

Indian Electricity (West Bengal Amendment) Act, 1994

55 of 1994

[13 August 1998]

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PREAMBLE

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 purposes and in the manner hereinafter appearing;

It is hereby enacted as follows :-

NOTE

Indian Electricity Act (Act No. 9 of 1910), the West Bengal State Legislature enacted the West Bengal amendment under this Act for its application only to West Bengal.

1. Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, dated the 13th August, 1998.

1. Short title and commencement :-

(1) This Act may be called the Indian Electricity (West Bengal Amendment) Act, 1994.

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

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 for the purposes and in the manner hereinafter provided.

3. Amendment of section 2 of Act 9 of 1910 :-

In section 2 of the principal Act, after clause (e), the following clause shall be inserted :-

(el) "Electrical Inspector" includes Chief Electrical Inspector, Joint Chief Electrical Inspector, Deputy Chief Electrical Inspector and Assistant Electrical Inspector;.

4. Amendment of section 24 :-

For sub-section (2) of section 24 of the principal Act, the following sub-section shall be substituted :-

"(2) Where any difference or dispute which by or under this Act is required to be determined by an Electrical Inspector, has been referred to him within fifteen days of receipt of notice under subsection (1), such difference or dispute shall be determined within a period of six months :

Provided that the consumer shall, before referring such difference or dispute to the Electrical Inspector, deposit with the licensee without prejudice to anything contained in the foregoing provisions of this section the full amount of the charge or sum referred to in sub-section (1) and shall continue to deposit with the licensee without prejudice to anything contained in the foregoing provisions of this section such further charge or sum on account of supply of energy as may accrue thereon :

Provided further that the licensee shall be liable to refund or adjust the excess amount, if any, paid to the licensee together with an interest on such excess amount at the rate equivalent to the rate of late payment surcharge within a period of fifteen days of communication by the Electrical Inspector of his decision on such difference or dispute."

5. Insertion of new section 24A :-

After section 24 of the principal Act, the following section shall be inserted :-

"24A. Bar to jurisdiction of court etc.--Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court, tribunal or other authority shall have jurisdiction to determine any difference or dispute which is required to be determined, or which has been enquired into, by the Electrical Inspector or any other authority under the provisions of this Act."

6. Amendment of section 26 :-

In section 26 of the principal Act, after the second proviso to sub-section (7), the following sub-section shall be inserted :-

"(8) The reading of the meter placed by the licensee under subsection (7) upon the premises of a consumer may be used for tariff purposes also in the event of detection of any tampering with the meter placed upon such premises in pursuance of the provisions of sub-section (1) :

Provided that the licensee shall authorise an officer, not below the rank of Assistant Engineer, for the reading, inspection and sealing of the meter within the knowledge of the consumer who shall have a reasonable opportunity of inspection of such meter."

7. Amendment of section 36 :-

For sub-section (1) of section 36 of the principal Act, the following sub-section shall be substituted :-

"(1) The State Government may, by notification in the Official Gazette, appoint duly qualified persons to be Chief Electrical Inspector, Joint Chief Electrical Inspector, Deputy Chief Electrical Inspector, Electrical Inspector and Assistant Electrical Inspector, who shall, upon such appointment, exercise the powers and perform the functions of an Electrical Inspector under this Act within such areas or in respect of such class of works and electric installations and subject to such restrictions as the State Government may direct."

8. Amendment of section 39 :-

Section 39 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the

following sub-section shall be inserted :-

"(2) The licensee may, without prejudice to his right to institute prosecution for theft of energy under sub-section (1), cut off the supply and for that purpose cut or disconnect the 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 time as the artificial means or means not recognised by the licensee, dishonestly caused by the consumer for abstraction, consumption or use of energy, continue to exist and no longer :

Provided that no officer below the rank of Divisional Engineer or District Engineer of the licensee shall cut or disconnect the electric supply-line or other works, being the property of the licensee :

Provided further that if any consumer is aggrieved by such disconnection, he may apply to the Electrical Inspector having jurisdiction within fifteen days of such disconnection, and the Electrical Inspector may order reconnection or may reject the application for reasons to be recorded in writing after giving the parties concerned an opportunity of being heard."

9. Insertion of new sections 39A and 39B :-

After section 39 of the principal Act, the following sections shall be inserted :-

"39A. Power to enter premises etc. for search and seizure.--

Without prejudice to the provisions of the Code of Criminal Procedure, 1973, relating to search and seizure, where any officer authorised by the licensee has reasons to believe that any offence under section 39 of this Act has been, or is being, or is about to be, committed in any premises, vessels or other places, he may, with such assistance as he thinks fit, at any time-

(a) enter, inspect and search such premises, vessels or places and may use such minimum force as may be necessary for the purpose;

(b) seize any means which may be found on search to have been dishonestly caused for abstraction, consumption or use of energy.

39B. Unauthorised reconnection of electric supply-line.--

Where an officer, not below the rank of Superintending Engineer of the licensee, on a personal inspection, is satisfied that an electric supply-line or other works, which has been cut or disconnected under sub-section (1) of section 24 or sub-section (2) of section 39 by the licensee, has been reconnected unauthorisedly by any consumer, then, without prejudice to any other penalty that may be imposed under section 44 or under any other provision of this

Act, such officer may by order in writing, and for reasons to be recorded therein, direct that energy shall not be supplied to such consumer for such period, not exceeding one year, as may be specified in the order :

Provided that no such order shall be made unless the consumer has been given an opportunity of making his representation, if any."

10. Amendment of section 44 :-

In clause (aa) of section 44 of the principal Act, after the words, figures and brackets "under sub-section (1) of section 24", the words, figures and brackets "or sub-section (2) of section 39" shall be inserted.

11. Insertion of new section 50A :-

After section 50 of the principal Act, the following section shall be inserted :-

"50A. Offences to be cognizable.--Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under section 39 or section 44 shall be cognizable."

12. Amendment of Schedule :-

In the Schedule to the principal Act, in clause VI, in sub-clause (1), in the first proviso,-

(a) for clause (a), the following clause shall be substituted :-

"(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 the form approved by the State Government, duly executed, and a security in cash equivalent to an estimated average of the amounts of bills for three months or for such longer period as the State Government may, by notification in the Official Gazette, determine from time to time, binding himself to take a supply of energy for not less than two years for such amount as will assure the licensee at the current rates charged by him, of an annual revenue not exceeding fifteen per cent of the cost of the service line required to comply with the requisition against the said security which shall bear interest at the rate of five and a half per cent per annum,";

(b) in clause (b), for the words "not on that property:", the words "not on that property, and" shall be substituted;

(c) after clause (b), the following clause shall be inserted:-

(c) if any prospective consumer, who has been a beneficiary to a disconnected connection, applies for fresh connection or restoration of disconnected connection, he may be allowed such connection or restoration, as the case may be, if he makes payment of the outstanding dues along with late payment fees in respect of the disconnected connection to which he has been a beneficiary.

Explanation.-"Beneficiary" includes any member of the family of the consumer and, in the case of industrial or commercial supply, the employees of the consumer."