

The Electricity Laws (Uttar Pradesh Amendment) Act, 1974

UTTAR PRADESH

India

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Act 36 of 1974

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The Electricity Laws (Uttar Pradesh Amendment) Act, 1974 U.P. Act No. 36 of 1974 An Act further to amend the Indian Electricity Act, 1910 and the Electricity (Supply) Act, 1948, in their application to Uttar Pradesh and the Uttar Pradesh Government Electrical Undertaking (Dues Recovery) Act, 1958. It is hereby enacted in the Twenty-five Year of the Republic of India as follows ;

Chapter I Preliminary

1. Short title and extent.

(1) This Act may be called the Electricity Laws (Uttar Pradesh Amendment) Act, 1974. (2) It extends to the whole of Uttar Pradesh.

Chapter II Amendment of The Indian Electricity Act, 1910

2. Amendment of Section 6 of Act IX of 1910.

- In Section 6 of the Indian Electricity Act, 1910, hereinafter in this Chapter referred to as the principal Act, after sub-section (6), the following sub-section shall be inserted, namely : "(6-A). After the service upon the licensee under this section of a notice by the State Electricity Board exercising the option of purchasing the undertaking-(a) the licensee shall prepare and furnish to the Board within a period of three months from the date of service of such notice an inventory of all lands, buildings, works materials and plant belonging to the undertaking at the time of the service of such notice and shall be bound to allow the Board or its agents or the Electrical Inspector to the State

Government or any officer subordinate to him authorised by him in that behalf, at all reasonable times during the pendency of the said notice and until delivery of the undertaking to the Board under sub-section (6), to enter upon such lands, buildings, works, materials and plant and prepare an inventory thereof or to check the correctness of the inventory furnished by the licensee;(b)the licensee shall be bound to keep all his lands, buildings, works, materials and plant belonging to the undertaking in as good conditions as they were at the time of the service of such notice, subject only to changes caused by reasonable wear and tear or by irresistible force and to allow the said Board and its agents or the Electrical Inspector to the State Government or any officer subordinate to him authorised by him in that behalf, at all reasonable time during the pendency of the said notice and until delivery of the undertaking to the Board under sub-section (6) to enter upon such lands, buildings, and works and inspect the condition thereof and the condition of the said materials and plant;(c)the licensee may use the said lands, buildings, works, materials and plant as a person of ordinary prudence would use them if no such notice as aforesaid were served, but he shall not pull down or damage any such buildings, works, materials or plant or commit any other act which is destructive thereof or permanently injurious thereto or remove any such materials or plant from the undertaking;(d)the licensee shall be liable to account the Board for all such lands, buildings, works, materials and plant, as existed at the time of the service of such notice."

3. Amendment of Section 7.

- Section 7 of the principal Act, shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely(2)Where an undertaking is purchased by the State Electricity Board, and-(i)any amount of wages, bonus, gratuity, provident fund or other payment due on the date of purchase or of the delivery of the undertaking, as the case may be, to persons employed as workmen (within the meaning of the U.P. industrial Disputes Act, 1947) in connection with the undertaking remains unpaid by the licensee to such workmen; or(ii)the licensee had failed to pay any amount due on the said date in respect of either the licensee's contribution or the employees' contribution realised by the licensee or any other dues recoverable from the licensee under the Employees' Provident Funds Act, 1952. or the Employees' State Insurance Act, 1948, in respect of persons employed in connection with the undertaking;the Board may pay the said amounts to the employees or to the Board of Trustees under the first mentioned Act. or to the Employees State Insurance Corporation, under the second mentioned Act, as the case may be, and deduct the same from the purchase money to be paid to the licensee and if the amounts so paid exceed the purchase money available, recover the excess from the licensee as arrears of revenue.(3)All security deposits made by the consumers on the said date shall be transferred by the licensee to the Board, and if they are not so transferred the Board shall deduct the amount of the said deposits from the purchase money to be paid to the licensee, and if the said amount exceeds the purchase money available, recover the excess from the licensee as arrears of revenue.(4)The liability of the licensee towards his employees or consumers, as the case may be, to the extent of deductions and recoveries made by the Board under sub-sections (2) and (3) shall stand discharged.(5)The provisions of sub-sections (2), (3) and (4) shall apply in respect of all undertakings purchased before or after the commencement of the Electricity Laws (Uttar Pradesh Amendment) Act, 1974, in respect of which the purchase money remains to be paid to the licensee."

4. Insertion of a new Section 42-A.

- After Section 42 of the principal Act, the following section shall be inserted, namely : "42-A. Penalty for damaging or removing etc., any part of undertaking after service of notice under section 6 or for furnishing false information. - Any licensee, or any person in his employ and acting on his behalf, who contravenes any of the provisions of sub-section (6-A) of Section 6, or who in any inventory furnished in compliance with the requirements of that sub-section, gives particulars which are false or which he either knows or believes to be false or does not believe to be true, shall be punishable with a fine which may extend to two thousand rupees and in the case of continuing offence, with a daily fine which may extend to two hundred rupees : Provided that where the contravention consists of causing destruction to or the removal of any of the building works, materials and plants referred to in that sub-section, any such person committing such contravention shall be punishable with imprisonment which may extend to six months and shall also be punishable with the which may extend to two thousand rupees."

5. Omission of Section 50.

- Section 50 of the principal Act shall be omitted.

Chapter III

Amendment of The Electricity (Supply) Act, 1948

6. Amendment of Section 26 of Act No. 54 of 1948.

- In Section 26 of the Electricity (Supply) Act, 1948, as amended in its application to Uttar Pradesh, hereinafter in this Chapter referred to as the principal Act, for the second proviso, the following proviso shall be substituted : "Provided further that the provisions of Clause VI of the Schedule to that Act shall apply to the Board, with the following modifications, in respect of that area where distribution mains have been laid by the Board and the supply of energy through any of them has commenced : In sub-clause (1)-(a) for the opening paragraph, the following paragraph shall be substituted : "Where after distributing mains have been laid down under the provisions of Clause IV or Clause V and the supply of energy through those mains or any of them has commenced a requisition is made by the owner or occupier of any premises situate within the area of supply requiring the licensee to supply energy for such premises, the licensee shall, within six months of the making of the requisition, supply and save in so far as he is prevented from doing so by cyclones, floods, supply, energy in accordance with the requisition; (b) that, in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity, the licensee may refuse to accede to the requisition for such reasonable period, not exceeding three years as such Inspector may think sufficient for the purpose or amending the distributing main or laying down or placing a further distributing main," (c) after the fourth proviso thereto, the following proviso shall be inserted, namely : "Provided, fifthly, that the Board may with approval of the State Government prepare a scheme for an area providing for the supply of electricity for the purposes of agricultural operations on priority basis subject to the

conditions of payment of priority charges either in a lumpsum or in such instalments as may be specified in the scheme, and where such scheme is prepared, the person making the requisition the supply of energy in accordance with the terms of the scheme shall be entitled to supply of energy on priority basis within three months from the making of the requisition and to continuance of such supply save in so far as the Board is prevented from doing so by cyclones, floods, storms or other occurrences beyond its control, and subject further to any rostering in accordance with the terms of the scheme."

7. Substitution of Section 47-A by a new section.

- For Section 47-A of the principal Act, the following section shall be substituted and be deemed always to have been substituted, namely : "47-A. Security. - Notwithstanding anything in this Act, and notwithstanding that no arrangements have been mutually agreed under Section 47 or that no regulations have been made in that behalf-(a)the Board shall not be bound to comply with any requisition to supply electricity to a licensee unless the licensee within fourteen days after the service on him by the Board of a notice in writing in that behalf, tenders to the Board security in such amount as is equivalent to the average charges for two months' supply of electricity during the preceding financial year to the licensee (hereinafter referred to as the average charges), and where an amount in excess of the average is demanded by the Board as security, the Board shall determine the same after giving an opportunity of hearing to the licensee :(b)the Board shall be entitled to discontinue such supply if the licensee has not already given security, or if any security given by him has become invalid or insufficient, and such licensee fails to furnish security or to make up the security to a sufficient amount, as the case may be, within seven days after the service upon him of notice from the Board requiring him so to do."

8. Insertion of new Section 82-A.

- After Section 82 of the principal Act, the following section shall be inserted, namely : "82-A. Mode of proof of documents of the Board. - (1) A copy of an entry in any register, or of any receipt, application, plaint, notice, order or other document in the possession of the Board, shall if duly certified by an officer authorised in this behalf, be received as prima facie evidence of entry or document and be admitted as evidence of the matter of transaction therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.(2)No member, officer or servant of the Board shall in any legal proceeding to which the Board is not a party be required to produce any register or document, the contents of which can be proved under sub-section (1) by a certified copy or to appear as a witness to prove the matter or transaction recorded therein unless the court for reasons to be recorded, considered it necessary to make such as order."

Chapter IV

Amendment of The Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958

9. Amendment of U.P. Act No. 16 of 1958.

- In the Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958-(i)in Section 2, for clause (a) the following clause shall be substituted, and be deemed always to have been substituted, namely,-"(a) 'Consumer' means any person who is supplied with energy by a Government electrical undertaking whether for his own consumption or in connection with his business of supplying energy or otherwise", (ii)in Section 3, after words "any dues" the words and the brackets "(including the amount of security payable under Section 47-A of the Electricity (Supply) Act, 1948)" shall be inserted and be deemed to have been inserted with effect from October 9, 1972."