their complaints with in a particular date to the concerned Assistant Executive Engineers.
2. Notices shall be issued to all individual consumers who have not paid water charges for more than 6 months or having arrears of water charges Rs.25,000/- and more.
3. A committee should be constituted with RO / DA, Revenue JS / HC, MI / MR, concerned Assistant Engineers and Assistant Executive Engineers upon inspection should verify each complaint and submit reports. The committee should ensure the complaints with relevant records and wherever felt necessary, prepare a report on their findings and forward the same to the Executive Engineer.
4. The Executive Engineers shall examine the report with relevance to the documentary evidences and site reports and make their recommendations to the Adalath Bench.
5. Sub Committees shall be formed for disposing complaints at the Executive Engineer level. This committee shall consist of the Executive Engineer, Revenue Officer, Assistant Executive Engineer, Assistant Engineers concerned. This committee shall verify and decide upon cases which are related to domestic consumer do not involve waiver of water charges or interest above Rs.5,00,000/-
6. All issues which are of a serious nature, shall be referred to the Higher Adalath Committee consisting of the FM & CAO, Chief Engineer and Superintending Engineer.
7. Decisions taken shall be communicated to the consumers on the spot. As far as possible, the waiver of water charges may be effected then and there and

provision for payment shall be arranged. The decision shall be communicated with a clause that water payment shall be paid within 30 days of the Adalath, the decision will be treated as void.

8. All Adalath decision should be recorded; the financial adjustments worked out and reported to the concerned Chief Engineer and Head Office.
9. Compliance report shall be submitted by the Chief Engineer within 15 days of the conclusion of the Adalath for placing before the next meeting of the Authority.
10. Permanent Disconnections if any concurred by the Adalath Committee shall be executed within 10 days of the decision and a compliance report shall be furnished by the concerned Assistant Engineer, who shall be personally responsible for the physical disconnection through his controlling officer.
11. Cases under the active consideration of the judiciary / cases of revenue recovery shall be marked as such and placed separately before the Adalath Bench.
12. Signature of all Adalath Bench members shall be recorded on the final decision of the Adalath Committee and kept in safe custody by the Executive Engineer.
13. If required on unavoidable circumstances, 30% of the settled amount shall be paid as 1st installment and the balance amount in 4 equal instalments.

5. GENERAL CONDITIONS

1. Only fresh petitions / complaints should be entertained in the Adalath. Petitions that are came up for consideration in the previous Adalaths, due to unavoidable circumstances not complied the Adalath decisions shall be allowed to register the complaint in the Adalath. ***But once the petitions considered and settled in the previous Adalaths and there after if no payments made and willfully waiting for new Adalath shall not be entertained again for filing fresh application.***
2. Settlement involving waiver / write off above Rs.20,00,000/- of domestic consumers and above Rs.5,00,000/- of Non Domestic consumers should be settled only by the Adalath Bench and not by the Adalath Sub Bench.
3. Settlement of complaints of all Industrial consumers should be referred to the Adalath Bench irrespective of the amount to be waived / written off.
4. Any particular cases that come up for consideration which is not prescribed in the nature of complaints should be referred to the Adalath Bench.
5. Facilities should be made to communicate on the spot decision to the petitioner and arrangements may be made to receive the settlement amount during Adalath itself.

6. Accounts Officer should assure that a register showing all details regarding the complaint, settlement etc should be maintained at appropriate level.
7. Arrangements should be made to issue press release immediately on closing of the Adalath.
8. All arrangements for conducting the Adalath should be made well in advance of the Adalath day and the venue fixed may be reported prior to 10 days of the Adalath date.
9. 15 days time should be allowed to consumers for filing petitions.
10. A massive attempt to be made to settle the unidentified connection in a phased manner.



FOR MANAGING DIRECTOR

GUIDELINES FOR SETTLING UNIDENTIFIED CONNECTIONS

1. NATURE OF CONNECTION TO BE TREATED AS UNIDENTIFIED

(PHASE-I)

1. Those connections in which no reading has taken or the consumer remitted any amount as water charges for the last 20 years.
2. The connections which are given as "Test Connection" while implementing the e-Abacus.
3. The connections which are permanently disconnected but wrongly included in the system during the data entry.
4. Non existing government connections for the last 15 years.

2. PROCEDURES ADOPTED FOR UNIDENTIFIED CONNECTION

1. The details of these connections shall be verified with the connection register, agreement register and other related records by Overseer, HC/JS (meter reading book, route book etc) and the details so obtained from the office records, should be reported to the Assistant Engineer with specific remarks of each officer.
2. The Assistant Engineers shall inspect the site along with the concerned Meter Reader/Meter Inspector and conduct a local enquiry (from public / local leaders or from the postal department etc) to find out the existence of such connections. If, on enquiry, it is found the connection is non-existent, the Assistant Engineer along with the inspecting officer shall make a joint inspection report on the nature of the connection and along with the report of HC/JS/Overseer shall forward then to the Assistant Executive Engineer. In case, it is found that the connection is identifiable and existing, then the present consumer details may be collected and the consumer may be informed.
3. Assistant Executive Engineers, if necessary conduct field enquiry and report the facts to the Executive Engineers that "the connections existed in office records are non-existing in field enquiry."
4. Executive Engineer upon receipt of this report should convene a meeting with Revenue Officer, AEE, AE & HC/JS and discuss each issues separately, if necessary inspect the site and with specific remarks of EE/RO report the same to Superintending Engineer.

5. In SE office level these reports should be discussed with EE/RO/AEE along with Accounts Officer and with the specific remarks of SE/AO, submit to Adalath bench for further action.
6. A register should be maintained in Sub Division and Division office regarding the details of each unidentified connections and the amount to be waived and the action taken in the Adalath.

MANAGING DIRECTOR

To,

All Chief Engineers

All Superintending Engineers

All Executive Engineers

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**Finance Manager &
Chief Accounts Officer** *u*

Original

REVENUE ADALATH 2019-20

KERALA WATER AUTHORITY

P.H CIRCLE.....

No.....

Phone No.

Mob No.

Place and Date of Adalath :

1 Petition Receipt No. :

KWA/PHC/.....

2 (a) Name and Address of the Petitioner :

(b) Contact No. :

(c) Consumer No. :

3 Description of complaint :

DECISION OF HIGHER ADALATH BENCH :

Superintending Engineer
P H Circle

Chief Engineer
..... Region

Finance Manager &
Chief Accounts Officer

Adalath decision agreed / disagreed

Name & Signature of petitioner

Report of M I / M R :

Recommendation of H C / J S :

Recommendation of Asst.Engineer :

Recommendation of Asst.Exe.Engineer :

Recommendation of D A O / R O :

Recommendation of Exe.Engineer :

REMARKS :

Original

REVENUE ADALATH 2019-20

KERALA WATER AUTHORITY

P.H CIRCLE.....

No.....

Phone No.

Mob No.

Place and Date of Adalath :

1 Petition Receipt No. :

KWA/PHC/.....

2 (a) Name and Address of the Petitioner :

(b) Contact No. :

(c) Consumer No. :

3 Description of complaint :

DECISION OF SUB ADALATH BENCH :

Executive Engineer
PH/WS DN.....

DAO /
Revenue Officer

Asst.Exe.Engineer
.....Sub Dn.

Adalath decision agreed / disagreed

Name &Signature of petitioner

Report of M I / M R :

Recommendation of H C / J S :

Recommendation of Asst.Engineer :

Recommendation of Asst.Exe.Engineer :

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