

WEST BENGAL ELECTRICAL UNDERTAKINGS (RECOVERY OF DUES) ACT, 2000

28 of 2000

[15th September, 2000]

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An Act to provide for recovery of dues of electrical undertakings in West Bengal. WHEREAS it is expedient to provide for recovery of dues of electrical undertakings in West Bengal. It is hereby enacted, as follows :

1. Short title, extent and commencement :-

- (1) This Act may be called the West Bengal Electrical Undertakings (Recovery of Dues) Act, 2000.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "consumer" means any person who is supplied with energy by an electrical undertaking for commercial or industrial purposes at 6 KV and above;

(b) "dues" means any sum payable to an electrical undertaking on account of consumption of energy supplied;

(c) "electrical undertaking" means

(i) a Generating Company, by whatever name called, formed by the State Government and registered under the Companies Act, 1956, or

(ii) the West Bengal State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948, and includes a licensee as defined in clause (h) of section 2 of the Indian Electricity Act, 1910;

(d) "energy" has the same meaning as in clause (g) of section 2 of the Indian Electricity Act, 1910;

(e) "notification" means a notification published in the Official Gazette;

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

(g) "prescribed authority" means an officer of an electrical undertaking appointed by the State Government by notification for all or any of the purposes of this Act, and different such officers may be appointed for different electrical undertakings and for different areas;

(h) "works" has the same meaning as in clause (n) of section 2 of the Indian Electricity Act, 1910.

3. Notice of demand for dues not paid :-

Where any dues are payable by a consumer to an electrical undertaking, the prescribed authority may, at any time after the expiry of a period of thirty days from the date within which such dues were payable, serve, or cause to be served, on the consumer or his authorised agent a notice of demand stating the name of the consumer, the amount payable by him and the name of the undertaking to whom the amount is due :

Provided that a notice under this section shall not be served or caused to be served on a consumer for any dues in respect of which a difference or dispute has been referred to the Electrical Inspector under section 24 of the Indian Electricity Act, 1910.

Explanation I. The service of the notice of demand shall be deemed

(a) to be effected by properly addressing, prepaying and posting by registered post, a letter containing the notice of demand, and

(b) unless contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Explanation II. Any dues to an electrical undertaking: shall be deemed to be payable within the date specified in the bill in this behalf.

4. Suit to challenge liability to pay dues :-

(1) Where a notice of demand has been served on the consumer or his authorised agent under section 3, he may, if he denies his liability to pay the dues or any part thereof, upon deposit of the amount of the dues with the prescribed authority under protest in writing within a period of sixty days from the date of service of the notice of demand, institute a suit in a civil court having jurisdiction for the refund of the dues, or any part of the dues, so deposited.

(2) The suit referred to in sub-section (1) may be instituted at any time within six months from the date of deposit of the amount of the dues under that sub-section. Subject to the result of the suit as aforesaid, the notice of demand shall be conclusive proof of the dues stated therein.

5. Recovery of dues :-

If the amount of the dues for which a notice of demand has been served under section 3 is not deposited with the prescribed authority within the period referred to in sub-section (1) of section 4 or within such extended period as the prescribed authority may from time to time allow, the consumer shall be deemed to be a defaulter in respect of such amount, and such amount together with such penalty for being a defaulter and cost of recovery of the dues as may be prescribed, shall notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force or in any instrument or agreement having effect by virtue of any law other than this Act, be recoverable as an arrear of land revenue.

6. Limitation :-

Notwithstanding anything contained in the Limitation Act, 1963, or in any other law for the time being in force, the period of limitation in respect of any suit or proceeding by or on behalf of an electrical undertaking for the recovery of any dues under this Act shall be

three years from the date from which the period of limitation would begin to run under the Limitation Act, 1963, against a like suit by a private person.

7. Power to make rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the form of notice of demand referred to in section 3 and the manner of its service;

(b) the amount of penalty and the cost of recovery of dues, referred to in section 5;

(c) any other matter which under any provision of this Act is required to be prescribed.