

Bihar Electricity (Temporary Control) Act, 1959

23 of 1959

[19 August 1958]

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PREAMBLE

An Act to restrict temporarily the distribution of energy to consumers

Be it enacted by the Legislature of the State of Bihar in the Tenth Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons, see the Bihar Gazette, (ex. ord.) dated 10.2.1959.

1. Short title, extent and commencement :-

(1) This Act may be called the Bihar Electricity (Temporary Control) Act, 1959.

(2) It extends to the whole of the State of *Bihar.

(3) It shall remain in force for a period of ¹[five years] from the date of its commencement.

1. Substituted by Bihar Act 19 of 1962 for "three years".

2. Power to control supply of electrical energy :-

(1) If any officer not below the rank of an Assistant Electrical Engineer, authorized in this behalf by the State Government by notification in the Official Gazette, is of the opinion that it is necessary or expedient so to do, for regulating or prohibiting the supply, distribution, consumption or use of electrical energy in a specified local area, he may, for reasons to be recorded, by general or special order, provide for regulating or prohibiting the supply, distribution, consumption or use thereof.

(2) (i) Every order under sub-section (1) addressed to any person may be served by registered post or left,-

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

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

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

(ii) Every order under sub-section (1) addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by 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 diligence be delivered, by affixing it on some conspicuous part of the premises.

(3) Any person aggrieved by an order made under sub-section (1) may, within thirty days of the service in accordance with the

provisions of sub-section (2) of the order, or a true copy thereof, appeal, to the State Government.

3. Penalty for contravention of order :-

(1) Any person who contravenes any order made under Section 2 shall be punishable with fine which may extend to one thousand rupees and in case of continuing offence, with a daily fine which may extend to one hundred rupees.

(2) (i) No Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the State Government.

(ii) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

4. Effect to orders inconsistent with other enactments :-

Any order made under Section 2 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

5. Presumption as to orders :-

Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872.

6. Protection of action taken under the Act :-

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to

be done in pursuance of any order made under Section 2.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under Section 2.