



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

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE INDIAN ELECTRICITY (BOMBAY AMENDMENT) ACT, 1946.

CONTENTS.

PREAMBLE

SECTIONS.

1. Short title.
2. Amendment of sections 5 and 7 of Act IX of 1910.
3. Insertion of new section 7-A in Act IX of 1910.
4. Amendment of section 42 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.

IX of 1910. 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. Short title.

IX of 1910. 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:— Amendment of sections 5 and 7 of Act IX of 1910.

“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:— Insertion of new section 7-A in Act IX of 1910.

“7-A. (1) 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 Provincial Government may take possession and control of undertaking before purchase is effected.

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) as so re-lettered the following new clause shall be inserted, namely:— Amendment of section 42 of Act IX of 1910.

“(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. Possession taken before the coming into force of this Act deemed to be possession taken under new section 7-A.

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 Proceeding in Council, see *Bombay Legislative Council Debates*, 1946, Vol. X.

THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT) ACT, 1976.

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 5 of Act IX of 1910.
3. Amendment of section 6 of Act IX of 1910.
4. Substitution of new section for section 7A of Act IX of 1910.
5. Amendments made in sections 5, 6 and 7A to apply in relation to all licensees, etc.
6. Saving.

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.

IX of 1910. 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. Short title and commencement.

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

IX of 1910. 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"),— Amendment of section 5 of Act IX of 1910.

(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 Amendment of section 6 of Act IX of 1910.

(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 :— Substitution of new section for section 7A of Act IX of 1910.

"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. Determination of amount.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1976, Part V, 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 may it be called, payable to a licensee for compulsory purchase, the licensee shall be entitled only to a solatium 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 made in sections 5, 6 and 7A to apply in relation to all licensees, etc. 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.

Mah.
XLIV
of
1976.

Saving. 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.

Mah.
XLIV
of
1976.

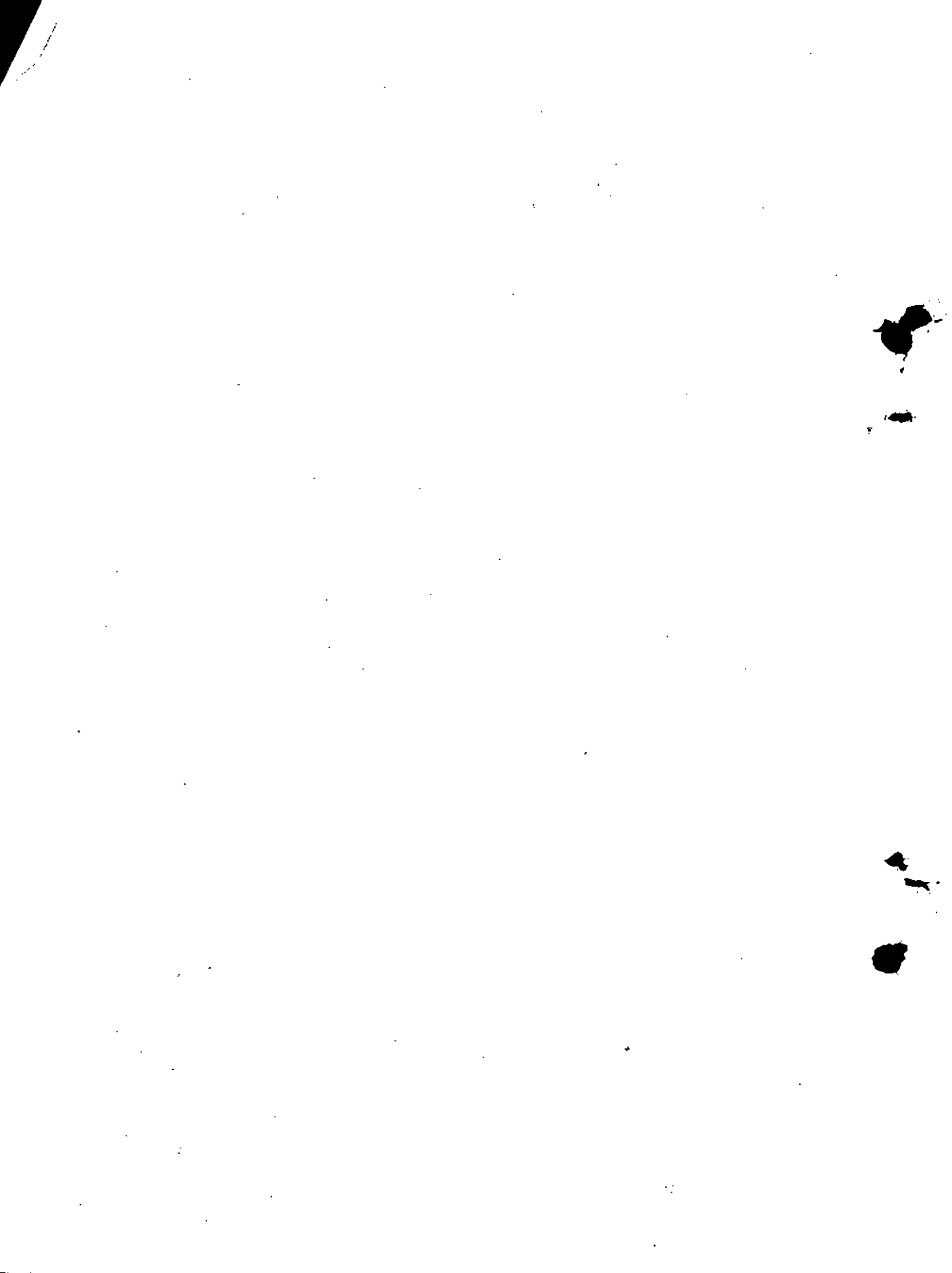
THE INDIAN ELECTRICITY (MAHARASHTRA AMENDMENT) ACT, 1981.

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 7A of Act IX of 1910.



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.

IX of 1910. 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. Short title and commencement.

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

IX of 1910. 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:— Amendment of section 7A of Act IX of 1910.

“(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;”.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, at p. 392.

1954
1955
1956

1957

1958
1959
1960

1961

1962

1963
1964
1965

1966

1967

1968

1969

1970

1971

1972

1973

1974

1975

1976

1977

1978

1979

1980

1981

1982

1983

1984

1985

1986

1987

1988

1989

1990

1991

1992

1993

1994

1995

1996

1997

1998

1999

2000

2001

2002

2003

2004

2005

2006

2007

2008

2009

2010

2011

2012

2013

2014

2015

2016

2017

2018

2019

2020

2021

2022

2023

2024

2025

2026

2027

2028

2029

2030

2031

2032

2033

2034

2035

2036

2037

2038

2039

2040

2041

2042

2043

2044

2045

2046

2047

2048

2049

2050

2051

2052

2053

2054

2055

2056

2057

2058

2059

2060

2061

2062

2063

2064

2065

2066

2067

2068

2069

2070

2071

2072

2073

2074

2075

2076

2077

2078

2079

2080

2081

2082

2083

2084

2085

2086

2087

2088

2089

2090

2091

2092

2093

2094

2095

2096

2097

2098

2099

2100

2101

2102

2103

2104

2105

2106

2107

2108

2109

2110

2111

2112

2113

2114

2115

2116

2117

2118

2119

2120

2121

2122

2123

2124

2125

2126

2127

2128

2129

2130

2131

2132

2133

2134

2135

2136

2137

2138

2139

2140

2141

2142

2143

2144

2145

2146

2147

2148

2149

2150

2151

2152

2153

2154

2155

2156

2157

2158

2159

2160

2161

2162

2163

2164

2165

2166

2167

2168

2169

2170

2171

2172

2173

2174

2175

2176

2177

2178

2179

2180

2181

2182

2183

2184

2185

2186

2187

2188

2189

2190

2191

2192

2193

2194

2195

2196

2197

2198

2199

2200

2201

2202

2203

2204

2205

2206

2207

2208

2209

2210

2211

2212

2213

2214

2215

2216

2217

2218

2219

2220

2221

2222

2223

2224

2225

2226

2227

2228

2229

2230

2231

2232

2233

2234

2235

2236

2237

2238

2239

2240

2241

2242

2243

2244

2245

2246

2247

2248

2249

2250

2251

2252

2253

2254

2255

2256

2257

2258

2259

2260

2261

2262

2263

2264

2265

2266

2267

2268

2269

2270

2271

2272

2273

2274

2275

2276

2277