THE INDIAN ELECTRICITY ACT, 1910

(Act No. 9 of 1910)

[18th March, 1910]

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THE SCHEDULE

THE INDIAN ELECTRICITY ACT, 1910

(Act No. 9 of 1910)

[18th March, 1910]

An Act to amend the law retaining to the supply and use of electrical energy.

Whereas It Is expedient to amend the law relating to the supply and use of electrical energy; It is hereby enacted as follows-

PART 1

PRELIMINARY

1. Short title, extent and commencement. –

(1) This Act may be called the Indian Electricity Act, 1910.

(2) It extends to the whole of India 1[except the State of Jammu and Kashmir].

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(3) It shall come into force on such 2 [date] as the Central Government may, by notification in the Official Gazette, direct in this behalf.

1. **Subs. by Act No. 3 of 1951, Sec.3 and Sch., for "except Part B States".**
2. **1st January. 1911.**

2. Definitions. -In this Act, expressions defined in the Indian Telegraph Act, 1885 (13 of 1885) 1[of in the Electricity (Supply) Act, 1948 (54 of 1948), have the meanings assigned to them in either of those Acts], and unless there is anything repugnant in the subject or context, -

(a) "Appropriate Government" means in relation to any works or electric installations belonging to, or under the control of, the Central Government or in relation to any mines, oilfields, railways, aerodromes, telegraphs, broadcasting stations and any works of defence, the Central Government, and in any other case, the State Government;

(b) "Area of supply" means the area within which alone a licensee is for the time being authorised by his license to supply energy;

(c) "Consumer" means any person who is supplied with energy by a licensee or the Government or by 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 any person whose premises are for the time being connected for the purpose of receiving energy with the works of a licensee, the Government or such other person, as the case may be;

(d) "Daily fine" means a fine for each day on which an offence is continued after conviction therefor;

(e) "Distributing main" means the portion of any main with which a service line' is, or is intended to be, immediately connected

(f) "Electric supply-line" means a wire, conductor or other means used for conveying, transmitting or distributing energy (whether by overhead line or

underground cable), together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy and includes any support cross-arm, stay, strut or safety device erected to set up for that purpose.

(g) "Energy" means electrical energy-

(i) Generated, transmitted or supplied for any purpose, or

(ii) Used for any purpose except the transmission of a message;

(h) "Licensee" means any person licensed under Part 11 to supply energy;

(i) "Main" means any electric supply-Line through which energy intended to be, supplied to the public;

1[(ii) "Overhead line" means an electric supply-line which is placed above ground and ill the open air but does not include live rails of a traction system;

(j) "Prescribed" means prescribed by rules made under this Act;

(k) "Public lamp" means an electric lamp used for the lighting of any street;

(l) "Service-Line" means any electric supply-line through which energy is, or is intended to be, supplied

(i) To a single consumer either from a distributing main or immediately from the supplier's premises, or

(ii) From a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of the distributing main;;

1(ll) "State Electricity Board" in relation to any State means the State Electricity r that State under Section 5 of the Electricity(Supply)Act, 1948 (54 of 1948), and Board which functions in that State under sections 6 and 7 of the said Act;]

(m) "Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway; and

(n) "Work" includes electric supply-line and any building., plant, machinery, apparatus and any other thing of whatever description required to supply energy to the public and to carry into effect the objects of a license or sanction granted under this Act or any other law for the time being in force.

1. Subs. by Act No. 32 of 1959.

PART II
SUPPLY OF ENERGY
Licenses

3. Grant of licenses. –

(1) The State Government may, oil application made in the prescribed form and on payment of the prescribed fee (if any) grant after consulting the State Electricity Board, a license to any person to supply energy in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy, -

(a) Where the energy to be supplied is to be generated outside such area, from a generating station situated outside such area to the boundary of such area, or

(b) Where energy is to be conveyed or transmitted from any place in such area to any other place therein across an intervening area not included therein, across such area.

(2) In respect of every such license and the grant thereof the following provisions shall have effect, namely: -

(a) Any person applying for a license under this Part shall publish a notice of his application in the prescribed manner and with the prescribed particulars, and the license shall not be granted-

(i) Until all objections received by the State Government with reference thereto have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of three months from the date of the first publication of such notice as aforesaid; and

(ii) Until, in the case of an application for a license for an area including the whole or any part of any cantonment aerodromes, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes. the State Government has ascertained that there is no objection to the grant of the license on the part of the Central Government;

(b) Where an objection is received from any local authority concerned, the State Government shall, if in its opinion the objection is insufficient, record in writing and communicate to such local authority its reasons for such opinion

(c) No application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof likes been given in the manner in which notices of meetings of such local authority are usually given;

(d) A license under this part-

(i) May prescribe such terms as to the limits within which, and the compulsory or permissive, and generally as to such matters as the State Government may think fit; and

(ii) Save in cases in which under Section 10, clause (b), the provisions of Sections 5 and 6, or either of them, have been declared not to apply, every such license shall declare whether any generating station to be used in connection with the undertaking shall or shall not form part of the undertaking for the purpose of purchase under Section 5 or Section 6;

(e) The grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of license to another person within the same area of supply for a like purpose;

(f) The provisions contained in the Schedule shall be deemed to be incorporated with and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall,

subject to any such additions, variations or exceptions which the State Government is hereby empowered to make, apply to die undertaking authorised by the license:

Provided that where a license is granted in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such license relates to such supply, the provisions of clauses IV, V, VI,' VII, VIII and XII of the Schedule shall not be deemed to be incorporated with the license.

4. Revocation or amendment of licenses.-

(1) The State Government may, if ill its opinion the public interest so require and after consulting the State Electricity Board, revoke a licence in any of the following cases, namely: -

(a) Where the licensee, in the opinion of the State Government, makes willful and unreasonably prolonged default in doing anything required of him by or under this Act;

(b) Where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;

(c) Where the licensee fails, within the period fixed in this behalf by his license or any longer period which the State Government may substitute therefor by order under [Section 4A, subsection (1), and before exercising any of the powers conferred oil him thereby in relation to the execution of works. –

(i) To show, to the satisfaction of the State Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or

(ii) To make the deposit or furnish the security required by his license;

(d) Where in the opinion of the State Government the financial position of the licensee is such that he is unable fully and efficiently to discharge the duties and obligations imposed on him by his license;

(e) Where a licensee, in the opinion of the State Government, has made default in complying with any direction issued under Section 22A.

(2) Where in its opinion the public interest so permits, the State Government may, oil the application or with the consent of the licensee, and after consulting the State Electricity Board, and the Central Government where that Government is interested, and if the licensee is not a local authority, after consulting also the local authority, if any, concerned, revoke a license as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit.

(3) No license shall be revoked under subsection (1) unless the State Government has given to the licensee not less than three months notice, in writing stating the grounds on which it is proposed to revoke the license and has considered any cause shown by the licensee within the period of that notice, against the proposed revocation.

(4) Where the State Government might under subsection (1) revoke a license it may instead of revoking the license permit it to remain in force subject to such further terms and conditions as it thinks fit to impose and any further terms or conditions so imposed shall be binding upon, and be observed by, the licensee, and shall be of like force laid effect as if they were contained in the license.

4A. Amendment of licenses. –

(1) Where in its opinion the public interest so permits, the State Government, on the application, of the licensee or otherwise and, after consulting the State Electricity Board, and if the licensee is not a local authority, also die local authority, if any, concerned, may make such alterations and amendments in the terms and conditions of a license, including the provisions specified in Section 3.

Subsection (2), clause (f), as it thinks fit:

Provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the State Government, been unreasonably withheld.

(2) Where the licensee has made an application under sub-section (1) proposing any alterations or amendment in his license; the following provisions shall have effect. Namely: -

(a) The licensee shall publish a notice of the application in the prescribed inlayer and with the prescribed particulars;

(b) The State Government shall not make any alterations or amendments until all objections received by it with reference to the application within three months from the date of the first publication of the notice hive been considered;

(c) In the case of an application proposing alterations or amendments in the area of supply comprising the whole or any part of any cantonment,, aerodrome, fortress, arsenal, dockyard or camp or of any building or place

in the occupation of the Government for defence purposes, the State Government shall not make any alterations or amendments except with the consent of the Central Government.

(3) Before making any alterations or amendments in a license otherwise than on the application of the licensee, the State Government shall publish the proposed alterations or amendments in the prescribed manner and with the prescribed particulars and consider all objections received by it with reference to the proposed alterations or amendments within three months from the date of the first publication of the notice; and where alterations or amendments have been proposed in an area of supply such as is referred to in clause (c) of sub-section (2), the State Government shall not make any alterations or amendments except with the consent of the Central the Government.

5. Provisions where license of a licensee, is revoked.-

(1) Where the St Kate Government revokes, Linder Section 4, sub- section (1), the license of a licensee, the following provisions shall have effect, namely: -

(a) The State Government shall serve a notice of' revocation upon the licensee and shall fix a date on which the revocation shall take effect; and on and with effect from that date, or on and with effect from the date, if earlier, on which the undertaking of the licensee is sold to a purchaser in pursuance of any of the succeeding clauses or is delivered to a designated purchaser in pursuance of sub-section (3) all the powers and liabilities of die licensee under this Act shall absolutely cease and determine;

(b) The State Government shall enquire from the State Electricity Board, and where the lincensee is not a local authority, also from any local authority constituted for the area within which the whole of the area of supply is included, whether it is willing to purchase the undertaking:

(c) If the State Electricity Board is willing to purchase the undertaking, the State Government shall, by notice in writing require the licensee to sell, Filed thereupon, the licensee shall sell the undertaking to the State Electricity Board;

(d) If the State Electricity Board is not willing to purchase the undertaking, the State Government shall have the option of purchasing the undertaking and if it elects to purchase, it shall by notice in writing require the licensee to sell. and thereupon the license shall sell the undertaking to it;

(e) If the State Electricity Board is not willing to purchase the undertaking and the State Government does not itself elect to purchase it, the State Government in any case where the local authority referred to in clause (b) is willing to purchase the undertaking shall by notice in writing require the licensee to sell, and thereupon the licensee and sell the undertaking to that local authority;

(f) If no sale of the undertaking is effected under any of the foregoing, clauses and if any other person is wiling to purchase the

undertaking, the State Government may by notice in writing require the licensee to sell, and thereupon the licensee shall sell the undertaking to such other person.

(2) Where an undertaking is sold under subsection (I) the purchaser shall pay to tile licensee the purchase price of the undertaking determined in accordance with the provisions of subsection (1) and (2) Section 7A, or as the case may be, sub-section (3) of that section.

(3) Where the State Government issues any notice under sub-section (1) requiring the licensee to sell the undertaking, it may by such notice require the licensee to deliver, and thereupon the licensee shall deliver oil a date specified in the notice the undertaking to the designated purchaser pending the determination and payment of the purchase price of the undertaking:,

Provided that in any such case, the purchaser shall pay to the licensee, interest at the Reserve Bank rate ruling at the time of delivery of the undertaking plus one per centum on the purchase price of the undertaking for the period from the date of delivery of' the undertaking to the date of payment of the purchase price.

(4) Where before the date fixed in the notice issued under clause (a) of sub-section (1) as the date oil which the revocation of the license shall take effect, no notice likes been issued to the licensee requiring him to sell the undertaken or where for any reason no sale of the undertaking has been effected under that subsection, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that if the licensee does not exercise such option within a period of six months from the aforesaid date, the State Government may forthwith cause the works of the licensee in, under, over, along, or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

6. Purchase of undertakings. –

(1) Where a license has been granted to any person, not being a local authority, the State Electricity Board shall. –

(a) In the case of a license granted before the commencement of the Indian Electricity (Amendment) Act, 1959 (32 of 1959), oil the expiration of each such period as is specified in the license; and

(b) In the case of license granted oil or after the commencement of the said Act, oil the expiration of such period not exceeding **1**[thirty] years and of, every such subsequent period, not exceeding **2**[twenty] years, as shall be specified in this behalf in the license, have the option of purchasing the undertaking and such option shall be exercised by the State Electricity Board serving upon the licensee a notice in writing of not less that] one year requiring the licensee to sell

the undertaking to it at the expiry of the relevant period referred to in this subsection.

(2) Where a State Electricity Board has not been constituted, or if constituted, does not elect to purchase the undertaking, the State

Government shall have the like option to be exercised in the like manner of purchasing the undertaking.

(3) Where neither the State Electricity Board nor the State Government elects to purchase the undertaking, any local authority constituted for an area within which the whole of the area of supply is included shall have the like option to be exercised in the like manner of purchasing the undertaking.

(4) If the State Electricity Board intends to exercise the option of purchasing die undertaking under this section, it shall send all intimation in writing of such intention to the State Government at least eighteen months before file expiry of the relevant period referred to in subsection (1) and if no such intimation as aforesaid is received by the State Government the State Electricity Board shall be deemed to have elected not to purchase the undertaking.

(5) If the State Government intends to exercise the option of purchasing the undertaking under this section, if shall send and intimation in writing of such intention to the local authority, if any, referred to in subsection (3) at least fifteen months before the expiry of the relevant period referred to in sub-section (1) and if no such intimation as aforesaid is received by the local authority, the State Government shall be deemed to have elected not to purchase the undertaking.

(6) Where a notice exercising the option of purchasing the undertaking has been served upon the licensee under this section, the licensee shall deliver the undertaking to the State Electricity Board, the State Government or the local authority, as the case may be, on the expiration of the relevant period referred to in sub-section (1) pending the determination and payment of the purchase price.

(7) Where an undertaking is purchased under this section, the purchaser shall pay to the licensee the purchase price determined in accordance with the provisions of sub-section (4) of Section 7A.

1. Subs. by Act No. 50 of 1991) for 'twenty. 2. Subs. by Act No. 50 of 1991 for 'ten'.

7. Vesting of the undertaking in the purchaser. -Where an undertaking is sold under section 5 or Section 6, then upon the completion of the sale or on the date on which the undertaking is delivered to the intending purchaser under subsection (3) of section 5 or under sub-section (6) of Section 6, as the case may be, whichever is earlier—

(i) The undertaking shall vest in the purchaser on the intending purchaser, as die case may be, free from any debt, mortgage or similar obligation of the licensees or attaching to the undertaking:

Provided that any such debt, mortgage or similar obligation shall attach to the purchase money in substitution for the undertaking;

(ii) The rights, powers, authorities, duties and obligations of the licensee under his license shall stand transferred to the purchaser and such purchaser shall he deemed to be the licensee:

Provided that where the undertaking is sold or delivered to a State Electricity Board or the State Government, the license shall cease to have further operation.

7A. Determination of purchase price.

(1) Where an undertaking of a licensee, not being a local authority, is sold under subsection (1) of Section 5, the purchase price of the undertaking shall be the market value of the undertaking at tile time of purchase or where the undertaking has been delivered before the purchase under subsection (3) of that section, at the time of the delivery of the undertaking and if there is any difference or dispute regarding such purchase price, the same shall be determined by arbitration.

(2) The market value of an undertaking for the purpose of subsection (1) shall be deemed to be the value of all lands, buildings, works materials and plant or the licensee suitable to, and used by him, for the purpose of the undertaking, other than (i) a generating station declared by the license not to form part of the undertaking for the purpose of purchase, and (ii) service-lines or other capital works or any part thereof which have been constructed at the expense of consumers, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant and die state of repair thereof and to the circumstance that they are in such position as to be ready for immediate working and to the suitability of the same for the purpose of the undertaking, 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) Where an undertaking of a licensee, being a local authority, is sold under sub-section (1) of Section 5, the purchase price of the undertaking shall be such as the State Government, having regard to the market value of the undertaking shall be Such as the State

Government, having regard to the market value of the undertaking at the date of delivery of the undertaking, may determine.

(4) Where an undertaking of a licensee is purchased under Section 6, the purchase price shall be the value thereof as determined in accordance with the provisions of sub-sections (1) and (2):

Provided that there shall be added to such value such percentage, if any, not exceeding twenty per centum of that value as may be specified in the license on account of compulsory purchase.

8. Provisions where -no purchase and license revoked with consent of licensee. -Where, on the expiration of any of the periods referred to Section 6, subsection (1) the undertaking is not purchased by the State Electricity Board, the State Government or the local authority, and the license is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all

lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the State Government may proceed to take action as provided in Section 5, sub-section (4), proviso.

9. Licensee not to purchase, or associate himself with, other licensed undertaking or transferhis undertaking. –

(1) The licensee shall not, at any time without the previous consent in writing of the State Government, acquire, by purchase or otherwise, the license or the undertaking of, or associate himself so far as the business of supplying energy is concerned with any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall give not less than one month's notice of the application-

(a) To the State Electricity Board; and

(b) To every local authority both in the licensee's area of supply and also in the area in which such other person supplies, or intends to supply, energy.

Provided that nothing in this sub-section shall be construed to require the consent of the State Government for the supply of energy by one licensee to another in accordance with the provisions of clause IX of the Schedule.

(2) The licensee shall not at any time assign his license or transfer his undertaking, on any part thereof, by sale, mortgage, lease, exchange or otherwise without the previous consent in writing of the State Government.

(3) Any agreement relating to any transaction of the nature described in subsection (1) or sub-section (2), unless made with, or subject to, such consent as aforesaid, shall be void.

10. General power for Government to vary terms of purchase. –

Notwithstanding anything in Sections 5, 6 and 8, the State Government may, in any license to be granted under this Act, -

(a) Vary the terms and conditions upon which, and the periods on the expiration of which, the licensee shall be bound to sell his undertaking, or

(b) Direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.

11. Annual accounts of licensee. –

(1) Every licensee shall, unless expressly exempted from the liability by his license, or by order in writing of the State Government, prepare and render to the State Government or to such authority as the State Government appoint in this behalf, on or before the prescribed date in each year, an annual statement of accounts of his undertaking made up to such date, in such form, and containing such particulars, as may be prescribed in this behalf.

(2) The licensee shall keep copies of such annual statement at his office and sell the same to any applicant at a price not exceeding five rupees per copy.

Works

12. Provision as to the opening and breaking up of streets, railways and tramways. -

(1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or, when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area-

(a) Open and break up the soil and payment of any street, railway or tramway;

(b) Open and break up any sewer, drain or tunnel in or under any street, railway or tramway;

(c) Lay down and place electric supply-lines and other works;

(d) Repair, alter or remove the same; and

(e) Do all other acts necessary for the due supply of energy.

(2) Nothing contained in sub-section (1) shall be deemed to authorise or empower a licensee, without the consent of the local authority or of the owner or occupier concerned, as the case may be, to lay down or place any electric supply-Iine or other work in, through or against any building, or on, over or under any land' not dedicated to public use whereon, wherever or whereunder any electric supply-line work has not already been lawfully laid down or placed by such licensee:

Provided that any support of an overhead line or any stay or strut required for the sole purpose of securing in position any support of an overhead line may be fixed on any building or land or, having been so fixed, may be altered, notwithstanding the objection of owner or occupier of such building or land, if the District Magistrate or, in a Presidency town, the Commissioner of Police by order in writing so directs:

Provided also, that, if at any time the owner or occupier of any building or land on which any such support, stay or sturt has been fixed shows sufficient cause, the District Magistrate or, in a Presidency-town the Commissioner of Police may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2), the District Magistrate or the Commissioner of Police, as the case may be, shall fix the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(4) Every order made by a District Magistrate or a Commissioner of Police under sub-section (2) shall be subject to revision by the State Government.

(5) Nothing contained in sub-section (1) shall be deemed to authorise or empower any licensee to open or break up any street not repairable by the Central Government or the State Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorised to break up by his license, without the written consent of the person by whom the street is repairable or of the person for the time being

entitled to work the railway or tramway, unless with the written consent of the State Government:

Provided that the State Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as the State Government may direct, and within such period as the State Government may fix in this behalf. to the person above referred to, and until all representations or objections received ill accordance with the notice have been considered by the State Government.

(6) In this section, "occupier" of any building or land means a person in lawful occupation of that building or land.

13. Notice of new works. –

(1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works, in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely: -

(a) Not less than one month before commencing the execution of the works the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), the case may be, a notice in writing describing the proposed works together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimation the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired,

(b) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the State Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final;

(c) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one months, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours, notice in writing to the repairing authority, may proceed to carry out the works in accordance with notice and the section and plan served under clause (a);

(d) If the owner disapproves of such works, section or plan, or approves-thereof subject to amendment, he may, within three weeks, after the service of the notice under clause (a), serve a requisition

upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall unless settled by agreement, the determination by arbitration;

(e) Where no requisition has been served by the owner upon the licensee under clause (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, by executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties.

Explanation.-In clause (a) to (e) the word "works" includes a service-line in, under, over, along or across a railway even if such line is immediately attached or intended to be immediately attached to a distributing main, but does not include-

(i) Any other service-line so attached or intended to be so attached to a distributing main, or

(ii) Works which consist of the repair, renewal or amendment of existing works of which the character or position is not be altered;

(f) Where the works to be executed consist of the laying of any under ground service-line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works;

(g) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the owner, as the case may be, not less than forty-eight hour's notice in writing of his intention to execute such works, and, on the expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable despatch, and, if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-Iine after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an overhead line without complying with the provisions of subsection (1):

Provided that such overhead line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with

the written consent of the State Government) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

14. Alteration of pipes or wires. –

forming, in case where the licensee is not a local authority, part of a local authority's main sewer), or of any wire under or over any place which he is authorised to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter position of any electric supply-Lines or works are likely to interfere with the lawful exercise of any powers vested ill him.

(2) In any such case as aforesaid the following provisions shall, in the absence of an agreement to the contrary between the parties concerned, apply, namely: -

(a) Not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire;

(b) Within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;

(c) Every arbitrator to whom a reference is made under clause, (b), shall have regard to any duties or obligations which the owner is under, and may require the operator to execute an temporary or other works so as to avoid, as far as possible, interference therewith;

(d) Where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing of any compensation accepted or determined by arbitration, be executed in accordance with the notice, section and plan and subject upon between the parties;

(e) The owner may, at any time before the operator is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses an may be agreed upon or, in default of agreement, determined by arbitration;

(f) Where a statement is served upon the operator under clause (e), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commerce, and the manner in which it is required by the operator;

(g) Where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (f), comply with the notice, the operator may himself execute the alteration;

(h) All expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f) may be recovered by him from the operator.

(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

15. Laying of electric supply- lines or other works near sewers, pipes or other electric supply-lines or works (1) Where-

(a) The licensee required to dig or sink any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water-course or work under the control of the State Government or of any local authority, or any pipe, syphon, electric supply-line or other work belonging to any duly authorised person, has been lawfully placed.

or

(b) Any duly authorised person required to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed, the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as "the operator"), shall, unless it is otherwise agreed upon between the parties interested or in case or sudden emergency, give to the State Government or local authority or to such duly authorised person, or to the licensee, as the case may be (hereinafter in this section referred to as "the owner"), not less than forty-eight notice in writing before commencing to dig or sink the trench, and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes, or service-lines belonging, to any duly authorized person or to any person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with Section 34, sub-section (1) lay his electric supply-lines so as to come into contract with any such pipes, lines or service-pipes or service-lines.

(4) Where the operator makes default in complying with any of the provisions of this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

16. Streets, railways, tramways, sewers, drains or tunnels broken up to bereinstated without realy.-

(1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway or any sewer, drain or tunnel, he shall-

(a) Immediately cause the part opened or broken up to be fenced and guarded;

(b) Before sunset cause a light or lights, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up;

(c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned b such openings or breaking up; and

(d) After reinstating and making good the soil or pavement, or the sewer, drain or tunnel, broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of subsection (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

17. Notice to telegraph authority. –

(1) A licensee shall, before laying down or placing, within ten yards of any-part of any telegraph-line any electric supply-Iine, or other works (not being either service-lines, or electric supply-lines for the repair, renewal or amendment of existing works of Which the character or position is not to be altered), give not less than ten day's notice in writing to the telegraph-authority, specifying-

(a) The course of the works or alterations proposed,

(b) The manner in which the works are to be utilised,

(c) The amount and nature of the energy to be transmitted, and

(d) The extent to, and manner in, which (if at all) earth returns are to be used, and the licensee shall conform with such reasonable requirements, either general or special, as may

be laid down by the telegraph-authority within that period for preventing any telegraph-line from being injuriously affected by such works or alterations:

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph-authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

(2) Where the works to be executed of the laying or placing of any serviced-lilies the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph-authority a notice in writing of his intention to execute such works.

18. Overhead lines.

(1) Save as provided in Section 13, sub-section (3), nothing in this Part shall be deemed to authorise or empower a licensee to place any overhead line along or across any street, railway, tramway, canal or

waterway unless and until the State Government has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of his obligations with respect to any other consent required by or under this Act.

(2) Where any overhead line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the State Government may require the licensee forthwith to remove the same, or may cause the same to be removed, and recover from the licensee the expenses incurred in such removal.

(3) Where any tree standing or laying near an overhead line or where any structure or other object which has been placed or has fallen near all overhead line subsequently to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy or the accessibility of any works a Magistrate of the first class or, in a presidency-town [the Commissioner of Police, may, on the application of the licensee,, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under subsection (3), the Magistrate or Commissioner of Police, as the case may be, shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation. -For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, jungle-growth or other plant.

19. Compensation for damage.

(1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(2) Save in the case provided for in Section 12, subsection (3), where any difference or dispute arises as to the amount or the application of such compensation the matter shall be determined by arbitration.

Supply

19A. Point where supply is delivered. -For the purposes of this Act, the point at which the supply of energy by a licensee to a consumer shall be deemed to commence shall be determined in such manner as may be prescribed.

20. Power for licensee to enter premises and to remove fittings or other apparatus oflicensee. –

(1) A licensee or any person duly authorised by a licensee may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which energy is or has been supplied by him, of any premise or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of-

(a) Inspecting, testing, repairing or altering the electric supply, lines meters, fittings, works and apparatus for the supply of energy belonging to the licensee; or

(b) Ascertaining the amount of energy supplied or the electrical quantity contained in the supply; or

(c) Removing where a supply of energy is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by a Magistrate of the first class or in a presidency-town, by a Presidency Magistrate and after giving not less than twenty-four hours' notice ill writing to the occupier-

(a) Enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein:

(b) Enter any premises to which energy is to be supplied by him, for The purpose of examining and testing the electric wires fittings, works and apparatus for the use of energy, belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises or land in pursuance of the provisions of sub-section (1), or, sub-section (2), when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a

notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

21. Restriction on licensees controlling or interfering with use of energy. –

(1) A licensee shall not be entitled to prescribe any special form of appliance for utilisilig energy supplied by him, or, save as provided in any conditions made under subsection (2) or by Section 23, sub- section (2), or by Section 26, sub-section (7), in any way to control or interfere with the use of such energy:

Provided that no person, may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with-

(a) The safety or efficient working of licensee electric supply- lines or other works: or

(b) The supply or energy by the licensee to any other person.

(2) A licensee may, with the previous sanction of the State Government, given after consulting the State Electricity Board and also the loco authority, where the licensee is not the local authority, make conditions not inconsistent with this Act or with his intend to become consumers, and may, with the like sanction given after the like consultation, add to or alter or amend any such conditions; and

any conditions made by a licensee without such sanction shall be null and void:

Provided that any such conditions made before the 23rd day of January, 1922 shall, if sanctioned by the State Government on application made by the licensee before such date as the State Government may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section.

(3) The State Government may, after the like consultation, add any new condition or cancel or amend any condition or part of a condition previously sanctioned under subsection (2) after giving to the licensee not less than one month's notice in writing of its intention so to do.

(4) Where any difference or dispute arises as to whether a licensee has prescribed any appliance or controlled or interfered with the use of energy in contravention of sub-section (1), the matter shall be either referred to an Electrical Inspector and decided by him or, if the licensee or consumer so desires, determined by arbitration.

22. Obligation on licensee to supply energy. – Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license, be entitled, oil application, to a supply oil the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply:

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of energy for any premises having a separate supply unless he has agreed with the licensee to pay to him such minimum annual sum as will give him a reasonable return on the capital expenditure, and will cover other standing charges incurred by him in

order to meet the possible maximum demand for those premises, the sum payable to be determined in case of difference or dispute by arbitration.

22A. Powers of State Government to give direction to a licensee in regard to the supply of energy to certain class of consumers.

(1) The State Government may, if in its opinion it is necessary in the public interest so to do, direct any licensee to supply, in preference to any other consumer, energy required by any establishment which being in the opinion of the State Government an establishment used or intended to be used for maintaining supplies and services essential to the community, is notified by that Government in the Official Gazette in this behalf.

(2) Where any direction is issued under subsection (1) requiring a licensee to supply energy to any establishment and any difference or dispute arises as to the price or other terms and conditions relating to the supply of energy, the licensee shall not by reason only of such difference or dispute be entitled to refuse to supply energy but such difference or dispute shall be determined by arbitration.

(3) Where any agreement by a licensee, whether made before or after the commencement of the Indian Electricity (Amendment) Act, 1959, for the supply of energy with any establishment referred to in sub-section (1) expires, the licensee shall continue to supply energy to such establishment on the same terms and conditions as are specified in the agreement until he receives a notice in writing from the establishment requiring him, to discontinue the supply.

(4) Notwithstanding anything contained in this Act, or in the Electricity (Supply) Act, 1948 (54 of 1948), or in his license or in any agreement entered into by him for the supply of energy, a licensee shall be bound to comply with any direction given to him under sub- section (1) and any action taken by him in pursuance of any such direction shall not be deemed to be a contravention of Section 23.

22B. Power to control the distribution and consumption of energy. –

(1) If the State Government is of opinion that it is necessary or expedient so to do, for maintaining the supply and securing the equitable distribution of energy, it may by order provide for regulating the supply, distribution, consumption or use thereof.

(2) Without prejudice to the generality of the powers conferred by sub- section (1) all order made thereunder may direct the licensee not to comply, except with the permission of the State Government, with-

(i) The provisions of any contract, agreement or requisition whether made before or after the commencement of the Indian Electricity (Amendment) Act, 1959, for the supply (other than the resumption of a supply) or an increase in die supply of energy to any person, or

(ii) Any requisition for the resumption of supply of energy to a consumer after a period of six months, from the date of its discontinuance, or

(iii) Any requisition for the resumption of supply of energy to a consumer after a period of six months, from the date of its

discontinuance, where the requisitioning consumer was not himself the consumer of the supply at the time of its discontinuance.

23. Charges for energy to be made without undue preference. -

(1) A licensee shall not, in making any agreement for the supply of energy, show under preference to any person

(2) No consumer shall, except with the consent in writing of the licensee, use energy supplied to him under one method of charging in a manner for which a higher method of charging is in force.

(3) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer-

(a) By the actual amount of energy so supplied, or

(b) By the electrical quantity contained in the supply, or

(c) By such other method as may be approved by the State Government.

(4) Any charges made by a licensee under clause (c) of sub-section (3) may be based upon, and vary in accordance with, any one or more of the following considerations, namely-

(a) The consumer's load factor, or

(b) The power factor of his load, or

(c) His total consumption of energy during any stated period, or

(d) The hours at which the supply of energy is required.

24. Discontinuance of supply to consumer neglecting to pay charge.

(1) Where any person neglects to pay any charge for energy or any sum, other than a charge for energy, due from him to a licensee in respect of the supply of energy to him, the licensee may, after giving not le s than seven clear days' notice in writing to such person and without prejudice to his right to recover such charge or other sum by suit, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works being the property of the licensee, through which energy may be supplied, and may discontinue the supply until such charger or other sum, together with ally expenses incurred by him in cutting off and reconnecting the supply, are [)aid, but no longer.

(2) Where any difference or dispute which by or under this Act is required to he determined by an Electrical Inspector, has been referred to the Inspector before notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by this section until the Inspector has given his decision:

Provided that the prohibition contained in this subsection shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the Electrical Inspector of the amount of the licensee's charges or other sums in dispute or for the deposit of the licensee's further charges for energy as they accrue, and the consumer has failed to comply with such request.

25. Exemption of electric supply-lines or other apparatus from attachment in certain cases. - Where any electric supply-lines meters, fittings, works or apparatus belonging to a

licensee are placed in or upon any premises or land, not being in the possession of the licensee, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

26. Meters. –

(1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained

in the supply shall be ascertained by means of a correct meter, and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter:

Provided-that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter.

(2) Where the consumer so enters into an agreement for the hire of a meter, the licensee shall keep the meter correct, and, in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(3) Where the meter is the property of the consumer, he shall keep the meter correct and, in default of his doing so, the licensee may, after giving him seven days' notice, for so long as the default continues, cease to be liable to pay for the hire of the meter.

(4) The licensee or any person duly authorised by the licensee shall, at any reasonable time and on informing the consumer of his intention. have access to and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1); and, except where the meter is so hired as aforesaid, all reasonable expenses of, and incidental to, such inspecting, testing, taking off and removing shall, if the meter is found to be otherwise than correct, be recovered from the consumer; and, where any difference or dispute arises as to the amount of such reasonable expenses, the matter shall be referred to an Electrical Inspector, and the decision of such Inspector shall be final:

Provided that the licensee shall not be at liberty to take off or remove any such meter if any difference or dispute of the nature described in subsection (6) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee, or disconnect the same from any such electric supply- line but he may by giving not less than forty-eight hours notice in writing to the licensee required the licensee to connect or disconnect such meter and on receipt of any such requisition the licensee shall comply with it within the period of the notice.

(6) Where any difference or dispute arises as to whether any meter referred to in subsection (1) is or is not correct, the matter shall be decided, upon the application of either party, by an Electrical Inspector; and where the meter has, in the opinion of Such Inspector ceased to be correct, such Inspector shall estimate the amount of the energy supplied to the consumer or the electrical

quantity contained in the supply, during Such time, not exceeding six months, as the meter shall not, in the opinion of such Inspector, have been correct; but save as aforesaid, the register of the meter shall, in the absence of fraud, be conclusive proof of such amount or quantity:

Provided that before either a licensee or a consumer applies to the Electrical Inspector under this sub-section, he shall give to the other party not less than seven days I notice of his intention so to do.

(7) In addition to any meter which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such premises such meter, maximum demand indicator or other apparatus as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter, indicator or apparatus shall not, in the absence of all agreement to the contrary be placed otherwise than between the distributing mains of the licensee and any meter referred to in sub-section (1):

Provided, also that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of any such meter, indicator or apparatus as aforesaid, the licensee shall, in the absence of ail agreement to the contrary, keep the meter, indicator or apparatus correct; and the provisions of sub-section (4), (5) and 16) shall in that case apply as though the meter, indicator or apparatus were a meter referred to in sub-section (1).

Explanation. -A meter shall be deemed to be "correct" if it registers die amount of' energy supplied, or the electrical quantity contained in the supply, within the prescribed limits of error, and a maximum demand indicator or other apparatus referred to ill sub-section (7) shall be deemed to be "correct" if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

27. Supply of energy outside area of supply. – Notwithstanding anything in this Act, the State Government may, by order in writing, and subject to such conditions and restrictions, if any, as it thinks fit to impose, authorise any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lilies for that purpose:

Provided, first, that no such authority shall be conferred on the licensee within the area of supply of another licensee without that licensee's consent, unless the State Government considers that his consent has been unreasonably withheld:

Provided, secondly, that such authority shall not be conferred unless the person to whom the supply is to be given has entered into a specific agreement with the licensee for the taking of such supply:

Provided, thridly, that a licensee on whom such authority has been conferred shall not be deemed to be empowered outside the area of supply to open or break up any street, or may sewer, drain or tunnel iii or under any street, railway or tramway: or to interfere with any telegraph-Line, without the written consent of the local authority or person by

whom such street, sewer, drain or tunnel is repairable, or of the telegraph authority, as the case may be, unless the State Government after such inquiry as it thinks fit, considers that such consent has been unreasonably withheld.

Provided, fourthly, that save as aforesaid, the provisions of this Act shall apply in the case of any supply authorised under this Section as if the said supply were made within the area of supply.

PART III

SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES

28. Sanction required by non-licensees in certain cases.

(1) No person, other than a licensee, shall engage in the business of supplying energy to the public except with the previous sanction of the State Government and in accordance with such conditions as the State Government may fix in this behalf, and any agreement to the contrary shall be void.

(1A) The State Government shall not give any sanction under subsection (1)-

(a) Except after consulting the State Electricity Board; and

(b) Except with the consent-

(i) In any case where energy is to be supplied in any area for which a local authority is constituted, of that local authority;

(ii) In any case where energy is to be supplied in any area forming part of any cantonment, aerodrome, fortress. arsenal, dockyard or camp or of any building or place in the occupation of the Government for defence purposes, of the Central Government;

(iii) In any area falling within the area of supply of a licensee, of that licensee:

Provided that except in a case falling under sub-clause (ii), no such consent shall be necessary if the State Government is satisfied that such consent has been unreasonably withheld.

(2) Where any difference or dispute arises as to whether any person is or is not engaging, or about to engage, in the business of supplying energy to the public within the meaning of subsection (I), the matter shall be referred to the State Government, and the decision of the State Government thereon shall be final.

29. Power for non-licensees to break up streets. -

(1) The local authority may, by order in writing, confer and impose upon any person, who has obtained the sanction of the State Government under Section 28 to engage in the business of supplying energy, to the public, all or any of the powers and liabilities of a licensee under Sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.

(2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by Sections 12 to 19 (both inclusive), so far as applicable, as if it were a licensee under Part II.

(3) In cases other than those for which provision is made by subsection (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and

liabilities of a licensee under Sections 12 to 19 (both inclusive), ill so far as the same relate to:

(a) Opening or breaking up of the soil or pavement of such street, or

(b) Laying down or placing electric supply-lines in, under, along or across such street, or

(c) Repairing, altering or removing such electric supply-lines, and thereupon the provisions of the said sections shall, so far as aforesaid, apply to such person as if he were a licensee under Part II.

(4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or subsection (3), the order so applied for shall he deemed to have been refused, and every order, and every refusal to make all order, under sub-section (1) or subsection (3), shall be subject to revision by the State Government.

29A. Application of Section 18 to over-head lines maintained by railways. The provisions of sub-section (3) and (4) of Section 18 and of the Explanation thereto shall apply in the case of any overhead line placed by any railway administration as defined in Section 3 of the Indian Railways Act, 1890 (9 of 1890), as if references therein to the licensee were references to the railway administration.

30. Control of transmission and use of energy.

(1) No person other than a licensee or a person to whom sanction is granted under Section 28, duly authorised under the terms of his license or sanction, as the case may be, shall transmit or use energy at a rate exceeding two hundred and fifty watts and one hundred volts-

(a) In any street, or

(b) In any place, -

(i) In which one hundred or more persons are likely ordinarily to he assembled, or

(ii) Which is a factory within the meaning of the Factories Act, 1948 i'63 of 1948) or a mine within the meaning of the Mines Act, 1952 (35 ol' 1952), or

(iii) To which the State Government, by general or special order, declares the provisions of this subsection to apply, without giving, before the commencement of transmission or use of energy, not less than seven days' notice in writing of his intention to the Electrical Inspector and to Hit, District Magistrate, or in a presidency-town to the Commissioner of Police, containing particulars of the electrical installation and plant, if any, the nature and the purpose of' supply, and complying with such of the provisions of Part IV, and of the rules Lines thereunder, as may be application.

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods, on, or for the lighting or ventilation of the rolling stock of, any railway or tramway subject to the provisions of the Indian Railways Act, 1890 (9 of I 8 0):

Provided, also, that the State Government may; by general or special order and subject to Such conditions and restrictions as may be specified therein, exempt from the application of this section or of' any such provision or rule as aforesaid any person) or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clauses (h).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled. the matter shall be referred to the State Government, and the (Decision of the State Government thereon shall be final.

(3) The provisions of this section shall be binding on the Government.

PART IV
GENERAI,
Protective Clauses

31. Protection of railways, aerodromes, and canals, docks, wharfs and piers. -No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, aerodrome, tramway, canal or water-way or any dock, wharf or pier vested in or controlled by a local

authority, or obstruct or interfere with the traffic on any railway, airway, tramway, canal or water-way.

32. Protection of telegraphic, telephonic and electric signaling lines. -

(1) Every person generating, transmitting, supplying or using energy (hereinafter in this section referred to as the "operator") shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his system. so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephone or electric-signalling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator and the telegraph authority as to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his system, in contravention of subsection (.1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Central Government; and the Central Government, unless it is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the construction of such lines or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly:

Provided that nothing in this subsection shall apply to the repair, renewal or amendment of any electric supply-line so long as the courses of the electric supply-line and the amount and nature of the energy transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation the matter shall be determined by arbitration.

Explanation, -For the purposes of this section, a telegraph-line shall he deemed to be injuriously affected if telegraphic, telephonic or electric-signalling Communication by means of such line is, whether through induction) or otherwise, prejudicially interfered with by all electric supply-line or work or by any use made thereof.

33. Notice of accidents and inquiries.-

(1) It any accident occurs ill connection with the generation, transmission, supply or use of energy in or in connection with, any part of the electric supply-lines or other works of any person and the accident results or is likely to have resulted in loss of human or life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss or injury actually caused by the accident, in such form and within such time as may be prescribed to the Electrical Inspector and to such other authorities as the appropriate Government may by general or special order, direct.

(2) The appropriate Government may, if it thinks fit, require any Electrical Inspector, or any other competent person appointed by it in this behalf, to inquire and report-

(a) As to the cause of any accident affecting the safety of the public, which may have been occasioned by or ill connection with, the generation, transmission. supply or use of energy, or

(b) As to the manner in, and extent to, which the provisions of this Act or of' any person, have been compiled with.

(3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by the Electrical Inspector or such other person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of Section 176 of' the Indian Penal Code (45 of 1860).

34. Prohibition of connection with earth and power for Government to interfere incertain cases of default. -

(1) No person shall, in the generation, transmission, supply or use of energy, permit any put of his electric supply- lines to he connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the appropriate Government.

(2) If at any time it is established to the satisfaction of the appropriate Government--

(a) That any part of an electric supply-fine is connected with earth contrary to die provisions of sub-section (1), or

(b) That any electric supply-lines or other works for die generation, transmission, supply or use of energy are attended with danger to the public safety or to human life or injuriously affect any telegraph-line, or

(c) That any electric supply-lines or other works are detective so as not to he in accordance with the provisions of this Act or of any rule thereunder the appropriate Government may, by order in writing, specify the matter complains of and require the owner or user of such electric supply-Lines or other works to remedy it ill Such manner as shall be specified in the order, and may also in like manner forbid the use of, and the supply of energy to, any electric supply-Iine or works until the order is compiled with or for such time as is specified in the order.

ADMINISTRATION AND RULES

35. Advisory Board.-

(1) The Central Government may, for the whole or any part of the territories to which this Act extends, and each State Government may, for the whole or any part of the State, by notification in the Official Gazette, constitute an Advisory Board.

(2) Every such Board shall consist of a chairman and not less than two other members.

(3) The Central Government or the State Government, as the case may be, may 1 [by general or special order published in the Official Gazette 2[(a) determine the number of members of which any such Board shall be constituted and the manner in which such members shall be appointed.

(b) Define the duties and regulate the procedure of any such Board.

(c) Determine the tenure of office of the member of any such Board, and

(d) Give directions as to the payment of fees to, and the travelling expenses incurred by, any member of any such Board in the performance of his duty.]

3[(4) Every order made by the State Government under sub-section (3) shall be laid, as soon as may be after it is made, before the State Legislature.

(5) Every order made by the Central Government under sub-section (3) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect. as the case may be; so, however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that order.]

1. Subs. by Act No. 20 of 1983, for certain words.

2. Clause (a) ins. and the original clauses (a), (b) and (c) renumbered a, (b), (c) and (d) by Act No. 20 of 11) 83.

3. Ins. by Act No. 20 of 1983.

36. Appointment of Electrical Inspector. --

(1) The appropriate Government may, by notification in the Official Gazette, appoint duly qualified persons to be Electrical Inspectors and every Electrical Inspector so appointed shall exercise the powers and perform the functions of an Electrical Inspector under this Act within such areas of- in respect of such class of works and electric installations and subject to such restrictions as the appropriate Government may direct.

(2) In the absence of express provision to the contrary in this Act, or any rule made thereunder, an appeal shall lie from the decision of an Electrical Inspector to the appropriate Government or if the appropriate Government, by general or special order so directs, to an Advisory Board.

36A. Central Electricity Board. –

(1) a Board to be called the Central Electricity Board shall be constituted to exercise the powers conferred by Section 37.

(2) The Central Electricity Board shall consist of the following members, namely: -

(a) A chairman and five other members to be nominated by the Central Government;

(b) One member to be nominated by the Government of each of the States, not being a Union territory, to which this Act extends;

(c) One member to be nominated by the Central Government to represent each of the Union territories of Delhi and Himachal Pradesh;

(d) One member to be nominated by the Central Government to represent the Union territories of Manipur, Tripura and the Andaman and Nicobar Islands;

(e) One member to be nominated by each of the State Electricity Boards,

(f) One member to be nominated by the Central Government to represent die Federation of Electricity Undertakings of India;

(g) One member to be nominated by the Railway Board;

(h) One member to be nominated by the Chief Inspector of Mines appointed under Section 5 of the Mines Act, 1952 (35 of 1952); and

(i) One member to be nominated by the Indian Standards Institution constituted under the Indian Standards Institution constituted under the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952).

(3) Any vacancy occurring in the Board shall he filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by bye-laws or otherwise it's own procedure and the conduct of all business to be transacted by it.

(5) The powers of the Central Electricity Board may be exercised notwithstanding any vacancy in the Board.

36B. Certain members affected by States' re-organisation to vacate offices-[Rep). by the Indian Electricity (Amendment) Act, 1959 (32 of 1959),]

37. Power for Board to make rules. –

(1) The Central Electricity Board may intake rules, for the whole or any part of the territories to which this Act extends. to regulate the generation, transmission, supply and use of energy, and, generally, to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) Prescribe the form of applications for licences and the payments to be made in respect thereof,

(b) Regulate the publication of notices;

(c) Prescribe the manner in which objections with reference to any application under Part II are to be made.

(d) Provide for the preparation and submission of accounts by licensees in a specified form;

(e) Provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply, and for the examination ol' the records of such tests by consumers;

(f) Provide for the protection of persons and property from injury by reason of' contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission supply or use of energy;

(g) For the purposes of electric traction regulate the employment of insulated returns or of uninsulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes. structures or substances and to minimise, as far as is reasonably practicable, injurious interference with electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not;

(h) Provide for preventing telegraph-lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy;

(i) Prescribe the qualifications to be required of Electrical Inspectors;

(j) Authorise any Electrical Inspector or other officer of a specified rank and class to enter, inspect, and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such Inspectors or officers for the purposes of such examination and tests-,

(k) Authorise and regulate the levy of fees for any such testing or inspection and, generally, for the services of Electrical Inspectors under this Act; and

(l) Provide for any matter which is to be or may he prescribed.

(3) Any rules made in pursuance of clauses (e) to (i) (both inclusive) of subsection (2) Shall be binding on the Government.

(4) In making any rule under this Act, the Central Electricity Board may direct that every breach thereof shall be punishable with fine which may extend to three hundred rupees, and in the case of a continuing breach, with a further daily fine which may extend to fifty rupees.

38. Further provisions respecting rules. –

(1) The power to make rules under Section 37 shall be subject to the condition of the rules being made after previous publication.

(2) (2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Act, 1897 (10 of 1897), as that after which a draft of rules proposed to be made under Section 37 will be taken into consideration shall not he less than three months, from the date on which the draft of the proposed rules was published for general information.

1[(3) Every rule made under Section 37 shall be published in the Gazette of India and shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in section, for a total period of thirty days which may be comprised in one session or in two or more Successive sessions, and it before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Subs. by Act No. 20 of l983, for the former sub-section.

CRIMINAL OFFENCES AND PROCEDURE

1[**39. Theft of energy. -** 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 one thousand rupees. or with both: and if it is proved that any artificial means not authorised by the licensee exist for the abstraction, consumption or use of energy by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of energy has been dishonestly caused by such consumer.

1. Subs. by Act No. 31 of 1986.

39A. Abetment. Whoever abets an offence punishable under Section 39 or section 44 shall, notwithstanding anything contained in Section 116 of the Indian Penal Code (45 of 1860), be punished with punishment provided for the offences.

40. Penalty for maliciously wasting energy or injuring works. -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 punishable with imprisonment for a term which may extend to two years, with fine which may extend to one thousand rupees, or with both.

41. Penalty for unauthorised supply of energy by non-licensees. -Whoever, in contravention of the provisions of Section 28 engages in the business of supplying energy shall be punishable with fine which may extend to three thousand rupees, and in the case of a continuing contravention, with a daily fine which may extend to three hundred rupees.

42. Penalty for illegal or defective supply or for non-compliance with order. -- Whoever-

(a) Being a licensee or a person who has obtained the sanction ol' the State Government under Section 28 to engage in the business of supplying energy to the public, save as permitted under Section 27 or Section 51 or by his license or as the case may be, by the conditions of sanction, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or

(b) Being a licensee or a person who has obtained the sanction of the State Government as aforesaid, in contravention of the provisions of this Act or of the rules thereunder, or in breach of the conditions of license or of the sanction, as the case may be, and without reasonable excuse, the burden of proving which shall lie on him discontinues the supply of energy or fails to supply energy, or

(c) Makes default in complying with any of' the provisions of an order or of any notice or requisition issued under Section 5 or Section 6; or

(d) Makes default in complying with any directions issued to him under Section 22A; or

(e) Makes default in complying with any order issued to him under Section 22B or sub-section (2) of Section 34, shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence or default, with a daily fine which may extend to one hundred rupees.

43. Penalty or illegal transmission or use of energy. -Whoever, in contravention of the provisions of Section 30, transmits or uses energy without giving the notice required thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

44. Penalty for interference with meters or licensee's works and for improper use of energy. -Whoever-

(a) Connects any meter referred to in Section 26, sub-section (1), or any meter, indicator or apparatus referred to in Section 26, subsection (7), with any electric supply-line

through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line; or

3[(aa) Unauthorisedly reconnects any meter referred to in subsection (1) of Section 26, with any electric supply-line or other works, being the property of the licensee, through which energy in ay be supplied, when the said electric supply line or other works has or have been cut or disconnected under sub-section (I) of Section 24; or]

(b) Lays, or causes to be laid, or connects any works for the purpose of communicating with any other works belonging to a licensee.

(c) Maliciously injures any meter referred to in Section 26, sub- section (1), or any meter. Indicator or apparatus referred to in Section 26, sub-section (7), or wilfully or fraudulently alters the index of any such meter, indicator or apparatus, or prevents any such meter, indicator or apparatus from duly registering; or

(d) Improperly uses the energy of a licensee,

1[shall be punishable with imprisonment for a term which may extend to three years. or with fine which may extend to five thousand rupees, or with both], and, in the case of a continuing offence, with a daily fine which may extend to fifty rupees; and 2[if it is proved that any artificial means exist] for making such connection as is referred to in clause (a) 2 [or such re-connection as is referred to in clause (aa),] or such communication as is referred to in clause (b), or for causing such alteration or prevention as is referred to in clause (c), or for facilitating such improper use as is referred to in clause (d), and that the meter, indicator or apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved 1[that such connection, reconnection, communication,] alteration, prevention or improper use, as the case may be, has been Knowingly and wilfully caused by such consumer.

1. Subs. by Act No. 31 of 1986 sec. 3, for certain words. 2. Ins. by Act No. 31 of 1986, sec. 3.

3. Ins. by Act No. 31 of 1986, sec. 3.

45. Penalty for extinguishing public lamps. -Whoever maliciously extinguishes any public lamp shall be punishable with imprisonment for a

term, which may extend to six months, or with fine, which may extend to three hundred rupees, or with both.

46. Penalty for neglecting wasting energy or injuring works. -Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine, which may extend to two hundred rupees.

47. Penalty for offences not otherwise provided for. -Whoever, in any case not already provided for by 1[Section 39, Section 39A or Section 40] to 46 (both inclusive), makes default in complying with any of the provisions of this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, or in the case of a person who has obtained the sanction of the State Government under Section 28, with any of the conditions of the sanction, shall be punishable with title which may extend to one hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to twenty rupees:

Provided that, where a person has made default complying with any of the provisions of Section 13, 14, 15, 17 and 32, as the case may be, he shall not be so punishable if the court is of opinion that the case was one of emergency and that the offender complied with the said provisions as far as was reasonable in the circumstances.

1. Subs. by Act No. 31 of 1986, Section 4, for "Section 39".

48. Penalties not to affect others liabilities. -The penalties imposed by 1[Section] 39, Section 39A or Sections 401 to 47 (both inclusive) shall be in addition to, and not in derogation of, any liability in respect of the payment of compensation or, in the case of a licensee the revocation of his license, which the offender may have incurred.

1. Subs. by Act No. 31 of 1986, Section 4, for "Section 39".

49. Penalties where works belong to Government. -The provisions of 1[Sections 39, 39A, 40] 44, 45 and 46 shall, so far as they are applicable, be deemed to apply also when the acts made punishable thereunder are committed in the case of energy supplied by or of works belonging to the Central Government or any State Government.

1. Subs. by Act No. 31 of 1986, Section 5, for "Sections 39, 40".

49A. Offences by companies. -

(1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to he guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the Commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. -For the purposes of this section, -

(a) "Company" means any body corporate and includes firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

50. Institution of prosecutions. -No prosecution shall be instituted against any person for any offence against this Act or any rule, license or order thereunder, except at the instance of the Government or a State Electricity Board or an Electrical Inspector or of a person aggrieved by the same.

SUPPLEMENTARY

51. Exercise in certain cases of powers of telegraph authority. - Notwithstanding anything in Sections 12 to 16 (both inclusive) and Sections 18 and 19, the State Government may, by order in writing, for the placing of electric supply-lines, appliances and apparatus for the transmission of energy or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying energy to the public under this Act, subject to such conditions and restrictions (if any) as the State Government may think fit to impose, and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph-authority possesses under that Act, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

51A. State Government to have powers and obligations of a licensee under this Act- Where the State Government engages in the business of supplying energy to the public, it shall have all the powers and obligations of a licensee under this Act:

Provided that nothing in Sections 3 to 11 (both inclusive), Section 21, subsections (2) and (3), sections 22 and 27 or in clauses I to V (both inclusive), clause VII and clauses IX to XH (both inclusive) of the Schedule relating to the duties and obligations of a licensee shall apply to the State Government:

Provided further that the provisions of clause VI of the Schedule shall apply to the State Government in respect of that area only where distribution mains have been laid by the State Government and the supply of energy through any of them has commenced.

52. Arbitration-Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license of a licensee, be determined by such person or persons as the State Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration Act, 1940 (10 of 1940).

Provided that where the Government or a State Electricity Board is a party to a dispute, the dispute shall be referred to two arbitrators, one to be appointed by each party to the dispute.

53. Service of notices orders of documents. –

(1) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left, --

(a) Where the Central Government or the State Government is the addressee at the office of such officer as the Central Government or the State Government, as the case may be, may designate in this behalf.

(b) Where a local authority is the addressee, at the office of the local authority;

(c) Where a company is the addressee, at the registered office of the company or, in the event of the registered office of the company not being in India, at the head office of the company in India;

(d) Where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligency be delivered, by affixing it on some conspicuous part of the premises.

54. Recovery of sums recoverable under certain provisions of Act. - Every sum declared to be recoverable by Section 5, sub-section (4) Section 14, sub-section (12), clause (b), Section 16, sub-section (2), Section 18, sub-section (2) or subsection (4), or Section 26, sub-section (4) and every fee liable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any movable property belonging to such person.

55. Delegation of certain functions of State Government to Electrical Inspectors. - The State Government may, by general or special order, authorise the discharge of any of its functions under section 13 or section 18, or section 34, sub-section (2) or clause V, sub-clause (2), or clause XIII of the Schedule by an Electrical inspector.

56. Protection for acts done in good faith. –

(1) No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, wider this Act.

(2) No court shall take cognizance of an offence under this Act, by a public officer except with the sanction-

(a) In the case of a person employed in connection with the affairs of the Union, of the Central Government; and

(b) In any other case, of the State Government.

57. Amendments of the Land Acquisition Act, 1894. –

(1) In Section 40, sub-section (1), clause (b), and Section 41, sub- section. (5), of the Land Acquisition Act, l894 (1 of 1894), the term "work" shall be deemed to include, electrical energy supplied, or to be supplied, by means of the work to be constructed.

(2) The State Government may, if it thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct that he may acquire such land under the provisions of the

Land Acquisition Act, 1894 (1 of 1894), in the same manner and on the same conditions as it might be acquired if the person were a company.

58. Repeals and savings. -

(1) The Indian Electricity Act, 1903 (3 of 1903), is hereby repealed:

Provided that every application for a license made and every license granted under the said Act shall be deemed to have been made and granted under this Act.

(2) Nothing in this Act shall be deemed to affect the terms of any license, which was granted, or of any agreement, which was made, by or with the sanction of the Government for the supply or use of electricity before the commencement of this Act.

THE SCHEDULE

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND To FORM PART OF, EVERY LICENSE GRANTED UNDER PART II, SO FAR AS NOT ADDED TO, VARIED OR EXCEPTED BY THE LICENSE

[See Section 3, sub-section (2), clause (f)]

Security and Accounts

I. Security for executions of work of license not being local authority. - Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely:

(a) The licensee shall, within the period fixed in that behalf by his license, or any longer period which the State Government may substitute therefor by order under Section 4A, subsection (1), of the Indian Electricity Act, 1910, before exercising any of the powers by the license conferred on him in relation to the execution of works, show, to the satisfaction of the State Government, that lie is in a position fully and efficiently to discharge the duties and obligations imposed upon him by the license throughout the area of supply;

(b) The licensee shall also, within the period fixed in that behalf by his license, or any longer period which the State Government may substitute therefor by order under Section 4A, subsection (1), of the Indian Electricity Act. 1910, and before exercising any of the powers conferred on him in relation to die execution of works, deposit or secure to the satisfaction of the State Government such sum (if any) as may be fixed by the license or, if not so fixed, by the State Government;

(c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him on the completion of the works or at such earlier date or dates and by such instalments, as may be Approved by the State Government:

Provided that if the works referred to in clause IV are not executed to the satisfaction of the State Government within the period specified in that clause, that Government may by order direct that the whole or any part of the sum so deposited or secured shall be forfeited to it.

II. Audit of accounts of licensee not being local authority. -Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply namely: -

(a) The annual statement of account of the undertaking shall, before being rendered under Section 11 of the Indian Electricity Act, 1910, be examined and audited by such person as the State Government may appoint or approve in this behalf and the remuneration of the auditor shall be such as the State Government may direct, and his remuneration and all expenses incurred by him in or about the execution of the duties, to such in amount as the State Government shall approve, shall be paid by the licensee on demand;

(b) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and them all Vouchers and information (including technical data and statements of energy generated and sold) requisite for that purpose, and afford to him and them all facilities for the proper execution of his and their duty;

(c) The audit shall be made and conducted in such manner as the State Government may direct;

(d) Any report made by the auditor, or such portion thereof its the State Government may direct, shall be appended to the annual statement of accounts of the licensee, and shall henceforth from part thereof,

(e) Notwithstanding the foregoing provisions of this clause, the State Government may, if it thinks fit, accept the examination and adult of an auditor appointed by the licensee.

III. Separate accounts. -The licensee shall unless the State Government otherwise directs, at all times keep the accounts of the undertaking relating to the generation, supply or distribution of energy distinct from the accounts kept by him of any other undertaking or business.

COMPULSORY WORKS AND SUPPLY

IV. Execution of work after commencement of license. -The licensee shall within a period of three years after the commencement of the license, execute to the satisfaction of the State Government all such works its may be specified in the license in this behalf or, if not so specified, as the State Government may, by order in writing issued within six months of the date of the commencement of the license, direct.

V. Provisions as to laying down of further distributing mains. –

(1) Where, after the expiration of two years and six months from the commencement of the license, a requisition is made by two or more owners or occupiers of premises in or upon Kelly street or part of a street within the area of supply or by the State Government or a local authority charged with the public lighting thereof, requiring the licensee to provide distributing mains throughout such street or part thereof, the licensee shall comply within six months with the requisition, unless, -

(a) Where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service oil them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract in a form approved by the State Government duly executed and with sufficient security binding themselves to take, or guaranteeing that there shall be taken, a supply of energy for not less than two years to such amount as will in the aggregate assure to the licensee at the current rates charged by him, an annual revenue not exceeding fifteen per centum of the cost of the distributing mains (not

including transformers and other substation equipment) required to comply with the requisition; or

(b) Where it is made by the State Government or a local authority, the State Government or a local authority, as the case may be, does not, within the like period, tender a like contract binding itself to take a supply of energy for not less than seven years for the public lamps in such street or part thereof.

(2) Where any difference or dispute arises between the licensee and such owners or occupiers as to the sufficiency of the security offered under this clause, or as to the cost of the distributing mains or as to the amount of energy to be taken or guaranteed its aforesaid, the matter shall be referred to the Electrical Inspector and decided by him.

(3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1910; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant.

VI. Requisition for supply to owners or occupiers in vicinity. –

(1) Where, after distributing mains have been laid down under the provisions of clause IV and clause V and the supply of energy through those mains or any of them has connected, a requisition is made by the owner or occupier of any premises situate within the area of supply requiring the licensee to supply energy for such premises, the licensee shall, within one month from the making of the requisition, or within such longer period as the Electrical Inspector may allow supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition:

Provided, first, that the licensee shall not be bound to comply with any such requisition unless and until the person making it-

(a) Within fourteen days after the service on him by the licensee of a notice in writing in this behalf, tenders to the licensee a written contract, in a form approved by the State Government, duly executed and] with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will assure to the licensee at the current rates charged by him, an annual revenue not exceeding fifteen per centum of the cost of the service-line required to comply with the requision, and

(b) If required by the licensee so to do, pays to the licensee the cost of so much of any service-line as may be laid down or placed for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any service-line as it may be necessary for the said purposes to lay down or place beyond one hundred feet from the licensee's distributing main, although not on that property:

Provided, secondly, that the licensee shall be entitled to discontinue such supply-

(a) If the owner or occupier of the property to which the supply is made has not already given security, or if any security given by him has become invalid or insufficient, and such owner or occupier fails to furnish security or to make up the original security to a sufficient amount, as the case may be, within seven days, after the service upon him of notice from the licensee requiring him so to do, or

(b) If the owner or occupier of the property to which the supply is made adopts any appliance, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other person by the licensee, or

(c) It the electric wires, fittings, works and apparatus in such property are not in good order and condition, and are consequently likely to affect injuriously use of energy by the licensee, or by other persons, or

(d) If the owner or occupier makes any alterations of, or additions to, any electric wires, fittings, works or apparatus within such property as aforesaid, and does not notify the same to the licensee before the same are connected to the source of Supply, with a view to their being examined and tested; but the licensee shall reconnect the supply with all reasonable speed oil the cessation of the act or default or both, as the case may be, which entitled him to discontinue it:

Provided, thirdly, that the maximum rate per unit of time at which the owner or Occupier shall be entitled to be supplied with energy shall not exceed what is necessary for the maximum consumption on his premises, and, where the owner or occupier has required a licensee to supply him at a specified maximum rate, he shall not be entitled to alter that maximum, except after one month's notice in writing to the licensee, and the licensee may recover from the owner or occupier any expenses incurred by him by reason of such alteration in respect of the service-lines by which energy is supplied to the property beyond one hundred feet from the licensee' s distributing main, or in respect of any fittings or apparatus of the licensee upon that property; and

Provided, fourthly, that, if any requisition is made for a supply of energy and the licensee can prove, to the satisfaction of an Electrical Inspector-

(a) That the nearest distributing main is already loaded up to its full current-carrying capacity, or

(b) That in case of a larger amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity,

The licensee may refuse to accede to the requision for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main.

(2) Any service-line laid for the purpose of supply in pursuance of a requisition under sub-clause (1) shall, notwithstanding that a portion of it may have been paid for by the person making the requision ‘ be maintained by the licensee who shall also have the right to use it for the supply of energy to any other person.

(3) Where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, or as to the cost of any service-line or as to the sufficiency of the security offered by any owner or occupier, or as to the position of the meter board or as to the improper use of energy, or to any alleged defect in any wires, fittings works or apparatus, or as to the amount of the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred to an Electrical Inspector and decided by him.

(4) Every requision under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

(5) Every requision under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1910; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicants

VII. Further provisions as to laying of service-lines. -The licensee shall, before commencing to lay down or place a service-line in any street in which a distributing am has not already been laid down or placed, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so such of the street as lies between the points of origin and termination of the service-line so to be laid down or placed twenty-one days notice stating that the licensee intends to lay down or place a service-line, and intimating that, if within the said period the local authority or any one or more of such owners or occupiers require, in accordance with the provisions of the license, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service-line.

VIII. Supply for public lamps-

(1) Where, after distributing mains have been laid down under the provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced, a requisition is made by the State Government or by a local authority requiring the licensee to supply for a period of not less than seven years energy for any public lamps within the area of supply, the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities as the State Government or the local authority, as the case may be, may require.

(IA) The State Government or, as the case may be a local authority may require the licensee-

(a) To provide the mains and other equipments for public lamps, and

(b) To use for that purpose supports, if any, previously erected or set up by him for supply of energy.

(2) The provisions of sub-clause (b) of the first proviso, of sub-clauses (c) and (d) of the second proviso and of the third and fourth proviso to sub-clause (1) and the provisions of sub-clauses (2) and (3) of clause VI shall, so far as may be, apply to every case in which a requisition for the supply of energy is made under this clause as if the State Government or local authority were on owner or occupier within the meaning of those provisions.

SUPPLY BY BULK-LICENSEES

IX. Special provisions applying to supply by bulk-licensees. -

(1) Where, and in so far as the licensee (hereinafter in this clause referred to as "the bulk-licensee") is authorized by his license to supply energy to other licensees for distribution by them (hereinafter in this clause referred to as "distributing-licensees"), the following provisions shall apply, namely:

(a) Any distributing licensees within the bulk-licensee's area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy and specifying the point, and the maximum rate per unit of time, at which such supply is required, and the date upon which the supply is to commence, such date being fixed after the date of receipt of the requisition so as to allow an interval that is reasonable with regard to the locality and to the length of the electric supply-line and the amount of the plant required;

(b) Such distributing-licensee shall, if required by the bulk- licensee so to do, enter into a written agreement to receive and pay for a supply of energy for a period of not less than seven years of such mi amount that the payment to be made for the same at the rate of charge for the time being charged for such supply shall not be less than such an amount as will assume to the bulk-licensee an annual revenue not exceeding fifteen per centum of the outlay (excluding expenditure on generating plant then existing and any electric supply-line then laid (town or placed) incurred by him in making provision for such supply

(d) If any difference or dispute arises under this clause, it shall be determined by arbitration, and, in the event of such arbitration, the arbitrator shall have regard to die following amongst other considerations, likely:

(i) The period for which die distributing-licensee is prepared to bind himself' to take energy;

(ii) The amount of' energy required and the hours during which the bulk-licensee is to supply it;

(iii) The capital expenditure incurred or to he incurred by the bulk-licensee in connection with the aforesaid supply of energy; and

(iv) The extent to which the capital expanded or to be expended by the bulk-licensee in connection with such supply may become unproductive upon the discontinuance thereof.

(2) Notwithstanding anything in sub-clause (1), the bulk-licensee shall give a supply of energy to any distributing-licensee within his area of supply applying therefore even although the distributing-licensee desires to be supplied with only a portion the energy required for distribution by him:

Provided that the distributing-licensee shall, if so required by the bulk-licensee, enter into all agreement to take such energy upon special terms (including a minimum annual sum to be paid the bulk-licensee) to be determined, it necessary, by arbitrations in the manner laid down in any clause (1)(d).

(3) The maximum price fixed by a licensee for energy Supplied to a distributing-licensee shall not apply to any partial supply given under sub-Clause (2).

(4) Every distributing-licensee, who is supplied with energy by a bulk- licensee and intends to discontinue to receive such supply, shall give not less than twelve months' notice in writing of' such intention to the bulk-licensee:

Provided that, where the distributing-licensee has entered into a written agreement with the bulk-licensee to receive and pay for a

supply of energy for a certain period, such notice shall be given so as not to expire before the end of that period.

CHARGES

X. Methods of charging. -

(1) Where the licensee charges by any method approved by the State Government in accordance with Section 23, sub-section (3), clause (c), of the Indian Electricity Act, 1910, any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer charge him by another method.

(2) Before commencing to supply energy through any distributing main, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge or energy so supplied; and, where the licensee has given such notice, he shall not he entitled to change that method of charging without giving not less than one months notice in writing of such change to the State Government to the State Electricity Board and the local authority (it' any) concerned and to the Electricity] Inspector and to every Consumer of energy who is supplied by him from such distributing main.

(3) If the consumer is provided with a meter in pursuance of the provisions of Section 26, subsection (1), of the Indian Electricity Act, 1910, and the licensee changes the method of charging for the energy supplied by him from the distributing the licensee shall bear the expense of providing a new meter, or such other apparatus as may he necessary by reason of the new method of charging.

XII. Charge for supply for public lamps. -The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps and other charges to he paid to him in connection therewith and the anode in which those charges are to he ascertained, shall be settled by agreement between the licensee and the State

Government or the local authority, as the case may be, and, where any difference or dispute arises, the matter shall be determined by arbitration.

TESTING AND INSPECTION

XIII. Licensee to establish testing stations and keep instruments for testing. -The licensee shall establish at his own cost and keep in proper condition such number of testing stations, situated at such places within reasonable distance from any distributing, main, as the State Government may direct for the purpose of' testing file pressure periodicity of the supply of energy in the distributing main, and shall supply and keel) in proper condition thereat, and oil all premises from which lie supplies energy, such instruments for testing as an Electrical Inspector may approve, and shall Supply energy to each testing station for the purpose of testing.

XIV. Facilities for testing. -The licensee shall afford to an Electrical Inspector or other person authorised by such Inspector all facilities for inspection and testing of his works and for the reading, testing and inspection of his instruments, and may, on coach occasion of the testing of his works or the reading, testing or inspection of any instruments, he represented by an agent; who may be present, but shall not interfere with the reading, testing or inspection.

XV. Testing of works. -On the occasion of the testing of any works of the licensee by all Electrical Inspector or a person authorised by him in this behalf' (hereinafter referred to as the authorised person) reasonable notice thereof shall be given to tile licensee, and the testing shall be carried out at Such suitable hours as, in the opinion of the Electrical Inspector or the authorised person will least interfere with tile Supply of energy by the licensee, and in such manner as the Electrical Inspector or the authorised person may think fit, but, except under the provisions of all order made in each case in that behalf by the State Government, the Electrical Inspector or the authorised person shall not be entitled to have access to, or interfere with, the works of the licensee of any points other than those at which the licensee himself has access to the same:

Provided that the licensee shall not he held responsible for any interruption or irregularity in the supply of energy which may be occasioned by, or required by die Electrical Inspector or the authorised person for the purpose of, any such testing, as aforesaid:

Provided, also, that the testing shall not be made in regard to any particulate portion of the works oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the State Government.

PLAN

XVI. Plan of area of supply to made and kept open for inspection. –

(1) The licensee shall, after commencing to supply energy, forthwith cause a plan to he article of the area of supply, and shall cause to be marked thereon the alignments and, in the case of underground works, the approximate depth below the surface of all his then existing electric supply-lines, street-distributing boxes and other works, and shall once in every year cause that plan to he duly corrected so as to show the electric supply-lines, street-distributing, boxes and other works for the time being in position the licensee shall also, if so required by an Electrical

Inspector clause to be made sections showing the approximate level of' all his existing underground works other than service-lines.

(2) Every plan shall be drawn to such scale as the State Government may require provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public.

(3) Every such section shall be drawn to horizontal and vertical scales which shall be such as the State Government may require.

(4) Every plan and section so made or corrected, or a copy thereof, market with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, mid copies thereof shall be supplied on such terms and conditions, as may be prescribed by rules under the Indian Electricity Act. 1910.

(5) The licensee shall, if required by an Electrical Inspector and, where the licensee is not a local authority, by the local authority (if any) concerned, supply free of charge to such Electrical Inspector or local authority a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

ADDITIONAL NOTICE OF CERTAIN WORKS

XVII. Notice to Electrical Inspector. -On the day next preceding the commencement of any such works as are referred to in Section 13 of the Indian Electricity Act. 1910, the licensee shall, in addition to any other notices which he may be required to give, serve upon the Electrical Inspector, or such officer as the State Govern the it may appoint in this behalf for the area of supply, a notice in writing stating that lie is about to commence the works, and the nature and position of the same.