

Electricity (Supply) (Rajasthan Amendment) Act, 1976

[17 April 1976]

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PREAMBLE

An Act to amend the Electricity (Supply) Act, 1948, in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twenty seventh Year of the Republic of India as follows :-

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1. Vide Notification No. F. 2(5) Vidhi/76, dated April 17, 1976 - Published In Raj. Gaz. Ext. Ord Part IV-A dated 17-4-1976 P.75

1. Short title :-

This Act may be called the electricity (Supply) (Rajasthan Amendment) Act, 1976.

2. Insertion of new section 49-A, in Central Act LIV of 1948 :-

In the Electricity (Supply) Act, 1948 (Central Act LI of 1948), in its application to the State of Rajasthan, after section 49; the following new section shall be deemed always to have been inserted, namely :-

"49-A Power of the Board to revise certain tariffs -

(1) Notwithstanding anything contained in this Act or in any agreement, undertaking commitment or concessions made, before the first day of April, 1964 by the Rajasthan State Electricity Board or the Government of Rajasthan or by the ruler or Government of any covenanting State of Rajasthan, or in any judgement or order

of any court, it shall be lawful for the said Board to revise, from time to time, the tariffs fixed for the supply of electricity to persons other than licensees and to frame uniform tariffs for the purpose of such supply.

(2) In revising the tariffs or framing uniform tariffs under sub-section (1), the said Board shall be guided by the principles set out in section 59 and as respects any period commencing on and from the 16th day of September, 1966 by the principles laid down in sub-section (2), (3) and (4) of section 49.

(3) All such agreements, undertaking, commitments or concessions as are referred to in sub-section (1) shall in so far as they are inconsistent with the provisions of sub-section (1) and (2) and to the extent of the tariffs fixed or provisions made therein for such fixation, be void and shall be deemed always to have been void.

Explanation :- For purposes of this section and section 49-B, the expression ruler or the expression "covenanting stage" shall have the meanings assigned to them by the Rajasthan General Clauses Act, 1955 (Raj. Act, 8 of 1955).

49-B. Validation of certain tariffs etc. -

Notwithstanding anything contained in this Act or in any agreement, undertaking or concession referred to in sub-section (1) of section 49 A, or in any judgment or of any court

(a) any amount realised, or demand made or created ; by the Rajasthan State Electricity Board, or the Government of Rajasthan or the ruler or Government of any covenanting State of Rajasthan, according to the uniform tariffs in force from time to time, from or against any person claiming any special tariffs under any such agreement, undertaking or concession, before the publication in the official Gazette of the electricity Supply (Rajasthan Amendment) Ordinance, 1976, shall be deemed to have been validly realised, made or created under this Act as amended by the said Ordinance;

(b) no such realisation of amount or making or creation of demand shall be questioned in any court and if questioned, the objection shall not be maintained by such court, merely on the ground that there exist any agreement undertaking or concession, as aforesaid, fixing special tariffs or providing for fixation of special tariffs, for the sale of electricity to such person ;

(c) all suits, applications or proceedings pending on the date of the publication in the official Gazette of the Electricity Supply (Rajasthan Amendment) Ordinance, 1976 in any court or before any arbitrator, whether appointed by any court or by the parties to such agreements, shall, in so far as they question the power of the said Board to levy uniform tariffs in accordance with this Act as amended by the said Ordinance or to revise the special tariffs fixed in such agreements, in disregard of the terms of such agreements, abate and any such proceeding before the said arbitrator shall cease to have effect and any such reference for arbitration shall be deemed to have been withdrawn from such arbitrator, and

(d) no court shall execute any decree, order or award for the refund of any, amount of uniform tariffs recovered by the Rajasthan State Electricity Board or the Government of Rajasthan or the ruler or Government of any covenanting State."

3. Repeal and savings :-

¹[(1) The Electricity (Supply) (Rajasthan Amendment) Ordinance, 1976, (Rajasthan Ordinance, No.2 of 1976) is hereby repealed.

(2) Notwithstanding such repeal, anything done, or any action taken under the principle Act, as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

1. Vide Notification No. F 4 (34)vidhi/75, dated 7-2-1975, Pub. in Raj. Gaz. Ext . Ord. part IV-B, dated 7-2-1975, P 261

