

West Bengal Act, XVII of 1948

THE WEST BENGAL ELECTRICITY (EMERGENCY POWERS) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the Calcutta Gazette, of the 6th May, 1948.]

An Act to provide for the control of supply, distribution, use and consumption of electrical energy in the Province of West Bengal.

WHEREAS it is expedient to provide for the control of supply, distribution, use and consumption of electrical energy in the Province of West Bengal;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Electricity (Emergency Powers) Act, 1948.

Short title, extent, commencement and duration.

(2) It extends to the whole of the Province of West Bengal.

(3) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

(4) It shall remain in force for a period of three years from the date of its commencement.

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

Definitions.

(a) "area of supply", "consumer", "licensee", "street" and "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910; and

(b) "requisition" means a requisition made under the Schedule to the Indian Electricity Act, 1910, for the supply of electrical energy.

3. Notwithstanding anything contained in any contract or agreement, the Provincial Government may, by an order in writing, require any consumer to, and thereupon such consumer shall, reduce his consumption of electrical energy to such extent and in such manner and by such means as may be specified in the order. The Provincial Government shall serve a copy of the order on the licensee supplying the energy.

Restriction on consumption of supply.

4. (1) Notwithstanding anything contained in the Indian Electricity Act, 1910, or any license granted thereunder or any agreement for the supply of electrical energy, the Provincial Government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by an order in writing—

Discontinuance or reduction of supply in certain circumstances.

(2) authorise, or

(Section 5.)

(ii) require

a licensee to, and the licensee when so required shall, discontinue or reduce the supply of electrical energy to any consumer not being a distributing licensee, if such consumer—

- (a) without the permission of the Provincial Government contravenes any order issued to him under section 3, or
- (b) without the permission of the Provincial Government—
 - (i) exceeds at any time the maximum demand in K.W. of electrical energy recorded in respect of him during the twelve months ending on the 31st January, 1945, or
 - (ii) connects or has connected load beyond that notified in writing to the licensee up to the 31st January, 1945.

(2) The licensee shall—

- (i) before discontinuing or reducing the supply of electrical energy under sub-section (1) give the consumer not less than forty-eight hours' notice in writing of his intention so to do;
- (ii) on discontinuing the supply, communicate to the Provincial Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so;
- (iii) on being so directed in writing by the Provincial Government recommence the supply with all possible speed.

(3) The licensee shall report to the Provincial Government within twenty-four hours of its coming to his notice every contravention of any direction given under section 3 or clause (b) of sub-section (1).

Restriction on supply of electrical energy and prohibition on reconnection of supply.

5. (1) Notwithstanding anything contained in the Indian Electricity Act, 1910, or in any license granted thereunder or in any contract or agreement or in any requisition, the Provincial Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by an order in writing direct a licensee—

IX of 1910.

- (a) not to comply, except with the written permission of the Provincial Government, with—
- (i) the provisions of any contract, agreement or requisition (whether made before or after the commencement of this Act), for the supply (other than the resumption of a supply), or an increase in the supply, of electrical energy to any person,

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(Sections 6—10.)

(ii) any requisition for the resumption of a supply to a consumer after a period of six months from the date of its discontinuance,

(iii) any requisition for the resumption of a supply made within six months of its discontinuance, where the requisitioning consumer was not himself the consumer of the supply at the time of its discontinuance;

(b) not to comply with any requisition for municipal purposes involving (otherwise than by way of replacement) any new works or additions to or alterations of works already installed.

(2) To obtain any permission required under sub-section (1), the licensee shall make an application to the Provincial Government in such form as the Provincial Government may notify in the *Official Gazette* in this behalf.

(3) On an application being made under sub-section (2), the Provincial Government may either refuse the permission sought or grant it either absolutely or subject to such conditions as it may think fit to impose and may also call for such further particulars relating to the application as it may require.

6. Notwithstanding anything contained in any contract or agreement, the Provincial Government may, if it so thinks fit, by notification in the *Official Gazette*, direct any person receiving a supply of electrical energy from a licensee specified in the notification that he shall not use or cause to be used such electrical energy in the area of supply of such licensee for exhibiting light intended for advertisement on the exterior of any premises or on any plot of land or in any street or open space.

Restriction on the use of electrical energy for the purpose of advertisement.

7. Any person who contravenes any order made under section 3, 4, 5 or 6 shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Penalties.

8. If the person referred to in section 7 is a company or other body corporate, the managing director, manager, secretary, or other principal officer managing its business shall be deemed to be guilty of such contravention.

Offences by corporations.

9. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the Provincial Government in this behalf.

Cognizance of offences.

10. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order, direction or requirement made under section 3, 4, 5 or 6.

Bar to legal proceedings.

The West Bengal Electricity (Emergency Powers) Act, 1948.

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(Sections 11, 12.)

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3, 4, 5 or 6.

Service of
order or
directions.

11. Every order or direction made or issued under this Act shall, as far as may be, be served in the manner prescribed in section 53 of the Indian Electricity Act, 1910. IX of 1910.

Effect of
expiration
of this Act.

12. On the expiration of this Act, such expiration shall not—

- (a) affect any penalty or punishment incurred in respect of any offence committed under this Act before its expiration; or
- (b) affect any investigation, legal proceeding or remedy in respect of any such penalty or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if this Act had not expired.

XIV of 1948.]

(Chapter VII.—Miscellaneous.—Sections 62—64.)

62. Subject to the provisions of this Act and to any rules made thereunder, every Regional Forest-officer—

Powers of the Regional Forest-officer and control of the Provincial Government.

(a) may do all such things requisite for the proper management of the forest the control of which has been vested in him under this Act as the owner of such forest might do for its management, and

(b) shall in the exercise of his powers and in the performance of his duties in relation to such forest be guided by such orders and instructions as may, from time to time, be issued in this behalf by the Provincial Government.

XVI of 1927.

63. (1) Sections 35, 36, 37 and 38 of the Indian Forest Act, 1927, in their application to West Bengal are hereby repealed.

Repeal and savings.

(2) Such repeal shall not affect anything done or suffered or any obligation or liability accrued or any penalty incurred or any proceedings commenced before the commencement of this Act.

(3) Any private forest or waste-land held under the control of a Forest-officer under section 36 of the Indian Forest Act, 1927, immediately before the commencement of this Act shall, on such commencement, notwithstanding the repeal of the said section, continue to be so held under the control of a Regional Forest-officer under the provisions of this Act applicable to a vested forest and shall be deemed to be a vested forest for the purposes of this Act.

(4) All lands which immediately before the commencement of this Act were being managed as a reserved or a protected forest under the provisions of section 38 of the Indian Forest Act, 1927, shall, on such commencement, notwithstanding the repeal of the said section, continue to be managed under the provisions of section 59 of this Act as a vested forest subject to such terms as may have been mutually agreed upon between the owner or owners of such lands and the Collector, and the application made under sub-section (1) of the said section 38 by the owner or owners of any such land shall be deemed to be an application made under the said section 59.

Ben. Act XI of 1945.

64. The Bengal Private Forests Act, 1945, is hereby repealed.

Repeal of Ben. Act XI of 1945.