



The Electricity Laws (Uttar Pradesh Amendment), Act 1983

Act 12 of 1983

Keyword(s):

Electricity, Electricity Board, Electrical Energy, Agreement, Power of Appointment, Hydro Power System, Consumer

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Dated Lucknow, May 20, 1983

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 Vidyut Vidhi (Uttar Pradesh Sanshodhan) Adhiniyam, 1983 (Uttar Pradesh Adhiniyam Sankhya 12 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the President on May, 18 1983.

**THE ELECTRICITY LAWS (UTTAR PRADESH AMENDMENT), ACT
1983**

[U. P. ACT NO. 12 OF 1983]

[(As passed by the Uttar Pradesh Legislature)]

AN
ACT

furth^r to amend the Indian Electricity Act, 1910, the Electricity (Supply) Act, 1948 in their application to Uttar Pradesh and the Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958.

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows:—

**CHAPTER I
Preliminary**

Short title and
extent.

1. (1) This Act may be called the Electricity Laws (Uttar Pradesh Amendment) Act, 1983.

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

**CHAPTER II
Amendment of Indian Electricity Act, 1910**

Amendment of
section 7-A of
Act 9 of 1910.

2. In section 7-A of the Indian Electricity Act, 1910, as amended in its application to Uttar Pradesh, hereinafter in this Chapter referred to as the principal Act,—

(i) in sub-section (1), after the words "where an undertaking of licensee", the words and figures "has been purchased by the State Electricity Board in consequence of revocation of his licence under sub-section (2) of section 4 or" shall be inserted and be deemed always to have been inserted;

(ii) in sub-section (5), after clause (h), the following clause shall be inserted and be deemed always to have been inserted, namely :—

“(i) all amounts on account of provident fund, gratuity, or pension, if any, in relation to persons in the employment of the licensee immediately before the appointed date and apportioned in proportion to the period of service rendered by such persons in the employment of the licensee.”

3. In section 22-B of the principal Act, in sub-section (1), for the words “by order”, the words “by general order notified in the official Gazette or special order issued to the person concerned” shall be substituted.

Amendment of section 22-B.

4. After section 28 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 28-A.

“28-A. (1) Where the State Government is of opinion that for purposes of maintaining supply of or securing equitable distribution of electrical energy to the general public or otherwise in public interest, it is necessary or expedient so to do, it may, by notification, revoke a sanction given to a local authority or to any other person under sub-section (1) of section 28, anything contained in any other provision of this Act or any agreement or statutory instrument to the contrary notwithstanding, and thereupon every such sanction shall, with effect from the date specified in this behalf in such notification, stand revoked.

Revocation of sanction given under section 28.

(2) Where any sanction is revoked in accordance with sub-section (1), the provisions of sections 6-A and 7-A shall *mutatis mutandis* apply to the revocation of such sanction as they apply to the revocation of a license.”

5. In section 42 of the principal Act, for clause (e), the following clause shall be substituted, namely —

Amendment of section 42.

“(e) makes default in complying with any general order notified under section 22-B or any special order issued to him under section 22-B or sub-section (2) of section 34;”.

CHAPTER III

Amendment of the Electricity (Supply) Act, 1948

6. In section 15 of the Electricity (Supply) Act, 1948, as amended in its application to Uttar Pradesh, hereinafter in this Chapter referred to as the principal Act, after the existing proviso, the following proviso shall be inserted and be deemed always to have been inserted, namely:

Amendment of section 15 of Act 54 of 1948.

“Provided further that the Board may, by regulations, delegate its power of appointment under this section to the Chairman or any member of the Board or to any other officer or authority subordinate to it.”

7. In section 60 of the principal Act, after sub-section (2), the following sub-sections shall be inserted and be deemed to have been inserted on April 1, 1965, namely:—

Amendment of section 60.

(3) All expenditure which the State Government may, not later than two months from the commencement of the Electricity Laws (Uttar Pradesh Amendment) Act, 1983, declare to have been incurred by it on capital account in connection with the purposes of this Act in respect of the Rihand Hydro Power System shall also be deemed to be a loan advanced to the Board under section 64 on the date of commencement of this sub-section and all the assets acquired by such expenditure shall vest in the Board with effect from such commencement.

(4) The provisions of sub-sections (1) and (1-A) shall, subject to the provisions of sub-section (5) apply in relation to the debts and obligations incurred, contracts entered into and matters and things engaged to be done by, with or for the State Government in respect of the Rihand Hydro Power System after the first constitution of the Board and before the commencement of this sub-section as they apply in

relation to debts and obligations incurred, contracts entered into, matters and things engaged to be done by, with or for the State Government for any of the purposes of this Act before the first constitution of the Board.

(5) All such contracts entered into by the State Government for supply of electrical energy based on or connected with the generation of electricity from the Rihand Hydro Electric Generating Station to any consumer and any contract entered into by the Board on or after April 1, 1965 for the supply of electrical energy to such consumer shall operate subject to the modifications specified in the following clauses, which shall have effect from the date of the commencement of the Electricity Laws (Uttar Pradesh Amendment) Act, 1983 (hereinafter referred to as the said date):—

(a) the rates to be charged by the Board for the energy supplied by it to any consumer under any contract for which the payment will be due for the first time on or after the said date shall be such as may with the previous approval of State Government be fixed by the Board, having due regard to the geographical position of the area of supply, the nature of the supply and purpose for which supply is required and any other relevant factor;

(b) if the State Government directs the Board under section 22-B of the Indian Electricity Act, 1910 or under any other law for the time being in force to reduce the supply of energy to a consumer and thereupon the Board reduces the supply of energy to such consumer accordingly, the consumer concerned shall not be entitled to any compensation for such reduction, and if the consumer consumes energy in excess of the reduced limit fixed under the said section 22-B or any other law for the time being in force, as the case may be, then the Board shall have the right to discontinue the supply to the consumers without notice, and without prejudice to the said right of the Board, the consumer shall be liable to pay for such excess consumption at double the normal rate fixed under clause (a);

(c) any arbitration agreement contained in such contract shall be subject to the provisions of this sub-section."

Amendment of section 79.

8. In section 79 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:

"Provided further that the regulations made under clause (c) in regard to conditions of services of officers and servants of the Board—

(i) may be made with retrospective effect;

(ii) may in relation to officers and servants who were originally employed under the State Government, and after their resignation were absorbed in the service of the Board in pursuance of State Government Order no. 3670-E/71—XXIII-PB, dated July 1, 1971, provide that the Board may initiate or recommence any disciplinary proceedings in respect of their acts and omissions during the period when they were employed under the State Government except in cases where disciplinary proceedings were finally concluded on merits while they were so employed under the Government;

(iii) shall, in relation to such servants of the Board as are workmen employed in any industrial establishment under the control of the Board, have effect notwithstanding anything contained in any other law for the time being in force.

CHAPTER IV

Amendment of the Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958

Amendment of section 3 of U. P. Act XVI of 1958.

9. In section 3 of the Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958, hereinafter in this Chapter referred to as the principal Act, for the words, figures and letter "under section 47-A", the words, figures and letter "under Schedule VI to the Indian Electricity Act, 1910 or under section 47-A" shall be substituted.

Amendment of section 5-A.

10. In section 5-A of the principal Act, for the words and figures "Indian Limitation Act, 1908" occurring at the first two places, the words and figures "Limitation Act, 1963" shall be substituted.

CHAPTER V

Miscellaneous

11. The provisions of section 7-A of the Indian Electricity Act, 1910 as amended by this Act shall apply in respect of the undertakings of all licensees which were purchased by the State Electricity Board in consequence of revocation of their licences under sub-section (2) of section 4 of that Act, and the purchase price in respect whereof was not determined prior to the commencement of this Act.

Transitory provisions.

By order,
G. B. SINGH,
Sachiv.