

Rajasthan Animals and Birds Sacrifice (Prohibition) Act, 1975

RAJASTHAN

India

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Act 21 of 1975

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Rajasthan Private Electric Supply Undertakings (Acquisition) Act, 1975 Act No. 21 of 1975 [Published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 16th June, 1975]. [Received the assent of the President on the 11th day of June, 1975]. An Act to provide for the acquisition of the Udaipur, Mount Abu and Abu Road Electric Supply Undertakings. Be it enacted by the Rajasthan State Legislature in the Twenty-sixth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Private Electric Supply Undertakings (Acquisition) Act, 1975. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall be deemed to have come into force on the 21st day of April, 1975.

2. Definitions.

- In this Act, unless repugnant to the context,-(a) "Annual Account" means the account of the Undertaking rendered to the Government annually under and in accordance with the Electricity Act; (b) "Board" means the Rajasthan State Electricity Board constituted under section 5 of the Electricity Supply Act; (c) "Document" means in relation to an Undertaking, includes its books, accounts, registers, maps and plans; (d) "Electricity Act" means the Indian Electricity Act, 1910 (Central Act IX of 1910); (e) "Electricity Supply Act" means the Electricity (Supply) Act, 1948 (Central Act LIV of 1948); (f) "Fixed Assets" includes works, spare parts, stores, tools, motor and other vehicles, office equipment and furniture; (g) "Government" means the Government of Rajasthan; (h) "Licensee" means-(a) in relation to the electric supply undertaking at Udaipur, The Maharana Bhupal Electric Supply Company Limited, Udaipur; (b) in relation to the electric supply undertaking at Mount Abu. The Mount Abu Electric Supply Company; and (c) in relation to the electric supply undertaking at Abu Road. The Abu Road Electricity and Industries Company

Limited:(i)"Prescribed" means prescribed by rules framed under this Act;(j)"Undertaking" means the electric supply undertaking at Udaipur owned and managed by The Maharana Bhupal Electric Supply Company Limited, Udaipur. The electric supply undertaking at Mount Abu owned and managed by the Mount Abu Electric Supply Company and the electric supply undertaking at Abu Road owned and managed by The Abu Road Electricity and Industries Company Limited;(k)"Vesting date" means the date on which the undertakings shall vest in the Government under section 4 of this Act;(l)"Works" includes electric supply lines and any lands, buildings, machinery or apparatus required to supply energy and to carry into effect the object of a licence granted under the Electricity Act;(m)Other expressions shall have the meanings respectively assigned to them in the electricity Act.

3. Application.

(1)This Act shall apply to the Undertakings.(2)Any notice given under any of the provisions of the electricity Act or the Electricity Supply Act to the licensee for the purchase of the Undertaking and in pursuance of which notice the Undertaking has not been purchased before commencement of this Act, shall lapse and be of no effect.Explanation. - There shall be no obligation on the part of the Government or the board to purchase any undertaking in pursuance of any notice given as aforesaid, nor shall the service of such notice or any stay order of any Court restraining further action in pursuance of such notice, be deemed to prevent the Government from taking any proceedings denovo in respect of the Undertaking under this Act.

4. Vesting of the Undertakings.

(1)All the undertakings shall be deemed to be transferred to, and shall vest in the Government on the 23rd day of April, 1975.(2)The Government shall, by force of vesting in it of the undertakings under sub-section (1) be deemed to have entered into possession of all the properties, movable and immovable, fixed assets, rights, powers authorities and privileges of the Undertakings as from the vesting date.

5. Transfer of Undertakings to Board.

(1)Immediately upon the vesting of Undertakings in the Government under section 4, the Undertakings shall stand transferred to the Board and all the assets, liabilities, rights and obligations, which by virtue of this Act have devolved on the Government, shall thereupon vest and devolve on the Board, on the condition, that the net amount payable to the licensee under this Act by the Government shall be recoverable from the board.(2)Upon the transfer of the Undertakings to the Board under subsection (1) it shall be lawful for any officer of the Board to take physical possessions of all the properly movable and immovable including fixed assets of the Undertakings and in doing so, to use such force to remove obstruction, if any, as he may deem necessary for the purpose.

6. Gross amount payable to licensee.

(1)The gross amount payable to a licensee, shall be the aggregate value of the Amounts specified below:-(i)the book value of all completed works in beneficial use pertaining to the undertaking and taken over by the Government (excluding works paid for by consumers) less depreciation calculated in accordance with Schedule I:(ii)the book value of all works in Progress taken over by the Government, excluding works paid for by consumers or prospective consumers;(iii)the book value of all stores including spare parts taken over by the Government and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Government;(iv)the book value of all other fixed assets in use on the vesting date and taken over by the Government less depreciation calculated in accordance with Schedule I;(v)the book value of all plants and equipments existing on the vesting date, if taken over by the Government, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee less depreciation calculated in accordance with Schedule I:(vi)the amount due from consumers in respect of every hire-purchase agreement referred to in clause (ii) of sub-section (1) of section 7 less a sum which bears to the difference between the total amount of the installments and the original cost of the material or equipment, the same proportion as the amount due bears to the total amount of the installments;(vii)any amount paid actually by the licensee in respect of every contract referred to in clause (iii) of sub-section (1) of section 7.Explanation. - The book value of any fixed assets means its original cost and shall comprise-(i)the purchase price paid by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the Undertakings:(ii)the cost of supervision actually incurred but not exceeding 15% of the amount referred to in paragraph (i):Provided that before deciding the amounts under this sub-section, the licensee shall be given an opportunity by the Government of being heard, after giving him a notice of at least 30 days therefor.(2)When any asset is acquired by the licensee after the expiry of the period to which the latest annual accounts relate the book value of the asset shall be such as may be decided upon by the Government:Provided that before deciding the book value of any such asset the licensee shall be given an opportunity by the Government of being heard after giving him a notice of at least 30 days therefor.

7. Vesting of Undertakings.

(1)The property, rights, liabilities and obligations specified below in respect of the Undertakings shall vest in the Government on the vesting date:-(i)all the fixed assets of the licensee and all the documents relating to the Undertaking:(ii)all the rights liabilities and obligations of the licensee under hire-purchase agreements if any for the supply of materials or equipment made bonafide before the vesting date:(iii)all the rights liabilities and obligations of the licensee under any other contract entered into bonafide upto the vesting date not being a contract relating to the borrowing or lending of money or to the employment of staff tariff for supply of electricity:Provided that the arrears due from the consumers on account of supply of electricity upon the vesting date shall be recoverable by the licensee from the consumers even after the said date.(2)All the assets specified in sub-section (1)(i) shall vest in the Government free from any debts mortgages or similar obligations of the licensee or attaching to the Undertaking:Provided that such debts mortgages or obligations shall attach to the amount payable under this Act for the assets(3)In the case of an Undertaking

which vests in the Government under this Act the licence granted to it under Part II of the Electricity Act shall be deemed to have been terminated on the vesting date and all the rights liabilities and obligations of the licensee under any agreement except those relating to the supply of electricity entered into before that date shall devolve or shall be deemed to have devolved on the Government: Provided that on and from the vesting date the consumers will be governed by the Tariff for supply of Electricity and the General Conditions of Supply of the Board. (4) In respect of any Undertaking to which section 4 applies it shall be lawful for the Government or their authorised representative on and after the vesting date, after removing any obstruction that may be or might have been offered to take possession of the entire Undertaking or as the case may be the fixed assets and of all documents relating to the Undertaking which the Government may require for carrying it on. (5) All the liabilities and obligations other than those vesting in the Government under sub-section (1) and (3) shall continue to be the liabilities and obligations of the licensee after the vesting date. Explanation. - All liabilities and obligations in respect of staff taxes Provident Fund Employees State insurance industrial disputes and all other matters, upto and including the vesting date shall continue to be the liabilities and obligations of the licensee after the vesting date.

8. Effect of transactions not bona fide.

- Where the Government is of opinion that any licensee has on or after the 1st July 1969 disposed of any fixed asset whether by way of sale, exchange gift, lease or otherwise or incurred any expenditure liability or obligation otherwise than in the normal course of events, with a view to benefit unduly the licensee or some other person and has thereby caused loss to the Government as succeeding owners of the Undertaking, the Government shall be entitled to deduct from the amount payable to the licensee under this Act an amount which they consider to be the loss sustained by them: Provided that before making such deduction the licensee shall be given a notice within twelve months of the vesting date to show cause against such deduction within a period of 30 days from the date of receipt of such notice.

9. Deductions from the gross amount.

- The Government shall be entitled to deduct the following sums from the gross amount payable under this Act to a licensee:-(a) the amount if any, already paid in advance; (b) the amount, if any, specified in section 8; (c) the amount due if any including interest thereon from the licensee to the Board for energy supplied by the Board before the vesting date; (d) all amounts and arrears of interest if any thereon due from the licensee to the Government; (e) the amount if any equivalent to the loss sustained by the Government by reason of any property or rights belonging to the Undertaking not having been handed over to the Government the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefor under this Act together with any income which might have been realised by the Government if the property or rights had been handed over on the vesting date; (f) the amount of all loans due from the licensee to any financial institutions constituted by or under the authority of the Government and arrears of interest, if any, thereon; (g) all sums paid by consumers by way of security deposit and arrears of interest due thereon on the vesting date in so far as they have not been paid over by the licensee to the Government less the amounts which according to the books of

the licensee are due from the consumers to the licensee for energy supplied by him before that date;(h)all advances from consumers and prospective consumers and all sums which have been or ought to be set aside to the credit of the consumers fund, in so far as such advances of sums have not been paid over by the licensee to the Government.(i)the amounts remaining in Tariffs and Dividends Control Reserve, Contingencies Reserve and the Development Reserve, in so far as such amounts have not been paid over by the licensee to the Government:(j)the amount if any as specified in sub-sections (2) and (3) of section 11;(k)the amount, if any relating to debts mortgages or obligations as mentioned in the proviso to section 7(2):(l)the amount due to Government from the licensee by way of royalties or due to other Governments by way of taxes not paid:Provided that before making any deduction under this section, the licensee shall be given a notice to show cause against such deduction, within a period of 30 days from the date of receipt of such notice.

10. Manner of payment of net amount.

(1)The Government shall appoint, by order in writing, a person having adequate knowledge and experience in matters relating to accounts as Special Officer to assess the net amount payable under this Act by the Government to the licensee after making the deductions mentioned in section 9.(2)The Special Officer may call for the assistance of such officers and staff of the Government or the Board or the Undertaking as he may deem fit in assessing the net amount payable.(3)The net amount payable to a licensee under this Act shall be paid to him by the Government in three equal yearly installments from the vesting date:Provided that this period may be suitably extended by the Government if the licensee fails to furnish or delays the furnishing of accounts information, particulars or documents as mentioned in section 12.(4)The net amount payable shall bear interest at the rate of interest at the Reserve Bank ruling at the time of payment plus 1% on the net amount payable on the vesting date.(5)Where the gross amount payable to the licensee is equal to or less than the total amount to be deducted under section 9 no payment shall be made to the licensee by the Government.

11. Provisions for existing staff of licensee.

(1)Every person who was genuinely employed in connection with the affairs of an undertaking as its employee immediately before the vesting date shall become on the vesting date an employee of the Government and thereafter an employee of the Board on the date of transfer of the undertaking to the Board under section 5 and shall hold his service on the same terms and conditions and with the same rights to pension gratuity and other matters as would have been admissible to him if the undertaking had not been transferred to and vested in the Government or the Board as the case may be and continue to do so unless and until his employment under the Government or the Board as the case may be is terminated or until his remuneration terms or conditions are duly altered by the Government or the Board as the case may be.(2)If the licensee fails to pay such an employee his dues as immediately before the vesting date the Government or the Board as the case may be may pay him those dues and the amount so paid shall be deducted from the amount payable by the Government to the licensee.(3)In case the Government or the Board as the case may be retrench any such employee within a period of one year from the vesting date the amount payable to such an employee on retrenchment shall be deducted from the amount payable by the Government to the

licensee.(4)For the person who immediately before the vesting date were the trustees for any pension, provident fund or gratuity or other like fund constituted for the employees of the licensee, there may be substituted as trustees such persons as the Government may, by general or special order, specify(5)Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or in any other law for the time being in force the transfer of the services of any employee from the licensee to the Government or from the Government to the Board shall not entitle such employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.(6)If any question arises as to whether or not any person was genuinely employed in connection with the affairs of the undertaking as its employee immediately before the vesting date or whether or not the services of any person have transferred to the Government or the Board under this Act it shall be decided by an officer authorised for this purpose by the Government and an appeal shall lie again this decision to the Government whose decision shall be final.

12. Inventory of assets and information.

(1)The licensee shall within ninety days from the vesting date or such further time as may be provided by the Government prepare and hand over to them a complete inventory of all the items of fixed assets belonging to his undertaking alongwith their book value and year of purchase and its documents.(2)The licensee shall also write up the accounts of his undertaking upto the vesting date, get them audited and submit them to the Government within four months from that date or such further time as may be granted by the Government.(3)The licensee shall also within such time as may be specified by the Government, furnish to them such information and particulars as may be required by the Government in regard to documents relating to the Undertaking.(4)The licensee shall not destroy any document relating to the undertaking and shall hand over to the Government on the vesting date all such documents as are necessary for ascertaining the assets of the Undertaking the rights liabilities and obligations attaching thereto and for determining the amount payable or deductible in respect of the Undertaking under this Act.(5)Where the documents aforesaid have been taken possession of by the Government the licensee or any person authorised by him in this behalf, shall have access to such documents at all reasonable times and shall also be entitled to take copies thereof or extracts therefrom.

13. Power of entry.

- Any employee of the Government or the Board authorised in this behalf by a general or special order of the Government or the Special Officer appointed under section 10 may, at any time after giving the licensee reasonable notice, enter upon any land or premises in his possession and may make any survey examination or investigation preliminary or incidental to the purposes of this Act.

14. Penalties.

(1)Whoever being required to furnish any information or make any statement under this Act furnishes any information or makes any statement which he knows to be false or whoever wilfully fails to hand over to the Government or obstructs in taking over by the Government of any fixed

asset or document belonging to the undertaking or wilfully suppresses or damages or destroys such fixed asset or documents which is to be taken over by the Government, shall be punishable with imprisonment, for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both and in the case of a continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.(2)Whoever fails, without reasonable cause to comply with any of the provisions of this Act or the rules made thereunder or any direction or order issued in pursuance thereof shall, if the case be not governed by sub-section (1) be punishable with fine which may extend to twenty thousand rupees and in the case of a continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which the offence continues.(3)No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or of an officer authorised by them in this behalf.(4)Notwithstanding anything contained in sections 28 to 30 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974), it shall be lawful for any Magistrate of the first Class specially empowered by the Government in this behalf to impose a sentence of fine exceeding five thousand rupees when awarding punishment under sub-section (1) or (2).

15. Offences by Corporation.

- Where a person committing any offence punishable under this Act. is a Company or an Association or a body of persons the Manager Secretary Agent or other principal officer managing the affairs of the Company. Association or body shall be deemed to be guilty of such offence.

16. Protection of action.

- No suit protection or other legal proceeding shall lie against the Government or the Board or any employee of Government or the Board or the Special Officer appointed under section 10 acting under the direction of the Government or the Board or aiding or assisting the Government of the Board or an employee of the Government or the Board, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act or any rule or order made thereunder.

17. Bar to jurisdiction of Court.

- Notwithstanding anything contained in any other law for the time being in force, no court or tribunal shall call in question any order, notification, or any other act done or purported to have been done under this Act.

18. Effect of other laws.

(1)No provision of the Electricity Act 1910 (Central Act No. IX of 1910) the Electricity Supply Act 1948 (Central Act No. 54 of 1948) or any other Act for the time being in force and of any rule made under any of those Acts or of any instrument, including licence, having effect by virtue of any of those Act or any rule made thereunder, shall in so far as it is inconsistent with any of the provisions

of this Act have any effect.(2)Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of the Electricity Act, 1910 and the Electricity Supply Act 1948.

19. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

20. Arbitration.

(1)Where any dispute arise in respect of any of the matters specified below it shall be determined by an arbitrator appointed by the Government, who shall be a sitting or retired District or High Court Judge-(a)Whether any property belonging, or any right, liability or obligation attaching to the undertaking, vests in the Government;(b)Whether any fixed asset from part of the undertaking;(c)Whether any contract including any contract referred to in clause (ii) or (iii) of sub-section (1) of section 7 has been entered into bonafide or not.(2)Subject to the provision, of this section, the provisions of the Arbitration Act, 1940 (Central Act X of 1940), shall apply to all arbitrations under this Act.

21. Power to make rules.

- The Government may also make rules to carry out the purposes of this Act.

22. Declaration.

- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (b) of Article 39 of the Constitution of India.

23. Repeal and Savings.

(1)The Rajasthan Private Electric Supply Undertaking (Acquisition) Ordinance, 1975 (Ordinance No. 7 of 1975) is hereby repealed.(2)Notwithstanding such repeal, any action taken or purported to have been taken or anything done or purported to have been done including taking over possession of property of the undertakings under the said Ordinance shall be deemed to have been taken or done under the corresponding provisions of this Act by or on behalf of the Government or the Board.

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[See Section 6 (1)]For purposes of determining the amount payable under section 6(1), the depreciation shall be calculated at annual rates arrived at by dividing ninety per cent of the book value of each asset by the number of years of life of the asset as specified in the table below. For the

year in which an asset was brought into beneficial use, the depreciation shall be calculated at half the annual rate and for the period after the licensee's last completed financial year till the vesting date, the depreciation shall be calculated pro-rata. Depreciation shall not be calculated for any period beyond the life of the asset as prescribed herein. Table

Description of asset ¹	Number of years of life of asset ²	
A.	Land owned under full title.	Infinite.
B.	Land held under lease-	
(a) for investment in the land	The period of the lease or the period remaining unexpired on assignment of the lease	
(b) for cost of clearing site.	The period of the lease remaining unexpired at the date of clearing the site.	
C.	Assets purchased new:-	
(a) Plant and machinery in generating stations including Plant foundations:		
(i) hydro-electric	Thirty five.	
(ii) steam- electric	Twenty five.	
(iii) diesel-electric	Fifteen.	
(b) Cooling towers and circulating water system.	Thirty.	
(c) Hydraulic works forming part of hydroelectric system including -		
(i) dams, spillways, weirs canals One hundred reinforced concrete flumes and syphons.	One hundred.	
(ii) reinforced concrete pipelines and surge tanks steel pipelines, sluice gates, steel surge tanks, hydraulic control valves and other hydraulic works.	Forty	
(d) Buildings and civil engineering works of a permanent character, not mentioned above-		

(i) offices and showrooms	Fifty.
(ii) containingthermoelectric generating plant	Thirty
(iii) containinghydroelectric generating plant	Thirty-five.
(iv) temporaryerections such as wooden structures	Five
(iv-a) Roads otherthan kutcha roads	One hundred
(v) Others	Fifty.
(e) Transformers transformer kiosks sub-stationequipment and other fixed apparatus (including plantfoundations)-	
(i) transformers(including foundations) having a rating of 100 kilovolt amperesand over.	Thirty five.
(ii) Others	Twenty five.
(f) switchgear including cable connections.	
(ff) Lightening arrestores-	Twenty.
(i) Station type	Twenty.
(ii) Pole type.	Fifteen.
(iii) Synchronouscondensers.	Thirty five.
(g) Batteries	Ten.
(h) (i) Underground cables including joint boxesand disconnecting boxes	Forty.
(ii) Cable duct system	Sixty.
(i) Over head lines including support-	
(i) lines onfabricated steel supports operating at nominal voltages higherthan 6 Kilovolts.	Thirty five.
(ii) lines on steelsupports operating at nominal voltages higher than 13.2 Kilovoltsbut not exceeding 66 kilovolts	Thirty
(iii) lines on steelor rein- forced concrete supports	Twenty five.
(iv) lines on treatedwood support	Twenty.
(j) Meters	Fifteen.
(k) Self propelled vehicles	Seven.
(l) Static machine tools	Twenty.

(m) Air Conditioning Plant-

(i) Static Fifteen.

(ii) Portable Seven

(n) (i) Office Furniture and fittings Twenty

(ii) Office equipment Ten.

(iii) Internal wiring including fitting and apparatus Fifteen.

(iv) Street light fitting Fifteen

(o) Apparatus let on hire-

(i) Other than motors Seven.

(ii) Motors Twenty.

(p) Communication equipment-

(i) radio and high frequency carrier system Fifteen.

(ii) telephone lines and telephone. Twenty.

D.

Assets purchased
second hand and
assets not otherwise
provided for in this
table.

Such reasonable period as
Government determines in each
case having regard to the nature,
age and condition of the assets at
the time of its acquisition by the
licensee.