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## **Electricity (Maharashtra Amendment) Act, 2005**

### **36 of 2005**

#### CONTENTS

1. Short Title And Commencement
2. Substitution Of Section 151 Of Act 36 Of 2003
3. Amendment Of Section 153 Of Act 36 Of 2003
4. Amendment Of Section 154 Of Act 36 Of 2003
5. Repeal Of Mah. Ord. Iv Of 2005 And Saving

## **Electricity (Maharashtra Amendment) Act, 2005**

### **36 of 2005**

An Act to amend the Electricity Act, 2003, in its application to the State of Maharashtra. WHEREAS both Houses of the State Legislature were not in session: AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Electricity Act, 2003. in its application to the State of Maharashtra, for the purposes hereinafter appearing; and, therefore, promulgated the Electricity (Maharashtra Amendment) Ordinance, 2005 on the 23rd June, 2005: AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature: it is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

#### **1. Short Title And Commencement :-**

- (1) This Act may be called the Electricity (Maharashtra Amendment) Act, 2005.
- (2) It shall be deemed to have come into force on the 23rd June, 2005.

#### **2. Substitution Of Section 151 Of Act 36 Of 2003 :-**

For section 151 of the Electricity Act, 2003. in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), the following section shall be substituted, namely :-

"151. Cognizance of offences.--No Court shall take cognizance of an

offence punishable under this Act except.--

(a) upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorised by them or a Chief Electrical Inspector or an Electrical Inspector or a licensee or the generating company, as the case may be for this purpose: or

(b) upon a police report of facts which constitute an offence :

Provided that, such police report is based on the First Information Report filed by a person who is authorised to file a complaint under clause (a)."

### **3. Amendment Of Section 153 Of Act 36 Of 2003 :-**

In section 153 of the principal Act, after sub-section (4), the following sub-section shall be added, namely :-

"(5) Where no Special Court for any area or areas has been constituted under sub-section (1). one or more Additional District and Sessions Judges, as may be designated by the High Court, for such area or areas, from time to time, shall exercise the powers of the Special Court under this Act and \* Received the assent of the President on 18.8.2005. Act published in M. G. G.. Pt. VIII. Ext., dated 18.8.2005. p. 674 (No. 81).

any Judge so designated shall be deemed to be a Special Court for the purposes of this Act."

### **4. Amendment Of Section 154 Of Act 36 Of 2003 :-**

In section 154 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) Notwithstanding anything contained in the Code of Criminal Procedure. 1973,-

(a) every Special Court may take cognizance of an offence without the accused being committed to it for trial: and

(b) every offence punishable under sections 135 to 139 shall be triable only by the Special Court within whose jurisdiction such offence has been committed."

### **5. Repeal Of Mah. Ord. Iv Of 2005 And Saving :-**

(1) The Electricity (Maharashtra Amendment) Ordinance, 2005, is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be

deemed to have been done or taken, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.