

***The Indian Electricity (Haryana Amendment and Validation) Act,
1975***

Act No. 13 of 1975.

hl143

An Act to amend the Indian Electricity Act, 1910, in its application to the State of Haryana

Be it enacted by the Legislature of the State of Haryana in the Twenty sixth Year of the Republic of India as follows :-

1. Short title. - This Act may be called the Indian Electricity Haryana Amendment and Validation) Act, 1975.

Object & Reasons

Statement of Objects and Reasons. - In order to meet the legal requirements arising out of the Supreme Court Judgment it was decided to suitably amend the existing provisions of sections 6 and 7 of the Indian Electricity Act, 1910, with effect from the 1st day of April, 1960, so as to provide that the purchaser of the undertaking shall pay to the Licensee, interest at the Reserve Bank rate ruling at the time of delivery of the undertaking plus one per centum, on the purchase price of the undertaking for the period from the date of delivery of the undertaking to the date of payment of the purchase price. An Ordinance to this effect was promulgated on 27th February, 1975. The proposed measure is being taken to convert the Ordinance into an enactment. Hence the Bill.

Published vide Haryana Gazette Extra. dated 2.5.1975. P. 520.

2. Amendment of section 6 of Central Act 9 of 1910. - In section 6 of Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), -

(i) after sub-section (5), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1960, namely :-

(5A) Where a notice exercising the option to purchase the undertaking has been served upon the licensee under this section, the licensee shall deliver the undertaking to the State Electricity Board, the State Government of the local authority, as the case may be, on the expiration of the relevant period referred to in sub-section (2) pending the determination and payment of the purchase price :

Provided that in any such case, the purchaser shall pay to the licensee, interest at the Reserve bank rate prevailing at the time of delivery of the undertaking plus one per centum, on the purchase price of the undertaking

for the period from the date of delivery of the undertaking to the date of payment of the purchase price.

(ii) sub-section (6) shall be omitted and shall be deemed to have been omitted with effect from the 1st day April, 1960.

3. Amendment of section 7 of Central Act 9 of 1910. - In section 7 of the principal Act, for the word, brackets and figure "sub-section (6)" the word, brackets and figure "sub-section (5A)" shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 1960.

4. Certain defaults and failures not to be offences. - No default or failure to comply with the provisions of section 7 of the principal Act, as amended by this Act, shall render any person guilty of any offence if such default or failure occurred before the commencement of this Act.

5. Validation. - Notwithstanding anything contained in any judgment, decree or order of any court, every option of purchase of an undertaking, in the territories now forming part of the State of Haryana exercised by the erstwhile State Electricity Board or the Haryana State Electricity Board by serving a notice upon a licensee under section 6 of the principal Act and every delivery of an undertaking effected by a licensee to the said Electricity Board in pursuance of such notice at any time on or after the 1st day of April, 1960, and before the commencement of this Act, shall be deemed to have been exercised or effected, as the case may be, under section 6 of the principal Act as amended by this Act, as if section 6 as so amended were in force at all material times when such option was exercised or delivery was effected and accordingly every option of purchases to exercised and every delivery of an undertaking so effected and all things done or actions taken in consequence of such exercise of option or delivery of the undertaking shall be, and shall be deemed always to have been, valid and shall not be called in question in any court or tribunal or before, any other authority on the ground that section 6 of the principal Act did not provide for the payment of any interest on the purchase price for the period from the date of delivery of the undertaking to the date of payment of the purchase price.

6. Repeal and saving. - (1) The Indian Electricity (Haryana Amendment and Validation, ordinance, 1975 (Haryana Ordinance No. 1 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.