The Indian Electricity (Bombay Amendment) Act, 1946

Act 18 of 1946

Keyword(s):
Central Act Amendment, The Indian Electricity Act, 1910

Amendments appended: 44 of 1976, 45 of 1981
THE INDIAN ELECTRICITY (BOMBAY AMENDMENT) ACT, 1946.

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PREAMBLE

SECTIONS.

1. Short title.

2. Amendment of sections 5 and 7 of Act IX of 1910.


5. Possession taken before the coming into force of this Act deemed to be possession taken under new section 7-A.
BOMBAY ACT No. XVIII OF 1946.¹

[THE INDIAN ELECTRICITY (BOMBAY AMENDMENT) ACT, 1946.]

[30th September 1946]

An Act to amend the Indian Electricity Act, 1910, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Indian Electricity Act, 1910, in its application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Electricity (Bombay Amendment) Act, 1946.

2. To clause (d) of section 5 and sub-section (2) of section 7 of the Indian Electricity Act, 1910, hereinafter called the said Act, in its application to the Province of Bombay, the following proviso shall be added, namely:—


1. Provided that where the undertaking vests in the Provincial Government under the provisions of section 7-A for the purposes of valuation, the time of such vesting shall be deemed to be the time of purchase.

3. After section 7 of the said Act, the following new section shall be inserted, namely:—

7-A. (2) Notwithstanding anything contained in any law for the time being in force, the Provincial Government may,—

(a) when it elects under clause (d) of section 5 to purchase an undertaking or

(b) if it elects under sub-section (2) of section 7 to purchase an undertaking, on the expiry of the period of notice required to be given under sub-section (4) thereof

pending the purchase of the undertaking, at any time by order require the licensee to deliver possession of such undertaking to such officer as the Provincial Government may appoint in that behalf on or before such day as may be specified in the order, and the licensee shall comply with such order. On failure of the licensee to comply with such order, the Provincial Government may forthwith enter into possession of such undertaking.

(2) On the date of compliance with the order, or the day specified therein whichever is earlier the provisions of clause (e) of section 5 or sub-section (3) of section 7, as the case may be, shall, without prejudice to the right of the licensee to payment of the value of the undertaking, apply to such undertaking as if the purchase had been effected.

4. In section 42 of the said Act, clauses (a), (b) and (c) shall be re-lettered as "(b)", "(c)" and "(d)" respectively and before clause (b) so re-lettered the following new clause shall be inserted, namely:—

"(a) fails to comply with a requisition under section 7-A; or"

5. Where the Provincial Government has before the coming into force of this Act taken possession of any undertaking pending the purchase thereof by it under the said Act, such possession shall be deemed to have been taken in pursuance of an order issued under section 7-A of the said Act.

¹ For Statement of Objects and Reasons, see Bombay Government Gazette, 1946, Pt. V, page 59; for Proceedings in Assembly, see Bombay Legislative Assembly Debates, 1946, Vol. IX, and for Proceedings in Council, see Bombay Legislative Council Debates, 1946, Vol. X. Possession taken before the coming into force of this Act deemed to be possession taken under section 7-A.
THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT) ACT, 1976.

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PREAMBLE.

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1. Short title and commencement.
2. Amendment of section 5 of Act IX of 1910.
5. Amendments made in sections 5, 6 and 7A to apply in relation to all licensees, etc.
MAHARASHTRA ACT No. XLIV OF 1976.\(^1\)

[The Indian Electricity (Maharashtra Amendment) Act, 1976.]

[11th September 1976]

An Act further to amend the Indian Electricity Act, 1910, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Electricity (Maharashtra Amendment) Act, 1976.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. (1) In section 5 of the Indian Electricity Act, 1910, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”),—

(a) for sub-section (2), the following shall be substituted, namely:—

“(2) Where an undertaking is sold under sub-section (1), the purchaser shall pay to the licensee for the undertaking an amount determined in accordance with the provisions of sub-sections (1) and (2) of section 7A.”;

(b) in sub-section (3),—

(i) for the words “payment of the purchase price of the undertaking” the words “payment of the amount for the undertaking” shall be substituted;

(ii) in the proviso,—

(1) for the words “purchase price of the undertaking” the words “amount for the undertaking” shall be substituted; and

(2) for the words “payment of the purchase price” the words “payment of such amount” shall be substituted.

3. In section 6 of the principal Act,—

(1) in sub-section (6), for the words “payment of the purchase price” the words “payment of the amount” shall be substituted; and

(2) for sub-section (7), the following shall be substituted, namely:—

“(7) Where an undertaking is purchased under this section, the purchaser shall pay to the licensee the amount determined in accordance with the provisions of section 7A and interest at the Reserve Bank of India rate ruling at the time of delivery of the undertaking plus one per centum on the amount payable for the undertaking for the period from the date of delivery of the undertaking to the date of payment of such amount.”.

4. For section 7A of the principal Act, the following new section shall be substituted, namely:—

“7A. (1) Where an undertaking of a licensee is sold under sub-section (1) of section 5 or purchased under section 6, the amount payable for the undertaking shall be the book-value of the undertaking at the time of delivery of the undertaking.

\(^1\) For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1976, Part V, 3., pp. 390-395.
(2) The book-value of an undertaking for the purposes of sub-section (1) shall be deemed to be the depreciated book-value as shown in the accounts rendered by the licensee in accordance with the provisions of section 11 of all lands, buildings, works, materials and plant of the licensee, suitable to, and used for him, for the purpose of the undertaking other than—

(i) a generating station declared by the licence not to form part of the undertaking for the purpose of purchase; and

(ii) the service lines or other capital works or any part thereof, which have been constructed at the expense of the consumers,—

but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking or of any similar consideration.

(3) Notwithstanding anything contained in any licence or any instrument, order, agreement or law for the time being in force, in respect of any additional sum by whatever name it may be called, payable to a licensee for compulsory purchase, the licensee shall be entitled only to a solutium of ten per centum of the book-value as determined under sub-sections (1) and (2), for compulsory purchase of his undertaking under section 6.

(4) No provision of any Act for the time being in force, including the other provisions of this Act and of any rule made thereunder or of any instrument including any licence, having effect by virtue of any such Act, or any rule made thereunder, shall, in so far as it is inconsistent with any of the provisions of this section, have any effect.

(5) (a) The amount payable to a licensee under sub-section (1) shall be payable in cash either in lump sum or in annual instalments as the State Government may fix;

(b) Where any such amount is payable in instalments, the unpaid amount where its payment has become due shall carry interest at the rate referred to in sub-section (7) of section 6."

Amendments

5. The provisions of sections 5, 6 and 7A of the principal Act as amended by this Act, shall have effect in relation to all the licensees in respect of their undertakings, including any licensee on whom a notice requiring him to sell the undertaking has been issued under sub-section (1) of section 5, or on whom a notice exercising the option of purchasing the undertaking has been served under sub-section (1) of section 6 of the principal Act before the commencement of the Indian Electricity (Maharashtra Amendment) Act, 1976, and the purchase price in respect of whose undertaking was not determined before such commencement.

Savings

6. For the removal of doubt it is hereby declared that the provisions of section 7A as they stood immediately before the commencement of the Indian Electricity (Maharashtra Amendment) Act, 1976, shall have effect and continue to apply in relation to the undertaking of any licensee which is sold under sub-section (1) of section 5 or purchased under section 6 of the principal Act, and the purchase price in respect whereof was determined before such commencement, as if that section was still in force.
THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT) ACT, 1981.

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PREAMBLE.

SECTIONS.

1. Short title and commencement.

MAHARASHTRA ACT No. XLV OF 1981.¹

[The Indian Electricity (Maharashtra Amendment) Act, 1981.]

[This Act received assent of the Governor on 11th September 1981; assent was first published in the Maharashtra Government Gazette, Part IV, Extraordinary, on 14th September 1981.]

An Act further to amend the Indian Electricity Act, 1910, in its application to the State of Maharashtra.

WHEREAS it is expedient further to amend the Indian Electricity Act, 1910, in its application to the State of Maharashtra, for the purpose hereinafter appearing; it is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Electricity (Maharashtra Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the 20th day of September 1976.

2. In section 7A of the Indian Electricity Act, 1910, in its application to the State of Maharashtra, in sub-section (5), for clause (b), the following clause shall be substituted, namely:—

“(b) Where any such amount is payable in instalments, the interest shall be payable, at the rate referred to in sub-section (7) of section 6, for the period from the date of delivery of the undertaking to the date of payment of the last instalment. With the first instalment, such interest shall be paid on the whole amount from the delivery of the undertaking to the date of payment of that instalment. With each subsequent instalment, such interest shall be paid on the amount due after payment of the last preceding instalment for the period from the payment of the last preceding instalment to the date of the succeeding instalment;”.


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