

BOMBAY ELECTRICITY (SPECIAL POWERS) ACT, 1946

20 of 1946

[30th September, 1946]

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BOMBAY ELECTRICITY (SPECIAL POWERS) ACT, 1946

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An Act 1[to make special provisions for controlling] the supply, consumption, distribution and use of electrical energy in the 2[State of Bombay]. WHEREAS it is expedient 3[to makespecial provisions for control- ling] the supply, consumption, distribution and use of electrical energy in the 4[State of Bombay]; it is hereby enacted as follows:-

1. Short title, extent [and commencement] :-

1.-

(1) This Act may be called the Bombay Electricity (²[Special Powers]) Act, 1946.

³[(2) it extends ⁴to the whole of the ⁵[State of Gujarat].

(3) it shall come into force on the 1st day of October, 1946 ⁶(in the pre-Reorganisation State of Bombay; and in that part of the State of Bombay to which it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958 (Bom. II of 1959), it shall come into force on such other date as the State Government may, by notification in the Official Gazette, appoint].

⁷ [xxx]

1. Substituted by Bombay 2 of 1959.
2. Substituted by Bombay 41 of 1949.
3. Substituted by Bombay 2 of 1959.
4. This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bombay 2 of 1959, it did not extend (vide Bombay 2 of 1959).
5. Substituted by Gujarat A.O. 1960.
6. ins. by Gujarat A.O. of 1960.
7. Sub-section (4) deleted by Bombay 41 of 1949.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "consumer" and "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910 (IX of 1910);

¹ [(aa) "licensee" means any person licensed under Part II of the Indian Electricity Act, 1910 (IX of 1910), to supply electrical energy or any person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy and includes a distributing licensee and the State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (LIV of 1948):]

(b) "requisition" means a requisition made under the Indian Electricity Act, 1910 (IX of 1910), for the supply of electrical energy.

1. ins. by Bombay 41 of 1949.

3. Restriction on consumption of supply :-

Notwithstanding any- thing contained in any contract or agreement, the State Government may by an order in writing require any consumer to, and thereupon such consumer shall, reduce his consumption of electrical energy to such extent and in such manner and by such means as may be specified to the order. The State Government shall serve a copy of the order on the licensee supplying the energy.

4. Discontinuance of supply in certain circumstances :-

(1) Not withstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or any licence granted thereunder or any agreement for the supply of electrical energy, the State Government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by an order in writing-

(i) authorise, or

(ii) require

(a) without the permission of the State Government contravenes any direction issued to him under section 3; or

(b) without the permission of the State Government-

¹((i) exceeds at any time-

(I) in relation to the ²[the Bombay area of the State of Gujarat], the maximum demand in KW of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January, 1943, or

(II) in relation to the Saurashtra area of the ³[State of Gujarat], the maximum demand in Kw of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January, 1950, or

(III) in relation to any other area, the maximum demand in Kw of electrical energy recorded in respect of him during the twelvemonths pending on such date as may be specified by the State Government, or

(ii) connects or has connected load-

(I) in the ⁴[Bombay area of the State of Gujarati, beyond that notified in writing to the licensee up to 31st January, 1943,

(II) in the Saurashtra area of the ⁵[State of Gujarat], beyond that notified in writing to the licensee up to 31st January, 1950,

(III) elsewhere, beyond that notified in writing to the licensee up to such date as may be specified by the State Government: or

(iii) exceeds the supply permitted by the State Government under sub-section (3) of Section 5 or sanctioned by a licensee in pursuance of a requisition made under clause VI of the Schedule to the Indian Electricity Act, 1910 (IX of 1910), or,]

⁶ [(c) within three months, after the service on him by the licensee of a notice in writing in this behalf does not utilise any electrical energy.]

(2) The licensee shall-

(i) before discontinuing or reducing the supply of electrical energy under sub-section (1) give the consumer not less than 48 hours' notice in writing of his intention so to do;

(ii) on discontinuing the supply, communicate to the State Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so;

(iii) on being so directed by the State Government recommence the supply with all possible speed.

(3) The licensee shall report to the State Government within twenty-four hours of its coming to his notice every contravention of any direction given under Section 3, or clause (b) of sub-section (1).

1. Sub-clauses (1) and (ii) Substituted by Bombay 2 of 1959.

2. Substituted by Gujarat A.O. of 1960.

3. Substituted by Gujarat A.O. 1960.

4. Substituted by Gujarat A. O. 1960.

5. Substituted by Gujarat A. O. 1960.

6. ins. by Bom 41 of 1949.

5. Restriction on supply of electrical energy and prohibition on reconnection of supply :-

(1) Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or in any licence granted thereunder or in any contract or agreement or in any requisition, the State Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of

electrical energy, by order direct a licensee-

(a) 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 ¹[commencement of this Act in any area] for the supply (other than the resumption of a supply) or an increase in the supply, of electrical energy, to any person.

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

(iii) any requisition for the resumption of a supply made within six months of its discontinuance, where the requisitioning consumer was not himself the consumer of the supply at the time of its discontinuance:

²[Provided that the State Government may by order direct that it shall not be necessary to obtain such permission if the licensee supplies electrical energy to such consumers, or class of consumers, to such extent and subject to such conditions as may be specified in the order;]

(b) not to comply with any requisition under sub-section (1), the licensee shall make an application to the State Government in such forms as the State Government may notify in the Official Gazette in this behalf.

(2) To obtain any permission required under sub-section (1), the licensee shall make an application to the State Government in such forms as the State Government may notify in the Official Gazette in this behalf. ³ [Where a requisition is made on the licensee under sub-clause (1) of clause V or of clause VI of the Schedule to the Indian Electricity Act, 1910 (IX of 1910), the licensee shall make the application to the State Government in respect of such requisition within one month from the date of the receipt of the requisition by him or within such longer period as the State Government may allow.]

(3) On an application being made under sub-section (2) the State Government may either refuse the permission sought or grant it either absolutely or subject to such conditions as it may think fit to impose, and may also call for such further particulars relating to the application as it may require.

1. Substituted by Bombay 2 of 1959.
2. Added by Bom 41 of 1949.
3. Added by Bombay 41 of 1949.

6. Restriction on the use of electrical energy for the purpose of advertisement :-

Notwithstanding anything contained in any contract or agreement, no person receiving a supply of electrical energy from a licensee notified in this behalf in the Official Gazette by the State Government, shall use or cause to be used such electrical energy in the area of supply of such licensee for exhibiting light intended for advertisement on the exterior of any premises, or any plot of land or in any street or open place.

6A. Power to regulate supply of electrical energy and periods of work. :-

¹ [xxx].-

(1) Notwithstanding anything contained in any law for the time being in force, or any permission granted under sub-section (3) of Section 5 or any instrument having effect by virtue of any law,

(a) for prohibition or regulating subject to such conditions as it may specify in the order, the distribution or supply of electrical energy by a licensee or use of such energy by a consumer for any purposes specified in such order [or for prohibiting a consumer from supplying or allowing the use of such energy or any part thereof to any other person or undertaking].

(b) for determining the order of priority in which, or the period or periods during which, work shall be done by an under- taking to which [or the consumer to whom] the supply of electrical energy is made by a licensee.

(2) The State Government may make provisions in any order made under sub-section (1) for any incidental or supplementary matters which it may think necessary or expedient for the purposes of the order.

Explanation:- In this section "undertaking" means any public utility undertaking by any undertaking by way of any trade or business and includes a factory.

1. Delete by Bombay 41 of 1949.

6B. Revocation of licence or discontinuance of supply for

breach of order under section 6A :-

Notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910), or the terms of any licence or sanction granted thereunder or an agreement for the supply of electrical energy-

(a) if a licensee contravenes an order made under section 6A, it shall be lawful for the State Government to revoke the licence or sanction granted to such licensee for the supply of electrical energy or

¹ [(b) if any undertaking or consumer contravenes an order made under section 6A, then-

(i) the State Government may by order direct the licensee to discontinue or reduce indefinitely or for such period as is stated in the order the supply of electrical energy made to such undertaking or consumer, and the licensee shall thereupon discontinue or reduce the supply of electrical energy to such undertaking or consumer: or

(ii) where the State Government, in order to meet an emergency or such other circumstances, authorises (and the State Government is hereby empowered so to authorise), subject to such conditions as it may specify, a licensee to discontinue the supply of electrical energy made to an undertaking or consumer who contravenes an order under section 6A, the licensee himself may so discontinue the supply; but the licensee shall, on discontinuing the supply as aforesaid, report to the State Government within 24 hours from the time of discontinuance the circumstances in which he has so done, and on being directed by the State Government to do so, recommence the supply with all possible speed.]

1. Substituted by Bombay 2 of 1959.

6C. Discontinuance of supply of energy to consumer for failure to pay fees for services of Electric inspector or his assistants :-

(1) if any consumer fails to pay any fees leviable for inspection, examination or test made or any other service rendered by an Electric inspector or any other officer appointed to assist the Electric inspector under of the provisions of the Indian Electricity Act, 1910 (IX of 1910), or any rules made thereunder, within ten days from the date of the presentation of the bill for such inspection, examination, test of rendering of service, the State Government or

any other officer authorized by the State Government in that behalf may, notwithstanding anything contained in the Indian Electricity Act, 1910 (IX of 1910) or the terms of any licence or sanction granted thereunder or any agreement for the supply of electrical energy, by order in writing direct the licensee, without prejudice to any other right to recover such fees, to discontinue the supply of electrical energy to such consumer and the licensee shall thereupon discontinue the supply of electrical energy to such consumer.

(2) On payment of such fees by the consumer, the State Government or the authorised officer may by order in writing direct the licensee to reconnect and recommence the supply of electrical energy, and the licensee shall thereupon reconnect and recommence the supply to the consumer as soon as possible:

Provided that the licensee shall not be bound to reconnect the supply until the consumer pays to the licensee the charges for reconnecting the supply.

7. Continuance in force of existing Orders :-

Every order made by the Central or Provincial Government under sub-rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in sections 3, 4, 5 and 6 of this Act and in force immediately before the commencement of this Act, shall, so far as it could validly be made by the State Government of this Act, sections, continue in force and be deemed to have been made under the said sections and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall, so far as he could validly be so authorised, permitted, directed or required, as the case may be by the State Government under any of the said sections of this Act, be deemed to have been so authorised, permitted, directed or required, as the case may be, under the provisions of this Act.

8. Penalties :-

Any person who-

(a) contravenes-

(i) any order made or deemed to have been made under section 3, 4, 5, ¹[6, 6A, 6B or 6C]: or

(ii) any of the provisions of this Act; or

(b) is deemed to have been required or directed under sections 3,

4. 5 or 6 to do or refrain from doing anything falls to comply with such requirement or direction,

shall, on conviction, be ² [punished] with imprisonment for a term which may extend to six month or with fine or with both.

1. Substituted by Bombay 41 of 1949.

2. Substituted by Bombay 41 of 1949.

8A. Power of entry, etc :-

(1) Any officer authorised by the State Government in this behalf, by general or special order, may enter and inspect any premises for the purpose of verifying whether an order made under this Act is complied with or not.

(2) Whoever voluntarily obstructs any person authorized under sub-section (1) in the exercise of the powers conferred by that sub-section, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

9. Offence by local authorities and corporations :-

if the person referred to in section 8 is a local authority, its Chief Executive Officer in charge of the undertaking of supplying electrical energy and if such person is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.]

10. Cognizance of offences :-

No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the State Government in this behalf.

11. Protection of action taken under Act :-

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything ¹[6, 6A, 6B or 6C].

(2) No suit or other legal proceeding shall lie against the 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 ²[direction or requirement) made or deemed to have

been made under section 3, 4, 5, ³ [6, 6A, 6B or 6C].

1. ins. by Bombay 41 of 1949.
2. ins. by Bombay 41 of 1949.
3. ins. by Bombay 41 of 1949.

12. Service of orders or directions :-

Every order or direction made or issued under this Act shall as far as may be, be served in the manner prescribed in section 53 of the Indian Electricity Act, 1910 (IX of 1910).

13. Repeals and savings :-

(1) On the commencement of this Act in that part of the State of Bombay to which it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958 (Bom. II of 1959), the Saurashtra Electricity (Special Powers) Act, 1953 (Sau. Act III of 1953), shall stand repealed.

(2) Notwithstanding such repeal, anything done or action taken (including any orders made or deemed to be made, or proceedings pending) under any provisions of the Act so repealed, shall be deemed to have been done, taken, made or pending under the provisions of this Act; and accordingly such proceedings shall be continued and disposed of under the provisions of this Act].