

The Indian Electricity (Bihar Amendment) Act, 1975

BIHAR

India

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Act 7 of 1975

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The Indian Electricity (Bihar Amendment) Act, 1975 Bihar Act 7 of 1975 Published in Bihar Gazette, Extraordinary, dated 19th February, 1976. An Act to amend the Indian Electricity Act, 1910 in its application to the State of Bihar. Be it enacted by the Legislature of the State of Bihar 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 Indian Electricity (Bihar Amendment) Act, 1975. (2) It shall extend to the whole of the State of Bihar. (3) It shall be deemed to have come into force from the 2nd February, 1974.

2. Amendment of Section 6 of Act IX of 1910.

- In Section 6 of the Indian Electricity Act, 1910 as substituted by the Indian Electricity (Bihar Amendment) Act, 1974 (Bihar Act XV of 1975) - (i) to sub-section (4) the following proviso shall be added, namely: - "Provided that - (a) the State Electricity Board or the State Government, as the case may be, shall pay or tender payment of the amount referred to in sub-section (5) of this Section as soon as the amount has been determined, together with interest on such amount from the date of purchase to the date of payment or tender of payment as aforesaid at the rate of one per centum above the average of the Reserve Bank rates between the date of delivery of the Undertaking and the dates of payment; (b) the receipt of the licensee shall, notwithstanding anything in any other law be a full and sufficient discharge to the State Electricity Board or the State Government as the case may be, for the payment of dues in respect of the purchase." (ii) after sub-section (5), the following sub-section shall be added, namely: - "(6) Where a notice exercising the option of purchasing the undertaking has been served upon the licensee before the commencement of the Indian Electricity (Bihar Amendment) Act, 1974 (Bihar Act XV of 1975) and the undertaking has been purchased thereafter the amount payable to the licensee on account of the purchase of the undertaking shall be determined in accordance with the provisions of Section 7-A of the Indian Electricity Act, 1910 as

substituted by the Indian Electricity (Bihar Amendment) Act, 1974 (Bihar Act XV of 1975) as if the last mentioned Act, was then in force and it shall be deemed to have been always in force."

3. Validation.

- Notwithstanding anything contained in any judgement, decree or order of any Court, every delivery of an undertaking effected by a licensee to the Bihar State Electricity Board, the Government of Bihar or Local Authority, as the case may be, after the 2nd day of February, 1974 and before the commencement of this Act, shall be deemed to have been exercised or effected, as the case may be, under Section 6 of the Indian Electricity Act, 1910 (Act IX of 1910) as amended by Bihar Act XV of 1975 and this Act, as if the said Section 6 so amended was in force at all material times when the delivery was effected and accordingly every delivery of the undertaking so effected and all things done or actions taken in consequence of such delivery of the undertaking shall be, and shall be deemed always to have been valid and shall not be called in question in any Court or tribunal or before any other authority merely on the ground that Section 6 of the Bihar Act, XV of 1975 did not provide for payment of any interest on the amount payable for the period from the date of delivery of the undertaking to the date or dates of its payment.