



The Indian Electricity (Uttar Pradesh Amendment) Act, 1976
Act 14 of 1976

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THE INDIAN ELECTRICITY (UTTAR PRADESH AMENDMENT)
ACT, 1976

(U. P. ACT NO. 14 OF 1976)

(Authoritative English Text of the *Bhartiya Vidyut (Uttar Pradesh Sanshodhan)*
Adhiniyam, 1976)

AN
ACT

to amend the Indian Electricity Act, 1910 in its application to Uttar Pradesh.

IT IS hereby enacted in the Twenty-seventh Year of the Republic of India,
as follows :—

1. (1) This Act may be called the Indian Electricity (Uttar Pradesh
Amendment) Act, 1976.

Short title, extent
and commence-
ment.

(2) It extends to the whole of Uttar Pradesh

(3) It shall be deemed to have come into force on November 27, 1975.

2. In section 6 of the Indian Electricity Act, 1910, as amended in its appli-
cation to Uttar Pradesh, hereinafter referred to as the principal Act, in sub-
section (1), for the words "one year", the words "eleven months" shall be
substituted and be deemed always to have been *substituted*.

Amendment of
section 6 of Act
IX of 1910.

3. After section 6 of the principal Act, the following section shall be
inserted, namely :—

Insertion of
new section 6-A.

"6-A. (1) In this section 'appointed day' means in relation to
Revocation of licensees other than local authorities, December 1, 1975
licences and and in relation to local authorities being licensees, such
acquisition of date as may be specified by the State Government by
undertaking. notification in that behalf, and different dates may be
specified for different such undertakings.

(2) Notwithstanding anything contained in sections 4, 4-A, 5 and 6,
the licence of every undertaking, unless revoked before the commence-
ment of the Indian Electricity (Uttar Pradesh Second Amendment)
Ordinance, 1975, shall stand revoked with effect from the appointed
day.

[For statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordi-
nary)*, dated March 27, 1976.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 30, 1976 and by the
Uttar Pradesh Legislative Council on April 5, 1976.)

(Received the Assent of the President on April 30 1976 under Article 201 of the Cons-
titution of India and was published in the *Uttar Pradesh Gazette, Extraordinary*, dated May 1,
1976.)

(3) On revocation of the licence under sub-section (2), the following provisions shall have effect, namely :—

(a) Every undertaking the licence in respect of which stands revoked shall by virtue of this section stand and be deemed to have stood transferred to and vest and be deemed to have vested in the State Electricity Board, hereinafter in this section called 'the Board', free from any debt, mortgage or similar obligation of the licensee attaching to the undertaking :

Provided that any such debt, mortgage or similar obligation shall attach to the amount payable for the undertaking as mentioned in clause (h) ;

(b) the rights, powers, authorities, duties and obligations of the licensee under his licence shall stand transferred to the Board and the licence shall cease to have further operation ;

(c) the licensee shall deliver forthwith the undertaking to the Board or to such officer as the Board may appoint in that behalf, and if any property or asset, book of account, register or other document forming part of the undertaking be in the possession, custody or control of any person other than a licensee, such person shall also deliver the same to the Board or to such officer as aforesaid ;

(d) the Board shall prepare an inventory of all properties, assets, books of account, registers and documents taken possession of under this section, as far as practicable, in the presence of the licensee or his authorised representative ;

(e) the licensee or any person other than a licensee, as the case may be, shall be liable to account to the Board for all property and assets and also for any books of account, registers or documents comprised in the undertaking which he has failed to deliver to the Board under clause (c) ;

(f) the owner of every undertaking shall within sixty days from the appointed day or within such further time as the Board may allow in that behalf, furnish to the Board or to such officer as the Board may specify, complete particulars of all liabilities and obligations incurred on the security of the undertaking and subsisting on the appointed day, and also of all agreement and other instruments pertaining to the undertaking (including agreement, decrees, awards, standing orders and other instruments relating to leave, pension, gratuity, provident fund and other terms of service of any person employed in the undertaking) in force immediately before the appointed day and the Board shall afford him all reasonable facilities for the same ;

(g) the following provisions shall govern the working in the undertaking immediately before the appointed day :—

(i) Every person who has been immediately before the appointed day in the employment of the licensee shall become on and from the appointed day an employee of the Board on the same terms and conditions and with the same rights as to pension, gratuity and other matters as would have been admissible to him if the undertaking had not been transferred to and vested in the Board and continue to do so unless and until his employment under the Board is terminated or until his remuneration or other terms and conditions of employment are duly altered by the Board :

Provided that the Board may appoint an officer or Committee to review the genuineness of all appointments made or increments of wages or salary given to the employees within the period of one year immediately preceding the appointed day, and if after considering the report of any such officer or committee and any representations that may be received in that behalf from the persons affected, an appointment made or increment given does not appear to the Board

to be genuine it may terminate the services of such employee or cancel the increment as the case may be :}

Provided further that any person aggrieved by the decision of the reviewing officer or the committee, as the case may be, may appeal to the Board whose decision shall be final ;

(ii) The Board may appoint an officer or Committee for the purpose of fitment of the employees taken over from the licensee under sub-clause (i) in the scales of wages or salary of the Board having regard to the qualifications, experience and existing wages or salary of such employees and the wages or salary structure of comparable employees in the Board ;!

(iii) Notwithstanding anything contained in the U. P. Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of any employee to the Board under sub-clause (i) shall not entitle any such employee to any compensation under that Act or any other law and no claim shall be entertained by any court, tribunal or other authority ;

(iv) For the avoidance of doubts it is hereby declared that nothing in sub-clause (iii) shall be construed to affect the right of any employee whose services are terminated under sub-clause (i) to claim compensation, if admissible, from the licensee under sections 6-N and 6-O of the U. P. Industrial Disputes Act, 1947;

(h) the Board shall pay to the licensee an amount determined in accordance with the provisions of section 7-A :

Provided that the licensee shall in addition to the said amount, be entitled to interest thereon at the Reserve Bank rate ruling at the appointed day plus one per centum for the period from the appointed day to the date of payment of the said amount."

4. In section 7 of the principal Act, in sub-section (2), *between* the words "undertaking is purchased by the State Electricity Board" and "and" the words, figure and letter "or acquired under section 6-A" shall be *inserted*.

Amendment of section 7.

5. In section 7-A of the principal Act—

Amendment of section 7-A.

(i) in sub-section (1), *after* the word and figure "section 6", the words, figure and letter "or acquired under section 6-A" shall be *inserted* ;

(ii) in sub-section (2)—

(a) in clause (i) *for* the words and brackets "(excluding works paid for by consumers)", the words and brackets "(excluding works constructed at the cost of local bodies for street lighting and works paid for by consumers)" shall be *substituted* and be deemed to have been *substituted* with effect from February 4, 1975 ;

(b) in clause (iv) *for* the word and figure "section 7", the works, figures and letter "section 6-A or section 7" shall be *substituted* ;

(iii) in sub-section (3), *after* the words and figure "purchase under section 6", the words, figures and the letter "or acquisition under section 6-A" shall be *inserted* ;

(iv) *for* sub-section (8), the following sub-section shall be *substituted* and be deemed to have been *substituted* from February 4, 1975, namely:—

"(8) Where the gross amount payable to the licensee is—

(a) equal to the total amount to be deducted under this section, no payment shall be made to the licensee by the purchaser ;

(b) less than the total amount to be deducted under this section, the difference between the gross amount so payable and the total amount to be deducted shall on a certificate of the Special Officer be recoverable as arrears of land revenue.";

(v) *after* sub-section (8), the following sub-section shall be *inserted* and be deemed to have been *inserted* from February 4, 1975, namely :—

"(9) Where any amounts not belonging to it have been deducted by the purchaser under clause (c), clause (e), clause (f) or clause (g) of sub-section (5) or recovered under sub-section (8), the liability of the licensee towards the State Government or other bodies or

U. P. Act
XXVIII of
1947.

U. P. Act
XXVIII of
1947.

consumers or prospective consumers, as the case may be, shall, to the extent of the deduction and recoveries so made, stand discharged and the purchaser shall in substitution of the licensee become liable towards them to that extent."

Amendment of section 7-AA.

6. In section 7-AA of the principal Act—

(i) in sub-section (1), *after* the words, brackets and figures "under sub-section (6) of section 6", the words, figures, letters and brackets "or clause (c) of sub-section (3) of section 6-A" shall be *inserted*; and

(ii) in sub-section (2), *for* the words and figure "provisions of section 7", the words, figures and letter "provisions of section 6-A or section 7, as the case may be", shall be *substituted*.

Amendment of section 42-A.

7. In section 42-A of the principal Act, *between* the words "any of the provisions of sub-section (6-A) of section 6" and "or who in any inventory" the words "or section 6-A" shall be *inserted*.

Amendment of section 42-AA.

8. In section 42-AA of the principal Act in clause (a), *after* the words, brackets and figures "under sub-section (6) of section 6", the words, figures, letters and brackets "or clause (c) of sub-section (2) of section 6-A" shall be *inserted*.

Validation.

9. Notwithstanding anything contained in any judgement, decree or order of any court or other authority to the contrary, anything done or purporting to have been done and any action taken or purporting to have been taken under any provision of the principal Act before the commencement of this Act, including, in particular, the period of notice issued under sub-section (1) of section 6 thereof shall, subject to the provisions of the principal Act as amended by this Act, be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times, and accordingly any notice issued under sub-section (1) of the said section 6 to a licensee of not less than eleven months shall be valid and be deemed always to have been validly given.

Repeal and savings.

10. (1) The Indian Electricity (Uttar Pradesh Amendment) Ordinance, 1976, is hereby repealed.

(2) Notwithstanding such repeal or the repeal of the Indian Electricity (Uttar Pradesh Second Amendment) Ordinance, 1975, by the Ordinance mentioned in sub-section (1), anything done or any action taken under the principal Act, as amended by the said Ordinances, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

U.P.
Ordinance
no. 12 of
1976.

No. 663 (2)/XVII-V-1—1(KA)-7-1986

Dated Lucknow, March 19, 1986

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the *Bhartiya Vidyut (Uttar Pradesh Sanshodhan) Adhiniyam, 1986, (Uttar Pradesh Adhiniyam Sankhya 8 of 1986)* as passed by the Uttar Pradesh Legislature and assented to by the President on March 18, 1986.

THE INDIAN ELECTRICITY (UTTAR PRADESH AMENDMENT)
ACT, 1986

[U. P. ACT NO. 8 OF 1986]

(As passed by the U. P. Legislature)

AN
ACT

*further to amend the Indian Electricity Act, 1910 in its application to
Uttar Pradesh*

It is hereby enacted in the Thirty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Electricity (Uttar Pradesh Amendment) Act, 1986. Short title

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 4, 1986.

Substitution of
section 39 of
Act no. 9 of 1910

2. For section 39 of the Indian Electricity Act, 1910 hereinafter referred to as the principal Act, the following section shall be substituted, namely :—

“39. (1) Whoever dishonestly abstracts, consumes, uses or draws, or abets or attempts such dishonest abstraction, consumption, use or drawal of, any energy—

(a) otherwise than through a meter referred to in section 26; or

(b) by tampering with such meter or its seals, or apparatus, or circuits; or

(c) by obstructing or interfering in the functioning of such meter; or

(d) by manipulating change of phase of the electric supply lines; or

(e) by manipulating any meter, indicator or apparatus referred to in sub-section (7) of section 26; or

(f) from a disconnected connection; or

(g) by any other means whatsoever shall be punished with fine and shall also be liable to imprisonment for a term which may extend to three years :

Provided that in a case where the load abstracted, consumed, used or drawn or abetted or attempted to be abstracted, consumed, used or drawn—

(a) does not exceed 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 500 and in the event of second or subsequent conviction the fine imposed shall not be less than Rs. 2,000;

(b) exceeds 7.46 kilowatt, the fine imposed on first conviction shall not be less than Rs. 2,000 and in the event of second or subsequent conviction the sentence shall be imprisonment for a term not less than 6 months with fine not less than Rs. 10,000.

(2) the existence of any means for such abstraction, consumption, use or drawal shall be *prima facie* evidence of such dishonest abstraction, consumption, use or drawal of energy or, as the case may be, an attempt therefor.

(3) without prejudice to the provisions of the Code of Criminal Procedure, 1973 relating to search and seizure where a licensee or any person authorised by it has reason to believe that any offence under sub-section (1) has been, or is being or is about to be committed in any premises, vehicle, vessel or other place, he may with such assistance, if any, as he thinks fit, at any time :—

(a) enter, inspect and search such premises, vehicle, vessel or other place and may use such minimum force as may be necessary for the purpose;

(b) seize any means referred to in sub-section (2) which may be found in such premises, vehicle, vessel or other place;

(c) require the owner, occupier or any other person in charge of such premises, vehicle, vessel or other place to produce any books of accounts or other documents or furnish such information as may, in his opinion, be useful for or relevant to any proceedings in respect of the offence under sub-section (1);

(d) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of accounts, or documents are seized to make copies thereof or take extracts therefrom in his presence.”

3. For section 40 of the principal Act, the following section shall be substituted, namely :— Substitution of section 40

“40. Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply line or works, shall be punished with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees and shall also be liable to imprisonment for a term which may extend to three years :

Provided that in the event of second or subsequent conviction the sentence shall be imprisonment for a term not less than three months with fine not less than Rs. 500.”

4. In section 44 of the principal Act, after clause (d), the following clause shall be inserted, namely :— Amendment of section 44

“(e) abets or attempts any of the acts referred to in the preceding clauses;”

5. After section 49-A of the principal Act, the following section shall be inserted, namely :— Insertion of new section 49-B

“49-B. Any offence under section 39 or section 40 shall be Certain offences cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.”

Act no. 2 of 1974

U. P. Ordinance no. 1 of 1986.

6. (1) The Indian Electricity (Uttar Pradesh Amendment) Ordinance, 1986, is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
S. N. SAHAY,
Sachiv.