



The Indian Electricity (Uttar Pradesh Amendment) Act, 1976  
Act 14 of 1976

**Keyword(s):**  
Central Act Amendment

**Amendment appended: 8 of 1986**

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THE INDIAN ELECTRICITY (UTTAR PRADESH AMENDMENT)  
ACT, 1976

(U. P. ACT NO. 14 OF 1976)

(Authoritative English Text of the *Bhartiya Vidyut (Uttar Pradesh Sanshodhan)*  
*Adhiniyam, 1976*)

AN  
ACT

to amend the Indian Electricity Act, 1910 in its application to Uttar Pradesh.

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 (Uttar Pradesh  
Amendment) Act, 1976.

Short title, extent  
and commence-  
ment.

(2) It extends to the whole of Uttar Pradesh

(3) It shall be deemed to have come into force on November 27, 1975.

2. In section 6 of the Indian Electricity Act, 1910, as amended in its appli-  
cation to Uttar Pradesh, hereinafter referred to as the principal Act, in sub-  
section (1), for the words "one year", the words "eleven months" shall be  
*substituted* and be deemed always to have been *substituted*.

Amendment of  
section 6 of Act  
IX of 1910.

3. After section 6 of the principal Act, the following section shall be  
*inserted*, namely :—

Insertion of  
new section 6-A.

"6-A. (1) In this section 'appointed day' means in relation to  
Revocation of licensees other than local authorities, December 1, 1975  
licences and and in relation to local authorities being licensees, such  
acquisition of date as may be specified by the State Government by  
undertaking. notification in that behalf, and different dates may be  
specified for different such undertakings.

(2) Notwithstanding anything contained in sections 4, 4-A, 5 and 6,  
the licence of every undertaking, unless revoked before the commence-  
ment of the Indian Electricity (Uttar Pradesh Second Amendment)  
Ordinance, 1975, shall stand revoked with effect from the appointed  
day.

[For statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordi-  
nary)*, dated March 27, 1976.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 30, 1976 and by the  
Uttar Pradesh Legislative Council on April 5, 1976.)

(Received the Assent of the President on April 30 1976 under Article 201 of the Cons-  
titution of India and was published in the *Uttar Pradesh Gazette, Extraordinary*, dated May 1,  
1976.)

(3) On revocation of the licence under sub-section (2), the following provisions shall have effect, namely :—

(a) Every undertaking the licence in respect of which stands revoked shall by virtue of this section stand and be deemed to have stood transferred to and vest and be deemed to have vested in the State Electricity Board, hereinafter in this section called 'the Board', free from any debt, mortgage or similar obligation of the licensee attaching to the undertaking :

Provided that any such debt, mortgage or similar obligation shall attach to the amount payable for the undertaking as mentioned in clause (h) ;

(b) the rights, powers, authorities, duties and obligations of the licensee under his licence shall stand transferred to the Board and the licence shall cease to have further operation ;

(c) the licensee shall deliver forthwith the undertaking to the Board or to such officer as the Board may appoint in that behalf, and if any property or asset, book of account, register or other document forming part of the undertaking be in the possession, custody or control of any person other than a licensee, such person shall also deliver the same to the Board or to such officer as aforesaid ;

(d) the Board shall prepare an inventory of all properties, assets, books of account, registers and documents taken possession of under this section, as far as practicable, in the presence of the licensee or his authorised representative ;

(e) the licensee or any person other than a licensee, as the case may be, shall be liable to account to the Board for all property and assets and also for any books of account, registers or documents comprised in the undertaking which he has failed to deliver to the Board under clause (c) ;

(f) the owner of every undertaking shall within sixty days from the appointed day or within such further time as the Board may allow in that behalf, furnish to the Board or to such officer as the Board may specify, complete particulars of all liabilities and obligations incurred on the security of the undertaking and subsisting on the appointed day, and also of all agreement and other instruments pertaining to the undertaking (including agreement, decrees, awards, standing orders and other instruments relating to leave, pension, gratuity, provident fund and other terms of service of any person employed in the undertaking) in force immediately before the appointed day and the Board shall afford him all reasonable facilities for the same ;

(g) the following provisions shall govern the working in the undertaking immediately before the appointed day :—

(i) Every person who has been immediately before the appointed day in the employment of the licensee shall become on and from the appointed day an employee of the Board on the same terms and conditions and with the same rights as to pension, gratuity and other matters as would have been admissible to him if the undertaking had not been transferred to and vested in the Board and continue to do so unless and until his employment under the Board is terminated or until his remuneration or other terms and conditions of employment are duly altered by the Board :

Provided that the Board may appoint an officer or Committee to review the genuineness of all appointments made or increments of wages or salary given to the employees within the period of one year immediately preceding the appointed day, and if after considering the report of any such officer or committee and any representations that may be received in that behalf from the persons affected, an appointment made or increment given does not appear to the Board

to be genuine it may terminate the services of such employee or cancel the increment as the case may be :}

Provided further that any person aggrieved by the decision of the reviewing officer or the committee, as the case may be, may appeal to the Board whose decision shall be final ;

(ii) The Board may appoint an officer or Committee for the purpose of fitment of the employees taken over from the licensee under sub-clause (i) in the scales of wages or salary of the Board having regard to the qualifications, experience and existing wages or salary of such employees and the wages or salary structure of comparable employees in the Board ;!

(iii) Notwithstanding anything contained in the U. P. Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of any employee to the Board under sub-clause (i) shall not entitle any such employee to any compensation under that Act or any other law and no claim shall be entertained by any court, tribunal or other authority ;

(iv) For the avoidance of doubts it is hereby declared that nothing in sub-clause (iii) shall be construed to affect the right of any employee whose services are terminated under sub-clause (i) to claim compensation, if admissible, from the licensee under sections 6-N and 6-O of the U. P. Industrial Disputes Act, 1947;

(h) the Board shall pay to the licensee an amount determined in accordance with the provisions of section 7-A :

Provided that the licensee shall in addition to the said amount, be entitled to interest thereon at the Reserve Bank rate ruling at the appointed day plus one per centum for the period from the appointed day to the date of payment of the said amount."

4. In section 7 of the principal Act, in sub-section (2), *between* the words "undertaking is purchased by the State Electricity Board" and "and" the words, figure and letter "or acquired under section 6-A" shall be *inserted*.

Amendment of section 7.

5. In section 7-A of the principal Act—

Amendment of section 7-A.

(i) in sub-section (1), *after* the word and figure "section 6", the words, figure and letter "or acquired under section 6-A" shall be *inserted* ;

(ii) in sub-section (2)—

(a) in clause (i) *for* the words and brackets "(excluding works paid for by consumers)", the words and brackets "(excluding works constructed at the cost of local bodies for street lighting and works paid for by consumers)" shall be *substituted* and be deemed to have been *substituted* with effect from February 4, 1975 ;

(b) in clause (iv) *for* the word and figure "section 7", the works, figures and letter "section 6-A or section 7" shall be *substituted* ;

(iii) in sub-section (3), *after* the words and figure "purchase under section 6", the words, figures and the letter "or acquisition under section 6-A" shall be *inserted* ;

(iv) *for* sub-section (8), the following sub-section shall be *substituted* and be deemed to have been *substituted* from February 4, 1975, namely:—

"(8) Where the gross amount payable to the licensee 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 amount so payable and the total amount to be deducted shall on a certificate of the Special Officer be recoverable as arrears of land revenue.";

(v) *after* sub-section (8), the following sub-section shall be *inserted* and be deemed to have been *inserted* from February 4, 1975, namely :—

"(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

U. P. Act  
XXVIII of  
1947.

U. P. Act  
XXVIII of  
1947.

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 7-AA.

6. In section 7-AA of the principal Act—

(i) in sub-section (1), *after* the words, brackets and figures "under sub-section (6) of section 6", the words, figures, letters and brackets "or clause (c) of sub-section (3) of section 6-A" shall be *inserted*; and

(ii) in sub-section (2), *for* the words and figure "provisions of section 7", the words, figures and letter "provisions of section 6-A or section 7, as the case may be", shall be *substituted*.

Amendment of section 42-A.

7. In section 42-A of the principal Act, *between* the words "any of the provisions of sub-section (6-A) of section 6" and "or who in any inventory" the words "or section 6-A" shall be *inserted*.

Amendment of section 42-AA.

8. In section 42-AA of the principal Act in clause (a), *after* the words, brackets and figures "under sub-section (6) of section 6", the words, figures, letters and brackets "or clause (c) of sub-section (2) of section 6-A" shall be *inserted*.

Validation.

9. Notwithstanding anything contained in any judgement, decree or order of any court or other authority to the contrary, anything done or purporting to have been done and any action taken or purporting to have been taken under any provision of the principal Act before the commencement of this Act, including, in particular, the period of notice issued under sub-section (1) of section 6 thereof shall, subject to the provisions of the principal Act as amended by this Act, be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times, and accordingly any notice issued under sub-section (1) of the said section 6 to a licensee of not less than eleven months shall be valid and be deemed always to have been validly given.

Repeal and savings.

10. (1) The Indian Electricity (Uttar Pradesh Amendment) Ordinance, 1976, is hereby repealed.

(2) Notwithstanding such repeal or the repeal of the Indian Electricity (Uttar Pradesh Second Amendment) Ordinance, 1975, by the Ordinance mentioned in sub-section (1), anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

U.P.  
Ordinance  
no. 12 of  
1976.

No. 663 (2)/XVII-V-1—1(KA)-7-1986

*Dated Lucknow, March 19, 1986*

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the *Bhartiya Vidyut (Uttar Pradesh Sanshodhan) Adhiniyam, 1986, (Uttar Pradesh Adhiniyam Sankhya 8 of 1986)* as passed by the Uttar Pradesh Legislature and assented to by the President on March 18, 1986.

THE INDIAN ELECTRICITY (UTTAR PRADESH AMENDMENT)  
ACT, 1986

[U. P. ACT NO. 8 OF 1986]

*(As passed by the U. P. Legislature)*

AN  
ACT

*further to amend the Indian Electricity Act, 1910 in its application to  
Uttar Pradesh*

It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Electricity (Uttar Pradesh Amendment) Act, 1986. Short title

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 4, 1986.

Substitution of  
section 39 of  
Act no. 9 of 1910

2. For section 39 of the Indian Electricity Act, 1910 hereinafter referred to as the principal Act, the following section shall be substituted, namely :—

“39. (1) Whoever dishonestly abstracts, consumes, uses or draws, or abets or attempts such dishonest abstraction, consumption, use or drawal of, any energy—

(a) otherwise than through a meter referred to in section 26; or

(b) by tampering with such meter or its seals, or apparatus, or circuits; or

(c) by obstructing or interfering in the functioning of such meter; or

(d) by manipulating change of phase of the electric supply lines; or

(e) by manipulating any meter, indicator or apparatus referred to in sub-section (7) of section 26; or

(f) from a disconnected connection; or

(g) by any other means whatsoever shall be punished with fine and shall also be liable to imprisonment for a term which may extend to three years :

Provided that in a case where the load abstracted, consumed, used or drawn or abetted or attempted to be abstracted, consumed, used or drawn—

(a) does not exceed 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 500 and in the event of second or subsequent conviction the fine imposed shall not be less than Rs. 2,000;

(b) exceeds 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 2,000 and in the event of second or subsequent conviction the sentence shall be imprisonment for a term not less than 6 months with fine not less than Rs. 10,000.

(2) the existence of any means for such abstraction, consumption, use or drawal shall be *prima facie* evidence of such dishonest abstraction, consumption, use or drawal of energy or, as the case may be, an attempt therefor.

(3) without prejudice to the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure where a licensee or any person authorised by it has reason to believe that any offence under sub-section (1) has been, or is being or is about to be committed in any premises, vehicle, vessel or other place, he may with such assistance, if any, as he thinks fit, at any time :—

(a) enter, inspect and search such premises, vehicle, vessel or other place and may use such minimum force as may be necessary for the purpose;

(b) seize any means referred to in sub-section (2) which may be found in such premises, vehicle, vessel or other place;

(c) require the owner, occupier or any other person in charge of such premises, vehicle, vessel or other place to produce any books of accounts or other documents or furnish such information as may, in his opinion, be useful for or relevant to any proceedings in respect of the offence under sub-section (1);

(d) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of accounts, or documents are seized to make copies thereof or take extracts therefrom in his presence.”

3. For section 40 of the principal Act, the following section shall be substituted, namely :— Substitution of section 40

“40. Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punished with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees and shall also be liable to imprisonment for a term which may extend to three years :

Provided that in the event of second or subsequent conviction the sentence shall be imprisonment for a term not less than three months with fine not less than Rs. 500.”

4. In section 44 of the principal Act, after clause (d), the following clause shall be inserted, namely :— Amendment of section 44

“(e) abets or attempts any of the acts referred to in the preceding clauses;”

5. After section 49-A of the principal Act, the following section shall be inserted, namely :— Insertion of new section 49-B

“49-B. Any offence under section 39 or section 40 shall be certain offences cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.”

Act no. 2 of 1974

U. P. Ordinance no. 1 of 1986.

6. (1) The Indian Electricity (Uttar Pradesh Amendment) Ordinance, 1986, is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,  
S. N. SAHAY,  
Sachiv.



No. 1820 (2)/XVII-V-1-1 (Ka)-21-2002

*Dated Lucknow, September 18, 2002*

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the *Bhartiya Vidyut (Uttar Pradesh Sanshodhan) Adhiniyam, 2002* (Uttar Pradesh Adhiniyam Sankhya 18 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the President on September 17, 2002 :—

THE INDIAN ELECTRICITY (UTTAR PRADESH AMENDMENT) ACT, 2002

(U.P. ACT NO. 18 OF 2002)

*[As passed by the Uttar Pradesh Legislature]*

AN

ACT

*further to amend the Indian Electricity Act, 1910 in its application to Uttar Pradesh.*

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Electricity (Uttar Pradesh Amendment) Act, 2002.

2. In section 2 of the Indian Electricity Act, 1910, hereinafter referred to as the principal Act,—

Amendment of section 2 of Act no. 9 of 1910

(a) after clause (c) the following clause shall be inserted, namely:—

“(cc) ‘contracted load’ means the quantum of load for which the consumer has executed agreement with the supplier or made declaration of utilization of energy, and where no such agreement has been executed, the load sanctioned to him by the supplier;”

(b) after clause (m) the following clause shall be inserted, namely:—

“(mm) ‘supplier’ means a licensee, the Uttar Pradesh Power Corporation Ltd., the Government or any other person engaged in the business of supplying energy to the public under this Act or any other law for the time being in force and includes his representative;”

3. In section 39 of the principal Act,—

Amendment of section 39

(a) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) Whoever uses any energy supplied under one rate schedule for a purpose for which a higher tariff is applicable or dishonestly abstracts, consumes, uses or draws or attempts such dishonest abstraction, consumption, use or drawal of any energy—

(a) otherwise than through a meter referred to in section 26; or

(b) by tampering with such meter or its seals or apparatus or circuits; or

(c) by obstructing or interfering in the functioning of such meter; or

(d) by manipulating change of phase of the electric supply lines; or

(e) by manipulating any meter, indicator or apparatus referred to in sub-section (7) of section 26; or

(f) from a disconnected connection; or

(g) by any other means whatsoever;

shall be punished, where the load abstracted, consumed, used or drawn or attempted to be abstracted, consumed, use or drawn,—

(i) does not exceed 7.5 kilowatt, with fine which shall not be less than rupees two thousand five hundred only and in the event of second or subsequent conviction with fine which shall not be less than rupees ten thousand;

(ii) exceeds 7.5 kilowatt but does not exceed 20 kilowatt, with fine which shall not be less than rupees five thousand and in the event of second or subsequent conviction with fine which shall not be less than rupees twenty five thousand;

(iii) exceed 20 Kilowatt but does not exceed 40 kilowatt, with fine which shall not be less than rupees seven thousand five hundred and in the event of second or subsequent conviction with fine which shall not be less than rupees thirty-five thousand;

(iv) exceeds 40 kilowatt but does not exceed 75 kilowatt, with fine which shall not be less than rupees ten thousand and in the event of second or subsequent conviction with imprisonment which may extend to six months or with fine which shall not be less than rupees fifty thousand;

(v) exceeds 75 kilowatt, with imprisonment which may extend to six months and with fine which shall not be less than rupees fifty thousand and in the event of second or subsequent conviction with imprisonment which may extend to three years and with fine which shall not be less than rupees fifty thousand;

Amendment of  
section 39-A

(b) sub-section (3) shall be *omitted*.

4. For section 39-A of the principal Act, the following section shall be *substituted*, namely:—

“39-A. Whoever abets an offence punishable under section 39 or Abetment section 39-C shall, notwithstanding anything contained in section 116 of the Indian Penal Code, be punished with punishment provided for the offence.

*Explanation* :—A person abets an offence punishable under section 39 or section 39-C, as the case may be, who—

(a) instigates any person to commit such offence; or

(b) intentionally aids, by any act or illegal omission, the commission of such offence; or

(c) being an officer or employee of the supplier entrusted with the duty to prevent the commission of such offence intentionally or knowingly omits to prevent the commission of such offence; or

(d) engages with one or more other person or persons in any conspiracy for the commission of such offence, if an act or illegal omission takes place in pursuance of that conspiracy and in order to the commission of such offence.”

5. After section 39-A of the principal Act, the following sections shall be *inserted*, namely :—

“39-B—An offence punishable with fine under this Act may, subject to Compounding of any general or special order of the State offences Government in this behalf, be compounded by an officer or authority empowered by the Power Corporation in this behalf either before or after the institution of the prosecution on realization of such composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence.

39-C Whoever—

(a) deals with any energy or adapts any appliance, in a Malpractice manner so as to unduly or improperly interfere with the efficient supply of energy by the supplier; or

(b) connects load at his premises exceeding the contracted load without the specific permission of the supplier :

Provided that this clause shall not apply to a consumer who has,—

(i) a contracted load up to ten kilowatt; or

(ii) an excess load up to twenty five per cent over and above the contracted load where contracted load exceeds ten kilowatt; or

(c) without the intent of sale of energy extends the supply of energy to any other premises; or

(d) being an officer or employee of the supplier entrusted with the duty to,—

(i) record meter reading of the meter installed at the premises of the consumer; intentionally or knowingly omits to record such meter reading; or

(ii) replace a defective meter installed at the premises of a consumer, intentionally or knowingly omits to replace such defective meter with a view to causing pecuniary loss to the supplier; or

(iii) prepare bill of charges for energy payable by a consumer, intentionally or knowingly prepares a wrong bill for causing wrongful loss to the supplier or wrongful gain to the consumer; or

(iv) deliver bill of charges for energy to a consumer, intentionally or knowingly omits to deliver such bill to the consumer; or

Insertion of new  
section 39-B, 39-C,  
39-D, 39-E, 39-F and  
39-G

(v) realize charges for energy from a consumer, intentionally or knowingly delays realization of such charges from a consumer; is said to commit malpractice.

39-D. Whoever commits malpractice shall be punished with fine  
Penalty for Malpractice which may extend to twenty thousand rupees.

39-E. Notwithstanding anything contained to the contrary in any other  
Restriction on powers of Electrical Inspector provision of this Act or any other law for the time being in force, no Electrical Inspector shall have any power with regard to a matter connected with the theft of energy or malpractice under this Act.

39-F. Without prejudice to the provisions of the Code of Criminal  
Power of District Magistrate Procedure, 1973, where the District Magistrate receives any information of the commission of an offence punishable under section 39 or section 39-A or section 39-D, he may take such immediate measures as he deems fit and may depute an Executive Magistrate subordinate to him and an Executive Engineer of the Uttar Pradesh Power Corporation Ltd. posted within his jurisdiction to proceed to the spot and take necessary steps for prevention of the commission of such offence.

39-G. No court shall take cognizance of an offence punishable under  
Previous sanction for Prosecution this Act alleged to have been committed by an officer or employee of the Uttar Pradesh Power Corporation Ltd. while acting or purporting to act in the discharge of his official duty except with the previous sanction,—

(a) in case of an officer or an employee who is holding a post up to the rank of Junior Engineer or a post equivalent thereto, of the Chief Engineer (Distribution) of the concerned Zone ;

(b) in case of any other officer or employee, of the said Corporation;

(c) notwithstanding anything contained in clause (a) or clause (b) the State Government may, where it consider necessary so to do, require the authority referred to in clause (a) or clause (b) to give previous sanction within the period specified in this behalf and if the said authority fails to give the previous sanction, the previous sanction may be given by the State Government.

*Explanation:—*For removal of doubts, it is hereby declared that the power of the State Government under this clause may be exercised also in a case where the authority referred to in clause (a) or clause (b) has earlier refused to give previous sanction."

6. In section 48 of the principal Act, for the word and figure "Section 39-A" the word and figures "Section 39-A, Section 39-C" shall be substituted.

Amendment of section 48

7. In the principal Act, for section 49-B, the following sections shall be substituted, namely :—

Amendment of section 49-B

49-B (1) An offence punishable with imprisonment under the Act and  
Certain offences to be cognizable and bailable or non-bailable abetment thereof shall be cognizable and non-bailable.

(2) An offence punishable with fine only under this Act and abetment thereof shall be cognizable and bailable.

49-C (1) Without prejudice to the provisions of the Code of Criminal  
Search, seizure and inspection Procedure, 1973, relating to search and seizure, where the supplier or any other person authorised by it, in this behalf, has reason to believe that any offence punishable under section 39 or section 39-C has been, or is being or is about to be, committed in any premises, vehicle, vessel or other place, he may with such assistance as may be required,—

(a) enter, inspect and search such premises, vehicle, vessel or other place and may use such minimum force as may be necessary for the purpose;