



GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

BOMBAY ACT No. XX OF 1946

The Gujarat Electricity (Special Powers) Act, 1946

(As modified up to the 31st May, 2012)

THE GUJARAT ELECTRICITY (SPECIAL POWERS) ACT, 1946.

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BOMBAY ACT NO. XX OF 1946.¹[THE GUJARAT ELECTRICITY (SPECIAL POWERS) ACT, 1946.]⁺

[30th September, 1946.]

Amended by Bom. 41 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 2 of 1959.

Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

An Act ²[to make special provisions for controlling] the supply, consumption, distribution and use of electrical energy in the ³[State of Bombay.]

WHEREAS it is expedient ²[to make special provisions for controlling] the supply, consumption, distribution and use of electrical energy in the ³[State of Bombay] ; It is hereby enacted as follows :-

1. (1) This Act may be called the *[Gujarat] Electricity (⁴[Special] Powers) Act, 1946,

Short title, extent
⁹[and
commencement].

⁵[(2) It extends to the whole, of the ⁶[State of Gujarat]].

(3) It shall come into force on the 1st day of October 1946 ⁷[in the pre-Reorganisation State of Bombay; and in that part of the State of Bombay to which, it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958,it shall come into force on such other date as the State Government may, by notification in the *Official Gazette*, appoint].

⁸[* * * * *]

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

Definitions.

(a) "consumer" ¹⁰* and "works" have the meanings assigned to them in section 2 of the Indian Electricity Act, 1910 ;

¹¹[(aa) "licensee" means any person licensed under Part II of the Indian Electricity Act, 1910, to supply electrical energy or any person who has obtained sanction under section 28 of that Act to engage in the business of supplying electrical energy and includes a distributing licensee and the ¹²[State] Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948;]

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

3. Notwithstanding anything contained in any contract or agreement, the ¹²[State] 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 ¹²[State] 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 licence granted thereunder or any agreement for the supply of electrical energy, the ¹²[State] 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 of
supply in certain
circumstances.

(i) authorise, or

(ii) require

Bom. II of 1959.

IX of 1910.

IX of 1910.

LIV of 1948.

IX of 1910.

IX of 1910.

a licensee to, and the licensee when so required shall, discontinue or reduce the supply of electrical energy to any consumer, other than a distributing licensee, who -

(a) without the permission of the ¹²[State] Government contravenes any direction issued to him under section 3 ; or

(b) without the permission of the ¹²[State] Government —

¹³(i) exceeds at any time—

(I) in relation to the ¹⁴[Bombay area of the State of Gujarat], the maximum demand in Kw of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January, 1943, or

(II) in relation to the Saurashtra area of the ¹⁵[State of Gujarat], the maximum demand in Kw of electrical energy recorded in respect of him in relation to that area during the twelve months ending on the 31st January, 1950, or

(III) in relation to any other area, the maximum demand in Kw of electrical energy recorded in respect of him during the twelve months ending on such date as may be specified by the State Government, or

(ii) connects or has connected load -

(I) in the ¹⁴[Bombay area of the State of Gujarat], beyond that notified in writing to the licensee up to 31st January 1943,

(II) in the Saurashtra area of the ¹⁵[State of Gujarat], beyond that notified in writing to the licensee up to 31st January, 1950,

(III) elsewhere, beyond that notified in writing to the licensee up to such date as may be specified by the State Government; or

(iii) exceeds the supply permitted by the State Government under sub- section (3) of section 5 or sanctioned by a licensee in pursuance of a requisition made under clause VI of the Schedule to the Indian Electricity Act, 1910, or,]

IX of 1910.

¹⁶[(c) within three months, after the service on him by the licensee of a notice in writing in this behalf does not utilise any electrical energy.]

(2) The licensee shall —

(i) before discontinuing or reducing the supply of electrical energy under sub-section (1) give the consumer not less than 48 hours' notice in writing of his intention so to do ;

(ii) on discontinuing the supply, communicate to the ¹⁷[State] Government within twenty-four hours from the date of discontinuance the circumstances in which he has done so ;

(iii) on being so directed by the ¹⁷[State] Government recommence the supply with all possible speed.

(3) The licensee shall report to the ¹⁷[State] Government within twenty- four hours of its coming to his notice every contravention of any direction given

under section 3, or clause (6) of sub-section (1).

5. (1) Notwithstanding anything contained in the Indian Electricity Act, 1910, or in any licence granted thereunder or in any contract or agreement or in any requisition, the ¹⁷[State] Government may, if in its opinion, it is necessary or expedient for maintaining the supply or securing the equitable distribution of electrical energy, by order direct a licensee —

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

(a) not to comply, except with the permission of the ¹⁷[State] Govern- ment, with —

(i) the provisions of any contract, agreement or requisition (whether made before or after the ¹⁸[commencement of this Act in any area]) for the supply (other than the resumption of a supply) or an increase in the supply, of electrical energy, to any person,

(ii) any requisition or 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 :

¹⁹[Provided that the ²⁰[State] Government may by order direct that it shall not be necessary to obtain such permission if the licensee supplies electrical energy to such consumers or class of consumers, to such extent and subject to such conditions as may be specified in the order;]

(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 ²⁰[State] Government in such form as the ²⁰[State] Government may notify in the *Official Gazette* in this behalf.

²¹[Where a requisition is made on the license under sub-clause (1) of clause V or of clause VI of the Schedule to the Indian Electricity Act, 1910, the licensee shall make the application to the ²⁰[State] Government in respect of such requisition within one month from the date of the receipt of the requisition by him or within such longer period as the ²⁰[State] Government may allow.]

(3) On an application being made under sub-section (2) the ²⁰[State] 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, no person receiving a supply of electrical energy from a licensee notified in this behalf in the *Official Gazette* by the ²⁰[State] Government, shall 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 place.

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

- ²²[6-A.(1) Notwithstanding anything contained in any law for the time being in force, or any permission granted under sub-section (3) of section 5 or any instrument having effect by virtue of any law, the ²⁰[State] Government may with a view to controlling distribution, supply, consumption or use of

Power to regulate supply of electrical energy and periods of work. ²⁵* *

electrical energy make an order —

(a) for prohibiting or regulating subject to such conditions as it may specify in the order, the distribution or supply of electrical energy by a licensee or use of such energy by a consumer for any purposes specified in such order ²³[or for prohibiting a consumer from supplying or allowing the use of such energy or any part thereof to any other person or undertaking] ;

(b) for determining the order of priority in which, or the period or periods during which, work shall be done by an undertaking to which ²⁴[or the consumer to whom] the supply of electrical energy is made by a licensee.

(2) The ²⁶[State] Government may make provisions in any order made under sub-section (1) for any incidental or supplementary matters which it may think necessary or expedient for the purposes of the order.

Explanation.-In this section "undertaking" means any public utility undertaking or any undertaking by way of any trade or business and includes a factory.

²⁷[**6-B.** Notwithstanding anything contained in the Indian Electricity Act, 1910, or the terms of any licence or sanction granted thereunder or an agreement for the supply of electrical energy —

(a) if a licensee contravenes an order made under section 6-A, it shall be lawful for the ²⁶[State] Government to revoke the licence or sanction granted to such licensee for the supply of electrical energy ; or

²⁸[(b) if any undertaking or consumer contravenes an order made under section 6-A, then –

(i) the State Government may by order direct the licensee to discontinue or reduce indefinitely or for such period as is stated in the order the supply of electrical energy made to such undertaking or consumer, and the licensee shall thereupon discontinue or reduce the supply of electrical energy to such undertaking or consumer ; or

(ii) where the State Government, in order to meet an emergency or such other circumstances, authorises (and the State Government is hereby empowered so to authorise), subject to such conditions as it may specify, a licensee to discontinue the supply of electrical energy made to an undertaking or consumer who contravenes an order under section 6-A, the licensee himself may so discontinue the supply ; but the licensee shall, on discontinuing the supply as aforesaid, report to the State Government within 24 hours from the time of discontinuance, the circumstances in which he has so done, and on being directed by the State Government to do so, recommence the supply with all possible speed.]

²⁷[**6-C.** (1) If any consumer fails to pay any fees leviable for inspection, examination or test made or any other service rendered by an Electric Inspector or any other officer" appointed to assist the Electric Inspector under the provisions of the Indian Electricity Act, 1910, or any rules made thereunder, within ten days from the date of the presentation of the bill for such inspection, examination, test of rendering of service, the ²⁶[State] Government or any other officer authorized by the ²⁶[State] Government in that behalf may, notwithstanding anything contained in the Indian Electricity Act, 1910, or the terms of any licence or sanction granted thereunder or any agreement for the supply of electrical energy, by order in writing direct the licensee, without prejudice to any other right to recover such fees, to discontinue the supply of electrical energy to such consumer and the licensee shall thereupon discontinue the supply of electrical energy to such consumer.

(2) On payment of such fees by the consumer, the ²⁹[State] Government or

Revocation of licence or discontinuance of supply for breach of order under section 6-A.

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Discontinuance of supply of energy to consumer for failure to pay fees for services of Electric Inspector or his assistants

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the authorized officer may by order in writing direct the licensee to reconnect and recommence the supply of electrical energy, and the licensee shall thereupon reconnect and recommence the" supply to the consumer as soon as practicable:

Provided that the licensee shall not be bound to reconnect the supply until the consumer pays to the licensee the charges for reconnecting the supply.]

Continuance in force of existing Orders.

7. Every order made by the Central or ²⁹[State] Government under sub- rule (2) of rule 81 of the Defence of India Rules in respect of any of the matters specified in sections 3, 4, 5 and 6 of this Act and in force immediately before the commencement of this Act shall, so far as it could Validly be made by the ²⁹[State] Government under the said sections, continue in force and be deemed to have been made under the said sections, and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall, so far as he could validly be so authorised, permitted, directed or required, as the case may be, by the ²⁹[State] Government under any of the said sections of this Act, be deemed to have been so authorised, permitted, directed or required, as the case may be, under the provisions of this Act.

Penalties.

8. Any person who-

(a) contravenes-

(i) any order made or deemed to have been made under section 3, 4, 5, ³⁰[6, 6-A, 6-B, or 6-C]; or

(ii) any of the provisions of this Act; or

(b) is deemed to have been required or directed under section 3, 4, 5 or 6 to do or refrain from doing anything fails to comply with such requirement or direction,

shall, on conviction, be ³¹[punished] with imprisonment for a term which may extend to six months or with fine or with both.

Power of entry, etc.

³²[**8-A.**(1) Any officer authorized by the ²⁹[State] Government in this behalf, by general or special order, may enter and inspect any premises for the purpose of verifying whether an order made under this Act is complied with or not.

(2) Whoever voluntarily obstructs any person authorized under sub-section (1) in the exercise of the powers conferred by that sub-section shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.]

Offence by local authorities and corporations.

³³[**9.** If the person referred to in section 8 is a local authority, its Chief Executive Officer in charge of the undertaking of supplying electrical energy and if such person is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall, unless he proves that the contravention took place without his know ledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.]

Cognizance of offences.

10. 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 ³⁴[State] Government in this behalf.

Protection of action taken under Act.

11. (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 or deemed to have been made under section 3, 4, 5 ³⁵[, 6, 6-A, 6-B or 6-C].

(2) No suit or other legal proceeding shall lie against the ³⁶[Government] 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 ³⁷[direction or requirement] made or deemed to have been made under section 3, 4, 5 3[6, 6-A, 6-B or 6-C].

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12. 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.

Service of orders or directions.

Bom. II of 1959.
Sau. Act III of 1953.

³⁸**13.** (1) On the commencement of this Act in that part of the State of Bombay to which it is extended by the Bombay Electricity (Special Powers) (Extension and Amendment) Act, 1958, the Saurashtra Electricity (Special Powers) Act, 1953, shall stand repealed.

Repeals and savings.

(2) Notwithstanding such repeal, anything done or action taken (including any orders made or deemed to be made, or proceedings pending) under any provisions of the Act so repealed, shall be deemed to have been done, taken, made or pending under the provisions of this Act; and accordingly such proceedings shall be continued and disposed of under the provisions of this Act.]

¹ For Statement of Objects and Reasons See *Bombay Government Gazette*, 1946 pt, V, page 122; for proceeding in Assembly, see *Bombay Legislative Assembly Debates*, 1946, Vol. IX, and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1946, Vol. X.

⁺ This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 2 of 1959, it did not extend (*vide* Bom. 2 of 1959, s. 2.)

² These words were substituted for the words "to provide for the continuance of the powers to control" by Bom. 41 of 1949, p. 2.

³ These words were substituted for the words "Province of Bombay" by Bom. 2 of 1959, s.3.

⁹ These words were substituted for the words "commencement and duration", by Bom. 41 of 1949, s. 3 (3).

⁴ This word was substituted for the word "Emergency" by Bom. 41 of 1949, s.3(1).

⁵ This sub-section was substituted for the original by Bom. 2 of 1959, s.4(a).

⁶ These words were substituted for the words " State of Bombay " by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁷ This portion was inserted by Bom. 2 of 1959 s. 4(b),

⁸ Sub-section (4) was deleted by Bom. 41 of 1949, s. 3 (2).

¹⁰ The word "licensee" was deleted, by Bom. 41 of 1949, s. 4 (1).

¹¹ This clause was inserted, by Bom. 41 of 1949, s. 4 (2).

¹² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1960.

¹³ Sub-clauses (i) and (ii) were substituted for the original by Bom. 2 of 1959, s. 5.

¹⁴ These words were substituted for the words and brackets "pre-Reorganisation State of Bombay (excluding the transferred territories) " by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹⁵ Those words were substituted for the words " State of Bombay " by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹⁶ This clause was inserted by Bom. 41 of 1949, s. 5.

¹⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order 1950.

¹⁸ These words and brackets were substituted for the words and bracket " commencement of this Act) " by Bom. 2 of 1959, s. 6.

¹⁹ This proviso was added by Bom. 41 of 1949, s. 6 (I).

²⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²¹ This portion was added by Bom. 41 of 1949, s. 6 (2).

²⁵ The words " in undertakings" were deleted, by Bom. 2 of 1959, s.7 (b).

²² Sections 6-A, 6-B and 6-C were inserted, by Bom. 41 of 1949, s. 7.

²⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²³ These words were inserted by Bom. 2 of 1959, s. 7 (a)(i).

²⁴ These words were inserted, by Bom. 2 of 1959, s. 7 (a) (ii).

²⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²⁷ Sections 6-A, 6-B and 6-C were inserted by Bom. 41 of 1949, s. 7.

²⁸ This sub-clause was substituted for the original by Bom. 2 of 1959, s. 8.

²⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³⁰ These figures, letters and word were substituted for the word figure "or 6" by Bom. 41 of 1949, s. 8(1)

³¹ This word was substituted for the word "punishable" by Bom. 41 of 1949, s. 8(3)

³² This Section was inserted, by Bom. 41 of 1949, s. 9.

³³ This section was substituted for the original by Bom. 41 of 1949, 8. 10.

³⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³⁵ These figures, letters and word were substituted for the word and figure "or 6", by Bom. 41

³⁶ This word was substituted for the word "Grown" by the Adaptation of Laws Order, 1950.

³⁷ These words were inserted by Bom. 41 of 1949, s. 11.

³⁸ This section was inserted by Bom. 2 of 1969, s. 9.