

Electricity Act, 1910

Section 13 - NOTICE OF NEW WORKS

1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works, in, under, over, along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely: (a) not less than one month before commencing the execution of the works 53[***] the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, canal or waterway (hereinafter in this section referred to as "the owner"), as the case may be. A notice in writing describing the proposed works together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner, as the case may be, from time to time give such further information in relation thereto as may be desired; (b) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the State Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final; (c) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under Cl. (a); (d) if the owner disapproves, of such works, section or plan, or approves thereof subject to amendment, he may, within three weeks, after the service of the notice under Cl (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration; (e) where no requisition has been served by the owner upon the licensee under Cl. (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties. (f) where the works to be executed, consist of the laying of any underground service-line immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty-eight hours' notice in writing of his intention to execute such works; (g) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position give to the repairing authority, or to the owner, as the case may be, Not less than forty-eight hours' notice in writing of his intention to execute such works, and, on expiry of such notice, such works shall be commenced forthwith and shall be carried on with all reasonable dispatch, and, if possible, both by day and by night until completed. (2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration. (3) Notwithstanding anything in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line, the case may be of his intention to do so, place an 54[over head line] without complying with the provisions of sub-section(1): Provided that such 55[overhead line] shall be used only until the defect in the underground electric supply-line can be made good, and in no case unless with the written consent of the 56[State Government] for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

