

Electricity Act, 1910

Section 42 - PENALTY FOR ILLEGAL OR DEFECTIVE SUPPLY OR FOR NON-COMPLIANCE WITH ORDER Whoever

a) being a licensee or a person who has obtained the sanction of the State Government under Sec. 28-to engage in the business of supplying energy to the public, save as permitted under Sec. 27-orSec. 51-or by his licence or as the case may be, by the conditions of sanction, supplies energy or lays down or places any electric supply-line or works outside the area of supply; or (b) being a licensee or a person who has obtained the sanction of the State Government as aforesaid, in contravention of the provisions of this Act or of the rules there under, or in breach of the conditions of licence or of the sanction, as the case may be, and without reasonable excuse, the burden of proving which shall lie on him discontinues the supply of energy or falls to supply energy; or (c) makes default in complying with any of the provisions of an order or of any notice or requisition issued under Sec. 5-orSec. 6-; or (d) makes default n complying with any directions issued to him under Sec. 22-A-; or (e) makes default in complying with any order issued to him under Sec. 22-B-or sub-section (2) of Sec. 34.-shall be punishable with fine which may extend to one thousand rupees, and, in the case of a continuing offence or default, with a dally fine which may extend to one hundred rupees.] STATE AMENDMENTS Bihar.-In Sec. 42 of the said Act, Cls. (a), (b) and (c) shall be re-lettered. as Cls. (b), (c) and (d), respectively and before Cl. (b), as so re-lettered, the following clause shall be added, namely: "(a) fails to comply with a requisition under Sec. 7-A; or". [Bihar Act 29 of 1950, Sec. 6.] Gujarat.-In the principal Act, after Sec. 42, the following section shall be added, namely: "42-A. Penalty for refusal or failure to deliver possession of undertaking or its property and/or obstructing the taking of possession thereof.-(1) Whoever- (a) being a licensee or an officer or employee of the licensee, willfully falls or refuses to deliver to the officer appointed under subsection (1) of Sec. 7-AA (hereinafter in this section referred to as 'the appointed officer') the possession of the undertaking, or the possession of any property, effects or actionable claims belonging to or forming part of such undertaking or of any book of accounts or other documents relating to the undertaking the possession of which the appointed officer is entitled to take, or (b) willfully obstructs the appointed officer in entering into possession on the undertaking or taking possession of any of its property, effects, actionable claims, books of accounts or documents as aforesaid, shall be punishable with imprisonment of either description (rigorous or simple) for a term which may extend to two years or with fine which may, extend to ten thousand rupees, or both. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898),148an offence punishable under this section shall be cognizable". [Gujarat Act 3 of 1976, Sec. 3] Maharashtra.-In Sec. 42 of the said Act, Cls. (a) (b). and (c) shall be re-lettered as "(b)", "(c)" and "(d)" respectively and before Cl. (b). as so re-lettered the following new clause shall be added, namely: "(a) fails to comply with a requisition under Sec. 7-A: or". [Maharashtra Act 18 of 1946. Sec.4]. Uttar Pradesh.-In Sec. 42, Cl. (e) the following clause shall be substituted: 149["(e) makes default in complying with any general order notified under Sec. 22-B or any special order issued to him under Sec. 22-B or sub-section (2) of Sec. 34".] After Sec. 42 of the principal Act, the following section shall be added, namely: "42-A. Penalty for damaging or removing, etc. any part of undertaking after service of notice under Sec. 6 or furnishing false information.-Any licensee, or any person in his employ and acting on his behalf, who contravenes any of the provisions of sub-section (6-A) of Sec. 6. or who in an inventory furnished in compliance with the requirements of that subsection, gives particulars which are false or which he either knows or believes to be false or does not believe to be true shall be punishable with a fine which may extend to two thousand rupees and in the case of a continuing offence, with a daily fine which may extend to two hundred rupees: Provided that where the contravention consists of causing destruction to or the removal of any of the buildings, works, materials and plants referred to in that sub-``, any such person committing such contravention shall be punishable with imprisonment which may extend to six months and shall also be punishable with fine which may extend to two thousand rupees."-[Uttar Pradesh Act 36 of 1976, Sec. 4.] In Sec. 42-A of the principal Act, between the words "any of the provisions of sub-section (6-A) of

Sec. 6" and "or who in any inventory", the words "or Sec. 6-A" shall be added. [Uttar Pradesh Act 14 of 1976, Sec. 7 (w.e.f. 27th November, 1975).] After Sec. 42 -A of the principal Act, the following section shall be added namely: "42-AA. Penalty for refusal or failure to deliver possession of undertaking or its property and for obstructing the taking possession thereof.-Whoever- (a) being a licensee or an officer or employee of the licensee, wilfully fails or refuses to deliver to the officer appointed under sub-section (3) of Sec. 5 or sub-section (6) of Sec. 6, as the case may be (hereinafter in this section referred to as 'the appointed officer'), the possession of the undertaking, or the possession of any property or effects belonging to or forming part of such undertaking or of any books of accounts or other documents relating to the undertaking the possession of which the appointed officer is entitled to take, or (b) Wilfully obstructs the appointed officer in entering into possession of the undertaking or taking possession of any of its property or effects, belonging to or forming part of such under- taking or of any books of accounts or other documents relating to the undertaking the possession of which the appointed officer is entitled to take, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both". (Uttar Pradesh Act 16 of 1975, Sec. 6 w.e.f. 4 th February. 1975.) In Sec. 42-AA of the principal Act in Cl. (a), after the words, brackets and figures "under sub-section (6), of Sec. 6", the words, figures, letters and brackets "or Cl. (c) of sub-section (2) of Sec. 6-A" shall be added. [Uttar Pradesh Act 14 of 1976, Sec. 8]. West Bengal.-Re-number Sec. 42 of the Act of 1910 as sub-section (1) of that section and- (1) In Cl. (e) of sub-section (1) as so re-numbered, omit the words, figures and letter "Sec. 22-B or": (2) after sub-section (1) as so renumbered, add the following sub-section: "(3) whoever makes default in complying with any order issued to him under Sec. 22-B shall be punishable with imprisonment which may extend to six months, and. in the case of any subsequent default after first conviction, with imprisonment which may extend to one year." [W.B. Act 26 of 1982. Sec. 3.]

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com