

# **The Electricity (Supply) (West Bengal Amendment) Act, 1994**

WEST BENGAL

India

## **The Electricity (Supply) (West Bengal Amendment) Act, 1994**

### **Act 50 of 1994**

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The Electricity (Supply) (West Bengal Amendment) Act, 1994 West Bengal Act 50 of 1994 [20th April, 1995.] Assent by the President of India was first published in the Calcutta Gazette, Extraordinary, dated the 20th April 1995. An Act to amend the Electricity (Supply) Act, 1948, in its application to West Bengal. Whereas it is expedient to amend the Electricity (Supply) Act, 1948, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:-

#### **1. Short title and commencement. -**

(1) This Act may be called the Electricity (Supply) (West Bengal Amendment) Act, 1994. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

#### **2. Application of the Act. -**

The Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

#### **3. Amendment of section 49 of the Act. -**

After sub-section (4) of section 49 of the principal Act, the following sub-section shall be inserted :- "(5) Notwithstanding anything contained in this Act or in any agreement, instrument or undertaking, having effect by virtue of this Act, or any commitment or concession made by the Board or by any judgement, decree or order of any court or by any order of any other authority prior to the commencement of the Electricity (Supply) (West Bengal Amendment) Act, 1994, it shall be lawful for the Board to frame uniform tariff for the supply of electricity under sub-section (1) or to

revise such tariff from time to time, as the case may be, for such supply: Provided that in framing the uniform tariff under sub-section (1) or in revising such tariff, the Board shall be guided by the provisions of section 59 and sub-section (2), sub-section (3) and sub-section (4) of this section : Provided further that every such agreement, instrument or undertaking, or commitment or concession, shall, in so far as it is inconsistent with the first proviso as to the extent of tariff fixed or any other matter relating to such fixation, be void and shall be deemed always to have been void."

#### **4. Insertion of new sections 49A and 49B. -**

After section 49 of the principal Act, the following sections shall be inserted :- "49A. Price of supply of electricity. - The price, by whatever name called, for electricity supplied by the Board to any party or person, not being a licensee, by virtue of an agreement, instrument or undertaking, having effect by virtue of this Act, before or after the commencement of the Electricity (Supply) (West Bengal Amendment) Act, 1994, shall be calculated in accordance with the uniform tariff framed under sub-section (1) of section 49 as may be applicable to the category to which such party or person belongs, or the tariff as revised, as the case may be, and shall, notwithstanding anything contained in such agreement, instrument or undertaking or in this Act or in any other law for the time being in force, be paid by such party or person.

**49B. Recovery of dues as public demand in certain circumstances. - Where any sum is due from a consumer on account of supply of electricity or other charges and where such defaulting consumer, being an industrial or commercial concern or establishment, becomes sick financially or otherwise and is wound up or closed or put to sale, or transfers its ownership or management, or is amalgamated with any other industrial or commercial concern or establishment, or where any scheme is drawn up for reopening or revitalizing or restructuring such industrial or commercial concern or establishment, either under its own ownership or management or under any new ownership or management, whether in the former name or in a new name, for continuing the same process or function or production as was in vogue prior to its becoming sick or for any other purposes, either on its own or by the order of any court, tribunal or other authority, then, notwithstanding the foregoing provisions of this section or the order of the court, tribunal or other authority, the sum due to the Board or a licensee shall stand recoverable and shall be recovered from the sale proceeds or from the former owner or manager or new owner or manager, as the case may be, as being a charge recoverable as a public demand under the Public Demands Recovery Act, 1913, and the authority under whose order such industrial or commercial concern or establishment is wound up, closed or put to sale, or the ownership or management is transferred, or is amalgamated, or any**

**scheme is drawn up for its reopening or revitalization or restructuring, as the case may be, shall take such steps as may be necessary for expeditious recovery and payment of the dues of the Board or the licensee, as the case may be, from such sale proceeds or from the owner or manager together with interest at the rate of current bank rate on the outstanding sum as aforesaid for the period commencing from the date on which such sum became due till the date of payment."**