



The Andhra Pradesh Electricity Duty (Amendment) Act, 1994

Act 1 of 1994

Keyword(s):

Area of Transmission, APTRANSCO, Licence, Supply Licence, Transmission Licence, Transmit,

Amendments appended: 21 of 1996, 14 of 2003, 10 of 2021, 10 of 2024, 23 of 2024

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THE ANDHRA PRADESH ELECTRICITY DUTY
(AMENDMENT) ACT, 1994.

ACT No. 1 of 1994.

[15th Jan, 1994.]

An Act further to amend the Andhra Pradesh
Electricity Duty Act, 1939.

Be it enacted by the Legislative Assembly of
the State of Andhra Pradesh in the Forty-fourth
year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Electricity Duty (Amendment) Act, 1994: Short title
and commence-
ment.
- (2) It shall be deemed to have come into
force with effect on and from the 1st December,
1993.

Received the assent of the Governor on 15th Jan, 1994. For statement of
objects and reasons, please see the A.P. Gazette, Part IV-A, Extraordinary,
Dt. 22nd December 93 at P-3.

J. 964/1.

Amendment of
section - 3,
Act 5 of
1939.

2. In the Andhra Pradesh Electricity Duty Act, 1939, in section-3, in sub-section (1), for the words "four paise per unit of energy", the words "six paise per unit of energy" shall be substituted.

Repeal of
Ordinance
9 of 1993.

3. The Andhra Pradesh Electricity Duty (Amendment) Ordinance, 1993 is hereby repealed.

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

THE ANDHRA PRADESH ELECTRICITY DUTY
(AMENDMENT) ACT, 1996.

ACT No. 21 OF 1996.

[18th September, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH
ELECTRICITY DUTY ACT, 1939.

Whereas the Bill further to amend the
Andhra Pradesh Electricity Duty Act, 1939
which has been introduced in the Legisla-
tive Assembly of the State, has not been
passed by the Legislative Assembly:

*Received the assent of the Governor on the 14th
September, 1996. For Statement of objects and Reasons,
Please see Andhra Pradesh Gazette, Part IV-A, Extra-
ordinary, dated the 18th January, 1995 at Pages 3 & 4.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-seventh Year of the Republic of India, as follows:-

Short title
and commence-
ment.

1. (1) This Act may be called the Andhra Pradesh Electricity Duty (Amendment) Act, 1996.

(2) It shall be deemed to have come into force with effect on and from 30th May, 1994.

Insertion of
new section
3A, Act V of
1939.

2. In the Andhra Pradesh Electricity Duty Act, 1939, after section 3, the following section shall be inserted, namely:-

"Power to exempt. | 3A. Notwithstanding anything contained in this Act, the Government may, in public interest, by notification, setting out the grounds therefor, exempt, either permanently or for a specified period, a licensee from payment of the whole or part of the duty payable under section 3, subject to such terms and conditions as may be specified in the said notification."

Repeal of
Ordinance 12
of 1994.

3. The Andhra Pradesh Electricity Duty (Second Amendment) Ordinance, 1994 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 22nd October, 2003 and the said assent is hereby first published on the 24th October, 2003 in the Andhra Pradesh Gazette for general information:-

ACT No. 14 OF 2003.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH ELECTRICITY DUTY ACT, 1939.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India as follows:-

Short title and comment. 1. (1) This Act may be called the Andhra Pradesh Electricity Duty (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 17th July, 2003.

Insertion of new section 3B. Act V of 1939. 2. In the Andhra Pradesh Electricity Duty Act, 1939 (hereinafter referred to as the Principal Act), after section 3A, the following new section shall be inserted, namely:-

"Levy of duty on certain energy generated and consumed.

3.B.(1) Every person or a generating company who generates energy and uses for his own purpose shall pay every

month to the State Government, a duty calculated at the rate of twenty five paise per unit of energy on and in respect of such energy consumed during the previous month:

Provided that no duty shall be leviable in respect of the energy consumed in the auxiliaries of the generating plant.

(2) The State Government, may, by notification specify from time to time the minimum aggregate capacity of the generating plant from which the energy generated and used shall attract levy of duty under sub-section(1) thereof.

(3) The State Government, may, by notification exempt either permanently

or for a specified period any person or a generating company from payment of the whole or part of the duty payable under sub-section(1) subject to such terms and conditions as may be specified in the said notification."

3. For section 4 of the principal Substitution Act, the following shall be substituted, of section 4. namely,-

<p>"Maintenance of books of accounts and submission of returns and installation of meters."</p>	<p>4.(1) Every person or generating company or a licensee liable to pay duty under section 3 or section 3 B shall maintain the books of accounts in the prescribed form and shall</p>
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submit the returns showing the units of energy generated and the Units of energy consumed in auxiliaries of a generating plant and the energy consumed for their own purposes, energy sold to the consumers and the amount payable in respect of such energy consumed or sold as the case may be, to such officer, in such form and at such time as may be prescribed.

(2) The energy generated or the energy consumed or sold shall be measured by the energy meters installed at such point and in such manner as may be prescribed."

4. The Andhra Pradesh Electricity Repeal of Duty (Amendment) Ordinance, 2003 is hereby Ordinance repealed. 3 of 2003.

K.G. SHANKAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

STATEMENT OF OBJECTS AND REASONS

Sub section (1) of section 3 of the Andhra Pradesh Electricity Duty Act, 1939 provides for levy of Electricity Duty at the rate of six paise per unit on all the sales of electrical energy by the licensee to the consumers other than Railway and Central Government. The electrical energy generated by the captive power plants and consumed by the owners of the plants for their own use is not subjected to levy of the duty. Thus, a large extent of electrical energy used by HT consumers is not attracting levy of electricity duty causing substantial revenue loss to the Government. Government have substantial social obligations in providing assistance to power sector and there is imperative need to augment revenue by tapping all available sources.

There are two categories of HT consumers who are not covered by grid supply of electricity. They are (1) captive consumers who consume energy either by generating sets within their premises or generating elsewhere and getting it through wheeling lines of the utilities (2) the consumers who supply power/energy by way of third party sales by generating companies who generate power elsewhere and supply to consumers using the wheeling apparatus of the utilities. The HT consumers covered by the third party sales fall within the Jurisdiction of the Andhra Pradesh Electricity Regulatory Commission.

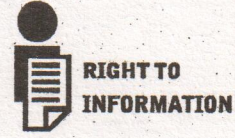
Therefore, the Government have decided to levy duty calculated at the rate of twenty five paise paid per unit of energy from every person or a generating company who generates energy and uses for his own purpose by exempting such duty in respect of energy consumed in the auxiliaries of the generating plant and empowering the Government to fix the minimum aggregate capacity of the generating plant attract levy of duty and also empowers Government to exempt from such duty either permanently or for specified period by and person or a generating company from payment of the whole or part of the duty payable, by suitably amending the said Act.

As the Legislative Assembly of the State was not then in session having been prorogued, and it has been decided to give effect the above decisions immediately, the Andhra Pradesh Electricity Duty (Amendment) Ordinance, 2003 was promulgated by the Governor on the 16th July, 2003.

This Bill seeks to replace the said Ordinance.

KOTHAPALLI SUBBARAYUDU,

*Minister for Energy, Coal
and Boilers.*



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 10] AMARAVATI, THURSDAY, 26th AUGUST, 2021.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 24th December, 2020 for the consideration and assent of the President, recieved the assent of the President on the 7th August, 2021 and the said assent is hereby first published on the 26th August, 2021 in the Andhra Pradesh Gazette for general information :

ACT No. 10 of 2021.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ELECTRICITY
DUTY ACT, 1939.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy Second year of the Republic of India as follows, -

1. (1) This Act may be called the Andhra Pradesh Electricity Duty Short title and (Amendment) Act, 2020. commencement
- (2) It shall come into force on such date as the State Government may, by notification, appoint.
2. In the Andhra Pradesh Electricity Duty Act, 1939 (hereinafter referred to as the Principal Act), in section 2, for sub-clause (i) of clause (b), the following shall be substituted, namely, -

Amendment of section 2.
 Act No.5 of 1939;
 Central Act No.36 of 2003.

“(i) a person who has been granted a license under section 14 of the Electricity Act, 2003;”

Amendment of 3.
section 3.

In section 3 of the Principal Act, in sub-section (1), for the words "a duty calculated at the rate of six paise per unit of energy", the words "a duty calculated at the rate notified by the State Government from time to time for different consumer categories", shall be substituted.

VADDADI SUNITHA,

Secretary to Government (FAC),

Law, Legal and Legislative Affairs & Justice,

Law Department.



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THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.10] AMARAVATI, WEDNESDAY, 6th MARCH, 2024.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 5th March, 2024 and the said assent is hereby first published on the 6th March, 2024 in the Andhra Pradesh Gazette for general information :

ACT No. 10 of 2024

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ELECTRICITY
DUTY (AMENDMENT) ACT, 2020 (ACT NO.10 OF 2021) RELEVANT TO
THE ANDHRA PRADESH ELECTRICITY DUTY ACT, 1939**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-Fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Electricity Duty (Amendment) Act, 2024. Short title and commencement.
(2) It shall be deemed to have come into force with effect on and from the 30th January, 2024.
2. In the Andhra Pradesh Electricity Duty (Amendment) Act, 2020 (Act No. 10 of 2021), in section 1, for sub-section (2), the following shall be substituted, namely, - Amendment of section 1.
" (2) It shall be deemed to have come into force on the date of publication of the Act in the AP. Gazette, dated 26th August 2021." Act No.5 of 1939.
Central Act No.36 of 2003.

Repeal and
savings.

Ordinance
No.2 of 2024.

3.

(1) The Andhra Pradesh Electricity Duty (Amendment) Ordinance, 2024, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

G. SATYA PRABHAKARA RAO,

Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.



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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 23]

AMARAVATI, THURSDAY, 19th DECEMBER, 2024.

ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 16th December, 2024 and the said assent is hereby first published on the 19th December, 2024 in the Andhra Pradesh Gazette for general information :

ACT No. 23 of 2024

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH ELECTRICITY
DUTY ACT, 1939.

Be it enacted by the Legislature of the State of Andhra Pradesh in the
Seventy-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Electricity Duty (Second Amendment) Act, 2024. Short title and commencement.
(2) It shall be deemed to have come into force with effect on and from the 26th August, 2021.
2. In the Andhra Pradesh Electricity Duty Act, 1939 (hereinafter referred to as the principal Act), in section 3, in sub-section (1),- Amendment of Section 3, Act No.5 of 1939.
(i) after the words "consumer categories" and before the words "on and in respect of:" the following words shall be inserted namely, -

"which shall not be less than 6 paise (₹ 0.06) per unit of energy and not be more than 100 paise (₹ 1.00 rupees) per unit of energy".

(ii) after the existing proviso, the following shall be added, namely,-

"Provided further that in the absence of any rate of duty notified by the State Government for different consumer categories at any given time, a minimum duty of 6 paise (₹ 0.06) per unit of energy shall be levied."

Amendment of
Section 7.

3. In the Principal Act, in Section 7,-

(i) for sub-section (1), the following shall be substituted, namely,-

"(1) Any licensee may, with the sanction of the State Government whether granted prior or post facto and subject to such conditions as may be imposed at any time, recover from any person or class of persons to whom energy is sold at a price of more than [twelve paise] per unit, the duty which falls to be paid by the licensee in respect of the energy so sold or any part of it, as may be determined by the State Government".

(ii) before the existing "Explanation" to sub-section (1), the following proviso shall be inserted, namely,-

Provided that the duty recovered or to be recovered by the licensee from any person or class of persons, for the full amount of duty paid/falls to be paid by the licensee to the State Government, shall always be deemed to have been recovered with the sanction of the State Government, which sanction can be granted either before or after any action for recovery.

GOTTAPU PRATIBHADEVI,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

The sub-section (1) of section 3 of the Andhra Pradesh Electricity Duty Act, 1939 (Act No. 5 of 1939) provided for the levy of electricity duty at the rate of six paise per unit on all sales of electrical energy by the licensee to consumers, other than Railways and the Central Government. The duty at the rate of 6 paise per unit sale had been levied with effect from 01-12-1993 by way of the Andhra Pradesh Electricity Duty (Amendment) Act, 1994 (Act No. 1 of 1994). Since then, the same rate of duty has continued for about 28 years. The Government, considering the substantial gap of 28 years in electricity duty revision, and after duly studying the current rates of levy of duty across other States like Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Himachal Pradesh, Kerala, Manipur, Punjab, West Bengal, and Jammu & Kashmir where the rate of duty varies from 14 paise to 180 paise per unit sale of energy on different categories of consumers, felt it necessary to enhance the duty rates under the Andhra Pradesh Electricity Duty Act, 1939. Further, the term "Licensee" under sub-section (b) of section 2 of the Andhra Pradesh Electricity Duty Act, 1939 was defined in terms of the licensee referable to the Indian Electricity Act, 1910. However, as the said Indian Electricity Act, 1910 stands repealed and replaced by the Electricity Act, 2003, the term "Licensee" required to be redefined in terms of section 2(39) of the Electricity Act, 2003 (Act No. 36 of 2003) dated 26th May, 2003, which has been in force since 2003.

To achieve the above objectives, the State Legislature has passed the Act No. 10 of 2021 i.e., Andhra Pradesh Electricity Duty (Amendment) Act, 2020. As the said Act was published, pursuant to securing all the mandatory assents, by way of Gazette Notification on 26th August 2021, the same date was intended for the purposes of bringing the Act No. 10 of 2021 into force. However, the terms "appoint" / "appointed date" could not be defined under section 1 (2) of the said Amendment Act, which provides that "It shall come into force on such date as the State Government may, by notification, appoint," and a separate "notification" could not be issued due to an inadvertent omission. To avoid potential legal complications, the State Legislature passed Act No. 10 of 2024 i.e., Andhra Pradesh Electricity Duty (Amendment) Act, 2024 on March 6th, 2024, which amended the A.P.E.D.

Amendment Act of 2020. This 2024 amendment brought the A.P.E.D. Amendment Act of 2020 into force from the date of its publication in the A.P. Gazette on 26th August, 2021.

Further, due to the imminent need to 1) protect all duty recovery actions of the licensees from various persons or classes of persons for the entire extent of the electricity duty collected by the State Government from the licensees, 2) to protect the collection of electricity duty during the period between the date of A.P.E.D. Amendment Act 2020 coming into force, i.e., 26-08-2021, and the duty rates notified vide G.O.Ms.No.7 dated 08-04-2022 and 3) to provide appropriate legislative guidance on the range of duty by way of validating amendments and substitutions to the fiscal statute with retrospective effect, it has been felt necessary to propose amendments to sections 3(1) and 7(1) of the Andhra Pradesh Electricity Duty Act, 1939 (as amended by Act No. 10 of 2021 and Act No. 10 of 2024) (hereinafter referred to as "the Act").

In order to provide legislative guidance for the range of duty rates in the Act itself, a rate of duty between 0.06 rupees (6 paise) per unit (KWH) of energy and 1.00 rupees (100 paise) per unit (KWH) of energy is being provided in section 3(1) of the Act. Within the range of duty provided, the State Government may decide on the rate to be levied; considering the increase in cost of supply and current consumption year by year, the costs and obligations of developing physical infrastructure, and a variety of dynamic factors with a bearing on the subject which vary from time to time.

In order to avoid further legal complications due to inadvertent drafting errors and to emphasize that the licensees are always recovering the duty from persons or classes of persons for the electricity duty collected by the State Government from the licensees with the sanction of the State Government, the word 'previous' in section 7 of the Act is proposed to be replaced with 'whether granted prior or post facto' to protect such recovery actions of the licensees in addition to introducing a proviso for that purpose, with the validating amendments and substitutions taking retrospective effect from 26.08.2021.

Further, in order to meet the financial requirements of the State Government, there is an imperative need to augment revenue by tapping all available sources. Therefore, the Government has decided to propose amendments to the existing sections 3(1) and 7(1) of the Act.

GOTTAPU PRATIBHADEVI,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.