

The Gujarat Electricity (Special Powers) Act, 1946

GUJARAT

India

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Act 20 of 1946

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The Bombay Electricity (Special Powers) Act, 1946 Bombay Act No. 20 of 1946 [Dated 30th September 1946] This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bombay 2 of 1959, it did not extend (vide Bombay 2 of 1959, Section 2). For Statement of Objects and Reasons, see Bombay Government Gazette, 1946, Part V, page 122; for Proceedings in Assembly, see Bombay Legislative Assembly Debates, 1946, Vol. IX, and for Proceedings in Council, see Bombay Legislative Council Debates 1946, Vol. X. An Act [to make special provisions for controlling] [These words were substituted for the words, 'to provide for the continuance of the powers to control' by Bombay 41 of 1949, Section 2.] the supply, consumption, distribution and use of electrical energy in the [State of Bombay] [These words were substituted for the words, 'Province of Bombay' by Bombay 2 of 1959, Section 3.]; Whereas it is expedient [to make special provisions for controlling] [These words were substituted for the words, 'to provide for the continuance of the powers to control' by Bombay 41 of 1949, section 2.] the supply, consumption, distribution and use of electrical energy in the [State of Bombay] [These words were substituted for the words, 'Province of Bombay' by Bombay 2 of 1959, section 3.]; It is hereby enacted as follows:

1. Short title, extent [and commencement] [These words were substituted for the words, 'commencement and duration' by Bombay 41 of 1949, section 3 (3)].

(1) This Act may be called the Bombay Electricity ([Special] [These words were substituted for the word 'Emergency', by Bombay 41 of 1949, Section 3(1).] Powers) Act, 1946. (2) [It extends to the whole of the [State of Gujarat] [This sub-section was substituted for the original by Bombay 2 of 1959, Section 4 (a).]] (3) It shall come into force on the 1st day of October 1946 [in the [Bombay area of the State of Gujarat] [This portion was inserted. By Bombay 2 of 1959 Section 4(b).]; and in that part of the State of Bombay to which it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958 (Bombay II of 1959), it shall come into force on such other date as the State Government may, by notification in the Official Gazette, appoint). [***]
[Sub-section (4) was deleted, by Bombay 41 of 1949, Section 3 (2).]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"consumer" and [***] [The word 'licensee' was deleted, by Bombay 41 of 1949, Section 4 (1).] "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910 (IX of 1910).(aa)["licensee" means any person licensed under Part II of the Indian Electricity Act, 1910 (IX of 1910), to supply electrical energy or any person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy and includes a distributing licensee and the [State] [This clause was inserted, by Bombay 41 of 1949, Section 4 (2).] Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948);](b)"requisition" means a requisition made under the Indian Electricity Act, 1910 (IX of 1910), for the supply of electrical energy.

3. Restriction on consumption of supply.

- Notwithstanding anything contained in any contract or agreement, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by an order in writing require any consumer to, and thereupon such consumer shall, reduce his consumption of electrical energy to such extent and in such manner and by such means as may be specified in the order. The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government shall serve a copy of the order on the licensee supplying the energy.

4. Discontinuance of supply in certain circumstances.

(1)Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or any licence granted thereunder or any agreement for the supply of electrical energy, [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by an order in writing-(i)authorise, or(ii)require a licensee to, and the licensee when so required shall, discontinue or reduce the supply of electrical energy to any consumer, other than a distributing licensee who-(a)without the permission of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government contravenes any direction issued to him under section 3; or(b)without the permission of the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government-(i)[exceeds at any time [Sub-clauses (i) and (ii) were substituted for the original by Bombay 2 of 1959, Section 5.](I)in relation to the [Bombay area of the State of Gujarat], the maximum demand in Kw of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January 1943, or(II)in relation to the Saurashtra area of the [State of Gujarat] [These words were substituted for the words 'State of Bombay', by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], the maximum demand in Kw of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January 1950, or(III)in relation to any other area, the maximum demand in Kw of electrical energy recorded in respect of him during the twelve months ending on such date may be specified by the State Government, or(ii)connects or has connected load-(I)in the [Bombay

area of the State of Gujarat] [These words were substituted for the words and brackets 'pre-Reorganisation State of Bombay (excluding the transferred territories)' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], beyond that notified in writing to the licensee up to 31st January, 1943.(II)in the Saurashtra area of the [State of Gujarat] [These words were substituted for the words 'State of Bombay', by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.], beyond that notified in writing to the licensee upto 31st January, 1950.(III)elsewhere, beyond that notified in writing to the licensee up to such date as may be specified in the State Government; or(iii)exceeds the supply permitted by the Slate Government under sub-section (3) of section 5 or sanctioned by a licensee in pursuance of a requisition made under clause VI of the Schedule of the Indian Electricity Act, 1910 (IX of 1910), or,](c)[within three months, after the service on him by the licensee of a notice in writing in this behalf does not utilise any electrical energy.] [This clause was inserted by Bombay⁴¹ of 1919, s.5.](2)The licensee shall-(i)before discontinuing or reducing the supply of electrical energy under sub-section (1) give the consumer not less than 48 hours' notice in writing of his intention so to do;(ii)on discontinuing the supply, communicate to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so;(iii)on being so directed by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government recommence the supply with all possible speed.(3)The licensee shall report to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government within twenty-four hours of its coming to his notice every contravention of any direction given under section 3, or clause (b) of sub-section (1).

5. Restrictions on supply of electrical energy and prohibition on reconnection of supply.

(1)Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or in any licence granted thereunder or in any contract or agreement or in any requisition, the [State] [The word was substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by order direct a licensee-(a)not to comply, except with the permission of the [State] [The word was substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government with(i)the provisions of any contract, agreement or requisition (whether made before or after the [Commencement of this Act in any area]) [These words and brackets were substituted for the words and bracket 'commencement of this Act', by Bombay 2 of 1959, Section 6.] for the supply (other than the resumption of a supply) or an increase in the supply, of electrical energy, to any person,(ii)any requisition or the resumption of a supply to a consumer after a period of six months from date of its discontinuance:(iii)any requisition for the resumption of a supply made within six months of its discontinuance, where the requisitioning consumer was not himself the consumer of the supply at the time of the discontinuance.[Provided that the [State] [This proviso was added by Bombay 41 of 1949, Section 6 (1).] Government may by order direct that it shall not be necessary to obtain such permission if the licensee supplies electrical energy to such consumers or class of consumers, to such extent and subject to such conditions as may be specified in the order;](b)not to comply with any requisition for municipal purposes involving (otherwise

than by way of replacement) any new works or additions to or alterations of works already installed.(2)To obtain any permission required under sub-section (1), the licensee shall make an application to the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in such form as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may notify in the Official Gazette in this behalf.[Where a requisition is made on the license under sub-clause (1) of clause V or of clause VI of the Schedule to the Indian Electricity Act, 1910 (IX of 1910), the licensee shall make the application to the [State] [This portion was added by Born. 41 of 1949, Section 6(2).] Government in respect of such requisition within one month from the date of the receipt of the requisition by him or within such longer period as the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may allow.](3)On an application being made under sub-section (2) the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may either refuse the permission sought or grant it either absolutely or subject to such conditions as it may think fit to impose, and may also call for such further particulars relating to the application as it may require.

6. Restrictions on the use of electrical energy for the purpose of advertisement.

- Notwithstanding anything contained in any contract or agreement, no person receiving a supply of electrical energy from a licensee notified in this behalf in the Official Gazette by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, shall use or cause to be used such electrical energy in the area of supply of such licensee for exhibiting light intended for advertisement on the exterior of any premises, or on any plot of land or in any street or open place.

6A. [Power to regulate supply of electrical energy and period of work [* * *] [Sections 6A, 6B and 6C were inserted, by Bombay 41 of 1949, Section 7].

(1)Notwithstanding anything contained in any law for the time being in force, or any permission granted under sub-section (3) of section 5 or any instrument having effect by virtue of any law, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may with a view to controlling distribution, supply, consumption or use of electrical energy make an order-(a)for prohibiting or regulating subject to such conditions as it may specify in the order, the distribution or supply of electrical energy by a licensee or use of such energy by a consumer for any purposes specified in such order [or for prohibiting a consumer from supplying or allowing the use of such energy or any part thereof to any other person or undertaking] [These words were inserted by Bombay 2 of 1959, Section 7(a) (i).];(b)for determining the order of priority in which, or the period or periods during which, work shall be done by an undertaking to which [or the consumer to whom] [These words were inserted, by Bombay 2 of 1959, Section 7 (a) (ii).] the supply of electrical energy is made by a licensee.(2)The [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make provisions in any order made under sub-section (1) for any incidental or supplementary matters which it may think

necessary or expedient for the purposes of the order. Explanation. - In this section "undertaking" means any public utility undertaking or any undertaking by way of any trade or business and includes a factory.

6B. Revocation of licence or discontinuance of supply for breach of order under section 6A.

- Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or the terms of any licence or sanction granted thereunder or an agreement for the supply of electrical energy (a) if a licensee contravenes an order made under section 6A, it shall be lawful for the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to revoke the licence or sanction granted to such licensee for the supply of electrical energy; or (b) [if any undertaking or consumer contravenes an order made under section 6A, then [This sub-clause was substituted for the original by Bombay 2 of 1959, s.8.] (i) the State Government may by order direct the licensee to discontinue or reduce indefinitely or for such period as is stated in the order the supply of electrical energy made to such undertaking or consumer, and the licensee shall thereupon discontinue or reduce the supply of electrical energy to such undertaking or consumer; or (ii) where the State Government, in order to meet an emergency or such other circumstances, authorises (and the State Government is hereby empowered so to authorise), subject to such conditions as it may specify, a licensee to discontinue the supply of electrical energy made to an undertaking or consumer who contravenes an order under section 6A, the licensee himself may so discontinue the supply; but the licensee shall, on discontinuing the supply as aforesaid, report to the State Government within 24 hours from the time of discontinuance, the circumstances in which he has so done, and on being directed by the State Government to do so, recommence the supply with all possible speed.]

6C. Discontinuance of supply of energy to consumer for failure to pay fees for services of Electric Inspector of his assistants.

(1) If any consumer fails to pay any fees leviable for inspection, examination, or test made or any other service rendered by an Electric Inspector or any other officer appointed to assist the Electric Inspector under the provisions of the Indian Electricity Act, 1910 (IX of 1910), or any rules made thereunder within ten days from the date of the presentation of the bill for such inspection, examination, test or rendering of service, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or any other officer authorized by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in that behalf may, notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or the terms of any licence or sanction granted thereunder or any agreement for the supply of electrical energy, by order in writing direct the licensee, without prejudice to any other right to recover such fees, to discontinue the supply of electrical energy to such consumer and the licensee shall thereupon discontinue the supply of electrical energy to such consumer. (2) On payment of such fees by the consumer, the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or the authorized officer may by

order in writing direct the licensee to reconnect and recommence the supply of electrical energy, and the licensee shall thereupon connect and recommence the supply to consumer as soon as practicable: Provided that the licensee shall not be bound to reconnect the supply until the consumer pays to the licensee the charges for reconnecting the supply.]

7. Continuance in force of existing Orders.

- Every order made by the Central or [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under sub-rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in sections 3, 4, 5 and 6 of this Act and in force immediately before the commencement of this Act shall, so far as it could validly be made by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under the said sections, continue in force and be deemed to have been made under the said sections, and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall, so far as he could validly be so authorised, permitted, directed or required, as the case may be, by the [State] [This word was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government under any of the said sections of this Act, be deemed to have been so authorised, permitted, directed or required, as the case may be, under the provisions of this Act.

8. Penalties.

- Any person who (a) contravenes - (i) any order made or deemed to have been made under section 3, 4, 5, [6, 6A, 6B or 6C] [These figures, letters and word were substituted for the word and figure 'or 6' by Bombay 41 of 1949, Section 8(1).]; or (ii) any of the provisions of this Act; or (b) is deemed to have been required or directed under section 3, 4, 5 or 6 to do or refrain from doing anything fails to comply with such requirement or direction, shall, on conviction, [punished] [be This word was substituted for the word 'punishable' by Bombay 41 of 1949, Section 8 (2).] with imprisonment for a term which may extend to six months or with fine or with both.

8A. [Power of entry, etc. [This section was inserted, by Bombay 41 of 1949, Section 9.]

(1) Any officer authorized by the [State] Government in this behalf by general or special order, may enter and inspect any premises for the purpose of verifying whether an order made under this Act is complied with or not. (2) Whoever voluntarily obstructs any person authorized under sub-section in the exercise of the powers conferred by that sub-section shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

9. [Offence by local authorities and corporations. [This section was substituted for the original, by Bombay 41 of 1949, Section 10.]

- If the person referred to in section 8 is a local authority, its Chief Executive Officer in charge of the undertaking of supplying electrical energy and if such person is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall, unless he proves that contravention took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of contravention.]

10. Cognizance of offences.

- No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the [State] [This word was substituted for the word 'provincial' by the Adaptation of Laws Order, 1950.] Government in this behalf.

11. Protection of action taken under this Act.

(1)No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order, direction or requirement made or deemed to have been made under section 3, 4, 5 [6, 6A, 6B and 6C] [These figures, letters and words were substituted for the words and figures 'or 6', by Bombay 41 of 1949, Section 11.].(2)No suit, prosecution or other legal proceeding shall lie against the [Government] [This was substituted for the word 'crown' by A.L.O. 1950.] for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order, [direction or requirement] [These words were inserted by Bombay 41 of 1949, Section 11.] made or deemed to have been made under section 3, 4, 5 [6, 6A, 6B and 6C1] [These figures, letters and words were substituted for the words and figures 'or 5', by Bombay 41 of 1949, Section 11.].

12. Service of orders or directions.

- Every order or direction made or issued under this Act shall as far as may be, be served in the manner prescribed in section 53 of the Indian Electricity Act, 1910 (IX of 1910).

13. [Repeals and savings. [This section was inserted by Bombay 2 of 1959, section 9.]

(1)On the commencement of this Act in that part of the State of Bombay to which it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958 (Bombay II of 1959), the Saurashtra Electricity (Special Powers) Act, 1953 (Saurashtra Act, III of 1953), shall stand repealed.(2)Notwithstanding such repeal, anything done or action taken (including any orders made or deemed to be made, or proceedings pending) under any provisions of the Act so repealed, shall be deemed to have been done, taken, made or pending under the provisions of this Act; and

accordingly such proceedings shall be continued and disposed of under the provisions of this Act.]