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LEGISLATIVE SUPPLEMENT

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PART I

LEGISLATIVE DEPARTMENT

Notification

The 27th October, 1970

No. 37-Leg./70.—The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 25th October, 1970, and is hereby published for general information :—

Haryana Act No. 29 of 1970

THE HARYANA GOVERNMENT ELECTRICAL UNDERTAKINGS
(DUES RECOVERY) ACT, 1970

AN

ACT

to extend the period of limitations and to provide for the expeditious recovery of certain sums due to the State Government or to the Haryana State Electricity Board.

BE it enacted by the Legislature of the State of Haryana in the Twenty-first Year of the Republic of India as follows :—

1. This Act may be called the Haryana Government Electrical Under-^{short title.} takings (Dues Recovery) Act, 1970.

2. In this Act, unless there is anything repugnant in the subject or ^{Definitions.} context,—

(a) "Board" means the Haryana 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, monthly minimum charges, minimum consumption-guarantee charges and other charges as may be prescribed by the Board in the Schedule of General Charges and Schedule of Tariff ;

(ii) any remuneration, rent or other charges for hire, inspection, test, installation, connection, repair, maintenance, removal, erection or dismantling of any electric-meter, electric-lines, electric machinery, control gear, fittings, wires, or apparatus for lighting, heating, colling 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 the Board and such other electrical undertaking run or controlled by the State Government or the Board as may be notified by the State Government in this behalf ; and

(e) "prescribed authority" means the Chief Engineer of the Board or any person authorised whether by virtue of office or otherwise, by the State Government, by notification, to perform the functions of the prescribed authority under this Act in and for such area, as may be specified in the notification.

Bill to state date by which payments are to be made and consequences of non-payment.

3. (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 thereto 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.

Notice of demand for dues and penalty not paid.

4. Where the dues are not paid by a debtor by the date specified in the bill therefor, 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.

Suit to challenge liability to payment.

5. (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, and after depositing with the prescribed authority the aggregate amount specified in the notice of demand under protest in writing that he is not liable to pay the same, institute a suit for the refund of the dues or part thereof so deposited.

(2) A suit referred to in sub-section (a) 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 cost mentioned therein.

Recovery of dues, etc., if not paid.

6. If the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within sixty days of 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, notwithstanding anything contained in any other law or instrument or agreement to the contrary.

(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 demand 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. (1) The State Government may, by notification, make rules generally for carrying out the purposes of this Act. Power to make rules.

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

- (a) the form of the bill for various dues payable by a debtor to a Government electrical undertaking ;
- (b) the amount of scale of penalty payable on non-payment of such dues by the due date ;
- (c) the form and costs of notice of demand, the mode of the service thereof and the costs 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) Every rule made under this section shall be laid down as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or 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 under rule.

8. All arrears of the dues payable to a Government electrical undertaking and outstanding against a debtor at the commencement of this Act shall also be recoverable in the manner provided for in this Act and the rules made thereunder : Recovery of arrears of dues.

Provided that in the case of such arrears—

- (i) it shall not be necessary to issue a bill as contemplated by section 3 ; and
- (ii) any penalty chargeable for the non-payment of such arrears on the date by such dues were to be paid, in accordance with which rules or practice as hitherto prevailing, shall be deemed to be penalty duly prescribed 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.

9. Notwithstanding anything in the Limitation Act, 1963, or any other law, for the time being in force, the period of limitation in respect of any suit filed or that may be filed by or on behalf of the Board—

Extension
of period
of limi-
tation.

- (a) by virtue of sub-section (1) of section 60 and section 60A of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), for the recovery of any dues which have accrued before the date of the first constitution of the Board shall be, and shall always be deemed to have been, six years from the date of the first constitution of the Board ;
- (b) for the recovery of any amount accruing after the date of first constitution of the Board, shall be, and shall always be deemed to have been, six years from the time from which the period of limitation began or would begin to run under the said Act against a like suit by a private person.

SARUP CHAND GOYAL,

Secretary to Government, Haryana,
Legislative Department.