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**Government of Sikkim
Energy and Power Department
Gangtok**

DRAFT NOTIFICATION

No. xxx/xx/xx

Date: xx/xx/2018

In exercise of the powers conferred by clause (a) of sub-section (2) of section 57 read with clause (d) of sub-section (2) of section 13 and clause (p) of section 14 of the Energy Conservation Act, 2001 (52 of 2001) or clause (a) of Section 15 of the Energy Conservation Act 2001 (52 of 2001), the state Government in consultation with the Bureau of Energy Efficiency, hereby notifies the Sikkim ECBC Rules, namely: -

1. Short title and commencement:

- a) These Rules may be called the Sikkim Energy Conservation Code & Rules, 2018
- b) They shall come into force after six (06) months from the date of publication in the official gazette.

2. Definitions: In these directions, unless the context otherwise requires,

- a) "kVA" means kilo-volt-ampere;
- b) "kW" means kilowatt;
- c) "Authority having jurisdiction" means "The Urban Development and Housing Department, Sikkim" and Municipal Corporation Authority including Nagar Panchayats, which are empowered by relevant law to sanction building plans; to inspect the building; and/or to issue the completion/occupation certificate to the project owners.
- d) "Owner" of a building means a person, group of persons, a company, a trust, institute, Registered Body, State or Central Government and its attached or Sub-Ordinate Departments, Undertakings and like agencies or organization in whose name the property stands registered in the revenue records for the construction of a building or building complex.

3. Words and expressions used in this notification and not defined above but defined in the Energy Conservation Act, 2001 (by section 15 Central Act No. 52 of 2001 and amended by section 18 Act No. 28 of 2010) and Sikkim ECBC, shall have meanings respectively assigned to them in that Act/Code.

4. Buildings or building complexes defined under item No. 5 that have a connected load of 40 kW or greater or a contract demand of 50 kVA or greater, intended to be used for "Commercial" purposes must comply with the Sikkim ECBC 2018. Buildings intended for private residential purposes are not covered by the Code.

5. Following building are covered for the compliance of Sikkim ECBC:

- a) Hospitality: Hospitality and resorts of 5-star ratings and above.
- b) Educational: Government and Private Universities.
- c) Shopping Complex: Malls having a connected load of 40 kW or contract demand of 50 kVA and above.
- d) All Commercial/Office establishments having connected load of 40 kW or contract demand of 50 kVA and above of manufacturing and non-manufacturing industries.
- e) All Government buildings having built up area of 2000 m² and above and connected load of 40 kW or contract demand of 50 kVA and above.

** It is to be noted that above buildings are covered in the first phase of implementation, and upon reviewal of the implementation mechanism other category of commercial buildings may be included.*

6. Sikkim ECBC shall cover the following components of buildings, namely: –

- (a) Building envelope;
- (b) Comforts systems and controls (heating, ventilation and air conditioning service and hot water system);
- (c) Lighting and controls;
- (d) Electrical and renewable energy systems;
- (e) Any other system, as may be specified from time to time by the Bureau:

Provided that these rules shall not apply to equipment, appliances, devices and parts of building that use energy primarily for manufacturing processes.

Provided further that wherever these rules are in conflict with safety, security, health or environmental codes, or Bureau of Energy Efficiency's Standard and Labelling for equipment or appliances, and Star Rating Program for buildings, and if they are more stringent than the requirement of these rules then they shall prevail over these rules.

Provided, also, that if any existing building after additions or alterations changes its connected load to 40 kilo-Watt (kW) or above or a contract demand of 50 kilo-Volt Ampere (kVA) or above shall comply with the provisions referred to in clauses (a) to (e) of this rule.

7. These directions shall come into force after 180 days of publication in the Official Gazette.

8. No building plans shall be sanctioned by Urban Development and Housing Department or "Authority having Jurisdiction" after coming into force of these directions unless those plans confirm to the specifications provided in the Sikkim ECBC. For this purpose, the owner shall be required to submit, a certificate issued by "ECBC Certified Building Energy Auditor/ Energy and Power Department Sikkim, empanelled agency or individual" confirming that the building plans confirms to the Sikkim ECBC along with supporting documents as mentioned in Sikkim ECBC Rules.

9. For sanctioning the building plan in accordance with the aforesaid provisions, various stages of construction of the building need to be visited by “ECBC Certified Building Energy Auditor/ Energy and Power Department Sikkim, empanelled agency or individual” to ensure strict adherence to the Sikkim ECBC.

10. The completion/occupancy certificate to these buildings shall be granted only when the owner submits certificate from “ECBC Certified Building Energy Auditor/ Energy and Power Department Sikkim, empanelled agency or individual” and along with supporting documents as mentioned in Sikkim ECBC Rules.

11. Building constructed by all the State Government Departments, Government Undertaking and Corporations, semi Government organisations etc., shall follow Sikkim ECBC.

12. Energy and Power Department Sikkim, as the nodal agency shall monitor the implementation of the Code at the State level and also create the awareness of the Sikkim ECBC.

13. The Urban Development and Housing Department or “Authority having Jurisdiction” shall maintain a register of the buildings to which these directions are applicable and send quarterly information to the “The Energy & Power Department, Sikkim” containing therein a list of the buildings sanctioned or completion/occupancy certificates awarded after coming into force of these directions.

14. In case owner violates the provisions of the Sikkim ECBC, or any provisions of these directions, appropriate action shall be taken against such owner by the “Authority having Jurisdiction” which may include cancellation or denial of the construction or occupancy permits or such other penalty as may be prescribed from time to time.

15. The Urban Development and Housing Department or “Authority having Jurisdiction” shall amend its building Bye-Laws within a period of 6 (six) months from the date of publication of these directions in the Official Gazette for enforcement of the Sikkim ECBC.

PCE-Cum-Secretary