

# The Indian Electricity (Assam Amendment) Act, 1973

ASSAM

India

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### Act 9 of 1973

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The Indian Electricity (Assam Amendment) Act, 1973Assam Act 9 of 1973Last Updated 11th February, 2020Published in the Assam Gazette, Extraordinary, dated the 26th April, 1973.[Received the assent of the President on the 26th April, 1973].An Act to amend the Indian Electricity Act, 1910 in its application to the territory comprised within the State of Assam ;Preamble. - Whereas it is expedient to amend the Indian Electricity Act, 1910 (Central Act 9 of 1910), hereinafter called the principal Act, in its application to the territory comprised within the State of Assam in the manner hereinafter appearing;It is hereby enacted in the Twenty-fourth year of the Republic of India as follows :

### 1. Short title, extent and commencement.

(1)This Act may be called the Indian Electricity (Assam Amendment) Act, 1973.(2)It shall extend to the State of Assam.(3)It shall be deemed to have come into force on the 27th day of September, 1972.

### 2. Amendment of Section 5.

- In Section 5 of the principal Act, in sub-section (2)-(i)for the words "the purchase price of the undertaking", the words "an amount" shall be substituted;(ii)the words, brackets, figure and punctuation marks "or as the case may be, in sub-section (3) of that section" shall be deleted.

### 3. Amendment of Section 6.

- In Section 6 of the principal Act in sub-section (7)-(i)for the words "the purchase price", the words "an amount" shall be substituted;(ii)for the words, brackets and figure "sub-section (4)", the words brackets figures and punctuation mark "sub-sections (1), (2) and (3)" shall be substituted.

#### **4. Substitution of Section 7-A.**

- For Section 7-A of the principal Act, the following section shall be substituted, namely : "7-A. Determination of amount payable. - (1) Where an undertaking of a licensee is sold under sub-section (1) of Section 5 or purchased under Section 6, the amount payable for the undertaking shall be the book value of the undertaking at the time of purchase or where undertaking has been delivered before the purchase under sub-section (3) of Section 5, at the time of delivery of the undertaking. (2) The book value of an undertaking for the purpose of sub-section (1) shall be deemed to be the depreciated book value as shown in the audited balance-sheet of the licensee under the law for the time being in force, of all lands, buildings, works, materials and plant of the licensee, suitable to and used by him for the purpose of the undertaking, other than (i) a generating station declared by the licensee not to form part of the undertaking for the purpose of purchase, and (ii) service lines or other capital works or any part thereof which have been constructed at the expense of the consumers, but without any addition in respect of compulsory purchase or of good will or any profits which may be or might have been made from the undertaking or of any similar consideration. (3) Notwithstanding anything contained in any licence or any instrument, order, agreement or law for the time being in force in respect of any additional sum by whatever name may it be called, payable to a licensee for compulsory purchase, the licensee shall be entitled only to a solatium of ten per centum of the book value as determined under sub-sections (1) and (2) for compulsory purchase of his undertaking under Section 6. (4) No provision of any Act for the time being in force including the other provisions of this Act and of any rules made thereunder or of any instrument including licence have effect by virtue of any of such Acts or any rule made thereunder, shall, in so far as it is inconsistent with any of the provisions, of this section, have any effect.

#### **5. Repeal and savings.**

(1) The Indian Electricity (Assam Amendment) Ordinance, 1972 (Assam Ordinance 7 of 1972) is hereby repealed. (2) Notwithstanding such repeal and notwithstanding any judgement, decree or order of any Court or tribunal, any action taken or purported to have been taken or anything done or purported to have been done, or any right, obligation or liability acquired or incurred, by or on behalf of the Government of Assam or the Assam State Electricity Board, in pursuance of the provisions of the Indian Electricity (Assam Amendment) Ordinance, 1972 (Assam Ordinance 7 of 1972), shall be deemed to have been taken, done, acquired or incurred under the corresponding provisions of this Act, by or on behalf of the Government of Assam or the Assam State Electricity Board, as the case may be.