

Indian Electricity (Bihar Amendment) Act, 1950

29 of 1950

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PREAMBLE

An Act to amend the Indian Electricity Act, 1910, in its application to the State of *Bihar.

Whereas it is expedient to amend the Indian Electricity Act, 1910 in its application to the State of Bihar, in the manner hereinafter appearing;

It is hereby enacted as follows:-

*Ed.-This may now be read as "Jharkhand".

1. Short title :-

This Act may be called the "Indian Electricity (Bihar Amendment) Act, 1950".

2. Amendment of the Indian Electricity Act, 1910 in its application to Bihar :-

The Indian Electricity Act, 1910 (hereinafter referred to as the said Act), shall, in its application to the State of Bihar, be amended in

the manner hereinafter provided.

3. Amendment of Section 5 of Act 9 of 1910 :-

To clause (d) of Section 5 of the said Act, the following proviso shall be added, namely:-

"Provided that where the undertaking vests in the State Government under the provisions of Section 7A, for the purposes of valuation the time of such vesting shall be deemed to be the time of purchase."

4. Amendment of Section 7 of Act 9 of 1910 :-

To sub-section (2) of Section 7 of the said Act, the following proviso shall be added, namely:-

"Provided that where the undertaking vests in the State Government under the provisions of Section 7A, for the purposes of valuation the time of such vesting shall be deemed to be the time of purchase."

5. Insertion of new Section 7A in Act 9 of 1910 :-

After Section 7 of the said Act, the following Section shall be inserted, namely.-

"7A. State Government may take possession and control of undertaking before purchase is effected.-

(1) Notwithstanding anything contained in any law for the time being in force, the State Government may,-

(a) when it elects under clause (d) of Section 5 to purchase an

undertaking, or

(b) if it elects under sub-section (2) of Section 7 to purchase an undertaking, on the expiry of the period of notice required to be given under sub-section (4) thereof, pending the purchase of the undertaking, at any time by order require the licensee to deliver possession of such undertaking to such officer as the State Government may appoint in that behalf on or before such day as may be specified in the order, and the licensee shall comply with such order. On failure of the licensee to comply with such order, the State Government may forthwith enter into possession of such undertaking.

(2) On the date of compliance with the order or the day specified therein, whichever is earlier, the provisions of clause (e) of Section 5 or sub-section (3) of Section 7, as the case may be, shall, without prejudice to the right of the licensee to payment of the value of the undertaking, apply to such undertaking as if the purchase had been effected."

6. Amendment of Section 42 of Act 9 of 1910 :-

In Section 42 of the said Act, clauses (a), (b) and (c) shall be re-lettered as clauses (a), (b), (c) and (d) respectively and before clause (b), as so re-lettered, the following clause shall be inserted, namely:-

"(a) fails to comply with a requisition under Section 7A; or."

7. Possession taken before the coming into force of this Act deemed to be possession taken under new Section 7A :-

Where the State Government has before the coming into force of this Act taken possession of any undertaking pending the purchase thereof by it under the said Act, such possession shall be deemed to have been taken in pursuance of an order issued under Section 7A of the said Act.

