

Electricity Act, 1910

Section 58 - REPEALS AND SAVINGS

1) The Indian Electricity Act, 1903 (3 of 1903), is hereby repealed: Provided that every application for a licence made and every licence granted under the said Act shall be deemed to have been made and granted under this Act. (2) Nothing in this Act shall be deemed to affect the terms of any licence which was granted, or of any agreement which was made, by or with the sanction of the Government for the supply or use of electricity before the commencement of this Act. SCHEDULE 01: SCHEDULE Provision to be deemed to be incorporated with, and to form part of, every licence granted under Part II, so far as not added to, varied or excepted by the licence [See Sec. 3-. sub-section (2), Cl. (f)] Security and Accounts I. Security for executions of work of licence not being local authority.- Where the licensee is not a local authority, the following provisions as to giving security shall apply, namely: (a) The licensee shall, within the period fixed in that behalf by his licence, or any longer period which the[State Government] may substitute there for by order under[Sec. 4-A-, sub-section (1)], of the Indian Electricity Act, 1910, before exercising any of the powers by the licence conferred on him in relation to the execution of works, show, to the satisfaction of the[State Government], that he is in a position fully and efficiently to discharge the duties and obligations Imposed upon him by the licensee throughout the area of supply; (b) The licensee shall also, within the period fixed in that behalf by his licence, or any longer period which the[State Government] may substitute there for by order under[Sec: 4-A, sub-section (1)], of the Indian Electricity Act, 1910, and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure to the satisfaction of the[State Government] such sum (if any) as may be fixed by the licence or, if not so fixed, by the[State Government]: (c) The said sum deposited or secured by the licensee under the provisions of this clause shall be repaid or released to him on the completion of the works or at such earlier date or dates and by such instalments, as may be approved by the[State Government]: [Provided that if the works referred to in Cl. IV are not executed to the satisfaction of the State Government within the period specified in that clause, that Government may by order direct that the whole or any part of the sum so deposited or secured shall be forfeited to it.]II. Audit of Accounts of licensee not being local authority.-Where the licensee is not a local authority, the following provisions as to the audit of accounts shall apply, namely: (a) The annual statement of accounts of the undertaking shall, before being rendered under Sec. 11 of the Indian Electricity Act, 1910, be examined and audited by such person as the[State Government] may appoint or approve in this behalf and the remuneration of the auditor shall be such as the[State Government] may direct, and his remuneration and all expenses incurred by him in or about the execution of the duties, to such an amount as the[State Government] shall approve, shall be paid by the licensee on demand; (b) The licensee shall afford to the auditor, his clerks and assistants, access to all such books and documents relating to the under- taking as are necessary for the purposes of the audit, and shall, when required, furnish to him, and them all vouchers and information[(including technical data and statements of energy generated and sold)] requisite for that purpose, and afford to him, and them all facilities for the proper execution of his and their duty; (c) The audit shall be made and conducted in such manner as the[State Government] may direct; (d) Any report made by auditor, or such portion thereof as the[State Government] may direct, shall be appended to the annual statement of accounts of the licensee, and shall thenceforth form part thereof; (e) Notwithstanding the foregoing provisions of the clause, the[State Government] may, if it thinks fit, accept the examination and audit of an auditor appointed by the licensee. III-Separate accounts.-The licensee shall unless the[State Government] otherwise directs, at all times keep the accounts of the[undertaking relating to the generation, supply or distribution of energy] distinct from the accounts kept by him of any other undertaking or business. Compulsory Works and Supply IV. Execution of work after commencement of licence.-The licensee shall, within a period of three years after the commencement of the licence, execute to the satisfaction of the [State Government] all such works as may be specified in the licence in this behalf or, if not specified, as the[State Government] may, by order in writing issued within six months of the date of the commencement of the

licence, direct. V. Provisions as to laying down of further distributing mains.-(1) Where, after the expiration of two years and six months from the commencement of the licence, a requisition is made by[two or more] owners or occupiers of premises in or upon any street or part of a street within the area of supply or by the[State Government] or a local authority charged with the public lighting thereof, requiring the licensee to provide distributing mains throughout such street or part thereof, the licensee shall comply within six months with there acquisition, unless,-(a) Where it is made by such owners or occupiers as aforesaid, the owners or occupiers making it do not, within fourteen clear days after the service on them by the licensee of a notice in writing in this behalf, tender to the licensee a written contract[in a form approved by the State Government] duly executed and with sufficient security binding themselves to take, or guaranteeing that there shall be taken, a supply of energy for not less than two years to such amount as will in the aggregate[assure to the licensee at the current rates charged by him, an annual revenue not exceeding fifteen per-centum of the cost of the distributing mains (not including transformers and other sub-station equipment) required to comply with the requisition]; or (b) Where it is made by the [State Government] or a local authority, the[State Government] or local authority as the case may be, does not, within the like period, tender a like contract binding itself to take a supply of energy for not less than seven years for the public lamps in such street or part thereof.[(2) Where any difference or dispute arises between the licensee and such owners or occupiers as to the sufficiency of the security offered under this clause, or as to the cost of distributing mains or as to the amount of energy to be taken or guaranteed as afore said, the matter shall be referred to the Electrical Inspector and decided by him.] (3) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee. (4) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1910; and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant. VI. Requisition for supply to owners or occupiers in vicinity.-(1) Where,[after distributing mains have been laid down under the provisions of Cl. IV or Cl. V and the supply of energy through those mains or any of them has commenced,] an acquisition is made by the owner or occupier of any premises situate within[the area of supply] requiring the licensee to supply energy for such premises, the licensee shall, within one month from the making of the requisition,[or within such longer period as the[Electrical Inspector] may allow] supply, and save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy in accordance with the requisition: Provided, firstly, that the licensee shall not be bound to comply with any such requisition unless and until the person making it- (a) within fourteen days after the service on him by the licensee of a notice in writing in this behalf, tenders to the licensee a written contract, in a form approved by the [State Government], duly executed and with sufficient security, binding himself to take a supply of energy for not less than two years to such amount as will[assure to the licensee at the current rates charged by him, an annual revenue not exceeding fifteen per centum of the cost of the service-line required to comply with the requisition], and (b) if required by the licensee so to do. pays to the licensee the cost of so much of any service-line as may be laid down or placed for the purposes of the supply upon the property in respect of which the requisition is made, and of so much of any service line as it may be necessary for the said purposes to lay down or place beyond one hundred feet from the licensee's distributing main, although not on" that property; Provided, secondly, that the licensee shall be entitled to discontinue such supply- (a) if the owner or occupier of the property to which the supply is made has not already given security, or if no security given by him has become invalid or insufficient, and such owner or occupier fails to furnish security or to make up the original security to a sufficient amount, as the case may be, within seven days, after the service upon him of notice from the licensee requiring him so to do. or (b) if the owner or occupier of the property to which the supply is made adopts any appliance, or uses the energy supplied to him by the licensee for any purposes, or deals with it in any manner, so as unduly or improperly to interfere with the efficient supply of energy to any other person by the licensee, or (c) if the electric wires, fittings, works and apparatus in such property are not in good order and condition, and are consequently likely to affect injuriously the use of energy by the licensee, or by other persons, or (d) if the owner or occupier makes any alterations of, or additions to, any electric wires, fitting, works or apparatus within such property as aforesaid and does not notify the same to the licensee before the same are connected to the source of supply, with a view to their being examined and tested;[but the licensee shall re-connect the supply with all reasonable speed on 'the cessation of the act or default or both, as the case may be, which entitled him to discontinue it]: Provided, thirdly, that the maximum rate per unit of time at which the owner or occupier shall be entitled to be supplied with energy

shall not exceed what is necessary for the maximum consumption on his premises, and, where the owner or occupier has required a licensee to supply him at a specified maximum rate. he shall not be entitled to alter that maximum, except after one month's notice in writing to the licensee. and the licensee may recover from the owner or occupier any expenses incurred by him by reason of such alteration in respect of the service-lines by which energy is supplied to the property beyond one hundred feet from the licensee's distributing main, or in respect of any fittings or apparatus of the licensee upon that property: and Provided, fourthly, that,[if any requisition is made for a supply of energy and] the licensee can prove, to the satisfaction of an[Electrical Inspector],-(a) that[the nearest distributing main] is already loaded up to its full current-carrying capacity, or (b) that, in case of a large amount of current being transmitted by it, the loss of pressure will seriously affect the efficiency of the supply to other consumers in the vicinity, the licensee may refuse to accede to the requisition for such reasonable period, not exceeding six months, as such Inspector may think sufficient for the purpose of amending the distributing main or laying down or placing a further distributing main. (2)Any service-line laid for the purpose of supply in pursuance of a requisition under sub-clause (1) shall, notwithstanding that a portion of it may have been paid for by the person making the requisition, be[maintained by the licensee who shall also have the right to use it for the supply of energy to any other person]. (3) Where any difference or dispute arises as to the amount of energy to be taken or guaranteed as aforesaid, or as to the cost of any service-line or as to the sufficiency of the security offered by any owner or occupier,[or as to the position of the meter board] or as to the improper use of energy, or to any alleged defect in any wires, fittings, works or apparatus, or as to the amount of the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred to an[Electrical Inspector] and decided by him. (4) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee. (5) Every requisition under this clause shall be in a form to be prescribed by rules under the Indian Electricity Act, 1910: and copies of the form shall be kept at the office of the licensee and supplied free of charge to any applicant. [VII. Further provisions as to laying of service-lines.-The licensee shall, before commencing to lay down or place a service-line in any street in which a distributing main has not already been laid down or placed, serve upon the local authority (if any) and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the service line so to be laid down or placed twenty-one days' notice stating that the licensee intends to lay down or place a service-line, and intimating that. if within the said period the local authority or 7[any one or more of such owners or occupiers require, in accordance with the provisions of the licence, that a supply shall be given for any public lamps or to their premises, as the case may be, the necessary distributing main will be laid down or placed by the licensee at the same time as the service-line.]VIII. Supply for public lamps.-(1) Where, after distributing mains have been laid down under the provisions of Cl. IV or Cl. V and the supply of energy through those mains or any of them has commenced], a requisition if made by the[State Government] or by a local authority requiring the licensee to supply for a period of not less than seven years energy for any public lamps within the [area of supply], the licensee shall supply, and, save in so far as he is prevented from doing so by cyclones, floods, storms or other occurrences beyond his control, continue to supply, energy for such lamps in such quantities as the [State Government] or the local authority, as the case may be, may require.[1-A) The State Government or, as the case may be, a local authority may require the licensee- (a) to provide the mains and other equipments for public lamps, and (b) to use for that purpose supports, if any, previously erected or set up by him for supply of energy.] (2) The provisions of sub-clause (b) of the first proviso, of sub-clauses (c) and (d) of the second proviso and of the third and fourth proviso to sub-clause (1) and the provisions of sub-clauses (2) and (3) of Cl. VI shall, so far as may .be, apply to every case in which a requisition for the supply of energy is made under this clause as if the State Government or local authority were an owner or occupier within the meaning of those provisions. Supply by bulk-licensees IX. Special provisions applying to supply by bulk- licensees.-(1) Where, and in so far as the licensee (hereinafter in this clause referred to as "the bulk-licensee") is authorized by his licence to supply energy to .other licensees for distribution by them (hereinafter in this clause referred to as "distributing-licensees"), the following provisions shall apply, namely: (a) any distributing licensees within the bulk-licensees's area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy and specking the point, and the maximum rate per unit of time, at which such supply is required, and the date upon which the supply is to commence, such date being fixed after the date of receipt of the requisition so as to allow an interval that is reasonable with regard to the locality and to the length of the electric supply-line and the amount of the plant

required; (b) such distributing-licensee shall, if required by the bulklicen- see so to do, enter into a written agreement to receive and pay for a supply of energy for a period of not less than seven years of such an amount that the payment to be made for the same at the rate of charge for the time being charged for such supply shall not be less than such an amount[as will assure to the bulk-licensee an annual revenue not exceeding fifteen per centum of the outlay] (excluding expenditure on generating plant then existing and any electric supply-line then laid down or placed), incurred by him in making provision for such supply;[(c) [* * * * *] (d) if any difference or dispute arises under this clause, it shall be determined by arbitration, and, in the event of such arbitration, the arbitrator shall have regard to the following amongst other con- siderations, namely: (i) the period for which the distributing-licensee is prepared to bind himself to take energy; (ii) the amount of energy required and the hours during which the bulk-licensee is to supply it; (iii) the capital expenditure incurred or to be incurred by the bulk-licensee in connection with the aforesaid supply of energy; and (iv) the extent to which the capital expended or to be ex- pended by the bulk-licensee in connection with such supply may become unproductive upon the discontinuance thereof. (2) Notwithstanding anything in sub-clause (1), the bulk-licensee shall give a supply of energy to any distributing-licensee within his area of supply applying there for, even although the distributing-licensee desires to be supplied with only a portion the energy required for distribution by him :Provided that the distributing-licensee shall, if so required by the bulk-licensee, enter into an agreement to take such energy upon special terms (including a minimum annual sum to be paid to the bulk-licensee) to be determined, if necessary, by arbitration in the manner laid down in Cl. (1) (d). (3) The maximum price fixed by a licensee for energy supplied to a distributing-licensee shall not supply to any partial supply given under sub-clause (2). (4) 'Every distributing-licensee, who is supplied with energy by a bulk-licensee and intends to discontinue to receive such supply, shall give not less than twelve months' notice in writing of such intention to the bulk-licensee: Provided that, where the distributing-licensee has entered into a written agreement with the bulk-licensee to receive and pay for a supply of energy for a certain period, such notice shall be given so as not to expire before the end of that period. Charges X. Methods of charging.-[* * * * *] [(1)[* * *] Where the licensee charges by any method[approved by the[State Government] in accordance with Sec. 23. subsection(3). Cl. (c). of the Indian Electricity Act, 1910]. any consumer who objects to that method may, by not less than one month's notice in writing, require the licensee to charge him, at the licensee's option, either by the actual amount of energy supplied to him or by the electrical quantity contained in the supply, and thereafter the licensee shall not, except with the consent of the consumer, charge him by another method.](2)[* * *] Before commencing to supply energy through any distributing main, the licensee shall give notice, by public advertisement, of the method by which he proposes to charge for energy so supplied; and, where the licensee has given such notice, he shall not be entitled to change that method of charging without giving not less than one month's notice in writing of such change to the[State Government][to the State Electricity Board and the local authority (if any) concerned and to the Electrical Inspector], and to every consumer of energy who is supplied by him from such distributing main.](3)[* * *] if the consumer is provided with a meter in pursuance of the provisions of Sec. 26, sub- section (l), of the Indian Electricity Act, 1910, and the licensee changes the method of charging for energy supplied by him from the distributing main, the licensee shall bear the expense of providing a new meter, or such other apparatus as may be necessary by reason of the new method of charging .XI.[* * * * *] XI-A.[* * * * *] XII. Charge for supply for public lamps.-The price to be charged by the licensee and to be paid to him for energy supplied for the public stamps[and other charges to be paid to him in connection therewith] and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the State Government or the local authority, as the case may be, and, where any difference or dispute arises, the matter shall be determined by arbitration. Testing and Inspection XIII. Licensee to establish testing stations and keep instruments for testing.-The licensee shall establish at his own cost and keep in proper condition such number of testing stations, situated at such places within reasonable distance from any distributing main, as the[State Government] may direct for the purpose of testing the pressure or periodicity of the supply of energy in the distributing main, and shall supply and keep in the proper condition threat, and on all premises from which he supplies energy, such instruments for testing as an[Electrical Inspector] may approve, and shall supply energy to each testing station for the purpose of testing. XIV. Facilities for testing.- The licensee shall afford to an [Electrical Inspector or other person, authorised by such Inspector] all facilities for inspection and testing of his works and for the reading, testing and inspection of his instruments, and may, on each occasion of the testing of his works or the reading, testing or inspection of any instruments,

be represented by an agent; who may be present, but shall not interfere with the reading, testing or inspection.

XV. Testing of works.-On the occasion of the testing of any works of the licensee by an [Electrical Inspector or a person authorised by him in this behalf (hereinafter referred to as the authorised person)] reasonable notice thereof shall be given to the licensee; and the testing shall be carried out at such suitable hours as, in the opinion of the [Electrical Inspector or the authorised person] will least interfere with the supply of energy by the licensee, and in such manner as the [Electrical Inspector or the authorised person] may think fit, but, except under the provisions of an order made in each case in that behalf by the [State Government], [Electrical Inspector or the authorised person] shall not be entitled to have access to, or interfere with, the works of the licensee at any points other than those at which the licensee himself has access to the same: Provided that the licensee shall not be held responsible for any interruption or irregularity in the supply of energy which may be occasioned by, or required by the [Electrical Inspector or the authorised person] for the purpose of, any such testing as aforesaid: Provided, also, that the testing shall not be made in regard to any particular portion of the works oftener than once in any three months unless in pursuance of an order made in each case in that behalf by the State Government.

Plan XVI. Plan of area of supply to be made and kept open/or inspection.-(1) The licensee shall, after commencing to supply energy, forthwith cause a plan to be made of the area of supply, and shall cause to be marked thereon the alignments [and, in the case of underground works, the approximate depth] below the surface of all his then existing electric supply-lines, street-distributing boxes and other works, and shall once in every year cause that plan to be duly corrected so as to show the electric supply-lines, street distributing boxes and other works for the time being in position. The licensee shall also, if so required by an [Electrical Inspector] cause to be made sections showing the approximate level of all his existing under- ground works other than service-lines. [(2) Every plan shall be drawn to such scale as the [State Government] may require provided that no scale shall be required unless maps of the locality on that scale are for the time being available to the public. (3) Every such section shall be drawn to horizontal and vertical scales which shall be such as the [State Government] may require.] (4) Every plan and section so made or corrected, or a copy thereof, marked with the date when it was so made or corrected, shall be kept by the licensee at his principal office or place of business within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and copies thereof shall be supplied on such terms and conditions as may be prescribed by rules under the Indian Electricity Act, 1910. (5) The licensee shall, if required by an [Electrical Inspector] and, where the licensee is not a local authority, by the local authority (if any) concerned, supply free of charge to such [Electrical Inspector] or local authority a copy of every such plan or section duly corrected so as to agree with the original kept the principal office or place of business of the licensee.

Additional notice of certain works XVII Notice to Electrical Inspector.-On the day next preceding the commencement of any such works as are referred to in Sec. 13 of the Indian Electricity Act 1910, the licensee shall, in addition to any other notices which he may be required to give, serve upon the [Electrical Inspector], or such officer as the [State Government] may appoint in this behalf for the area of supply, a notice in writing stating that he is about to commence the works, and the nature and position of the same.

Central Bare Acts