

The Electricity (Supply) (Orissa Amendment) Act, 1981

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Act 19 of 1981

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The Electricity (Supply) (Orissa Amendment) Act, 1981 O.A. No. 19 of 1981 Statement of Objects and Reasons. - Electricity (Supply) Act, 1948 empowers the State Electricity Board to fix uniform tariff for supply of electricity to the consumers. Its power to revise tariff, however, gets restricted due to specific provisions regarding revision of tariff in the contracts concluded with individual consumers. Since it is not possible to keep the electricity tariff stable in the context of inflationary situation in the economy it is considered imperative to invest the Board with powers to revise tariff unilaterally consistent with its cost of generation and distribution of electricity. This bill seeks to extinguish the relevant provisions in the previous agreements relating to revision of tariff and to vest the Board with power to revise tariff at periodic intervals. For Statement of Objects and Reasons, see Orissa Gazette, Extraordinary No. 245/25.2.1981. Published vide Orissa Gazette, Extraordinary No. 622/15.5.1981. Be it enacted by the Legislature of the State of Orissa in the Thirty-second Year of the Republic of India, as follows :

1. Short title and commencement.

(1) This Act may be called the Electricity (Supply) (Orissa Amendment) Act, 1981. (2) It shall come into force at once.

2. Insertion of Section 49-A in Act 54 of 1948.

- In the Electricity (Supply) Act, 1948 (54 of 1948) in its application to the State of Orissa (hereinafter referred to as the principal Act), after Section 49, the following new section shall be deemed always to have been inserted, namely : "49-A. Power of the Board to revise certain tariffs - (1) Notwithstanding anything contained in this Act or in any agreement, undertaking, commitment or concessions made before the date of commencement of the Electricity (Supply) (Orissa Amendment) Act, 1981 by the Orissa State Electricity Board or the Government of the State of

Orissa, or in any judgement or order of any Court, it shall be lawful for the said Board to revise, from time to time, the tariffs fixed for the supply of electricity to persons other than licensees and to frame uniform tariffs for the purpose of such supply.(2)In revising the tariffs or framing uniform tariffs under Subsection (1), the said Board shall be guided by the principles set out in Section 59 and as respects any period commencing on and from the 16th day of September, 1966, by the principles set out in Sub-sections (2), (3) and (4) of Section 49.(3)All such agreements, undertakings, commitments or concessions as are referred to in Sub-section (1) shall, in so far as they are inconsistent with the provisions of Sub-sections (1) and (2) and to the extent of the tariffs fixed or the provisions made therein for such fixation, be void and shall be deemed always to have been void."

3. Validation of certain tariffs etc.

- Notwithstanding anything contained in the principal Act or in any agreement, undertaking, commitment or concession referred to in Sub-section (1) of Section 49-A of the principal Act, or in any judgement or order of any Court-(a)any amount realised, or demand made or created by the Orissa State Electricity Board constituted under the principal Act or by the Government of the State of Orissa according to the uniform tariffs in force from time to time, from or against any person claiming any special tariffs under any such agreement, undertaking, commitment or concession, before the commencement of this Act, shall be deemed to have been validly realised, made or created under the principal Act as amended by this Act;(b)no such realisation of amount or making or creation demand shall be questioned in any Court and if questioned, the objection shall not be maintained by such Court merely on the ground that there exists any agreement, undertaking, commitment or concession as aforesaid, fixing special tariffs or providing for fixation of special tariffs for the sale of electricity to such person;(c)all suits, applications or proceedings pending on the date of commencement of this Act in any Court or before any arbitrator whether appointed by any Court or by the parties to such agreement, shall, in so far as they question the power of the said Board to levy uniform tariffs in accordance with the principal Act as amended by this Act or to revise the special tariffs fixed in such agreement, in disregard of the terms of such agreement, abate and any such proceeding before the said arbitrator shall cease to have effect and any reference for such arbitration shall be deemed to have been withdrawn from such arbitrator; and(d)no Court shall execute any decree, order or award for the refund of any amount of uniform tariffs recovered by the said Board or Government.