

KARNATAKA ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION) RULES, 1976

CONTENTS

1. Title and commencement
2. Definitions
- 3 . Factors to be considered while fixing compensation under Section 4(2)
- 4 . Mode of payment under sub-section (4) of Section 5 and advance payment
- 5 . Time limit for making applications under sub-section (2) of Section 10
6. Taking over the Company's staff
7. Transfer of Provident Fund and other funds

KARNATAKA ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION) RULES, 1976

In exercise of the powers conferred by Section 18 of the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 (Karnataka Act No. 36 of 1974), the Government of Karnataka hereby makes the following rules, namely:-

1. Title and commencement :-

(1) These rules may be called the Karnataka Electricity Supply Undertakings (Acquisition) Rules, 1976.

(2) They shall come into force at once.

2. Definitions :-

In these rules unless the context otherwise requires.

(a) "Act" means the Karnataka Electricity Supply Undertakings (Acquisition) Act, 1974 (Act No. 36 of 1974).

(b) "Form" means a form appended to these rules.

(c) "Prescribed Authority" means the Electrical Inspector appointed by Government under Section 36 of the Indian Electricity Act, 1910 (Act No. 9 of 1910), or such other authority as the Government may by notification appoint.

(d) "Section" means a section of the Act.

3. Factors to be considered while fixing compensation under Section 4(2) :-

(1) In fixing the compensation payable under sub-section (2) of Section 4, the prescribed authority shall, after determining the revenue earned by the Company, from the whole or part of its Undertakings, as the case may be, during the period between the vesting date and the date of handing over, deduct therefrom, such amounts as may have been reasonably incurred, on account of (i) managerial expenses; (ii) maintenance cost including salaries of the staff; (iii) amount paid to the Board towards electrical energy consumed and (iv) any other expenses incidental to the management.

(2) The net revenue determined under sub-rule (1) shall be payable to the Government together with interest at the maximum lending rate fixed by the Reserve Bank of India from time to time for banking operations of the nationalised banks.

(3) In case an Undertaking or any part of an Undertaking has not been put to beneficial use by the Company, the prescribed authority shall assess the loss incurred by the Government and it shall become payable as compensation to the Government under sub-section (2) of Section 4.

(4) The amount payable to Government under sub-rules (2) and (3) shall be deducted from the amount payable to the company under Section 5.

4. Mode of payment under sub-section (4) of Section 5 and advance payment :-

¹ The amount payable to the company under Section 5 read with Section 7 shall be paid in cash immediately after the amount payable is determined. However, at any time before the amount payable is determined under the said sections, the Government may, if it considers it necessary so to do and for reasons to be recorded in writing and subject to such conditions and after taking such security as it deems fit, pay by way of advance such amount not exceeding seventy per cent of the estimated amount that may have to be given.]

1. Substituted for Sections 4 and 4-A by GSR 204, dated 5-7-1977.

5. Time limit for making applications under sub-section (2) of Section 10 :-

The application under sub-section (2) of Section 10 may be made to the tribunal by any person agreed by an order made under sub-section (1) of Section 10 within ninety days from the date of receipt of the said order.

6. Taking over the Company's staff :-

(1) Every officer or other employee, who from the vesting date, has under Section 11, become an officer or employee of the Government, shall within such date as may be specified in a notice issued to him in Form 'A' be entitled to exercise his option in Form 'B' for being transferred to the Board's Services.

(2) Every officer or other employee who under sub-rule (1) has exercised his option, shall be screened by a Committee constituted under subrule (7) which shall determine his suitability for the Board Services, having due regard to his age, experience, qualifications and his antecedent records, if any.

(3) Every officer or other employee selected by the Committee as suitable for the Board's Services, shall by an order made by the Government be transferred to the Board Services and on such transfer, he shall be absorbed in the corresponding class, category or grade of the Board Service.

(4) Every officer or other employee absorbed in the Board's Services under sub-rule (3) shall, from the date of his absorption, be governed by the regulations framed under clause (c) of Section 79 of the Electricity Supply Act, 1948 (Act No. LIV of 1948).

(5)

(a) The employment of an officer or other employee who is adjudged by the Committee as unsuitable for the Board Services may be terminated after giving him three calendar months notice in writing on paying him three months pay last drawn in lieu of such notice.

(b) On such termination, the Provident Fund amounts standing to his credit while in the service of the Company and which stands transferred to the Government under sub-section (1) of Section 12, together with the Provident Fund amounts standing to his credit while in the service of the Government, shall also be paid to him.

(6) The post held by any officer or new employee transferred to the Board's Services under sub-rule (3) shall be equated to the corresponding posts in the Board Services before they are absorbed under the said subrule.

(7) For the purpose of sub-rule (2), the following two committees are constituted for the categories of posts indicated against each:

(8) The options exercised under sub-rule (1) by the officers and employees transferred to the Board Services under sub-rule (3) shall be sent to the Board for record in their Service Registers.

7. Transfer of Provident Fund and other funds :-

All moneys transferred to the Government under sub-section (1) of Section 12, shall, as soon as may be, paid to the Board and on their transfer, the provisions of the Employees' Provident Fund Act, 1952, shall apply to them.