

Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978

TAMILNADU

India

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Act 29 of 1978

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Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978(Tamil Nadu Act 29 of 1978)Statement of Objects and Reasons - Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978). - Prior to the formation of the Tamil Nadu Electricity Board, arrears of current consumption charges, etc., due to the Electricity Department were recovered as arrears of land revenue by invoking the provisions of the Revenue Recovery Act 1864 (Tamil Nadu Act II of 1864). This facility was withdrawn subsequently after the formation of the Tamil Nadu Electricity Board, as the arrears were not due to Government. The Tamil Nadu Electricity Board has, therefore, to file civil suits for recovery of arrears. The process of filing suits and execution petitions for bringing the part of consumers to pay the arrears, even after the decrees were- passed, is a time consuming process and very often it takes a number of years for recovery of arrears. Even then, the consumers take up the matter on appeals and the Tamil Nadu Electricity Board has to face endless litigation to realise the amount. In view of the above practical difficulties, the Tamil Nadu Electricity Board has suggested that suitable legislation maybe undertaken providing for expeditious recovery of the arrears of current consumption charges, etc. After carefully examining the proposal of the Tamil Nadu Electricity Board, the Government have decided to undertake a separate legislation for this purpose.2. The Bill seeks to give effect to the above decision.Published in Part IV-Section 1 (pages 234-235) of the Tamil Nadu Government Gazette Extraordinary, dated the 27th March 1978.Statement of Objects and Reasons - Tamil Nadu Electricity Board (Recovery of Dues) Amendment Act, 1981 (Tamil Nadu Act 3 of 1982). - In order to provide for the expeditious recovery of the arrears of current consumption charges, etc., the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978 (Tamil Nadu Act 29 of 1978) was enacted empowering the Tamil Nadu Electricity Board to recover the dues from its consumers as arrears of land revenue. It is considered necessary to make suitable provision in the said Act empowering the Tamil Nadu Electricity Board to publish the list of names and other particulars of consumers from whom electricity dues are payable to the Board, if the Board is of opinion that such publication is, necessary or expedient in the public interest or for the purpose of securing recovery of any dues payable to it.2. The Bill seeks to achieve the above object.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette,

Extraordinary, dated the 23rd March 1981. Received the assent of the President on the 13th June 1978 and first published in the Tamil Nadu Government Gazette Extraordinary, dated the 19th June 1978. An Act to provide for the expeditious recovery of certain sums due to the Tamil Nadu Electricity Board. Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows: -

1. Short title and extent.

(1) This Act may be called the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978. (2) It extends to the whole of the State of Tamil Nadu.

2. Definitions.

- In this Act, unless the context otherwise requires, - (1) "Board" means the Tamil Nadu Electricity Board constituted under section 5 of the [Electricity (Supply) Act, 1948 (Central Act LIV of 1948)] [This Act has been repealed and re-enacted as the Electricity Act, 2003 (Central Act 36 of 2003).]; (2) "dues" means any sum payable to the Board on account of, - (i) consumption of electrical energy supplied; or (ii) any remuneration, rent, or other charges for hire, inspection, test, installation, connection, repairs, maintenance or removal of any electric meter, electric machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used or any industrial or agricultural machinery operated by electricity; or (iii) price of any such goods as aforesaid taken on loan but not returned; (3) "debtor" means a person by whom any dues are payable; (4) "prescribed authority" means any person or authority subject to the control of the Board and authorised, whether by virtue of office or otherwise by the State Government, by notification, to perform the functions of the prescribed authority under this Act in and for such area, as may be specified in the notification.

3. Bills to state the date by which payment are to be made and consequences of non-payment.

(1) Every bill for dues payable to the Board by a debtor shall be in the form prescribed by the Board and shall specify conspicuously the date by which such dues are to be paid and shall be served in such manner as may be prescribed by rules. (2) (a) If a debtor disputes his liability to pay the whole or part of the dues specified in the bill referred to in sub-section (1), he may, within such time as may be prescribed, prefer an appeal to the appellate authority to be specified by the Board. (b) The appellate authority shall, while deciding the appeal, follow such procedure as may be prescribed by rules. (c) The dues as determined by the appellate authority in the case of an appeal under this sub-section shall be paid by such date as may be specified by the appellate authority. (3) If the dues as mentioned in the bill under sub-section (1) are not paid by the date specified in the bill, and in the case of an appeal under sub-section (2), the dues as determined by the appellate authority are not paid by the date specified by such authority, the debtor shall be liable to pay, in addition thereto such penalty which may be specified by the Board, and such dues and penalty shall be recoverable along with the costs incurred in making such recovery, in the manner hereinafter laid down in this

Acts.

4. Notice of demand for dues and penalty not paid.

- If the dues as mentioned in the bill under sub-section (1) of section 3 are not paid by the date specified in the bill and in the case of an appeal under sub-section (2) of section 3, the dues as determined by the appellate authority are not paid by the date specified by such authority, the prescribed authority, may at any time, serve or cause to be served upon him a notice of demand in the prescribed form, stating the name of the debtor, the amount payable by him on account of the various dues, penalty and the costs of recovery. Explanation. - The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned.

5. Suit to challenge liability to payment.

- Where a notice of demand has been served on the debtor or his authorised agent under section 4, he may, if he denies his liability to pay the dues, penalty or cost or any part of any of them, institute a suit within three months from the date of service of notice of demand, after depositing with the prescribed authority the aggregate amount specified in the notice of demand under protest in writing that he is not liable to pay the same. Subject to the result of such suit, the notice of demand shall be conclusive proof of the various dues, penalty and costs mentioned therein.

6. Recovery of dues, etc. if not paid.

(1) If the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within three months of the date of such service or such extended period as the Chairman of the Board may, from time to time, allow, the debtor shall be deemed to be in default in respect of such amount and the same shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement. (2) For the purpose of recovery of the amount specified in sub-section (1) as arrear of land revenue, the prescribed authority shall have all the powers of the Collector under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

6A. [Publication of information respecting debtors. [Inserted by Tamil Nadu Act No. 3 of 1982.]

(1) Notwithstanding anything contained in section 6, if the Board is of opinion that it is necessary or expedient in the public interest or for the purpose of securing recovery, of any dues payable to it, to publish the names and other particulars of any debtors, the Board may, subject to such conditions as may be prescribed, cause to be published in such manner as it thinks fit, the names and other particulars of such debtors. (2) No publication under this section shall be made in relation to any dues, penalty and costs mentioned in the notice of demand served under section 4, until the time for instituting a suit under section 5 has expired without institution of a suit, or the suit, if instituted,

has been disposed of. Explanation. - In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers, or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the Board, the circumstances of the case justify it.]

7. Power to make rules.

(1) The State Government may make rules to carry out the purposes of this Act. (2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (b) The notification issued under this Act shall, unless it is expressed to come into force on a particular day, shall come into force on the day on which it is published. (3) Every rule made and notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of [the legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws order, 1987.], and if, before the expiry of the session, in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws order, 1987.] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect, only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.