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NOTIFICATION

No. H. 12017/4/96--LJD, Aizawl, the 3rd April, 1997. The following Ordinance is hereby published for general information.

Lucy Lalrinthari,
Deputy Secretary to the Govt. of Mizoram

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 24th January, 1997/Magha 4, 1918 (Saka)

THE ELECTRICITY LAWS (AMENDMENT) ORDINANCE,
1997
No. 8 of 1997

Promulgated by the President in the Forty-seventh Year of the
Republic of India.

An Ordinance further to amend the Indian Electricity Act, 1910
and the Electricity (Supply) Act, 1948.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Electricity Laws (Amendment) Ordinance, 1997.

Short title
and com-
mencement.

(2) It shall come into force at once.

CHAPTER II

AMENDMENTS TO THE INDIAN ELECTRICITY ACT, 1910

Amendment
of section
2.

2. In the Indian Electricity Act, 1910 (hereafter in this Chapter referred to as the Electricity Act), in section 2,—

9 of 1910.

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) “area of transmission” means the area within which alone a transmission licensee is for the time being authorised by his license to transmit energy;”

(ii) after clause (g), the following clauses shall be inserted namely:—

“(ga) “inter-State transmission;” means transmission from one State to another State;

“(gb) “intra-State transmission” means transmission within the State;”

(iii) after clause (m), the following clauses shall be inserted, namely:—

“(ma) “transmission license” means a license granted under Part II A to transmit energy;

“(mb) “transmission licensee” means any person who holds a transmission license;

“(mc) “transmit” means conveyance of energy by means of main transmission lines and the expression “transmission” shall be construed accordingly;”

Insertion
of new
Part IIA.

3. After Part II of the Electricity Act, the following Part shall be inserted, namely:—

“PART IIA

TRANSMISSION OF ENERGY

Grant of
transmission
license.

27A. (1) The State Government or any authority notified by that Government may, on application made in the prescribed form and on payment of the prescribed fee, if any, grant a transmission license, subject to such terms and conditions as may be prescribed, to any person for intra-State transmission of energy in the area of transmission within the State.

(2) The Central Government or any authority notified by that Government may, on application made in the prescribed form and on payment of the prescribed fee, if any, grant a transmission license, subject to such terms and conditions as may be prescribed, to any person for inter-State transmission of energy in the area of transmission.

(3) The provisions of section 12 to 19 (both inclusive) and clauses XIV to XVII (both inclusive) of the Schedule shall, as far as may be, apply to a transmission license subject to the modifications that references to “license” and “licensee” shall be construed as references to “transmission license” and “transmission licensee” respectively.”

4. In section 30 of the Electricity Act, after the word “license”, the words, “transmission licensee” shall be inserted. Amendment
of section
30.

5. In section 37 of the Electricity Act, in sub-section (2),— Amendment
of section
37.

(i) in clause (a), for the word “licences”, the words “licenses and transmission licenses” shall be substituted ;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) prescribe the terms and conditions for grant of transmission license;”.

6. In section 51 of the Electricity Act, for the words “licensee or any other person engaged in the business of supplying energy”, the words “licensee, transmission licensee or any other person engaged in the business of transmission or supplying energy” shall be substituted. Amendment
of section
51.

CHAPTER III

AMENDMENTS TO THE ELECTRICITY (SUPPLY) ACT, 1948

54 of 1948. 7. In the Electricity (Supply) Act, 1948 (hereafter in this Chapter referred to as the Supply Act), in section 2, in clause (12), for the words “distribution or transmission of energy” shall be substituted. Amendment
of section
2.

8. For section 41 of the Supply Act, the following section shall be substituted, namely :—

Substitution
of new
section for
section 41.

“41. (1) Where the Board or a Generating Company considers it necessary to use for any of its purposes any transmission lines or main transmission lines of a licensee, the Board or the Generating Company shall have power to use such lines to the extent to which the capacity thereof is or thereafter remains surplus to the requirements of the licensee for the transmission of electricity, for such time and upon such terms as may be agreed with a licensee and on payment of charges calculated in accordance with the provisions of the Fifth Schedule.

Use of
transmission
lines.

(2) A transmission licensee may enter into an agreement with any Board, Generating Company, bulk licensee, supply licensee or any other transmission licensee for the transmission or supply of electricity”.

9. In section 55 of the Supply Act,—

Amendment
of section
55.

(a) in sub-section (1), for the words “Every licensee shall comply with”, the words “Every licensee or transmission licensee for intra-State transmission shall comply with” shall be substituted ;

(b) in sub-section (2), for the words “Every licensee or Generating Company”, the words “Every licensee, transmission licensee or Generating Company” shall be substituted ;

(c) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) The Central Government in the case of Regional Load Despatch Centres and the State Government in the case of load despatch centres at the State level, may, by notification, specify the fees and charges to be paid to a person to whom the load despatch functions are entrusted by the Central Government or the State Government, as the case may be”.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.