

Punjab Electricity (Emergency Powers) Act, 1941

14 of 1941

[06 May 1942]

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Punjab Electricity (Emergency Powers) Act, 1941

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An Act to provide for the protection of the public in cases of emergency It is hereby enacted as follows:-

1. Short Title :-

This Act may be called the Punjab Electricity (Emergency Powers) Act, 1941.

2. Interpretation :-

For the purposes of this Act, the expression "public electricity service" shall mean an electric supply undertaking licensed under the provisions of the [2][* * *] Electricity Act, 1910[3], and shall include any establishment ancillary thereto and necessary for its working.

3. Exercise Of Emergency Powers :-

(1) If at any time it appears to the Provincial Government-

(a) that there is any likelihood of a failure in the continuous supply of a public electricity service or a diminution of such supply and that such failure or diminution will be to the public disadvantage, or,

(b) that there is any doubt as to whether the Provincial Government or any other person is the owner of public electricity service, or

(c) that it is expedient, during any period of transfer of the public electricity service to the Provincial Government to assume possession and control of such service,

the Provincial Government may by order in writing declare its intention of assuming possession and control thereof for and on behalf of such service.

(2) No such order shall be in force for more than six months, without prejudice to the issue of another such order at or before the end of that period:

Provided that the maximum period during which such orders may continue in force at any one time shall not exceed two years from the commencement of the first order.

4. Service :-

A copy of the order, duly authenticated, shall be served on the owner or the person in charge of the public electricity service or on any person in charge of any property of which possession or control is to be assumed:

Provided that the Provincial Government may, instead of effecting service as aforesaid, cause a copy of the order to be posted on some conspicuous part of the registered office of the public electricity service or, if that be not practicable, in some conspicuous place in the area of supply.

5. Effect Of Service Or Posting :-

When a copy of the order is served or posted in the manner provided by the last preceding section, the possession and control of such public electricity service shall be deemed to vest in the Provincial Government notwithstanding any obligation or limitation imposed on such service by virtue of any Act or other instrument determining its functions.

6. Transfer Of Property :-

As soon as may be after the issue of an order under sub-section (1) of section 3 the owner or person incharge of the public electricity service shall make over to the Provincial Government or such person as it may direct, all books of accounts, documents, furniture and all other property, of whatsoever nature or kind, both movable and immovable, belonging to the said service and in its possession or control considered necessary by the Provincial Government for the purpose of carrying on the work of the company.

7. Power To Contract :-

(1) During such period as the public electricity service is in the possession and control of the Provincial Government, the Provincial Government shall have power to acquire and hold property, both movable and immovable, and to transfer any property held by it for and on behalf of the public electricity service and to contract and to do all other things necessary for the purposes of its efficient management.

(2) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by the Provincial Government for and on behalf of the public electricity service shall be deemed to have been incurred, entered into or engaged to be done by the said public electricity service.

8. Conditions Of Service Of Employees :-

(1) All officers and servants in the employment of the public electricity service on the issue of an order under sub-section (1) of section 3, shall, subject to their conditions of service, continue to be officers and servants of such service during such period as it is in the possession and control of the Provincial Government and the conditions of service, pay and allowances of such officers and servants shall be their existing conditions of service, pay and allowances.

(2) The Provincial Government shall exercise all the powers of the public electricity service in respect of all such officers and servants.

9. Accounts :-

The Provincial Government, or such officer as it may direct, shall keep proper books of accounts and shall make therein full and

proper entries relating to the business or undertaking during such period as the business or undertaking is in the possession and control of the Provincial Government.

10. Compensation :-

(1) The Provincial Government shall award compensation if the public electricity service sustains damage by reason of the exercise or the failure to exercise of any of the powers conferred by this Act.

(2) Any dispute as to whether compensation is payable or as to the amount of any compensation so payable shall, in default of agreement, be determined by arbitration in accordance with the provisions of the [4][* * *] Arbitration Act, 1940.

11. Penalties :-

Whoever disobeys or neglects to comply with any order passed, direction given or conditions prescribed in accordance with the provisions of this Act or impedes the lawful exercise of any power conferred by this Act, shall be punishable with fine which may extend to one thousand rupees, or with imprisonment which may extend to six months, or with both.

12. Bar Of Jurisdiction :-

(1) No civil court shall have jurisdiction to settle, decide or deal with any matter which is by or under this Act required to be settled, decided or dealt with by the Provincial Government.

(2) No suit, prosecution, or other legal proceeding shall lie against any person for any thing done or intended to be done under this Act in good faith and with due care and attention.

(3) Nothing in this Act shall be construed to exempt any public electricity service during such period as it is in the possession and control of the Provincial Government from its liability on any contract entered into by the said service or by the Provincial Government on its behalf.

13. Power To Make Rules :-

(1) The Provincial Government may, by notification in the official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the

condition of previous publication.

(3) In making any rule under this section, the Provincial Government may provide that a contravention of the rules shall be punishable with a fine which may extend to fifty rupees.