

THE ELECTRICITY (SUPPLY) AMENDMENT
ACT, 1983

No. 15 OF 1983

[20th August, 1983.]

An Act further to amend the Electricity (Supply) Act, 1948.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Electricity (Supply) Amendment Act, 1983.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment
of section
59.

2. In section 59 of the Electricity (Supply) Act, 1948 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), for the words "leave such surplus, as the State Government may, from time to time, specify," the following shall be substituted, namely:—

"leave such surplus as is not less than three per cent., or such higher percentage, as the State Government may, by notification in the Official Gazette, specify in this behalf, of the value of the fixed assets of the Board in service at the beginning of such year.

Explanation.—For the purposes of this sub-section, "value of the fixed assets of the Board in service at the beginning of the year" means the original cost of such fixed assets as reduced by the aggregate of the cumulative depreciation in respect of such assets calculated in accordance with the provisions of this Act and consumers' contributions for service lines.;

(b) in sub-section (2), in the opening portion, for the words "the surplus", the words "any higher percentage" shall be substituted.

Amend-
ment of
section 67.

3. For section 67 of the principal Act, the following section shall be substituted, namely:—

"67. The Board shall distribute the surplus referred to in sub-section (1) of section 59 to the extent available in a particular year in the following order, namely:—

(i) repayment of principal of any loan raised (including redemption of debentures or bonds issued) under section 65

Priority
of liabili-
ties of
the Board.

¹ 1-4-1985: *Vide* Ministry of Irrigation and Power's letter No. 25(11)/82-D (5EB), dated 16-3-1985. (Notification No. S.O. 195 (E), dt. 16.3.1985)

which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(ii) repayment of principal of any loan advanced to the Board by the State Government under section 64 which becomes due for payment in the year or which became due for payment in any previous year and has remained unpaid;

(iii) payment for purposes specified in sub-section (2) of section 59 in such manner as the Board may decide.”

4. After section 67 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 67A.

“67A. Any interest which is payable on loans advanced under section 64 or deemed to have been advanced under section 60 to the Board by the State Government and which is charged to revenues in any year may be paid only out of the balance of the revenues, if any, of that year which is left after meeting all the other expenses referred to in sub-section (1) of section 59 and so much of such interest as is not paid in any year by reason of the provisions of this section shall be deemed to be deferred liability and shall be discharged in accordance with the provisions of this section in the subsequent year or years, as the case may be.”

Interest on loans advanced by State Government to be paid only after other expenses.

5. In section 68 of the principal Act,—

(a) in sub-section (1), the words “Subject to the provisions of section 67,” shall be omitted;

(b) sub-section (2) shall be omitted.

Amendment of section 68.

6. In section 69 of the principal Act,—

(a) in sub-section (1), for the words “as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India”, the words “as the Central Government may, by notification in the Official Gazette, prescribe by rules made in this behalf in consultation with the Comptroller and Auditor-General of India and the State Governments” shall be substituted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

Amendment of section 69.

“(6) The provisions of sub-section (3) of section 4B shall apply in relation to any rules made by the Central Government under sub-section (1) as they apply in relation to rules made by that Government under Chapter II.”