

Rajasthan Government Electrical Undertakings (Dues Recovery) Act, 1960

34 of 1960

[29 September 1960]

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Rajasthan Government Electrical Undertakings (Dues Recovery) Act, 1960

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PREAMBLE

An act to extend the period of limitation and to provide for the expeditious recovery of certain sums due to the State Government or to the Rajasthan State Electricity Board.

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

1. Short title, Extend and Commencement :-

(1) This Act may be called the Rajasthan Government Electrical Undertakings (Dues Recovery) Act, 1960.

(2) It extend to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definitions :-

In this Act, unless the subject or context otherwise requires,-

(a) "Board" means the Rajasthan State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948)

(b) "dues" means any sum payable to a Government electrical undertaking on account of-

(i) consumption of electrical energy supplied; or

(ii) any remuneration, rent or other charges for hire, inspection, test installation, connection, repair, maintenance or removal of any electric meter, electric machinery, control gear, fittings, wires, or apparatus for lighting, heating cooling, or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity; or

(iii) price of any such goods as aforesaid taken on loan but not returned;

(c) "debtor" means a person by whom any dues are payable;

(d) "Government electrical undertaking" means an electrical undertaking run or controlled by the State Government or the Board; and

(c) "prescribed authority" means any person authorised, whether by virtue of office or otherwise by the State Government, by

notification in official Gazette, to perform the functions of the prescribed authority under this Act in and for such area, as may be specified in the notification.

3. Bills to state the date by which payment are to be made and consequences of non-payment :-

(1) Every bill for dues payable to a Government electrical undertaking by a debtor shall be in the prescribed form and shall specify conspicuously the date by which such dues are to be paid.

(2) If the dues are not paid by such date, the debtor shall be liable to pay in addition there to such penalty, as may be prescribed and such dues and penalty shall be recoverable along with the costs incurred in making such recovery, in the manner hereinafter laid down in this Act.

4. Notice of demand for dues and penalty not paid :-

Where the dues are not paid by a debtor by the date specified in the bill therefore, the prescribed authority may at any time serve or cause to be served upon him a notice of demand in the prescribed form, stating the name of the debtor, the amount payable by him on account of the various dues, penalty and costs of recovery and the undertaking to which it is payable.

Explanation-The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned.

5. Suit to challenge liability to payment :-

(1) Where a notice of demand has been served on the debtor or his authorised agent under section 4 he may, if he denies his liability to pay the dues, penalty or costs or any part of any of them, institute a suit after depositing with the prescribed authority the aggregate amount specified in the notice of demand under protest

in writing for the refund of the same.

(2) A suit referred to in sub-section(l) may be instituted in a civil court of competent jurisdiction at any time within six months from the date of deposit with the prescribed authority and subject to the result of such suit, the notice of demand shall be conclusive proof of the various dues, penalty and costs mentioned therein.

6. Recovery of dues etc. if not paid :-

(1) If the aggregate amount of the various dues, penalty and cost mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within thirty days from the date of such service or such extended period as the prescribed authority may from time to time allow, the debtor shall be deemed to be in default in respect of such amount and the same shall be recoverable as an arrear of land revenue, anything contained in any other law, or instrument, or agreement to the contrary notwithstanding.

(2) For the purpose of such recovery, the prescribed authority may forward to the Collector a certificate under his signature in the prescribed form stating the amount and details of the deemed and the name and description of the debtor in default and the Collector shall, on receipt of such certificate, proceed to recover from the debtor the amount of the demand as if it were an arrear of land revenue.

7. Power to make rules :-

(1) The State Government may by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rule may provide for all or any of the following matters, namely :-

(a) the form of the bail for various dues payable by a debtor to a Government electrical undertaking;

(b) the amount or scale of penalty payable on non-payment of such dues by the date;

(c) the form and costs of notice of demand, the mode of the service thereof and the cost of recovery;

(d) the form of the certificate under sub-section (2) of section 6; and

(e) any other matter which has to be or may be prescribed.

(3) All rules finally made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules shall thereafter have effect only in such modified form or to be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

8. Recovery of arrears of dues :-

All arrears of dues payable to a Government electrical undertaking and outstanding against a debtor at the commencement of the Rajasthan Government Electrical Undertaking (Dues Recovery) Ordinance, 1960 (Ordinance 5 of 1960) shall also be recoverable in the manner provided for in this Act and the rules made thereunder :

Provided that no bill for such arrears shall be necessary to be issued as contemplated by section 3 and any penalty chargeable for the nonpayment of such arrears on the date by which dues were to be paid, in accordance with rules or practice as hereto prevailing, shall be deemed to be penalty duly prescribed in the case of such arrears under sub-section (2) of section 3:

Provided further that the notice of demand for such arrears of dues and such penalty as contemplated by section 4, or as the case may be, a certificate as required by sub-section (2) of section 6 may be issued after the commencement of this Act:

Provided also that nothing in this Act shall affect the proceedings pending under the Rajasthan Public Demands Recovery Act, 1952 (Raj Act 5 of 1952), at the commencement of the Rajasthan Government Electrical Undertakings (Dues Recovery) Ordinance, 1960 (Ordinance 5 of 1960) for the recovery of any dues and such proceedings shall be continued as if this Act, were not passed.

9. Extension of period of limitation :-

Notwithstanding anything in the Indian Limitation Act, 1908, (Central Act 9 of 1908) or any other law for the time being in force, the period of limitation in respect of any suit by or on behalf of the Board, for the recovery of any dues, shall be six years from the time from which the period of limitation would begin to under the said Act against a like suit by a private person.

Provided that the period of limitation for any suit filed by the Board in virtue of sub-section (1) of section 60 of the Electricity (Supply) Act, 1948 (Central At 54 of 1948) for the recovery of any dues accruing before the date of the first constitution of the Board shall be the same as provided in artical 149 of the First Schedule to the Indian Limitation Act, 1908 (Central Act 9 of 1908), or six year from the first constitution of the Board whichever is less, and for that purpose, the said article 149 shall be read as if after the words any State Government, the words or the Raj. State Electricity

Board were inserted.

10. Repeal :-

The Rajasthan Government Electrical Undertaking (Dues Recovery) Ordinance, 1960 (Ordinance 5 of 1960) is hereby repealed.