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THE ELECTRICITY ACT, 1910

(IX of 1910)

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TEXT

THE ELECTRICITY ACT, 1910
(IX of 1910)

[18th March, 1910]

An
Act

to amend the law relating to the supply and use of electrical energy.

WHEREAS it is expedient to amend the law relating to the supply and use of electrical energy;

It is hereby enacted as follows:—

PART I
PRELIMINARY

1. (1) This Act may be called the Electricity Act, 1910.
(2) It extends to the whole of Pakistan
(3) It shall come into force on such date as the Federal Government may, by notification in the official Gazette, direct in this behalf.
2. In this Act, expressions defined in the Telegraph Act, 1885, have the meanings assigned to them in that Act, and, unless there is anything repugnant in the subject or context,—
 - (a) “aerial line” means any electric supply-line which is placed above ground and in the open air;
 - (b) “area of supply” means the area within which alone a licensee is for the time being authorized by his license to supply energy;
 - (c) “consumer” means any person who is supplied with energy by a licensee, or ¹who is the owner or occupier of the premises which are for the time being connected for the purposes of a supply of energy with the works of a licensee;
 - (d) “daily fine” means a fine for each day on which and offence is continued after conviction therefore;
 - (e) “distributing main” means the portion of any main with which a service line is, or is intended to be, immediately connected;
 - (f) “electric supply-line” means a wire, conductor or other means used for conveying, transmitting or distributing energy together with any casing, coating, covering, tube, pipe or insulator enclosing, surrounding or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of so conveying, transmitting or distributing such energy:

¹Subs. by the Electricity (Amendment) Ordinance, LXII of 1979

- (g) “energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message:
- (h) “licensee” means any person licensed under Part II to supply energy:
- (i) “main” means any electric supply-line through which energy is, or is intended to be, supplied by a licensee to the public:
- (j) “prescribed” means prescribed by rules made under this Act:
- (k) “public lamp” means an electric-lamp used for the lighting of any street.
- (l) “service line” means any electric supply-line through which energy is, or is intended to be, supplied by a licensee—
 - (i) to a single consumer either from a distributing main or immediately from the licensee’s premises, or
 - (ii) from a distributing main to a group of consumers on the same premises or an adjoining premises supplied from the same point or the distributing main.
- (m) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the road way and footway over any public bridge or causeway: and
- (n) “works” includes electric supply-lines and any buildings, machinery, or apparatus required to supply energy and to carry into effect the objects of a license granted under Part II.

PART II SUPPLY OF ENERGY LICENSES

3. (1) The Provincial Government may, on application made in the prescribed form and on payment of the prescribed fee (if any), grant to any person a license to supply energy in any specified area, and also to lay down or place electric supply-lines for the conveyance and transmission of energy,—

- (a) where the energy to be supplied is to be generated outside such area from a generating station situated outside such area to the boundary of such area; or
- (b) where energy to be conveyed or transmitted from any place in such area to any other place therein, across an intervening area not included therein, across such area

(2) In respect of every such license and the grant thereof the following provisions shall have effect, namely:—

- (a) any person applying for a license under this Part shall publish a notice of his application in the prescribed manner and with the prescribed particulars, and the license shall not be granted until:—
 - (i) until all objections received by the Provincial Government with reference thereto have been considered by it.

Provided that no objection shall be so considered unless it is

received before the expiration of three months from the date of the first publication of such notice as aforesaid; and

- (ii) until, in the case of an application for a license for an area including the whole or any part of any cantonment, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Government for naval or military purposes, the Provincial Government has ascertained that there is no objection to the grant of the license on the part of the Engineer in Chief, General Head Quarters, Pakistan;
- (b) where an objection is received from any local authority concerned, the Provincial Government shall, if in its opinion the objection is insufficient, record in writing, and communicate to such local authority its reason for such opinion;
- (c) no application for a license under this Part shall be made by any local authority except in pursuance of a resolution passed at a meeting of such authority held after one month's previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such local authority are usually given;
- (d) a license under this Part:
 - (i) may prescribe such terms as to the limits within which, and the conditions under which, the supply or energy is to be compulsory or permissive, and as to the limits of price to be charged in respect of the supply of energy, and generally as to such matters as the Provincial Government may think fit; and
 - (ii) save in cases in which under section 10, clause (b), the provisions of sections 5 and 7, or either of them, have been declared not to apply, every such license shall declare whether any generating station to be used in connection with the undertaking shall or shall not form part of the undertaking for the purpose of purchase under section 5 or section 7;
- (e) the grant of a license under this Part for any purpose shall not in any way hinder or restrict the grant of a license to another person within the same area of supply for a like purpose;
- (f) the provisions, contained in the Schedule shall be deemed to be incorporated with, and to form part of, every license granted under this Part, save in so far as they are expressly added to, varied or excepted by the license, and shall, subject to any such additions, variations or exceptions which the Provincial Government is hereby empowered to make, apply to the undertaking authorized by the license:

Provided that, where a license is granted in accordance with the provisions of clause IX of the Schedule for the supply of energy to other licensees for distribution by them, then, in so far as such license relates to such supply, the provisions of clauses IV, V, VI, VII, VIII and XII of the Schedule shall not be deemed to be incorporated with the license.

4. (1) The Provincial Government may, if in its opinion the public interest so

requires, revoke a license in any of the following cases, namely:—

- (a) where the licensee, in the opinion of the Provincial Government, makes willful and unreasonably prolonged default in doing anything required of him by or under this Act;
- (b) where the licensee breaks any of the terms or conditions of his license the breach of which is expressly declared by such license to render it liable to revocation;
- (c) where the licensee fails, within the period fixed in this behalf by his license or any longer period with the Provincial Government} may substitute therefor by order under sub-section (3), clause (b), and before exercising any of the powers conferred on him thereby in relation to the execution of works,—
 - (i) to show, to the satisfaction of the Provincial Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed on him by his license, or
 - (ii) to make the deposit or furnish the security required by his license;
- (d) where the licensee is, in the opinion of the Provincial Government, unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his license.

(2) Where the Provincial Government might, under sub-section (1) revoke a license, it may instead of revoking the license, impose on the licensee a penalty, not exceeding ten thousand rupees, and permit the license to remain in force subject to such further terms and conditions as it thinks fit to impose, and any further terms and conditions so imposed shall be binding upon, and be observed by the licensee, and shall be of like force and effect as if they were contained in the license.

(3) Where in its opinion the public interest so permits, the Provincial Government may on the application or with the consent of the licensee, and, if the licensee is not a local authority after consulting the local authority (if any) concerned—

- (a) revoke a license as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit, or
- (b) make such alterations or amendments in the terms and conditions of a license, including the provisions specified in section 3, sub-section (2), clause (f), as it thinks fit.

²Provided that where the licensee, in the opinion of the Provincial Government, has unreasonably withheld the consent, action under clauses (a) or (b) may be taken without his consent and in that case it shall not be necessary to afford him an opportunity of showing cause against the proposed action.

5. Where the Provincial Government revokes under section 4, sub-section (1), the license of a licensee, not being a local authority, the following provisions shall have effect, namely:—

²Amended by The Electricity Act (Punjab Amendment) Ordinance, 1971 (XXIX of 1971)

- (a) the Provincial Government shall serve a notice of the revocation upon the licensee, and, where the whole of the area of supply is included in the area for which a authority is constituted, upon that local authority also, and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from that date, all the powers and liabilities of the licensee under this Act shall absolutely cease and determine;
- (b) where a notice has been served on a local authority under clause (a), the local authority may, within three months after the service of the notice, and with the written consent of the Provincial Government, by notice in writing, require the licensee to sell, and thereupon the licensee shall sell, the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration;

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof, and the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking, but without any addition in respect of compulsory purchase or of goodwill or of any profits which may be or might have been made from the undertaking, or of any similar considerations;

- (c) where no purchase has been effected by the local authority under clause (b), and any other person is willing to purchase the undertaking, the Provincial Government may, if it thinks fit, with the consent of the licensee, or without the consent of the licensee in case the price is not less than that for which the local authority might have purchased the same, require the licensee to sell and thereupon the licensee shall sell, the undertaking to such other person;
- (d) where no purchase has been effected under clause (b) or clause (c) within such time as the Provincial Government may consider reasonable, or where the whole of the area of supply is not included in the area for which a single local authority is constituted, the Provincial Government shall have the option of purchasing the undertaking and if the Provincial Government elects to purchase, the licensee shall sell the undertaking to the Provincial Government upon terms and conditions similar to those set forth in clause (b);
- (e) where a purchase has been effected under any of the preceding clauses,—
 - (i) the undertaking shall vest in the purchasers free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking;

Provided that any such debts, mortgages or similar obligations shall attach to the purchase money in substitution for the undertaking; and

- (ii) the revocation of the license shall extend only to the revocation of the rights, powers, authorities, duties and obligations of the licensee from whom the undertaking is purchased, and, save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee;

Provided that where the Provincial Government elects to purchase under clause (d), the license shall after purchase, in so far as the Provincial Government is concerned, cease to have any further operation;

- (f) where no purchase has been effected under any of the foregoing clauses, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit;

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the Provincial Government may forthwith cause the works of the licensee in, under, over, along or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee;

- (g) if the licensee has been required to sell the undertaking, and if the sale has not been completed by the date fixed in the notice issued under clause (a), the purchaser may, with the previous sanction of the Provincial Government, work the undertaking pending the completion of the sale.

6. (1) Where the Provincial Government revokes the license of a local authority under section 4 sub-section (1), and any person is willing to purchase the undertaking, the Provincial Government may, if it thinks fit, require the local authority to sell, and thereupon the local authority shall sell, the undertaking to such person on such terms as the Provincial Government thinks just.

(2) Where no purchase has been effected under sub-section (1), the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit;

Provided that, if the licensee does not exercise such option within a period of six months from the date on which the same became exercisable, the Provincial Government may forthwith cause the works of the licensee, in, under, over, along, or across any street to be removed and every such street to be reinstated, and recover the cost of such removal and reinstatement from the licensee.

7. (1) Where the license has been granted to any person not being a local authority, and the whole of the area of supply is included in the area for which a single local authority is constituted, the local authority shall, on the expiration of such period, not exceeding fifty years, and of every such subsequent period, not exceeding twenty years, as shall be specified in this behalf in the license, have the

option of purchasing the undertaking, and, if the local authority with the previous sanction of the Provincial Government, elects to purchase, the licensee shall sell the undertaking to the local authority on payment of the value of all lands, buildings, works, materials and plant of the licensee suitable to, and used by him for, the purposes of the undertaking, other than a generating station declared by the license not to form part of the undertaking for the purpose of purchase, such value to be, in case of difference or dispute, determined by arbitration;

Provided that the value of such lands, buildings, works, materials and plant shall be deemed to be their fair market-value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials and plant, and to the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking.

Provided also that there shall be added to such value as aforesaid such percentage, if any, not exceeding twenty percent on that value as maybe specified in the license, on account of compulsory purchase.

(2) Where—

- (a) the local authority does not elect to purchase under sub-section (1), or
- (b) the whole of the area of supply is not included in the area of which a single local authority is constituted, or
- (c) a licensee supplies energy from the same generating station to two or more areas of supply, each controlled by its own local authority, and has been granted a license in respect of each area of supply, the Provincial Government shall have the like option upon the like terms and conditions.

(3) Where a purchase has been effected under sub-section (1) or sub-section (2),

- (a) the undertaking shall vest in the purchaser's free from any debts, mortgages or similar obligations of the licensee or attaching to the undertaking.

Provided that any such debts, mortgages or similar obligations shall attach to the purchase money in substitution for the undertaking; and

- (b) save as aforesaid, the license shall remain in full force, and the purchaser shall be deemed to be the licensee:

Provided that where the Provincial Government elects to purchase under sub-section (2), the license shall, after purchase, in so far as the Provincial Government is concerned, cease to have any further operation.

(4) Not less than ³two years notice in writing of any election to purchase under this section shall be served upon the licensee by the local authority or the Provincial Government, as the case may be.

(5) Notwithstanding anything hereinbefore contained, a local authority

³In sub-section (4) for the word 'two year' substitute 'one year' vide the Punjab Electricity Act, VI of 1939

may, with the previous sanction of the Provincial Government, waive its option to purchase and enter into an agreement with the licensee for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1), upon such terms and conditions as may be stated in such agreement.

8. Where on the expiration of any of the periods referred to in section 7, sub-section (1), neither a local authority nor the Provincial Government purchases the undertaking, and the license is, on the application or with the consent of the licensee, revoked, the licensee shall have the option of disposing of all lands, buildings, works, materials and plant belonging to the undertaking in such manner as he may think fit:

Provided that, if the licensee does not exercise such option within a period of six months, the Provincial Government may proceed to take action as provided in section 5, clause (f), proviso.

9. (1) The licensee shall not, at any time without the previous consent in writing of the Provincial Government, acquire, by purchase or otherwise, the license or the undertaking of, or associate himself so far as the business of supplying energy is concerned with, any person supplying, or intending to supply, energy under any other license, and, before applying for such consent, the licensee shall not less than one month's notice of the application to every local authority, both in the licensee's area of supply, and also in the area or district in which such other person supplies, or intends to supply, energy:

Provided that nothing in this sub-section shall be construed to require the consent of the Provincial Government for the supply of energy by one license to another in accordance with the provisions of clause IX of the Schedule.

(2) The licensee shall not at any time assign his license or transfer his undertaking, or any part thereof, by sale, mortgage, lease exchange or otherwise without the previous consent in writing of the Provincial Government

(3) Any agreement relating to any transaction of the nature described in sub-section (1) or sub-section (2), unless made with, or subject to such consent as aforesaid shall be void.

10. Notwithstanding anything in sections 5, 7 and 8, the ⁴Provincial Government may, in any license to be granted under this Act,—

(a) vary the terms and conditions upon which, and the periods of expiration or which the licensee, shall be bound to sell his undertaking, or

(b) direct that, subject to such conditions and restrictions (if any) as it may think fit to impose, the provisions of the said sections or any of them shall not apply.

11. (1) Every licensee shall, unless expressly exempted from the liability by his license, or by order in writing of the Provincial Government prepare and render to the Provincial Government or to such authority as the Provincial Government may appoint in this behalf, on or before the prescribed date in each year, an annual statement of accounts or his undertaking made up to such date, in such form and containing such particulars, as may be prescribed in this behalf.

⁴ Subs, by A.O., 1937, for "L.G."

(2) The licensee shall keep copies of such annual statement at his office, and sell the same to any applicant at a price not exceeding five rupees per copy.

WORKS

12. (1) Any licensee may, from time to time but subject always to the terms and conditions of his license, within the area of supply, or when permitted by the terms of his license to lay down or place electric supply-lines without the area of supply, without that area—

- (a) open and break up the soil and pavement of any street, railway or tramway;
- (b) open and break up any sewer, drain or tunnel in or under any street, railway or tramway;
- (c) lay down and place electric supply – lines and other works;
- (d) repair, alter or remove the same; and
- (e) do all other acts necessary for the due supply of energy,

(2) Nothing contained in sub-section (1) shall be deemed to authorize or empower a licensee, without the consent of the local authority or of the owner and occupier concerned, as the case may be, to lay down or place any electric supply line or other work in through or against any building, or on, over or under any land not dedicated to public use whereon, wherever or whereunder any electric supply line or work has not already been lawfully laid down or placed by such licensee:

Provided, that any support or an aerial line or any stay or strut required for the sole purpose of securing in position any support of an aerial line may be fixed on any building or land, or having been so fixed may be altered, notwithstanding the objection of the owner or occupier of such building or land, if the District Magistrate by order in writing so directs:

Provided also, that, if at any time the owner or occupier of any building or land on which any such support, stay or strut has been fixed shows sufficient cause the District Magistrate may by order in writing direct any such support, stay or strut to be removed or altered.

(3) When making an order under sub-section (2), the District Magistrate shall fix the amount of compensation or of annual rent, or of both, which should in his opinion be paid by the licensee to the owner or occupier.

(4) Every order made by a District Magistrate under sub-section (2) shall be subject to revision by the Provincial Government

(5) Nothing contained in sub-section (1) shall be deemed to authorize or empower any licensee to open or break up any street not repairable by the Federal Government or the Provincial Government or a local authority, or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as he is specially authorized to break up by his license, without the written consent of the person by whom the street is repairable or of the person for the time being entitled to work the railway or tramway unless with the written consent of the Provincial Government.

Provided that the Provincial Government shall not give any such consent as

aforesaid, until the licensee has given notice by advertisement or otherwise as the Provincial Government may direct, and within such period as the Provincial Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by the Provincial Government.

13. (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over along or across any street, part of a street, railway, tramway, canal or waterway, the following provisions shall have effect, namely:—

- (a) not less than one month before commencing the execution of the works (not being a service line immediately attached, or intended to be attached to a distributing main, or the repair, renewal or amendment of existing works or which the character or position is not to be altered), the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter in this section referred to as “the repairing authority”) or upon the person for the time being entitled to work the railway, tramway canal or waterway (hereinafter in this section referred to as “ the owner”), as the case may be, a notice in writing describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally and intimating the manner in which, and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or owner as the case may be, from time to time give such further information in relation thereto as may be desired.
- (b) if the repairing authority intimates to the licensee that it disapproves or such works, section or plan, or approves thereof subject to amendment, the licensee may, within one week of receiving such intimation, appeal to the Provincial Government, whose decision, after considering the reasons given by the repairing authority for its action, shall be final;
- (c) if the repairing authority fails to give notice in writing of its approval or disapproval to the license within one month, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under clause (a);
- (d) if the owner disapproves or such works, section or plan, or approves thereof, subject to amendment, he may, within three weeks after the service or the notice under clause (a), serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the owner to others in respect thereof, shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;

- (e) where no requisition has been served by the owner upon the licensee under clause (d), within the time named, the owner shall be deemed to have approved of the works, section and plan, and in that case, or where after a requisition for arbitration the matter has been determined by arbitration,
- (f) the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by arbitration or agreed upon between the parties.
- (g) where the works to be executed consist of the laying of any underground service line, immediately attached, or intended to be immediately attached, to a distributing main, the licensee shall give to the repairing authority or the owner, as the case may be, not less than forty eight hours' notice in writing of his intention to execute such works;
- (h) where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority or owner as the case may be, not less than forty eight hours' notice in writing of his intention to execute such works, and on the expiry of such notice, such works shall be commenced forthwith and, shall be carried on with all reasonable despatch, and if possible, both by day and by night until completed.

(2) Where the licensee makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

(3) Notwithstanding any thing in this section, the licensee may, in case of emergency due to the breakdown of an underground electric supply-line after giving notice in writing to the repairing authority or owner, as the case may be, of his intention to do so, place an aerial line without complying with the provisions of sub-section (1):

Provided that such aerial line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the Provincial Government) for a period exceeding six weeks, and shall be removed as soon as may be after such defect is removed.

14. (1) Any licensee may alter the position of any pipe (not forming in a case where the licensee is not a local authority, part of a local authority's, main sewer), or of any wire under or over any place which he is authorized to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under this Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise or any powers vested in him.

(2) In any such case as aforesaid the following provisions shall in the absence or an agreement to the contrary between the parties concerned, apply, namely:—

- (a) not less than one month before commencing any alteration, the licensee or other person desiring to make the same (hereinafter in this section referred to as "the operator") shall serve upon the person for the time being entitled to the pipe, wire, electric supply-lines or works as the case may be (hereinafter in this section referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one inch to eight feet vertically and sixteen inches to the mile horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire.
- (b) Within fourteen days after the service of the notice, section and plan upon the owner, the owner may serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan shall be determined by arbitration, and thereupon the matter shall, unless settled by agreement, be determined by arbitration;
- (c) Every arbitrator to whom a reference is made under clause (b) shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith;
- (d) Where no requisition is served upon the operator under clause (b) within the time named, or where such a requisition has been served and the matter has been settled by agreement or determined by arbitration, the alteration may, upon payment or securing or any compensation accepted or determined by arbitration be executed in accordance with the notice, section and plan and subject to such modifications as may have been determined by arbitration or agreed upon between the parties;
- (e) The owner may at any time before the operator is entitled to commence the alteration serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, in default of agreement, determined by arbitration;
- (f) Where a statement is served upon the operator under clause (e) he shall not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made; and thereupon the owner may proceed to execute the alteration as required by the operator.
- (g) Where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (f), comply with the notice, the operator may himself execute the alteration;
- (h) All expenses properly incurred by the owner in complying with a notice served upon him by the operator under clause (f), may be recovered by

him from the operator.

(3) Where the licensee or other person desiring to make the alteration makes default in complying with any of these provisions, he shall make full compensation for any loss or damage incurred by reason thereof, and where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

15. (1) Where—

- (a) the licensee requires to dig or sink, any trench for laying down any new electric supply-lines or other works, near to which any sewer, drain, water – course or work under the control of the Provincial Government or of any local authority, or any pipe, syphon, electric supply – line or other work belonging to any duly authorized person, has been lawfully placed, or
- (b) any duly authorized person requires to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed,
- (c) the licensee or such duly authorized person, as the case may be (hereinafter in this section referred to as “the operator”), shall, unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the Provincial Government or local authority, or to such duly authorized person or to the licensee, as the case may be (hereinafter in this section referred to as “the owner”), not less than forty eight hours’ notice in writing before commencing to dig or sink the trench and the owner shall have the right to be present during execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support it in position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorized person supplying, transmitting or using energy under this Act, he shall not, except with the written consent of such person and in accordance with section 34, sub-section (1) lay his electric supply lines so as to come into contact with any such pipes, lines or service pipes or service-lines.

(4) Where the operator makes default in complying with any of the provisions or this section, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this section, the matter shall be determined by arbitration.

(6) Where the licensee is a local authority, the references in this section to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

16. (1) Where any person, in exercise of any of the powers conferred by or under this Act, opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

- (a) immediately cause the part opened or broken up to be fenced and guarded;
- (b) before sunset cause a light or lights, sufficient for the warning of passengers, to be set up and maintained until sunrise against or near the part opened or broken up;
- (c) with all reasonable speed fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up, and carry away the rubbish occasioned by such opening or breaking up; and
- (d) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period not exceeding nine months, during which subsidence continues.

(2) Where any person fails to comply with any of the provisions of sub-section (1) the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution.

(3) Where any difference or dispute arises as to the amount of the expenses incurred under sub-section (2), the matter shall be determined by arbitration.

17. (1) A licensee shall, before laying down or placing, within ten yards of any part of any telegraphic-line, any electric supply-line or other works (not being either service lines or electric supply-lines for the repair, renewal or amendment of existing works of which the character or position is not to be altered), give not less than ten days notice in writing to the telegraph-authority, specifying—

- (a) the course of the works or the alteration proposed,
- (b) the manner in which the works are to be utilized,
- (c) the amount and nature of the energy to be transmitted, and
- (d) the extent to, and manner in, which (if at all) earth returns are to be used;
- (e) and the licensee shall conform with such reasonable requirements, either general or special, as maybe laid down by the telegraph-authority within that period for preventing any telegraphic-line from being injuriously affected by such works or alterations;

Provided that, in case of emergency (which shall be stated by the licensee in writing to the telegraph authority) arising from defects in any of the electric supply-lines or other works of the licensee, the licensee shall be required to give only such notice as may be possible after the necessity for the proposed new works or alterations has arisen.

- (2) Where the works to be executed consist of the laying or placing of any

service line the licensee shall, not less than forty-eight hours before commencing the work, serve upon the telegraph authority a notice in writing of his intention to execute such works.

18. (1) Save as provided in section 13, sub-section (3), nothing in this Part shall be deemed to authorize or empower a licensee to place any aerial line along or across any street, railway, tramway, canal or waterway unless and until the Provincial Government has communicated to him a general approval in writing of the methods of construction which he proposes to adopt:

Provided that the communication of such approval shall in no way relieve the licensee of this obligations with respect to any other consent required by or under this Act.

(2) Where any aerial line has been placed or maintained by a licensee in breach of the provisions of sub-section (1), the following Provincial Government may require the licensee to forthwith to remove the same, or may cause the same to be removed, and recover from the licensee the expenses incurred in such removal.

(3) Where any tree standing or lying near an aerial line, or where any structure or other object which has been placed or has fallen near an aerial line subsequently to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of energy or the accessibility of any works, ⁵(an Executive Magistrate) may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

(4) When disposing of an application under sub-section (3), the Magistrate shall, in the case of any tree in existence before the placing of the aerial line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation– for the purposes of this section the expression “tree” shall be deemed to include any shrub, hedge, jungle growth or other plant.

19. (1) A licensee shall, in exercise of any of the powers conferred by or under this Act, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.

(2) Save in the case Provided for in Section 12, Sub section (3), where any difference or dispute arises as to the amount or the application of such compensation, the matter shall be determined by arbitration.

SUPPLY

⁶**19-A.** For the purposes of this Act, the point at which the supply of energy, by a licensee to a consumer shall be deemed to commence shall be determined in such a manner as may be prescribed

⁵Subs. By Federal Laws (Revision and Declaration) Ordinance, XXVII of 1981

⁶Section 19A inserted by the Indian Electricity (Amdt.) Act, 1922 (1 of 1922), s.6.

⁷**20.** (1) A Licensee or any person duly authorized by the licensee may, at any reasonable time, and on informing the occupier of his intention, enter the premises to which energy is or has been, or is to be, supplied by him, for the purpose of;

- (a) examining, inspecting and testing the electric supply-lines, meters, maximum demand indicators or other measuring apparatus, electric wires, fittings, works and apparatus for the supply or use of energy, whether belonging to the licensee or to the consumer; or
- (b) ascertaining the amount of energy supplied or the electrical quantity contained in the supply or the apparatus; or
- (c) removing, where a supply of energy is no longer required or where the licensee is authorized to take away and cut off such supply, any electric supply-lines, meters, maximum demand indicators or other measuring apparatus fittings, works or apparatus belonging to the licensee:

Provided that, where a consumer's apparatus is involved, no person shall be deemed to have been so authorized by the licensee unless, at the time of entry into such premises, he is in possession of a written authorization from the secretary, manager or any other officer of the licensee not below the rank of a Divisional Officer in the Public Works Department;

Provided further that previous permission of the District Magistrate shall be necessary for making such entry into the premises of a domestic consumer.

(2) Where a consumer refuses to allow a licensee or any person authorized as aforesaid to enter his premises in pursuance of the provisions of sub-section (1) or, when such licensee or person has so entered, refuses to allow him to perform any act which he is authorized by that sub-section to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty four hours from the service of a notice in writing to the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

21. (1) A licensee shall not be entitled to prescribe any special form of appliance for utilizing energy supplied by him, or, save as provided by section 23, sub-section (2), or by section 26, sub-section (7), in any way to control or interfere with the use of such energy:

⁸Provided that no person may adopt any form of appliance, or use the energy supplied to him, so as unduly or improperly to interfere with the safety or efficient working of the electric supply-lines or works of the licensee or with the supply by the licensee of energy to any other person.

Provided further that, if the licensee requires a consumer, desiring to use, or using, the energy for running of an electric motor excepting single phase motor for domestic use, to install a capacitor therewith, the consumer shall not so use the energy without installing the capacitor to the satisfaction of the licensee who, shall, if so required by the consumer, cause the consumer to be supplied with the capacitor on payment of its cost.

⁷Sec 20 Subs. by the Electricity (Amdt.) Ordinance, LXII of 1979, section 3.

⁸Provisos subs. by the Electricity (Amdt.) Ordinance, LXII of 1979, section 4

(2) Subject to the provisions (1), a licensee may, with the previous sanction of the Provincial Government, given after consulting the local authority, where the licensee is not the local authority, make conditions not inconsistent with this Act or with his license or with any rules made under this Act, to regulate his relations with persons who are intended to become consumers, and may, with the like sanction given after the like consultation add to or alter or amend any such conditions; and any conditions made by a licensee without such sanction shall be null and void:

Provided that any such conditions made before the 23rd day of January 1922 shall, if sanctioned by the Provincial Government on application made by licensee before such date as the Provincial Government may, by general or special order, fix in this behalf, be deemed to have been made in accordance with the provisions of this sub-section.

(3) The Provincial Government may, after the like consultation, cancel any condition or part of a condition previously sanctioned under sub-section (2) after giving to the licensee not less than one month's notice in writing of its intention so to do.

(4) Where any difference of dispute arises as to whether a licensee has prescribed any appliance or controlled or interfered with the use of energy in contravention of sub-section (1), the matter shall be either referred to an Electric Inspector, and decided by him or, if the licensee or consumer so desires, determined by arbitration.

22. Where energy is supplied by a licensee, every person within the area of supply shall, except in so far as is otherwise provided by the terms and conditions of the license be entitled, on application, to a supply on the same terms as those on which any other person in the same area is entitled in similar circumstances to a corresponding supply:

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of energy for any premises having a separate supply unless he has agreed with the licensee to pay him such minimum and annual sum as will give him a reasonable return on the capital expenditure, and will cover other standing charges incurred by him in order to meet the possible maximum demand for those premises, the sum payable to be determined in case of difference or dispute by arbitration.

23. (1) A licensee shall not, in making any agreement for the supply of energy, show undue preference to any person, but may, save as aforesaid, make such charges for the supply of energy as may be agreed upon, not exceeding the limits imposed by his license.

(2) No consumer shall, except with the consent in writing of the licensee, use energy supplied to him under one method of charging in a manner for which a higher method of charging is in force.

(3) In the absence of an agreement to the contrary, a licensee may charge for energy supplied by him to any consumer—

(a) by the actual amount of energy so supplied, or

- (b) by the electrical quantity contained in the supply, or
- (c) by such other method as may be approved by the Provincial Government.

(4) Any charges made by a licensee under clause (c) of sub-section (3) may be based upon, and vary in accordance with, any one or more of the following considerations, namely:—

- (a) the consumer's load factor
- (b) the power factor of his load, or
- (c) his total consumption of energy during any stated period, or
- (d) the hours at which the supply of energy is required

⁹**24.** (1) Where any consumer neglects to pay any charge for energy or any sum, other than a charge for energy, assessed against him by a licensee in respect of supply of energy to his premises, the licensee may after giving not less than seven clear day's notice in writing to such consumer and without prejudice to his right to recover such charge or other sum by suit or otherwise, cut off the supply and for that purpose cut or disconnect any electric supply-line or other works, being the property of the licensee, through which energy may be supplied to such premises other than domestic premises, running distinctly in the name of such consumer, and may discontinue the supply until such charge or other sum together with any expenses incurred by him in cutting off and reconnecting the supply and the minimum charges on account of continued reservation of supply during the period of such discontinuance, are paid, but not longer.

(2) Where any difference or dispute as to any matter connected with any charge or other sum included in the bill of a licensee has been referred by a consumer under this Act to an Electric Inspector before the notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by sub-section (1) until the Inspector has given his decision:

Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer under this Act to an Electric Inspector before the notice as aforesaid has been given by the licensee, the licensee shall not exercise the powers conferred by sub-section (1) until the Inspector has given his decision:

Provided that the prohibition contained in this sub-section shall not apply in any case in which the licensee has made a request in writing to the consumer for a deposit with the licensee of the undisputed charges and other sums and with the Electric Inspector of fifty percent of the disputed charges and other sums and for the deposit with the licensee of further charges for supply of energy, as they accrue, and the consumer has failed to comply with such request within a period of fifteen days from the date of such request or, as the case may be, from the date of receipt of bills in respect of further charges for supply of energy.

25. Where any electric supply-lines, meters, fittings, works or apparatus belonging to a licensee are placed in or upon any premises, not being in the possession of the

⁹Section 24 subs. by the Electricity (Amdt.) Ordinance, LXII of 1979, section 5

licensee, for the purpose of supplying energy, such electric supply-lines, meters, fittings, works and apparatus shall not be liable to be taken in execution under any process of any Civil Court or in any proceedings in insolvency against the person in whose possession the same may be.

26. (1) In the absence of an agreement to the contrary, the amount of energy supplied to a consumer or the electrical quantity contained in the supply shall be ascertained by means of a correct meter, ¹⁰[maximum demand indicator and other measuring apparatus] and the licensee shall, if required by the consumer, cause the consumer to be supplied with such a meter [maximum demand indicator and other measuring apparatus]:

Provided that the licensee may require the consumer to give him security for the price of a meter [maximum demand indicator and other measuring apparatus] and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter, maximum demand indicator and other measuring apparatus

(2) Where the consumer so enters into an agreement for the hire of a meter, maximum demand indicator and other measuring apparatus correct, and in default of his doing so, the consumer shall, for so long as the default continues, cease to be liable to pay for the hire of the meter [maximum demand indicator and other measuring apparatus]:

(3) Where the meter, (maximum demand indicator and other measuring apparatus) is the property of the consumer, he shall keep the meter, [maximum demand indicator and other measuring apparatus], is the property of the consumer, he shall keep the meter, maximum demand indicator and other measuring apparatus correct and, in default of his doing so, the licensee may after giving him seven days notice, for so long as the default continues, cease to supply energy, through the meter, [maximum demand indicator and other measuring apparatus].

(4) The licensee or any person duly authorized by the licensee shall, at any reasonable time and on informing the consumer of his intention, have access to, and be at liberty to inspect and test, and for that purpose, if he thinks fit, take off and remove, any meter referred to in sub-section (1); and except where the meter [maximum demand indicator and other measuring apparatus] is so hired as aforesaid, all reasonable expenses of, and incidental to, such inspecting, testing, taking off and removing shall, if the meter maximum demand indicator and other measuring apparatus is found to be otherwise than correct, be recovered from the consumer; and where any difference or dispute arises as the amount of such reasonable expenses, the matter shall be referred to an Electric Inspector, and the decision of such Inspector shall be final:

Provided that the licensee shall not be at liberty to take off or remove any such meter maximum demand indicator and other measuring apparatus if any difference or dispute of the nature described in sub-section (6) has arisen until the matter has been determined as therein provided.

(5) A consumer shall not connect any meter maximum demand indicator and other measuring apparatus referred to in sub-section (1) with any electric supply-line through which energy is supplied by a licensee, or disconnect the same

¹⁰Inst. By the Electricity (Amdt.) Ordinance, LXII of 1979, section 6.

form any such electric supply-line without ¹¹ obtaining the consent of the licensee in writing which shall not be un-reasonably withheld by the licensee.

¹²(5A) A consumer shall not injure any meter, maximum demand indicator or other measuring apparatus, or alter their indexes or prevent them from duly registering the amount of energy supplied or the electrical quantity contained in the supply.

¹³(6) Where any difference or dispute arises between a licensee and a consumer as to whether any meter, maximum demand indicator or other measuring apparatus is or is not correct the matter shall be decided, upon the application of either party, by an Electric Inspector, within a period of ninety days from the date of receipt of such application, after affording the parties an opportunity of being heard, and where the meter, maximum demand indicator or other measuring apparatus has, in the opinion of an Electric Inspector, ceased to be correct, the Electric Inspector shall estimate the amount of energy supplied to the consumer or the electrical quantity contained in the supply, during such time as the meter, indicator or apparatus has not, in the opinion of the Electric Inspector, been correct; and where the Electric Inspector, fails to decide the matter of difference or dispute within the said period or where either the licensee or the consumer declines to accept the decision of the Electric Inspector, the matter shall be referred to the Provincial Government whose decision shall be final:

Provided that, before either a licensee or a consumer applies to the Electric Inspector under this sub-section, he shall give to the other party not less than seven days' notice of this intention to do so.

(7) In addition to any meter, [maximum demand indicator and other measuring apparatus] which may be placed upon the premises of a consumer in pursuance of the provisions of sub-section (1), the licensee may place upon such other premises such meter, [maximum demand indicator and other measuring apparatus] as he may think fit for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer, or the number of hours during which the supply is given, or the rate per unit of time at which energy is supplied to the consumer, or any other quantity or time connected with the supply:

Provided that the meter, indicator or apparatus shall not, in the absence of an agreement to the contrary be placed otherwise than between the distributing mains of the licensee and any meter referred to in sub-section (1)

Provided also that, where the charges for the supply of energy depend wholly or partly upon the reading or indication of any such meter, indicator or apparatus as aforesaid, the licensee shall, in the absence of an agreement to the contrary, keep the meter, indicator or apparatus correct; and the provisions of sub-section (4), (5) (5A) and (6) shall in that case apply as though the meter, indicator or apparatus were a meter referred to in sub-section (1)

Explanation– A meter shall be deemed to be “correct” if it registers the amount of energy supplied, or the electrical quantity contained in the supply, within the

¹¹Subs. By the Electricity (Amdt.) Ordinance 1979 for - “giving to the licensee not less than forty eight notice in writing of his intention”.

¹²Sub-sec. (5-A) inst. By the Electricity (Amdt.) Ordinance, LXII of 1979.

¹³Sub-sec. (6) Subs. By the Electricity (Amdt.) Ordinance, LXII of 1979

prescribed limits of error, and a maximum demand indicator or other measuring apparatus shall be deemed to be "correct" if it complies with such conditions as may be prescribed in the case of any such indicator or other apparatus.

¹⁴**26-A.** Notwithstanding anything contained in section 23, the licensee may charge the consumer on the basis of one or more of the following considerations for the amount of energy deemed to have been dishonestly abstracted, consumed or used, for the period during which the meter, maximum demand indicator or other measuring apparatus had, in the opinion of the licensee, remained connected, disconnected, injured, altered or prevented from registering the amount of energy supplied or the electrical quantity contained in the supply:—

- (a) Consumer's connected load or maximum demand in kilowatt during any period.
- (b) Consumer's maximum consumption of energy in kilowatt hours during any period
- (c) Consumer's load factor;
- (d) The power factor of consumer's load;
- (e) The hours and the time for which the energy is deemed to have been abstracted, consumed or used by the consumer; and
- (f) The purpose for which the energy is deemed to have been abstracted, consumed or used by the consumer

27. Notwithstanding anything in this Act, the Provincial Government may, by order in writing, and subject to such conditions and restrictions, if any, as it thinks fit to impose, authorize any licensee to supply energy to any person outside the area of supply, and to lay down or place electric supply-lines for that purpose:

Provided, first, that no such authority shall be conferred on the licensee within the area of supply of another licensee without that licensee's consent, unless the Provincial Government considers that his consent has been unreasonably withheld:

Provided, secondly, that such authority shall not be conferred unless the person to whom the supply is given has entered into a specific agreement with the licensee for the taking of such supply:

Provided, thirdly, that a licensee on whom such authority has been conferred shall not be deemed to be empowered outside the area of supply to open or break up any street, or any sewer, drain or tunnel in or under any street, railway or tramway, or to interfere with any telegraph-line, without the written consent of the local authority or person by whom such street, sewer, drain or tunnel is repairable, or of the telegraph-authority, as the case may be, unless the Provincial Government, after such inquiry as it thinks fit, considers that such consent has been unreasonably withheld.

Provided, fourthly, that save as aforesaid, the provisions of this Act shall apply in the case of any supply authorized under this section as if the said supply were made within the area of supply.

¹⁴Sec. 26-A ins. by the Electricity (Amdt.) Ordinance, LXII of 1979, section 7

PART III
SUPPLY, TRANSMISSION AND USE OF ENERGY BY NON-LICENSEES

28. (1) No person, other than a licensee, shall engage in the business of supplying energy except with the previous sanction of the Provincial Government and in accordance with such conditions as the Provincial Government may fix in this behalf, and any agreement to the contrary shall be void:

Provided that such sanction shall not be given within the area for which a local authority is constituted, without that local authority's consent, or within the area of supply of any licensee, without that licensee's consent, unless the Provincial Government considers that consent has been unreasonably withheld.

(2) Where any difference or dispute arises as to whether any person is or is not engaging, or about to engage, in the business of supplying energy within the meaning of sub-section (1), the matter shall be referred to the Provincial Government, and the decision of the Provincial Government thereon shall be final.

29. (1) The local authority may by, order in writing, confer and impose upon any person, who has obtained the sanction of the Provincial Government under section 28 to engage in the business of supplying energy, all or any of the powers and liabilities of a licensee under sections 12 to 19, both inclusive, and the provisions of the said sections shall thereupon apply as if such person were a licensee under Part II.

(2) A local authority, not being a licensee, shall, for the purpose of lighting any street, have the powers and be subject to the liabilities respectively conferred and imposed by sections 12 to 19, both inclusive, so far as is applicable, as if it were a licensee under Part II.

(3) In cases other than those for which provision is made by sub-section (1), the person responsible for the repair of any street may, by order in writing, confer and impose upon any person who proposes to transmit energy in such street all or any of the powers and liabilities of a licensee under section 12 to 19 (both inclusive), in so far as the same relate to opening or breaking up of the soil or pavement of such street, or laying down or placing electric supply-lines in, under, along or across such street, or repairing, altering or removing such electric supply-lines, and thereupon the provisions of the said sections shall, so far as aforesaid, apply to such persons as if he were a licensee under Part II

(4) If no order is made within fourteen days after the receipt of an application for the same under sub-section (1) or sub-section (3), the order so applied for shall be deemed to have been refused, and every order, and every refusal to make an order, under sub-section (1) or sub-section (3), shall be subject to revision by the Provincial Government.

¹⁵[**29-A.** The provisions of sub-section (3) and (4) of section 18 and of the Explanation thereto shall apply in the case of any aerial line placed by any railway administration as defined in section 3 of the Railways Act, 1890, as if references therein to the licensee were references to the railway administration.]

¹⁵Sec. 29-A Ins. By the Electricity (Amendment) Act, XL of 1923

30. (1) No person, other than a licensee duly authorized under the terms of his license, shall transmit or use energy at a rate exceeding two hundred and fifty watts,

- (a) in any street, or
- (b) in any place,
 - (i) in which one hundred or more persons are likely ordinarily to be assembled, or
 - (ii) which is a factory, within the meaning of the ¹⁶Factories Act, 1934, (XXV of 1934), or
 - (iii) which is a mine within the meaning of the ¹⁷Mines Act, 1923, (IV of 1923), ¹⁸or
 - (iv) to which the Provincial Government, by general or special order declares the provision of this sub-section to apply,
 - (v) without giving not less than seven clear days notice in writing of his intention to the District Magistrate, and complying with such of the provisions of Part IV, and of the rules made there under, as may be applicable:

Provided that nothing in this section shall apply to energy used for the public carriage of passengers, animals or goods on, or for the lighting or ventilation of the rolling-stock of, any railway or tramway subject to the provisions of the Railways Act, (IX 1890).

Provided, also that the Provincial Government may, by general or special order and subject to such conditions and restrictions as may be specified therein, exempt from the application of this section or any such provision or rule as aforesaid any person or class of persons using energy on premises upon or in connection with which it is generated, or using energy supplied under Part II in any place specified in clause (b)

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are likely ordinarily to be assembled, the matter shall be referred to the Provincial Government, and the decision of the Provincial Government, thereon shall be final.

(3) The provisions of this section shall be binding on the ¹⁹Government

PART IV GENERAL PROTECTIVE CLAUSES

31. No person shall, in the generation, transmission, supply or use of energy, in any way injure any railway, tramway, canal or waterway or any dock, wharf or pier vested in or controlled by a local authority, or obstruct or interfere with the traffic on any railway, tramway canal or water-way.

¹⁶Subs. By the Federal Laws (Revision and Declaration) Ordinance 1981 (27 of 1981), s.3 and Second Sch., for "Indian Factories Act, 1911".

¹⁷Subs. Ibid for "Indian Mines Act, 1901".

¹⁸The word "or and sub-clause (iv) ins, by Act 1 of 1922 s, 14.

¹⁹ Subs. by A.O., 1961, Art, 2, for "Crown" (with effect from the 23rd March, 1956)

32. (1) Every person generating transmitting, supplying or using energy (hereinafter in this section referred to as the operator shall take all reasonable precautions in constructing, laying down and placing his electric supply-lines and other works and in working his system so as not injuriously to affect, whether by induction, or otherwise the working of any wire or line used for the purpose of telegraphic, telephonic, or electric-signaling communication, or the currents in such wire or line.

(2) Where any difference or dispute arises between the operator and the telegraph- authority as to whether the operator has constructed, laid down or placed his electric supply-lines or other works, or worked his system, in contravention or sub- section (1), or as to whether the working of any wire, line or current is or is not injuriously affected thereby, the matter shall be referred to the Federal Government; unless it is of opinion that the wire or line has been placed in unreasonable proximity to the electric supply-lines or works of the operator after the construction of such lines or works, may direct the operator to make such alterations in, or additions to, his system as may be necessary in order to comply with the provisions of this section, and the operator shall make such alterations or additions accordingly;

Provided that nothing in this sub-section shall apply to the repair, renewal or amendment or any electric supply-line so long as the course of the electric supply-line and the amount and nature or the energy transmitted thereby are not altered.

(3) Where the operator makes default in complying with the requirements of this section, he shall make full compensation for any loss or damage incurred by reason thereof, and where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by arbitration.

Explanation– For the purposes of this section, a telegraph line shall be deemed to be injuriously affected if telegraphic, telephonic or electric signaling communication by means of such line is, whether through induction or otherwise prejudicially interfered with by an electric supply line or works, until the order is complied with or for such time as is specified in the order.

33 (1) If any accident occurs in connection with the generation, transmission, supply or use of energy in, or in connection with, any part of the electric supply-lines or other works of any person, and the accident results or is likely to have resulted in loss of life or personal injury, such person shall give notice of the occurrence, and of any loss of life or personal injury actually occasioned by the accident, in such form and within such time and to such authorities as the Provincial Government may, by general or special order, direct.

(2) The Provincial Government may, if it thinks fit, require any Electric Inspector, or any other competent person appointed by it in this behalf, to inquire and report:

- (a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by, or in connection with the generation, transmission, supply or use of energy: or
- (b) as to the manner in and extent to, which the provisions of this Act or of any licence or rules thereunder, so far as those provisions affect the safety of any person, have been complied with.

34. (1) No person shall, in the generation transmission, supply or use of energy, permit any part of his electric supply-lines to be connected with earth except so far as may be prescribed in this behalf or may be specially sanctioned by the Provincial Government.

(2) If at any time it is established to the satisfaction of the Provincial Government.

- (a) that any part of an electric supply-line is connected with earth contrary to the provisions of sub-section (1), or
- (b) that any electric supply-lines or other works for the generation, transmission, supply or use of energy are attended with danger to the public safety or to human life or injuriously affect any telegraph line, or
- (c) that any electric supply-lines or other works are defective so as not to be in accordance with the provisions of this Act or of any rule thereunder,

the Provincial Government may, by order in writing specify the matter complained of and require the owner or user of such electric supply-lines or other works to remedy it in such manner as shall be specified in the order, and may also in like manner forbid the use of any electric supply-line of works until the other is complied with or for such time as is specified in the order.

ADMINISTRATION AND RULES

35. (1) The Provincial Government may for the whole or any part of the Province, by notification in the official Gazette, constitute an Advisory Board.

(2) The Board shall consist of a chairman and not less than two other members.

(3) The Provincial Government may by general or special order—

- (a) determine the number of which the Board shall be constituted and the manner in which such members shall be appointed,
- (b) define the duties and regulate the procedure of the Board.
- (c) determine the tenure of office of the members of the Board.
- (d) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of the Board in the performance of his duty.

36. ²⁰[(1) The Federal Government may, by Notification in the Official Gazette, appoint duly qualified persons to be Electric Inspectors and every Electric Inspector so appointed shall in relation to mines, oilfields and railways exercise the powers and perform the functions of an Electric Inspector under this Act within such areas and subject to such restrictions as the Federal Government may direct.]

(2) The Provincial Government may, by notification in the official Gazette, appoint duly qualified persons to be Electric Inspectors within such areas as may be assigned to them respectively; and every Inspector so appointed shall exercise the

²⁰Sub-sec. (1) has been omitted by the A.O., 1964, Art. 2 and Sch

powers and perform the functions of an Electric Inspector under this Act subject to such restrictions as the Provincial Government may direct.

(3) In the absence of express provision to the contrary in this Act, or any rule thereunder, an appeal shall lie from the decision of an Electric Inspector to the Federal Government or the Provincial Government, as the case may be, or, if the Federal Government or the Provincial Government, as the case may be, by general or special order, so directs, to an Advisory Board.

²¹[36-A.]²²[(1) A Board to be called the Federal Electricity Board shall be constituted to exercise the powers conferred by section 37.

(2) The Federal Electricity Board shall consist of the following members, namely:—

- (a) a Chairman to be nominated by the Federal Government
- (b) one member each to be nominated by the Provincial Governments of the Punjab, North-West Frontier Province, Sind and Baluchistan;
- (c) one member to be nominated by the Federal Government for Islamabad Capital Territory; and
- (d) one member to be nominated by the Chairman of the Railway Board:

Provided that if at any time it seems fit to do so the Federal Government may appoint not more than two additional members.

(3) Any vacancy occurring in the Board shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by it.

(5) The powers of the Federal Electricity Board may be exercised notwithstanding any vacancy in the Board.

37. (1) The ²³[Federal Electricity Board may make rules to regulate the generation transmission, supply and use of energy, and generally, to carry out the purposes and objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the form of applications for licenses and the payments to be made in respect thereof;
- (b) regulate the publication of notices;
- (c) prescribe the manner in which objections with reference to any application under Part II are to be made;
- (d) provide for the preparation and submission of accounts by licensees in a specified form;

²¹Sec. 36-A Inst. By the Electricity (Amendment) Act, X of 1937.

²²Subs. By Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

²³Subs. By Federal Laws (Revision & Declaration) Ordinance, XXVII of 1981.

- (e) provide for the securing of a regular, constant and sufficient supply of energy by licensees to consumers and for the testing at various parts of the system of the regularity and sufficiency of such supply and for the examination of the records of such tests by consumers,
- (f) provide for the protection of persons and property from injury by reason of contact with, or the proximity of, or by reason of the defective or dangerous condition of, any appliance or apparatus used in the generation, transmission, supply or use of energy:
- (g) for the purposes of electric traction regulate the employment of insulated returns, or of un insulated metallic returns of low resistance, in order to prevent fusion or injurious electrolytic action of or on metallic pipes, structures or substances, and to minimize, as far as is reasonably practicable, injurious interference with the electric wires, supply-lines and apparatus of parties other than the owners of the electric traction system, or with the currents therein, whether the earth is used as a return or not;
- (h) provide for preventing telegraph lines and magnetic observatories or laboratories from being injuriously affected by the generation, transmission, supply or use of energy;
- (i) prescribe the qualifications to be required of Electric Inspectors;
- (j) authorize any Electric Inspector or other officer of a specified rank and class to enter, inspect and examine any place, carriage or vessel in which he has reason to believe any appliance or apparatus used in the generation, transmission, supply or use of energy to be, and to carry out tests therein, and to prescribe the facilities to be given to such inspectors or officers for the purposes of such examinations and tests;
- (k) authorize and regulate the levy of fees for any such testing or inspection and generally, for the services of Electric Inspectors under this Act; and
- (l) provide for any matter which is to be or may be prescribed.

(3) Any rules made in pursuance of clause (f) of clause (h) of sub-section (2) shall be binding on the Government.

(4) In making any rule under this Act the Federal Electricity Board may direct that every breach thereof shall be punishable with fine which may extend to three hundred rupees, and, in the case of a continuing breach with a further daily fine which may extend to fifty rupees.

38. (1) The power to make rules under section 37 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act, 1897, (X of 1897) as that after which a draft of rules proposed to be made under section 37 will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) All rules made under section 37 shall be published in the official

Gazette of Pakistan and, on such publication, shall have effect as if enacted in this Act.

CRIMINAL OFFENCES AND PROCEDURE

²⁴**39.** (1) Whoever dishonestly abstracts, consumes or uses energy shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both; and the existence of any device, contrivance or artificial means for such abstraction, consumption or use shall be prima facie evidence of such abstraction, consumption or use.

(2) Whoever abets, or conspires in the commission of acts mentioned in sub-section (1) shall be deemed to have committed an offence under sub-section (1).

Explanation— A person shall be deemed to have dishonestly abstracted, consumed or used energy—

- (a) if he is found to have tampered or interfered with the set order of wiring connections of any meter, measuring apparatus including kilowatt meter, kilowatt hour meter, kilovolt ampere hour meter, kilovolt ampere reactive hour meter, current transformers, potential transformers, or their respective fuses, installed by the licensee for the supply and registration of energy; or
- (b) if he is found to have prevented by drilling hole in the casing, covering or glass, or by jamming the mechanism by mechanical, magnetic or by any other means, any meter, maximum demand indicator or other measuring apparatus from duly registering the amount of energy supplied or the electrical quantity contained in the supply; or
- (c) if he is found, without written consent of the licensee, to have connected his installations, appliances and apparatus for the consumption or use of energy with the licensee's works directly without passing through a meter maximum demand indicator or other measuring apparatus.

²⁵**39-A.** (1) Whoever installs or uses any device, contrivance or artificial means for dishonest abstraction, consumption or use of energy of a licensee, whether he derives any benefit therefrom or not, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both; and if it is proved that any device, contrivance or artificial means for such abstraction, consumption or use exists or has existed on a premises, it shall be presumed, unless the contrary is proved, that such person has committed an offence under this sub-section.

(2) Whoever abets, or conspires in the commission of any act mentioned in sub-section (1) shall be deemed to have committed an offence under that sub-section.

²⁴Subs. by the Electricity (Amdt.) Ordinance, 1979, (62 of 1979) s.8, for section 39.

²⁵Section 39-A ins. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979, section 9.

Explanation– In this section “artificial means” includes–

- (a) making of direct electrical connection from the aerial line through artificial jumper;
- (b) making of direct electrical connection from transformers, cable, meter’s main terminals and from consumer’s installations through artificial wiring;
- (c) disconnecting the potential link from the meter terminals by means of a plier, screw driver, cutter or any other instrument;
- (d) breaking the glass cover of a meter or drilling hole in the casing or covering of a meter by any means
- (e) stopping or slowing the revolutions of a meter disc by artificial magnet; and
- (f) stopping or slowing or reversing the revolutions of the meter disc by changing the phase sequence of meter through artificial electric circuit.

40. Whoever maliciously causes energy to be wasted or diverted, or, with intent to cut off the supply of energy, cuts or injures, or attempts to cut or injure, any electric supply-line or works, shall be punishable by imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.

41. Whoever, in contravention of the provisions of section 28, engages in the business of supplying energy shall be punishable with fine which may extend to three thousand rupees, and, in the case of a continuing contravention, with a daily fine which may extend to three hundred rupees.

42. Whoever–

- (a) being a licensee, save as permitted under section 27 or section 51 or by his license, supplies energy or lays down or places any electric supply line or works outside the area of supply; or
- (b) being a licensee, in contravention of the provisions of this Act or of the rules thereunder or in breach of the conditions of his license, and without reasonable excuse, the burden of proving which shall lie on him, discontinues the supply of energy or fails to supply energy; or
- (c) makes default in complying with any order issued to him under section 34, sub- section (2);

shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing offence or default, with a daily fine which may extend to one hundred rupees.

43. Whoever in contravention of the provisions of section 30, transmits or uses energy without giving the notice required thereby, shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence, with a daily fine which may extend to fifty rupees.

²⁶**44.** Whoever—

- (a) connects any meter, maximum demand indicator or other measuring apparatus referred to in section 26, with any electric supply-line through which energy is supplied by a licensee, or disconnects the same from any such electric supply-line without the licensee's consent in writing; or
- (b) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee, without such licensee's consent in writing; or
- (c) uses the energy supplied to him by a licensee under one method of charging in a manner for which a higher method of charging is in force without the licensee's consent in writing or adopts any appliance or uses energy supplied to him by a licensee in a manner prejudicial to the safety or efficient working of the licensee's electric supply-line or works, or deals with it in a manner so as to interfere with the efficient supply of energy by the licensee to any other person; shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing offence, with a daily fine of fifty rupees; and if it is proved that any artificial means exist or have existed for making such connection as referred to in clause (a), or such communication as is referred to in clause (b), or for facilitating such improper use of energy as is referred to in clause (c), and that the meter, maximum demand indicator or other measuring apparatus is under the custody or control of the consumer, whether it is his property or not, it shall be presumed, until the contrary is proved, that such connection, communication or improper use, as the case may be, has been knowingly and willfully caused by such consumer.

45. Whoever maliciously extinguishes any public lamp shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to three hundred rupees, or with both.

46. Whoever negligently causes energy to be wasted or diverted, or negligently breaks, throws down or damages any electric supply-line, post, pole or lamp or other apparatus connected with the supply of energy, shall be punishable with fine which may extend to two hundred rupees.

47. Whoever in any case not already provided for by sections 39 to 46 (both Inclusive) makes default in complying with any of the provisions or this Act, or with any order issued under it, or, in the case of a licensee, with any of the conditions of his license, shall be punishable with fine which may extend to ²⁷two hundred rupees, and, in the case of a continuing default, with a daily fine which may extend to fifty rupees:

Provided that, where a person had made default in complying with any of the provisions of sections 13,14,15, 17 and 32, as the case may be, he shall not be so punishable if the Court is of opinion that the case was one of emergency, and that

²⁶Sec. 44 subs. by the Electricity (Amdt.) Ordinance, LXII of 1979, section 11.

²⁷Subs. by the Electricity (Punjab Amdt.) Ordinance, XXIX of 1971, section 9.

the offender complied with the said provisions as far as was reasonable in the circumstances.

48. The penalties imposed by sections 39 to 47 (both inclusive) shall be in addition to, and not in derogation of any liability in respect of the payment of compensation or, in the case of a licensee, the revocation of his license, or the payment of penalty in lieu thereof, which the offender may have incurred.

49. The provisions of section 39, 40, 44, 45 and 46 shall, so far as they are applicable, be deemed to apply also when the acts made punishable there under are committed in the case of energy supplied by, or of works belonging to ²⁸the ²⁹Federal Government or any Provincial Government.

50. No prosecution shall be instituted against any person for any offence against this Act or any rule, licensee or order there under, except at the instance of the Government or an Electric Inspector, or of a person aggrieved by the same.

50-A. (1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Ordinance.

SUPPLEMENTARY

51. Notwithstanding anything in sections 12 to 16 (both inclusive) and sections 18 and 19, the Provincial Government may, by order in writing for the placing of appliances and apparatus for the transmission of energy, confer upon any public officer or licensee, subject to such conditions and restrictions (if any) as the Provincial Government may think fit to impose, and to the provisions of the Telegraph Act, 1885, (XII of 1885), any of the powers which the telegraph – authority possesses under that Act, with respect to the placing of telegraph – lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

52. Where any matter is, by or under this Act, directed to be determined by arbitration, the matter shall, unless it is otherwise expressly provided in the license or a licensee, be determined by such person or persons as the Provincial Government may nominate in that behalf on the application of either party; but in all other respects the arbitration shall be subject to the provisions of the Arbitration Act, 1940 (X of 1940).

53. (1) Every notice, order or document by or under this Act required or authorized to be addressed to any person may be served by post or left;

(a) where the Federal Government or the Provincial Government is the addressee, at the office of such officer as the Federal Government or Provincial Government, as the case may be, may

²⁸Subs. by A.O., 1949 for “any Government in British India” which was previously subs, by A.O., 1937, for “the Govt.”

²⁹Subs. by F.A.O., 1975. Art.2 and Table, for “Central Government”.

designate in this behalf;

- (b) here a local authority is the addressee, at the office of the local authority;
- (c) where a Company is the addressee, at the registered office of the Company or, in the event of the registered office of the Company not being in Pakistan, at the head office of the Company in Pakistan;
- (d) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act, required or authorized to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises), and may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

54. Any penalty imposed under section 4, sub-section (2), every sum declared to be recoverable by section 5, clause (f), section 6, sub-section (2), section 14, sub-section (2), clause (h), section 16, sub-section (2), section 18, sub-section (2), or subsection (4) or section 26, sub-section (4), and every fee leviable under this Act, may be recovered, on application to a Magistrate having jurisdiction where the person liable to pay the same is for the time being resident, by the distress and sale of any moveable property belonging to such person.

³⁰**54-A.** (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any instrument or agreement, the charges for supply of energy or any other sum outstanding against a consumer under this Act shall be recoverable as an arrear of land revenue.

(2) A licensee, or any person duly authorized by the licensee, may apply, with a certificate showing the amount outstanding against a consumer, to the Collector of the District concerned for the recovery of the said amount, and the Collector shall, thereupon proceed to recover the same from such consumer, or his sureties, or from all of them, as an arrear of land revenue.

³¹**54-B.** Where a license, or any person duly authorized by him in this behalf, requires any police assistance, for carrying out the purposes of this Act, he may make an application to the District Magistrate or Assistant Commissioner of the sub-division concerned and the District Magistrate or as the case may be, the Assistant Commissioner may direct the officer in charge of the police station to render the assistance required.

³²**54-C.** (1) Where a licensee gives a notice referred to in subsection (1) of section 24 or discontinuous supply of energy to a premises under the provisions of this Act, no court shall make an order prohibiting the licensee from discontinuing supply of

³⁰Section 54-A Ins. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979, section 12.

³¹Section 54-B Ins. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979, section 12.

³²Section 54-C Ins. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979, section 12.

energy to the premises, and any such order made before the commencement of the Electricity (Amendment) Ordinance, 1979, shall cease to have effect:

Provided that nothing contained herein shall apply to a case in which the plaintiff, applicant or appellant, within a period of thirty days of the aforesaid date of at the time of filing the suit, application or appeal, as the case may be, deposits with the court the amount assessed against him by the licensee and all further charges of the licensee as and when they become due; and in the event of his failing to do so, any order prohibiting the licensee from discontinuing the supply of energy to the premises or requiring him to restore the supply of energy to the premises or requiring him to restore the supply of energy to the premises, if already made, shall cease to have effect.

(2) Where an amount has been deposited under sub-section (1), the court shall direct it to be deposited in a scheduled bank in the name of the licensee on an undertaking being furnished by the licensee to the effect that in case the suit of appeal is decided against him, he shall repay the said amount to the plaintiff of appellant, as the case may be, with such reasonable return as the court may determine.

55. The ³³Provincial Government may, by general or special order, authorize the discharge of any of its functions under section 13 or section 18 ³⁴or section 34, sub-section (2) or clause V, sub-clause (2), or clause XIII of the Schedule by an Electric Inspector.

56. No suit, prosecution or other proceeding shall lie against any public officer, or any servant of a local authority, for anything done, or in good faith purporting to be done, under this Act.

57. (1) In section 40, sub-section (1), clause (b), and section 41, sub-section (5), of the Land Acquisition Act, 1894, (I of 1894) the term "work" shall be deemed to include electrical energy supplied, or to be supplied, by means of the work to be constructed.

(2) The Provincial Government may, if it thinks fit, on the application of any person, not being a company, desirous of obtaining any land for the purposes of his undertaking, direct, that he may acquire such land under the provisions of the Land Acquisition Act, 1894, (I of 1894) in the same manner and on the same conditions as it might be acquired if the person were a company.

58. (1) The Indian Electricity Act, 1903, (III of 1903) is hereby repealed:

Provided that every application for a license made and every license 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 license 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.

³³Subs. by A.O., 1937, for "L.G."

³⁴ins. By the Indian Electricity (Amdt.) Act, 1922 (1 of 1922), s.22.

THE SCHEDULE

PROVISIONS TO BE DEEMED TO BE INCORPORATED WITH, AND TO FORM PART OF, EVERY LICENSE GRANTED UNDER PART II, SO FAR AS NOT ADDED TO, VARIED OR EXCEPTED BY THE LICENSEE.

See section 3, sub-section (2), clause (f) Security and Accounts

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 license, or any longer period which the Provincial Government may substitute therefor by order under section 4, sub-section (3), clause (b), of the Electricity Act, 1910, before exercising any of the powers by the licensee conferred on him in relation to the execution of works, show to the satisfaction of the Provincial Government, that he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by the license throughout the area of supply.
- (b) The licensee shall also, within the period fixed in that behalf by his license, or any longer period which the Provincial Government may substitute therefor by order under section 4, sub-section (3), clause (b), of the 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 Provincial Government such sum (if any) as may be fixed by the licensee, or, if not so fixed, by the Provincial 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 installments, as may be approved by the Provincial Government.

II. 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 section 11 of the Electricity Act, 1910, be examined and audited by such person as the Provincial Government may appoint or approve in this behalf, and the remuneration of the auditor shall be such as the Provincial Government may direct, and his remuneration and all expenses incurred by him in or about the execution of his duties to such an amount as the Provincial 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 undertaking as are necessary for the purposes of the audit, and shall, when required, furnish to him and then all vouchers and information 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 Provincial Government may direct.

- (d) Any report made by the auditor, or such portion thereof, as the Provincial 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 this clause the Provincial Government may, if it thinks fit, accept the examination and audit of an auditor appointed by the licensee.

III. The licensee shall, unless the Provincial Government otherwise directs, at all times to keep the accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by him of any other undertaking or business.

COMPULSORY WORKS AND SUPPLY

IV. The licensee shall, within a period of three years after the commencement of the license, execute to the satisfaction of the Provincial Government all such works as may be specified in the license in this behalf or, if not so specified, as the Provincial Government may, by order in writing issued within six months of the date of commencement of the license, direct,

V. (1) Where after the expiration of two years and six months from the commencement of the license, a requisition is made by six 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 Provincial 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 the requisition, 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 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 produce annually, at the current rates charged by the licensee, a reasonable return to the licensee; or
- (b) where it is made by the Provincial Government or a local authority, the Provincial 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 amount of energy to be taken or guaranteed as aforesaid, the matter shall be referred to the Provincial Government, and either decided by it or, if it so directs, determined by arbitration.

(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 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. (1) Where after distributing mains have been laid down under the provisions of clause IV or V and the supply of energy through those mains or any of them has commenced a requisition is made by the owner or occupier of any premises situate within ³⁵the 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 Electric 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, first, that the licensee shall not be bound to comply with any such requisitions 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 Provincial 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 produce, at current rates charged by the licensee, a reasonable return to the licensee, 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;

³⁶Provided, secondly, that the licensee shall be entitled to discontinue such supply—

- (a) If the owner or occupier of the premises to which the supply is made by the licensee has not already given security, or if any security already given by him has become invalid, or there is change of owner or occupier and such owner or occupier fails to furnish security according to the prevalent rate, as the case maybe 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 premises to which the supply is made adopts any appliance, or uses the energy supplied to him by the licensee for any purpose, 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 premises 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

³⁵Subs, *ibid* for "one hundred yards from any distributing main".

³⁶Second proviso subs. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979, section 13.

- (d) If the owner or occupier makes any alteration of, or addition to, any electric wires, fittings, works or apparatus within such premises 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, tested, accounted or charged for; or
- (e) if the owner or occupier of the premises to which the supply is made has:—
 - (i) used it in a manner prejudicial to the safety or efficient working of the licensee's electric supply lines or works;
 - (ii) used it under one method of charging in a manner for which a higher method of charging is in force;
 - (iii) broken, tempered with or counterfeited the licensee's seal, casing or covering affixed or placed to protect any meter, maximum demand indicator or other measuring apparatus referred to in section 26;
 - (iv) altered the index of any such meter, maximum demand indicator or other measuring apparatus;
 - (v) prevented any such meter, maximum demand indicator or other measuring apparatus from duly registering the energy supplied or the electrical quantity contained in the supply; or
 - (vi) prevented the supply, consumption or use of energy from being duly registered by any such meter, maximum demand indicator or other measuring apparatus; but the licensee shall reconnect 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 months 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 Electric Inspector,—

- a. That the nearest distributing main is already loaded up to its full current carrying capacity, or
- b. that, in case of a larger 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 or laying down or placing a further distributing main, or

(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.

³⁷(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 or any service line, or as to the amount or the expenses incurred under the third proviso to sub-clause (1), the matter shall be referred, on the application of either party, to an Electric Inspector who, within a maximum period of ninety days from the date of such application, and after affording the parties an opportunity of being heard, shall decide the matter; and where the Electric Inspector fails to decide the matter within the said period or where either party declines to accept the decision of the Electric Inspector, the matter shall be referred to the Provincial Government whose decision shall be final.

(4) Every requisition under this clause shall be signed by the maker or makers thereof and shall be served on the licensee.

Every requisition under this clause shall be in a form to be prescribed by rule under the Electricity Act, 1910; and copies of the forms shall be kept at the office of the licensee and supplied free of charge to any applicant.

VII. 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 as 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 any five or more of such owners or occupiers require, in accordance with the provisions of the license, 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. (1) Where after distributing mains have been laid down under provisions of clause IV or clause V and the supply of energy through those mains or any of them has commenced a requisition is made by the Provincial Government or by a local authority requiring the licensee to supply for a period of not less than seven years of 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 Provincial Government or the local authority, as the case may be, may require.

(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 provisos to sub-clause (1) and the provisions of sub-clauses (2) and (3) of clause 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 Provincial Government or local authority were an owner or occupier

³⁷Sub-section (3) subs. by the Electricity (Punjab Amdt.) Ordinance, LXII of 1979.

within the meaning of those provisions.

IX. (1) Where and in so far as, the licensee (hereinafter in this clause referred to as “the bulk-licensee”) is authorized by his license 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-licensee’s area of supply may make a requisition on the bulk-licensee, requiring him to give a supply of energy and specifying the point, and the maximum rate per unit of time, at which supply is required, and the date upon which the 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 bulk-licensee 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 produce a reasonable return to the bulk-licensee on 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) The maximum rate per unit of time at which a distributing licensee shall be entitled to be supplied with energy shall not exceed what is necessary for the purposes for which the supply is required by him, and need, not be increased except upon a fresh requisition made in accordance with the foregoing provisions;
- (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 considerations, namely:
 - (i) the period for which the distributing licensee is prepared to bind himself to take energy
 - (ii) the amount of energy required on 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 expended 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 therefor, even although the distributing-licensee desires to be supplied with only a portion of 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 sub-clause (1)(d).

(3) The maximum price fixed by a license for energy supplied to a distributing-licensee shall not apply 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 month's 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. (1) Where the licensee charges by any method ³⁸ approved by the ³⁹ Provincial Government in accordance with section 23, sub-section (3), clause (c), of the Electricity Act, 1910, any consumer who objects to that method, 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 Provincial Government, to the local authority (if any) concerned, 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 section 26, sub-section (1), of the Electricity Act, 1910, and the licensee changes the method of charging for the 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. Save as provided by clause IX, sub-clause (3), the prices charged by the licensee for energy supplied by him shall not exceed the maxima fixed by his license, or, in the case of a method of charge approved by the Provincial Government, such maxima as the Provincial Government shall fix on approving the method:

Provided, that, if at any time after the expiration of seven years from the commencement of the license, the ⁴⁰ Provincial Government considers that the maxima so fixed or approved as aforesaid should be altered, it shall refer the matter to an Advisory Board, and, if the Board recommends any alteration, may make an order in accordance with such recommendation, which shall have effect from such

³⁸Subs. *ibid.*, for "so approved by the L.G."

³⁹Subs. by A.O., 1937, for "L.G."

⁴⁰Subs. by A.O., 1937, for "L.G."

date as may be mentioned therein:

Provided, also that, where an order in pursuance of the foregoing proviso has been made, no further order altering the maxima fixed thereby shall be made until the expiration of any other period of five years.

XIA. A licensee may charge a consumer a minimum charge for energy of such amount and determined in such a manner as may be specified by his license, and such minimum charge shall be payable notwithstanding that no energy has been used by the consumer during the period for which such minimum charge is made.

XII. The price to be charged by the licensee and to be paid to him for energy supplied for the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the licensee and the Provincial 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. 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 Provincial 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 proper condition thereat, and on all premises from which he supplies energy, such instruments for testing as an Electric Inspector, may approve, and shall supply energy to each testing station for the purpose of testing.

XIV. The licensee shall afford 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. On the occasion of the testing of any works of the licensee by an Electric Inspector 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 Electric Inspector, will least interfere with the supply of energy by the licensee, and in such manner as the Electric Inspector may think fit, but, except under provisions of an order made in each case in that behalf by the Provincial Government, the Electric Inspector 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 Electric Inspector 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 Provincial Government.

PLANS

XVI. (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 alignment 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 Electric Inspector, cause to be made sections showing the approximate level of all his existing underground works other than service lines.

(2) Every such plan shall be drawn to such scale as the Provincial 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 Provincial 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 Electricity Act, 1910.

(5) The licensee shall, if required by an Electric Inspector and, where the licensee is not a local authority (if any) concerned, supply free of charge to such Electric Inspector or local authority a copy of every such plan or section duly corrected so as to agree with the original kept at the principal office or place of business of the licensee.

ADDITIONAL NOTICE OF CERTAIN WORKS

XVII. On the day next preceding the commencement of any such works as are referred to in section 13 of the Electricity Act, 1910, the licensee shall, in addition to any other notices which he may be required to give, serve upon the Electric Inspector, or such officer as the Provincial 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.