

The U.P. State Electricity Board (Issue of Bonds) Rules, 1964

UTTAR PRADESH

India

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Rule

THE-U-P-STATE-ELECTRICITY-BOARD-ISSUE-OF-BONDS-RULES-1964 of 1964

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The U.P. State Electricity Board (Issue of Bonds) Rules, 1964Published vide Notification No. 4208-EL-64-23-PB/397-64, dated 8th November, 1964, published in U.P. Gazette (Extraordinary), dated 8th November, 1964In exercise of the powers conferred by sub-section (2) of Section 78 of the Electricity (Supply) Act, 1948 (LIV of 1948), the Governor of Uttar Pradesh hereby makes the following rules :

1. Short title and commencement.

- (i) These rules may be called the Uttar Pradesh State Electricity Board (Issue of Bonds) Rules, 1964.(ii)They shall come into force with effect from the date of their publication in the Uttar Pradesh Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires-(i)"Act" means the Electricity (Supply) Act, 1948 (Act No. 54 of 1948);(ii)"Board" means the Uttar Pradesh State Electricity Board, constituted under Section 5 of the Electricity (Supply) Act, 1948 (Act No. 54 of 1948); and(iii)"State Government" means the Government of Uttar Pradesh.

3. Particulars of borrowing to be furnished to Government.

- (i) The Board may borrow by the issue of bonds only with the previous sanction of the State Government and subject to such conditions as regards the amount, rate of interest, date and method

of issue of such bonds, the arrangement for the application and repayment of the proceeds as have been previously approved by the State Government, and no variation of any such arrangement or condition except as otherwise provided in the rules shall be made without the prior approval of the State Government.(ii)While applying for previous sanction of the State Government for borrowing any money, the Board shall furnish particulars of the amount proposed to be borrowed, purpose of the loan, security to be offered, if any, amount already borrowed by the Board and the nature of security on which such amount has been borrowed, assets of the Board, the manner in which the proposed loan is to be repaid, and such other particulars as the State Government may require.

4. Application of money borrowed.

- Except with the previous sanction of the State Government, money raised by the issue of any bonds shall not be applied to purposes, other than those for which the money was raised.

5. Temporary Investment.

- The Board may, from time to time, invest temporarily, in such manner as the State Government may by general or special order approve, any sum raised by the issue of any bonds but not required for the time being for the purpose for which it was raised.

6. Power to issue and Renew Bonds.

- (i) Subject to the provisions of these rules, the Board may by resolution issue bonds.(ii)The Board may issue such class or classes of bonds as it may determine but each class of bonds shall have a distinct title and shall be issued subject to the conditions that all bonds at any time belonging to that class shall bear one and the same rate of interest, and shall become redeemable at the same time, and shall in all other aspects be of the same character.(iii)All bonds issued by the Board shall be redeemable.(iv)Bonds issued by the Board shall be called the Uttar Pradesh State Electricity Board Bonds.(v)Bonds and applications for bonds shall be for amounts of Rs. 100 or in such multiples of Rs. 100 as may be decided by the Board.

7. Redeemability of Bonds.

- The bonds issued by the Board shall be redeemable on such date within the period determined by the State Government as may be specified in the bonds, being not less than five years from the date of the Bonds.

8. Government Guarantee for Bonds.

- The State Government may, under Section 66 of the Act, guarantee in such manner as it thinks fit the payment of the principal and of interest, or of either the principal or the interest, of any bonds issued by the Board.

9. Extinction of Bonds redeemed or purchased.

- If any bond issued under these rules is redeemed or purchased by the Board, it shall stand extinguished.

10. Appointment of Registrar.

- The Board may for maintaining a register of bonds appoint an officer on such term as it may determine, who shall be called the Registrar of Bonds, hereinafter referred to as the 'Registrar'.

11. Register of Bonds.

- The Registrar shall maintain a register relating to bonds containing the name, address and occupation of each holder of bonds, the amount, the period and the date of redemption.

12. Right to transfer Bonds.

- A bond may be transferred by endorsement and delivery.

13. No notice of trusts.

- No notice of any trust-express, implied or constructive-in respect of any bond shall be entered in any register, or in any other book kept by the Board or the Registrar, or in any certificate, or in any transfer of any bond or, be receivable by the Board or the Registrar, and the receipt of any person in whose name any bond stands in the register relating thereto shall be a sufficient discharge to the Board for any money paid in respect of such bond.

14. Transfer on death.

- (i) The interest of a deceased holder of any bond shall be transferable by his executors or administrators.(ii)The Board or the Registrar may refuse to allow any executors or administrators to transfer any bond until the probate of the will or the letters of administration to the estate of the deceased or a succession certificate under the Indian Succession Act, 1925 (Act No. XXXIX of 1925) has or have been left with the Registrar for registration and may require all the executors or the administrators to join in the transfer.

15. Transfer otherwise than by death of holder or transfer in Books or by Deed.

- (i) If the interest in any bond has been transferred by any lawful means other than a transfer in books or a deed in accordance with these rules on the death of a holder of the bond, satisfactory evidence of the transfer shall be furnished to the Registrar by an affidavit of one or more competent persons or in such other manner as the Registrar with the previous approval of the Board, may

require.(ii)The name of the person entitled under the transfer shall be entered in the Register.(iii)Until evidence has been furnished in accordance with sub-rule (1), the Board or the Registrar shall not recognize the transfer, and no person claiming under the transfer shall be entitled to receive any interest on the bond.Explanation. - For the purpose of this rule, the expression "transfer" includes any case of endorsement in the name of the holder of a bond.

16. Registration Fees.

- (i) Except as otherwise provided by the conditions on which any bond is issued, the Registrar shall be entitled to charge a fee not exceeding Re. 1, as the Board may from time to time specify, in respect of the registration of each one of the following :(a)any transfer,(b)probate of will or letters of administration,(c)change of name,(d)power of attorney,(e)order of Court, and(f)any other document affecting the registration of a bond.(ii)If any such registration affects more than one class of bond, a separate fee may be charged in respect of each class.

17. Defaced or lost Certificate.

- (i) If any certificate of any bond is worn or defaced, the Registrar shall, on surrender of the certificate and on payment of a fee of Re. 1 issue a new certificate to the person entitled to the surrender certificate.(ii)If it is shown to the satisfaction of the Registrar that any such certificate has been lost or destroyed, he shall on an application made in writing by or on behalf of the registered holder of the bond and after due notification in the Uttar Pradesh Gazette and on receiving indemnity to his satisfaction against all claims in respect of the lost or destroyed certificate and on payment of the charges of notification and a fee of Re. 1 issue a new certificate to the person entitled to the certificate so lost or destroyed.(iii)A memorandum of the issue of a new certificate shall be made thereon and in the register.

18. Board to adopt provisions of Companies Act, 1956 in respect of the Issue, Transfer, etc. of Bonds.

- Save as otherwise provided in these rules, the Board shall adopt, as far as circumstances may permit, in all matters in connection with or incidental to the issue, transfer, devolution, or registration of bonds, the provisions of the Indian Companies Act, 1956 (Act No. 1 of 1956) and the rules made thereunder.

19. Closing of Transfer Books, etc.

- (i) The Registrar, with the approval of the Board, and after giving due notice by public advertisement, may close the register of transfers of any class of bonds for a period not exceeding thirty days immediately preceding the date for the payment of interest of the bonds.(ii)The persons who on the day of closing in accordance with sub-rule (i) are registered as holders of any bonds shall be entitled to the interest next payable thereon.

20. Arrangement with Bankers, etc.

- The Board may, subject to the provisions of these rules, make any arrangement with, and provide for the proper remuneration of, any banking or other company or corporation, brokers or financial agents with respect to the issue of bonds, the registration and transfer of bonds, the payment of interest on bonds, the keeping of books and other matters incidental to the issue, management, redemption and repayment of bonds.

21. Protection of Lenders and Holders of Bonds.

- A person holding any bond shall not be under any obligation to inquire into, or to take notice of, whether the borrowing or the creation or issue or grant of such bond was or was not within the competence of the Board under the Act or these rules or whether or not the Board or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Board were legal or regular, or to see to the application of any money borrowed or raised by any bond or be answerable for any loss or mis-appropriation thereof.

22. Payment of interest.

- Interest on a bond shall be paid by the office of issue of the Bank or in case payment at any other office of the Bank is permitted in the relative Bond, Prospectus by such other office, subject to compliance by the holder with such formalities as the office of issue, may require, on presentation of the bond, by interest warrant in favour of the holder payable at the office of issue or any other office of the Bank, as the case may be. Explanation. - In this rule "Bank" means any banking or other company or corporation appointed by the Board as its bankers for the issue, management and repayment of bonds.

23. Residuary provision relating to incidental matters.

- Except as otherwise expressly provided by these rules, the procedure prescribed in the Government Securities Manual shall, mutatis mutandis, apply to all matters incidental to the issue, management and repayment of bonds.

24. Saving for other obligations.

- Nothing in these rules shall relieve the Board from any obligation which may be imposed on it in relation to any borrowing power conferred by or under any enactment for the time being in force in Uttar Pradesh.