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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 22nd November, 2017

S.R.O. No.574/2017— Whereas, the draft of certain rules further to amend the Odisha Municipal Rules, 1953 was published as required by Section 392 of the Odisha Municipal Act, 1950 (Odisha Act, 23 of 1950) in the Extraordinary issue No. 277, dated the 25th February, 2017 of the *Odisha Gazette* under the notification of the Government of Odisha in the Housing & Urban Development Department No. 4207-HUD-13-LEGIS-67-POLICY-15-12/2016, dated the 23rd February, 2017 inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date of publication of the said notification in the *Odisha Gazette*;

And, Whereas, the objections and suggestions received in respect of the said draft within the stipulated period have been duly considered by the State Government;

Now, therefore, in exercise the powers conferred by sub-section(1) of Section 387 of the said Act, the State Government do hereby make the following rules further to amend of the Odisha Municipal Rules, 1953, namely:—

1. (1) These rules may be called the Odisha Municipal (Amendment) Rules, 2017.
(2) They shall come into force on the date of their publication in the *Odisha Gazette*.
2. In the Odisha Municipal Rules, 1953 (hereinafter referred to as the said rules), for rule 92, the following rule shall be substituted, namely:—
“92. The Executive Officer may, without the sanction of the Council, incur contingent expenditure incidental to the Municipal administration, not exceeding ten thousand rupees in any case:

Provided that —

- (a) Provisions of fund is made available under the relevant Head of Account in the budget of the Municipality to meet such expenditure; and

(b) the Executive Officer shall report expenditure incurred under this rule along with the reasons thereof to the Council at its next meeting."

3. In the said rules, in rule 93, in sub-rule (1), for the words and figures "and the order shall be signed by the Executive Officer, if the amounts does not exceed Rs. 1,00,000/- (Rupees one lakh). Order for the payment of a sum of money in excess of Rs. 1,00,000/- (rupees one lakh) shall be signed both by the Executive Officer and the Chairman" appearing therein, the words "and the bills or claims for payment of an amount upto two lakhs rupees shall be approved and payment order be signed by the Executive Officer but bills or claims for payment of an amount in excess of two lakhs rupees shall be approved and payment order be signed by the Executive Officer and the Chairperson as well" shall be substituted.

4. In the said rules, rule 94 shall be omitted.

5. In the said rules, rules 107 to 112 shall be omitted.

6. In the said rules, for rule 332, the following rule shall be substituted, namely:—

"332. (1) The Municipal Engineer shall before preparation of budget, furnish annually a statement of works in the order of priority with estimated cost to be executed during the ensuing year to the Council in time for final selection of works and the Council shall approve the list of works in order of priority in a special meeting convened for the purpose.

(2) Subject to the availability of fund, the Executive Officer shall accord administrative sanctions to the estimates for all works including emergent works of an amount not exceeding two lakhs rupees and when the amount of estimate exceeds two lakhs rupees the same shall be presented before the Chairperson for his sanction.

(3) If the estimate so presented to the Chairperson is not sanctioned within seven days of its presentation, then the Executive Officer may get the estimate sanctioned by the District Magistrate.

(4) The Executive Officer shall bring to the notice of the Council, all the administrative sanctions accorded by him or by the Chairperson or by the District Magistrate as the case may be, at its next meeting."

7. In the said rules, for rule 333, the following rule shall be substituted, namely:—

"333. (1) No new work shall be commenced until the administrative and technical sanction has been accorded by the appropriate authority and sufficient funds are available.

(2) No repair work shall be commenced until the sufficient funds are available."

8. In the said rules, the second proviso to rule 338 shall be omitted.

9. In the said rules, in rule 339, the words "In the case of works executed by contract, tenders shall be invited." shall be omitted.

10. In the said rules, for rule 350, the following rule shall be substituted, namely: —

"350. The technical sanction of the authorities specified below shall be obtained to the plans and estimates relating to municipal works:

(1) Revised technical sanction powers will be same as original technical sanction power:

Provided that the changes made subsequent to original technical sanction shall be approved, prior to execution of such changes by the same authority who has accorded original technical sanction.

(2) The financial powers of Competent Authority for granting technical sanctions are as given below:

A. Repair Works (relating to roads, buildings, sanitary projects and all other kinds of works) – The Municipal Engineer- All estimates- (without limit cost)

B. Original works – Roads, buildings (including bridges and culverts, sanitary projects and all other kinds of works):

(a) Junior Engineer or Assistant Engineer or Municipal Engineer of the rank of Junior Engineer or Assistant Engineer – upto five lakhs rupees:

(b) Assistant Executive Engineer or Municipal Engineer of the rank of Assistant Executive Engineer – upto twenty lakhs rupees:

(c) Inspector of Local Works or Municipal Engineer of the rank of Executive Engineer – Limit prescribed in paragraph 6.3.2 of the OPWD Code, Volume-1:

(d) Superintending Engineer – Limit prescribed in paragraph 6.3.2 of the OPWD Code, Volume-1:

(e) Chief Engineer – Limit prescribed in paragraph 6.3.2 of the OPWD Code, Volume-1."

11. In the said rules, in rule 352, —

(a) for sub-rule (1) including the proviso thereto, the following sub-rule shall be substituted, namely:—

"(1) Any contract or the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding such sum, as the Government may specify, from time to time, the Executive Officer shall invite tender for such contract:

Provided, that the Council shall have the power to dispense with tenders if the work is emergent in nature."

(b) in sub-rule (2), in the proviso thereto, for the words and figure "Rs. 1,500 (fifteen hundred)", the words and figure "Rs. 10,000 (ten thousand)" shall be substituted.

12. In the said rules, in rule 356, in sub-rule (1), for the word "Chairman" the words "tender committee" shall be substituted.

13. In the said rules, for rule 361, the following rule shall be substituted, namely:—

"361. (1) A tender committee shall be constituted consisting of the following members, namely: —

- (i) the Chairperson and in his absence the Vice-Chairperson – President;
- (ii) Inspector of Local Works or Municipal Engineer not below the rank of Assistant Executive Engineer to be nominated by the District Magistrate -- Member;
- (iii) One member nominated by the District Magistrate -- Member;
- (iv) Finance or Accounts Officer or any other officer of the Municipality with financial background to be nominated by the District Magistrate – Member;
- (v) Executive Officer – Convenor.

(2) The Tender Committee may also invite the engineer to the meeting who has granted original technical sanction to render advice on tender offers received by the said Committee.

(3) The Executive Officer shall be responsible for convening any meeting of the tender Committee.

(4) The Tender Committee shall, at the time and place specified for the purpose, open the sealed covers containing the tenders in the presence of the tenderers or their authorized agents as may be present and until the sealed covers are so opened they shall be kept in the personal custody of the Executive Officer.

(5) On opening of the tenders, the president shall make initial all corrections in each tender, which may have been made by the tenderer and duly attested by him and if there are corrections in the tender unattested by the tenderer a note of such corrections shall be made on the tender itself when it is opened.”

14. In the said rules, for rule 364, the following rule shall be substituted, namely :—

“364. The tender committee may accept a tender for work of any amount provided the tendered amount does not exceed the estimated rate by more than ten *per cent*:

Provided that on the ground of urgency or for other special reasons, it is proposed to accept such tenders, and the tendered rate exceeds the estimated rate by more than ten *per cent*, the previous approval of the following authority shall be obtained, namely:—

- (i) the Council – If the tendered rates exceed the estimated rates by more than ten *per cent* but not more than fifteen *per cent*, and
- (ii) the Government – Where the tendered rates exceed the estimated rates by more than fifteen *per cent*.”

15. In the said rules, rule 568 shall be omitted.

[No.27209–HUD-13-LEGIS-67-POLICY-12/2016/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Commissioner-cum-Secretary to Government