



The Indian Electricity (Haryana Amendment) Act, 1987

Act 17 of 1992

Keyword(s):

Central Act Amendment, Indian Electricity Act, 1910

Amendment appended: 4 of 1998

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1992: HARYANA ACT 17] INDIAN ELECTRICITY (HARYANA AMENDMENT)

THE INDIAN ELECTRICITY (HARYANA AMENDMENT) ACT, 1987

(Haryana Act No. 17. of 1992)

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1992: HARYANA ACT 17] INDIAN ELECTRICITY (HARYANA AMENDMENT)

¹[THE INDIAN ELECTRICITY (HARYANA AMENDMENT) ACT, 1987]

(Haryana Act No. 17. of 1992)

(Received the assent of the president of India on the 27th August, 1992 and was first published in the Haryana Government Gazette (Extraordinary), Legislative Supplement part 1 of the 29th September, 1992)

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Year	No.	Short title	Whether repealed or otherwise affected by Legislation
1992	17	The Indian Electricity (Haryana Amendment) Act. 1987	---

¹ For Statement of Objects and Reasons see Haryana Government Gazette (Extra ordinary). Dated the 25th November, 1986, Page

AN

ACT

to amend the Indian Electricity Act, 1910, in its application to the State of Haryana.

BE it enacted by the Legislature of the State of Haryana in the Thirty-eighth Year of the Republic of India as follows:-

Short title. **1.** This Act may be called the Indian Electricity (Haryana Amendment) Act, 1987.

Amendment of section 5 of Central Act 9 of 1910. **2.** In sub-section (2) of section 5 of the Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), for the words “provisions of sub-section (1) and (2) of section 7-A, or as the case may be, sub-section (3) o that section”, the words “provisions of sections 7 and 7-A” shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960.

Amendment of section 6 of Central Act 9 of 1910. **3.** In sub-section (7) of section 6 of the principal Act, the words “of subsection (4)” shall be omitted and shall be deemed to have been omitted with effect from the 1st day of April, 1960.

Substitution of section 7-A of Central Act 9 of 1910. **4.** For section 7-A of the principal Act, the following section shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960 and any proceedings pending before any court or before the arbitrator or umpire shall cease and of no effect namely-

“**7-A Determination of purchase money.**- (1) Where an undertaking on a licensee is sold under sub-section (1) of section 5 or is purchased under section 6, the purchase-money there for any shall be determined as hereinafter provided”.

(2) The gross purchase-money to such licensee shall be the aggregate value of the amount specified below:-

- (i) the book value of all completed works in beneficial use pertaining to the undertaking and taken over by the Haryana State Electricity Board, the State Government or local authority, as the case may be (excluding works constructed at the costs of local bodies for street light and works paid for by consumers), less depreciation calculated in accordance with Sixth Schedule read with the Seventh Schedule to the Electricity (Supply) Act, 1984;
- (ii) the book value of all works in progress taken over excluding works paid for by the consumers or prospective consumers;
- (iii) the book value of all stores, including spare parts taken over, and in the case of used stores and spare parts, if taken over, such sum as may be decided upon by the Special Officer;
- (iv) the book value of all other fixed assets in use on the date of

vesting (hereinafter referred to as the vesting date) and taken over under section 7 less depreciation calculated in accordance with the schedules referred to in clause (i);

- (v) the book value of all plants and equipments existing on the vesting date if taken over, but no longer in use owing to wear and tear or to obsolescence, to the extent such value has not been written off in the books of the licensee, less depreciation calculated in accordance with the schedule referred to in clause (i).

Explanation.- The book value of any fixed asset means its original cost, and shall comprise-

(a) the purchase price paid in good faith by the licensee for the asset, including the cost of delivery and all charges properly incurred in erecting and bringing the asset into beneficial use as shown in the books of the undertaking; and

(b) the cost of supervision actually incurred, but not exceeding fifteen percent of the amount referred to in paragraph (a):

Provided that before deciding the amounts under this sub-section, the licensee shall be given an opportunity by the Special Officer, of being heard, after giving him a notice of at least 15 days therefore.

(3) A sum equal to 10 percent of the amounts assessed under clauses (i) to (v) of sub-section (2) shall be paid to the licensee in respect of compulsory purchase under section 6.

(4) When any asset is acquired by the licensee after the expiry of the period to which the latest annual accounts relate, the book value of the asset shall be such as may be decided upon by the Special Officer:

Provided that before deciding the book value of any such asset, the licensee shall be given an opportunity by the Special Officer of being heard, after giving him a notice of at least 15 days therefore.

(5) The purchaser shall be entitled to deduct the following sums from the gross purchase money under the foregoing sub-section-

(a) the amount, if any, already paid in advance;

(b) where the purchaser is the Haryana State Electricity Board, the amount due, if any, including interest thereon, from the licensee to the Board, for energy supplied by the Board before the vesting date;

(c) all amounts and arrears interest, of any thereon due from the licensee to the State Government or the Haryana State Electricity Board;

(d) the amount, if any, equivalent to the loss sustained by the purchaser by reason of property or rights belonging to the undertaking not having been handed over to the purchaser, the amount of such loss being deemed to be the amount by which the market value of such property or rights exceeds the amount payable therefore under this section, together with any income

which might have been realized by the purchaser, if the property or rights had been handed over on the vesting date;

- (e) all sums paid by the consumers by way of security deposit and arrears of interest due thereon on the vesting date; insofar as they have not been paid over by the licensee to the purchaser, less the amounts which according to the books of the licensee are due from the respective consumers to the books of the licensee are due from the respective consumers to the licensee for energy supplied by him before that date;
- (f) all advances from consumers and prospective consumers, and sums which have been or ought to be set aside to the credit of the consumers, insofar as such advances or sums have not been paid over by the licensee to the purchaser;
- (g) the amounts remaining in Tariffs and Dividends Central Reserve, Contingencies Reserve and the Development Reserve, insofar as such amounts have not been paid over by the licensee to the purchaser.

(6) The State Government shall appoint, by order in writing, a person having adequate knowledge and experience in matter relating to accounts, to be the Special Officer to assess the net purchase-money under this section to the licensee, after making the deductions mentioned in this section.

(7) (a) The Special Officer may call for the assistance of such officers and staff of the State Government or the Haryana State Electricity Board or the licensee, as he may deem fit in assessing the net purchase-money.

(b) The Special Officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit in respect of the following matters:-

- i) enforcing the attendance of any person and examining him on oath;
- ii) compelling the production of document; and
- iii) issuing commissions for the examination of witnesses.

(c) The Special Officer shall, also have such further powers as may be specified by the State Government by notification in the Official Gazette.

(8) When the gross purchase-money is –

- (a) equal to the total amount to be deducted under this section, no payment shall be made to the licensee by the purchaser;
- (b) less than the total amount to be deducted under this section, the difference between the gross purchase-money so payable and the total amount to be deducted shall on a certificate of the Special Officer be recoverable as arrears of land revenue.

(9) Where any amounts not belonging to it have been deducted by the purchaser under clause (c), clause (e), clause (f) or clause (g) of sub-section (5) or recovered under sub-section (8), the liability of the licensee towards the State Government or other bodies or consumers or

prospective consumers, as the case may be, shall to the extent of the deduction and recoveries so made, stand discharged and the purchaser shall in substitution of the licensee become liable towards them to that extent”.

Amendment of section 20 of Central Act 9 of 1910.

5. In section 20 of the principal Act.-

i) in sub-section (2), for the words “and after giving not less than twenty-four hours notice in writing to the occupiers”, the words “at any time but in case of residential premises between sunrise and sunset and after informing the occupier of his intention” shall be substituted;

ii) to sub-section (2), the following proviso shall be added, namely:-
“Provided that sufficient notice shall in case of residential premises only be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved”.

Substitution of Section 39 of Central Act 9 of 1910.

6. For section 39 of the principal Act, the following section shall be substituted, namely:-

“39. **Theft of energy-** (1) Whoever dishonestly abstracts, consumes or uses any energy shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than five hundred rupees, but which may extend to five thousand rupees, or with both and the existence of artificial means, for such abstraction, consumptions or use shall be *prima facie* evidence of such dishonest abstraction, consumption or use.

(2) If any person, having been convicted of an offence punishable under subsection (1), is again guilty of an offence punishable under that sub-section he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than six months but which may extend to five years and shall also be liable to fine.

39-A. **Abetment.** – Whoever abets an offence punishable under section 39, shall be punished with the punishment provided for the offence”.

Amendment of section 44 of Central Act 9 of 1910.

7. (1) Section 44 of the principal Act shall be renumbered as sub-section (1) thereof and in sub-section (1) as so renumbered,-

(i) after clause (a), the following clause shall be inserted, namely:-
“[aa] unauthorized reconnects with any electric supply line or other works, being the property of the licensee, through which energy may be supplied, when the said electric supply line or other work has been out or disconnected; or”;

(ii) for the words “shall be punishable with fine which may extend to five hundred rupees”, the words “shall be punishable with imprisonment for a term which may extend to three years or

with fine which may extend to one thousand rupees or with both” shall be substituted;

- (iii) after the words “such connection as is referred to in clause (a)”, the words “or such reconnection as is referred to in clause (aa)” shall be inserted;
- (iv) the words “and that the meter, indicator or apparatus, is under the custody or control of the consumer, whether it is his property or not” shall be omitted;
- (v) for the words “that such connection, communication, alteration, prevention or improper use” , the words “that such connection, reconnection, communication, alternation, prevention or improper use” shall be substituted.

(2) After sub-section (1) as so renumber, the following sub-section shall be inserted, namely:-

“(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of an offence punishable under that sub-section, he shall be punishable with imprisonment for the second or subsequent offence for a term which shall not be less than three months but which may extend to five years and shall also be liable to fine”.

Insertion of section 44-A in Central Act 9 of 1910.

8. After section 44 of the principal Act, the following section shall be inserted, namely:-

Amendment of section 49 Central Act 9 of 1910.

9. In section 49 of the principal Act, for the words and figures “sections 39 40, 44, 45 and 46”, the words, figures and letters “sections 39, 39-A, 40, 44, 44-A, 45 and 46 “ shall be substituted.

Insertion of section 50-A and 50-B in Central Act 9 of 1910.

10. After section 50 of the principal Act, the following section shall be inserted, namely:-

50-A. Certain offences to be cognizable- Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 or section 50, offences under section 39, 39-A, 44 and 44-A shall be cognizable and non-bail able.

50-B. Summary trial. –Notwithstanding anything to the contrary contained in the Code of criminal Procedure, 1973, any Judicial Magistrate of the First Class , may, if he thinks fit, try any offence under this Act, summarily, in accordance with the procedure contained in the said Code.”

Repeal.

11. The Indian Electricity (Haryana Amendment) Ordinance, 1986 (Haryana Ordinance No. 7 of 1986), is hereby repealed.

PART I
LEGISLATIVE DEPARTMENT

Notification

The 17th January, 1998

No. Leg. 4/98.—The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 30th November, 1997, and is hereby published for general information :—

HARYANA ACT NO. 4 OF 1998

THE INDIAN ELECTRICITY (HARYANA AMENDMENT) ACT, 1989

AN

ACT

to amend the Indian Electricity Act, 1910, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Fortieth Year of the Republic of India as follows :—

1. This Act may be called the Indian Electricity (Haryana Amendment) Act, 1989.

Short title.

2. To sub-section (1) of section 24 of the Indian Electricity Act, 1910, the following proviso shall be added, namely :—

Amendment in section 24 of Central Act 9 of 1910.

“Provided that no court shall take cognizance of any matter pertaining to the payment of charges due from any person to a licensee in respect of the supply of energy to him or stay the recovery thereof unless—

- (i) he has exhausted all the remedies available to him under the terms and conditions governing the supply of energy to him ; and
- (ii) he has deposited forty per cent of the amount outstanding against him, with the licensee.”

B. L. GULATI,

Secretary to Government, Haryana,
Legislative Department.