

THE ELECTRICITY (AMENDMENT) ACT, 2003

No. 57 OF 2003

[30th December, 2003.]

An Act to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Electricity (Amendment) Act, 2003.

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

Amendment of section 14.

2. In section 14 of the Electricity Act, 2003 (hereinafter referred to as the principal Act), in the sixth proviso, for the brackets and words “(including the capital adequacy, creditworthiness, or code of conduct)”, the words “relating to the capital adequacy, creditworthiness, or code of conduct” shall be substituted. 36 of 2003.

Amendment of section 42.

3. In section 42 of the principal Act, in sub-section (2), after the fourth proviso, the following proviso shall be inserted, namely:—

“Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003, by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt.”.

Substitution of new section for section 121.

4. For section 121 of the principal Act, the following section shall be substituted, namely:—

Power of Appellate Tribunal.

“121. The Appellate Tribunal may, after hearing the Appropriate Commission or other interested party, if any, from time to time, issue such orders, instructions or directions as it may deem fit, to any Appropriate Commission for the performance of its statutory functions under this Act.”.

Amendment of section 135.

5. In section 135 of the principal Act, in sub-section (2),—

(i) in clause (a), for the words “has been, is being, or is likely to be,” the words “has been or is being” shall be substituted;

(ii) in clause (b), for the words “has been, is being, or is likely to be,” the words “has been or is being” shall be substituted.

6. For sections 139 and 140 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for sections 139 and 140.

“139. Whoever, negligently breaks, injures, throws down or damages any material connected with the supply of electricity, shall be punishable with fine which may extend to ten thousand rupees.

Negligently breaking or damaging works.

140. Whoever, with intent to cut off the supply of electricity, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punishable with fine which may extend to ten thousand rupees.”

Penalty for intentionally injuring works.

7. In section 146 of the principal Act, the following proviso shall be inserted, namely:—

Amendment of section 146.

“Provided that nothing contained in this section shall apply to the orders, instructions or directions issued under section 121.”