

**INDIAN ELECTRICITY (WEST BENGAL AMENDMENT) ACT,
1980**

43 of 1980

[30th October, 1980]

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An Act to amend the Indian Electricity Act, 1910, in its application to West Bengal. WHEREAS it is expedient to amend the Indian Electricity Act, 1910, in its application to West Bengal, for the purpose and in the manner hereinafter appearing; It is hereby enacted as follows

1. Short title :-

This Act may be called the Indian Electricity (West Bengal Amendment) Act, 1980.

2. Application of the Act :-

The Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Insertion of new section 7B in Act 9 of 1910 :-

After section 7A of the principal Act, the following section shall be inserted : "7B. Special provision for safeguarding the interests of the employees.

(1) Notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force, where an undertaking is sold under section 5 or section 6, any amount that

may be due on account of salary or wages, leave-salary or leave wages, bonus, gratuity, retrenchment compensation, contribution to provident fund or on similar or other account from the licensee to the employee employed in the affairs of the undertaking on the date of completion of the sale or on the date on which the undertaking is delivered to the intending purchaser under sub-section (3) of section 5 or sub-section (6) of section 6. as the case may be, whichever is earlier, shall be deemed to be a debt due to the employee.

(2) The debt referred to in sub-section (1) shall, on adjustment of the amount, if any, due from the employee to the licensee on the date referred to in sub-section (1), have preference to all other debts and obligations except mortgage, and shall be payable out of the purchase price after deduction therefrom of the amount that may be due from the licensee under mortgage, if any.

(3) If, however, the purchase price, after deduction therefrom of the amount that may be due under mortgage, if any, falls short, wholly or in part, of the debt due on adjustment to the employee, the purchaser or the intending purchaser, as the case may be, shall be liable to pay such debt due to the employee to the extent of such shortage.

(4) The licensee shall, within such period as may be specified in this behalf by the State Government by notification in the Official Gazette, submit to the purchaser or the intending purchaser, as the case may be, a statement containing the following particulars

(a) the amount due under different heads of account to each employee from the licensee,

(b) the amount, if any, due to the licensee from each such employee with reason therefor, and

(c) the amount due on adjustment to each employee, and shall furnish to each employee a copy of such portion of the statement as relates to such employee.

(5) An employee may, within fifteen days of the receipt of the copy of the statement relating to him, submit in writing his objection thereto to the purchaser or the intending purchaser, as the case may be, and send a copy of the objection to the licensee.

(6) If no objection is submitted by an employee under sub-section

(5), the amount shown on adjustment to be due to him in the statement shall be deemed to be the amount determined to be due to him.

(7) On receiving an objection under sub-section (5), the purchaser, or the intending purchaser, or any person duly authorised by him in this behalf, as the case may be, shall give notice to the employee and the licensee of the date fixed for hearing of the objection and, after hearing the employee and the licensee and taking into account the evidence adduced, shall determine the amount due to the employee. If the licensee fails to appear at the hearing, the amount due to the employee shall be determined ex parte. If the employee fails to appear at the hearing the objection shall stand rejected.

(8) If the purchaser, or the intending purchaser, or the person duly authorised by him in this behalf, as the case may be, is of opinion, on the application of the employee or the licensee or of his own motion, that some relevant facts had not been disclosed or considered at the time of the determination under sub-section (6) or sub-section (7), he may review the matter and determine the amount due to the employee.

(9) The determination of the amount due to the employee under sub-section (6) or (7) with modification, if any, under sub-section (8) shall be final and conclusive and shall not be called in question in any court or tribunal or any other authority.

(10) The purchaser or the intending purchaser, as the case may be, shall, on the final determination of the amount due to the employee, pay to him in terms of the provisions of sub-section (2) or (3), as the case may be, the amount so determined to be due to him. If any amount due to any employee remains unpaid, the same shall be deposited by the purchaser or the intending purchaser, as the case may be, in any branch of the State Bank of India and shall be payable to the employee or his legal representative.

(11) The provisions of the section shall also apply to an undertaking which has been sold under section 5 or section 6 but the sale has not been completed prior to the date of commencement of the Indian Electricity (West Bengal Amendment) Act, 1980."