

The U.P. Government Electrical Undertakings (Dues Recovery) Act, 1958

UTTAR PRADESH

India

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Act 16 of 1958

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The U.P. Government Electrical Undertakings (Dues Recovery) Act, 1958 U.P. Act No. 16 of 1958 [Dated 12th May, 1958] An Act to provide for expeditious recovery of Government dues for the supply of electrical energy by Government undertakings Whereas it is expedient to make provision for expeditious recovery of dues for the supply of energy by Government undertakings; It is hereby enacted as follows in the ninth year of the Republic of India :

1. Short title, extent and commencement.

(1) This Act may be called the Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (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;] [Substituted by U.P. Act No. 36 of 1974.] (b) "Prescribed authority" includes any person authorised as such by the State Government, by notification in the official Gazette, to perform the functions of a prescribed authority under this Act for such area as may be specified in the notification; (c) "Government Electrical Undertakings" includes the Kanpur Electric Supply administration and such other electrical undertakings run or controlled by the State Government or the Board as may be notified in this behalf; (d) "State Government" means the Government of Uttar Pradesh; and (e) "Board" means the "State Electricity Board" constituted under Section 5 of the Electricity (Supply) Act, 1948, as amended from time to time.

3. Notice of demand for dues not paid.

- Where any dues [including amount of security payable under Section 47-A of the Electricity (Supply) Act, 1948] [Substituted by U.P. Act No. 36 of 1974 (w.e.f. 9-10-1972).] are payable by a consumer to a Government Electrical Undertaking, the prescribed authority may, at any time after thirty days from the date on which such dues accrued, serve or cause to be served upon the person liable a notice of demand stating the name of the person, the amount payable by him and the undertaking in respect of which it is due. Explanation (1). - The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned. Explanation (2). - A sum due to a Government Electricity Undertaking shall be deemed to have accrued on the expiry of the date mentioned in the bill for payment of the dues.

4. Suit to challenge the liability to pay dues.

(1) Where a notice of demand has been served on the consumer, or his authorized agent under Section 3, he may, if he denies his liability to pay the dues or any part thereof, and upon deposit thereof with the prescribed authority under protest in writing, institute a suit for the refund of the dues or part thereof so deposited. (2) The suit referred to in sub-section (1) may be instituted at any time within six months from the date of deposit with the prescribed authority in the Court having jurisdiction, but subject to the result of the suit the notice of demand shall be conclusive proof of the dues mentioned therein.

5. Recovery of dues.

- If the dues for which notice of demand has been served are not deposited with the prescribed authority within thirty days from the date of service, or such extended period as the prescribed authority may allow, the same together with cost of recovery as may be prescribed shall be recoverable as arrears of land revenue, anything contained in any other law or instrument or agreement to the contrary notwithstanding.

5A. [Extension of period of limitation. [Added by U.P. Act No. 27 of 1963 (w.e.f. 1-4-1959).]

- Notwithstanding anything in the Indian Limitation Act, 1908, or any other law for the time being in force, the period of limitation in respect of any suit by or on behalf of the Board, for the recovery of any dues under this Act shall be six years from the date from which the period of limitation would begin to run under the Indian Limitation Act, 1908, against a like suit by a private person : Provided that the period of limitation for any suit filed by the Board by virtue of sub-section (1) of Section 60 of the Electricity (Supply) Act, 1948, for the recovery of any dues accruing before the date of first constitution of the Board, shall be the same as provided in Article 149 of the First Schedule to the Indian Limitation Act, 1908, but not exceeding six years from the first constitution of the Board.]

6. Power to make rules.

(1)The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely-(a)the form of notice and the manner in which it may be served;(b)the costs of the notice of demand and the cost of recovery;(c)any other matter which has to be, or may be prescribed.