

The Madhya Bharat Electricity (Special Powers) Act, Samvat, 2009

MADHYA BHARAT

India

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Act 26 of 1952

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The Madhya Bharat Electricity (Special Powers) Act, Samvat, 2009 Act No. 26 of 1952 (Having been reserved by the Rajpramukh under Article 254 (2) of the Constitution of India for the consideration of the President, received his assent on 11th July, 1952.) An Act to provide for the exercise of the powers of control the supply, consumption, distribution and use of electrical energy in Madhya Bharat. Be it enacted as followed :

1. Short title and commencement.

(1) This Act may be called "The Madhya Bharat Electricity (Special powers) Act, Samvat, 2009." (2) It extends to the whole of Madhya Bharat. (3) It shall come into force after fifteen days of its publication in the Government Gazette.

2. Definitions.

- In this Act, unless there is anything repugnant to the subject of context - (a) "consumer" and "work" have the meaning assigned to them in Section 2 of the Indian Electricity Act, 1910 (IX of 1910); (b) "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; (c) "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 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 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, or any licence granted thereunder or any agreement for the supply of electrical energy, the 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 Government contravenes any direction issued to him under Section 3; or(b)without the permission of the Government-(i)exceeds at any time the maximum demand in KW of electrical energy recorded in respect of him during the twelve months ending the 31st January, 1943; or(ii)connects or has connected load beyond that notified in writing to the licensee upto 31th January, 1943,(c)within three months, after the service on his by the licensee of a notice in writing in this behalf, does not utilise any energy.(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 to do so;(ii)on discontinuing the supply, communicate to the 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 Government recommence the supply with all speed.(3)The licensee shall report to the 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. Restriction 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 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 Government, with(i)the provisions of any contract, agreement or requisition (whether made before or after the commencement of this Act), for the supply, or an increase in the supply, of electrical energy to any person;(ii)any requisition for the resumption of a supply to a consumer after a period of six months from the 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 its discontinuance :Provided that the 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 Government in such form as the Government may notify in the Official Gazette in this behalf. Where a requisition is made on the licensee 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 Government in respect of such requisition within thirty days from the date of the receipt of the requisition by him or within such longer period as the Government may allow.(3)On an application being made under sub-section (2), the 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. Restriction 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 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 space.

7. Power to regulate supply of electrical energy and periods of works in undertakings.

(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 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 for any purpose specified in such order;(b)for determining the order of priority in which on the period or periods during which, work shall be done by an undertaking to which the supply of electrical energy is made by a licensee.(2)The 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 purpose 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.

8. Revocation of licence or discontinuance of supply for breach of order under Section 7.

- 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 7, it shall be lawful for the Government to revoke the licence or sanction granted to such licensee for the supply of electrical energy; or(b)if any undertaking contravenes an order made under Section 7, the Government may by order direct the licensee to discontinue or reduce the supply of electrical energy made to such undertaking; and the licensee shall thereupon discontinue or reduce the supply of electrical energy to such undertaking.

9. Discontinuance of supply of energy to consumer for failure to pay fees for service of Electrical Inspectors or 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 Electrical Inspector or any other officer appointed to assist the Electrical Inspector under the provisions of the Indian Electricity Act, 1910 (IX of 1910), or any rules made thereunder, within two days from the date of such inspection, examination, test or rendering of service, the Government or any other officer authorised by the 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 Government or the authorised officer may by order in writing direct the licensee to reconnect and recommence the supply of electrical energy, and the licensee shall, thereupon, reconnect and recommence the supply to the consumer as soon as possible :Provided that the licensee shall not be bound to reconnect the supply until the consumer pays to the licensee the charges for reconnection the supply.

10. Penalties.

- Any person who-(a)contravenes-(i)any order made or deemed to have been made under Section 3, 4, 5, 6, 7, 8, or 9; 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, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

11. Power of entry, etc.

(1)Any officer authorised by the 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)Whosoever voluntarily obstructs any person authorised under subsection (1) 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.

12. Offence by local authorities and corporations.

- If the person referred to in Section 10, 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 the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

13. Cognizance of offence.

- 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 Government in this behalf.

14. Protection of action taken under Act.

- No suit, prosecution or other legal proceedings 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, 7, 8 or 9.

15. Service of order 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).