

The Indian Electricity (West Bengal Amendment) Act, 1984

WEST BENGAL

India

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Act 39 of 1984

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The Indian Electricity (West Bengal Amendment) Act, 1984 West Bengal Act 39 of 1984 [26th December, 1984.] Assent of the President first published in the Calcutta Gazette, Extraordinary, dated the 26th December, 1984. An Act to amend the Indian Electricity Act, 1910, in its application to West Bengal Whereas it is expedient to amend the Indian Electricity Act, 1910, in its application to West Bengal, for the purpose and in the manner hereinafter appearing; It is hereby enacted as follows :-

1. Short title. -

This Act may be called the Indian Electricity (West Bengal Amendment) Act, 1984.

2. Application of the Act. -

The Indian Electricity Act, 1910 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

3. Amendment of section 7B of Act 9 of 1910. -

In section 7B of the principal Act, -(1) after sub-section (7), the following sub-sections shall be inserted: - "(7a) If the licensee fails to submit within the period specified in the notification under sub-section (4) or such extended period as may be notified by the State Government in this behalf the statement referred to in sub-section (4), the purchaser or the intending purchaser shall be free to call upon the employees of the licensee to submit such statement supported by such documents and papers as may be available with the employees within such period or such extended period as may be notified by the State Government in this behalf. The statement furnished by the employees to the purchaser or the intending purchaser on their own with necessary documents and papers in

support thereof shall be deemed to be a valid statement for the purpose of this sub-section.(7b)On receipt of the statement referred to in sub-section (7a) the purchaser or the intending purchaser shall deliver a copy of the said statement to the licensee who may submit his objection to the statement, if any, within such period or such extended period as may be specified by the State Government in this behalf. The purchaser or the intending purchaser shall thereafter furnish a copy of the objection to the concerned employees.(7c)If no objection is submitted by the licensee under subsection (7b), the purchaser or the intending purchaser or any person duly authorised by him in this behalf shall proceed to examine ex parte as against the defaulting licensee the statement with reference to available records and such other materials as he may like to examine and to take evidence of such persons as he may deem necessary and shall, after taking into consideration the dues of the employees from the licensee, determine, on adjustment, the dues, if any, of the licensee from the employee and the amount payable to the employee, if any.(7d)On receiving any objection under sub-section (7b), the purchaser or the intending purchaser or any person duly authorised by him in this behalf, as the case may be, shall give notice to the employee and the licensee of the date fixed for hearing of the objection and, after hearing the employee and the licensee, taking into account the evidence adduced, examining such papers and documents as he may deem necessary and considering the dues of the licensee from the employee, if any, and such other facts as he may like to consider including the dues, if any, of the licensee from the employee, shall determine the amount due to the employee. If the licensee fails to appear at the hearing, the objection shall be rejected and the amount due to the employee shall be determined ex parte.";(2)in sub-section (8), for the words, figures and brackets "subsection (6) or sub-section (7)," the words, figures, letters and brackets "sub-section (6), or sub-section (7), or sub-section (7c), or sub-section (7d)," shall be substituted;(3)in sub-section (9), for the words, figures and brackets "subsection (6) or (7)", the words, figures, letters and brackets "subsection (6), or sub-section (7), or sub-section (7c), or subsection (7d)," shall be substituted;(4)to sub-section (11), the following proviso shall be added:-"Provided that the sale of the undertaking shall not be deemed to be completed if the purchase price, if payable after deducting the claim of the employees of the licensee from the consideration money, has not been paid to the licensee in full and final settlement of his claim."