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**THE PUNJAB ELECTRICITY (EMERGENCY POWERS)
(CONTROL OF SUPPLY) ACT, 1949
(XVII of 1949)**

CONTENTS

1. **Short title, extent and commencement**
2. **Definitions**
3. **Power to prohibit or restrict supply and consumption of energy**
4. **Power to discontinue supply in certain circumstances**
5. **Power to refuse supply of energy in pursuance of requisition and contracts and to restrict reconnection of supply**
6. **Power to fix the rate for supply of energy**
7. **Powers of the Provincial Government when engaged in the business of supplying energy**
8. **Restriction on the use of energy for the purpose of advertisement**
9. **Supplier to report certain contraventions**
10. **Form of Orders**
11. **Power to make orders relating to incidental or supplementary matters**
12. **Power to delegate powers and functions of the Provincial Government**
13. **Continuance in force of existing orders**
14. **Penalties**
15. **Offences by Corporations**
16. **Cognizance of offences**
17. **Protection of action taken under the Act**
18. **Savings as to orders**
19. **Service of orders or directions**

20. Effect of orders, etc., repugnant to the Electricity Act

TEXT

¹THE PUNJAB ELECTRICITY (EMERGENCY POWERS) (CONTROL OF SUPPLY) ACT, 1949

(XVII of 1949)

[5th August, 1949]

**An
Act**

to provide for the continuance of powers to control the supply, consumption, distribution and use of, and the rates for the supply of electrical energy

WHEREAS it is expedient to provide for the continuance of powers to control the supply, consumption, distribution and use of, and the rates for the supply of electrical energy in the ²[* * *] ³[the Punjab];

AND WHEREAS the Governor of West Punjab has, in pursuance of a Proclamation⁴ issued by the Governor-General of Pakistan under section 92-A of the Government of India Act, 1935, assumed, on behalf of the Governor-General all powers vested in or exercisable by the Provincial Legislature under the said Act;

NOW, THEREFORE, the Governor is hereby pleased to enact as follows:—

1. Short title, extent and commencement.— (1) This Act may be called ⁵[the Punjab] Electricity (Emergency Powers) (Control of Supply) Act, 1949.

(2) It extends to the whole of ⁶[* * *] ⁷[the Punjab].

(3) It shall come into force immediately on the expiry⁸ of the Punjab Electricity (Emergency Powers) Act, 1947⁹.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

¹This Act was reserved by the Governor of the Punjab on 29th April, 1949 for the consideration of the Governor-General who assented to it on 8th July, 1949; and, published in the *Punjab Gazette* (Extraordinary), dated 5th August, 1949, pages 157-160.

²Omitted the words "Province of" by the West Pakistan Laws (Adaptation) Order, 1964, w.e.f. 8.6.1962, s. 2 and Schedule; and published in the *Gazette of West Pakistan* (Extraordinary), dated 3.6.1964, pages 1805-1849.

³Substituted for the words "West Punjab" by the Punjab Adaptation of Provincial Laws Act, 1950 (V of 1950), s.2; and published in the *Punjab Gazette* (Extraordinary), dated 24.3.1950, pages 41-42.

⁴It was issued on 24th January, 1949 and stood revoked on 5th April, 1951.

⁵Substituted for the words "the West Punjab" by the Punjab Adaptation of Provincial Laws Act, 1950 (V of 1950), s.2; and published in the *Punjab Gazette* (Extraordinary), dated 24.3.1950, pages 41-42.

⁶Omitted the words "the Province of" by the West Pakistan Laws (Adaptation) Order, 1964, w.e.f. 8.6.1962, s. 2 and Schedule; and published in the *Gazette of West Pakistan* (Extraordinary), dated 3.6.1964, pages 1805-1849.

⁷Substituted for the words "West Punjab" by the Punjab Adaptation of Provincial Laws Act, 1950 (V of 1950), s.2; and published in the *Punjab Gazette* (Extraordinary), dated 24.3.1950, pages 41-42.

⁸This Act expired on 14th August, 1949.

⁹Act V of 1947.

- (a) “consumer”, “energy” and “licensee” have the meanings assigned to them in section 2 of the ¹⁰[* * *] Electricity Act, 1910¹¹ (hereinafter referred to as the Electricity Act); and
- (b) “supplier” means a licensee, or any other person engaged in the business of supplying energy with the sanction of the Provincial Government, under section 28 of the Electricity Act.

3. Power to prohibit or restrict supply and consumption of energy.— (1)

The Provincial Government may by an order in writing, addressed to any supplier, direct such supplier not to supply energy to any consumer or class of consumers, or to reduce the supply of energy to any consumer or class of consumers, to such extent, and in such manner, and by such means as may be specified in the order.

(2) No consumer in respect of whom an order has been made under subsection (1), shall consume energy, except in accordance with the terms thereof.

4. Power to discontinue supply in certain circumstances.— (1) The

Provincial Government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of energy, by order in writing—

- (i) authorise, or
- (ii) require—

a supplier to, and the supplier when so required shall, discontinue or reduce the supply of energy to any consumer other than a distributing licensee who without the permission of the Provincial Government—

- (a) contravenes any direction issued under section 3, or
 - (b) exceeds—
 - (i) at any time the maximum demand in K.W. of energy; or
 - (ii) in any month the maximum consumption of energy in K.W. hours;

recorded in respect of him during the twelve months ending the 31st January 1943; or
 - (c) connects or has connected load beyond that notified in writing to the supplier upto the 31st January 1943.
- (2) The supplier shall—
- (i) before discontinuing or reducing the supply of energy under subsection (1), give the consumer not less than 48 hours notice in writing of his intention so to do;
 - (ii) on discontinuing the supply, communicate to the Provincial Government within twenty-four hours from the date of discontinuance, the circumstances in which he has done so;

¹⁰Omitted the word “Indian” by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), w.e.f. 21.1.1955, s.2 and Schedule I; and published in the Punjab Gazette (Extraordinary), pages 87-108.

¹¹IX of 1910.

- (iii) on being so directed by the Provincial Government, recommence the supply with all possible speed.

5. Power to refuse supply of energy in pursuance of requisition and contracts and to restrict reconnection of supply.— (1) The Provincial government may, if in its opinion it is necessary or expedient for maintaining the supply or securing the equitable distribution of energy, by order, direct the supplier—

- (a) not to comply, except with the permission of the Provincial Government or an officer authorised by it in this behalf, with—
 - (i) the provisions of any contract, agreement or requisition (whether made before or after the commencement of this Act), for the supply (other than the resumption of a supply), or an increase in the supply, of energy to any person;
 - (ii) any requisition, for the resumption of a supply to a consumer after a period of six months from the date of its discontinuance;
 - (iii) any requisition, for the resumption of a supply made within six months of its discontinuance where the requisitioning consumer was not himself the consumer of the supply at the time of its discontinuance;
- (b) not to comply with any requisition for municipal purposes involving (otherwise than by way of replacement) any new works or additions to or alterations of works already installed.

(2) An application for permission as required under sub-section (1), shall be made by a license to the Provincial Government or to such officer as the Provincial Government may authorise in this behalf in such form as the Provincial Government may prescribe.

(3) The authority to whom an application is made under sub-section (2) may either reject the application, or grant the permission sought, either absolutely, or subject to such conditions as it may think fit to impose.

6. Power to fix the rate for supply of energy.— The Provincial Government may authorise or require any supplier to increase the rates¹² for the supply of energy to such extent as may be prescribed by the Provincial Government in this behalf, or to impose such minima charges as may be fixed by the Provincial Government.

7. Powers of the Provincial Government when engaged in the business of supplying energy.— For the avoidance of doubts, it is hereby declared, that the Provincial Government, when engaged in the business of supplying energy, may in respect of such business, take any such action or exercise any such power as may under the provision of this Act be taken or exercised, as the case may be, by a supplier on being required or authorised to do so by the Provincial Government.

¹²See the Punjab Electricity Supply (Street Lighting and Special Consumers Rates) Order, 1949, Punjab Government Notification No. 5139, E. & T-49/68594, dated: 28th November, 1949, published in the West Punjab Gazette (Extraordinary), 1949, page 291.

8. Restriction on the use of energy for the purpose of advertisement.— No person supplied with energy by a supplier or the Provincial Government shall use or permit such energy to be used—

- (a) for the purpose of any illuminated advertisement, or trade sign or for any decorative exterior lighting displayed on any premises used for the purposes of any trade or business; or
- (b) for the display of any goods or other exhibits in the windows of any shop or commercial establishment:

Provided that nothing in this section shall be construed to prohibit the use of energy for the purpose of any illuminated advertisement or trade sign of a chemist or dispenser.

9. Supplier to report certain contraventions.— The supplier shall report to the Provincial Government within twenty-four hours of its coming to his knowledge every contravention of any direction given under section 3, or of clause (b) or (c) of sub-section (1) of section 4.

10. Form of Orders.— An order made under this Act may be made so as to apply either to persons or undertakings generally, or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

11. Power to make orders relating to incidental or supplementary matters.— The Provincial government may by order provide—

- (a) for collection of any information or statistics with a view to regulating any of the matters mentioned in this Act; and
- (b) for any incidental or supplementary matters including, in particular, the entering and inspection of premises to which the order relates, with a view to securing compliance with any order, the grant or issue of licenses, permits, certificates and other documents and the charging of fees therefor.

12. Power to delegate powers and functions of the Provincial Government.— The Provincial Government may by notification authorise any officer to exercise all or such of its powers or functions under this Act, as may be specified in the notification.

13. Continuance in force of existing orders.— Every order made by the ¹³[Federal] or Provincial Government under sub-rule (2) of Rule 81 of the Defence of India Rules ¹⁴ or under the Emergency Provisions (Continuance) Ordinance, 1946 ¹⁵,

¹³Substituted for the word "Central" by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), w.e.f.1.8.1975, Article 3 and Table of General Adaptions; and published in the Gazette of Pakistan (Extraordinary), pages 435-467.

¹⁴Published in the Gazette of India (Extraordinary), dated: 3rd September, 1939, *vide* D.C. Department notification No.221/1-OR of the same date.

¹⁵Ordinance XX of 1946. This Ordinance came into force on 1st October, 1946 and substituted a new rule for rule 81 of the Defence of India Rules, *see Gazette of India* (Extraordinary) of 25th September, 1946.

or under the Punjab Electricity (Emergency Powers) Act, 1947¹⁶, in respect of any of the matters specified in this Act, and in force immediately before the commencement of this Act, shall so far as it could validly be made by the Provincial Government under any of the provisions of this Act continue in force and be deemed to have been made under the said provisions; and every person authorised, permitted, directed or required to do anything under or in pursuance of any such order shall so far as he could validly be so authorised, permitted, directed or required as the case may be, by the Provincial Government under any of the said provisions be deemed to have been validly so authorised, permitted, directed or required, as the case may be, under those provisions.

14. Penalties.— Any person who—

- (a) contravenes—
 - (i) any order made or deemed to have been made under section 3, 4, 5, 6 or 11; or
 - (ii) any of the provisions of this Act; or
- (b) is deemed to have been required or directed under section 3, 4, 5, 6 or 11 to do or refrain from doing anything fails to comply with such requirement or direction,

shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

15. Offences by Corporations.— If the person referred to in section 14 is a company or other body corporate, the managing director, manager, secretary or other principal officer managing its business shall be deemed to be guilty of such contravention.

16. Cognizance of offences.— No court shall take cognizance of any offence punishable under this Act, except on a report in writing of the facts constituting such offence made by such public servant as may be authorised by the Provincial Government in this behalf.

17. Protection of action taken under the Act.— (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is done or is intended to be done in pursuance of any order, direction or requirement made or deemed to have been made under any provision of this Act.

(2) No suit, or other legal proceeding shall lie against¹⁷ [the Provincial Government] for any damage caused or likely to be caused by anything which is done, or is intended to be done in pursuance of any order made or deemed to have been made under any provision of this Act.

18. Savings as to orders.— No order made or deemed to be made in exercise of any powers conferred by or under any of the provisions of this Act shall be called in question in any Court.

¹⁶ Act V of 1947. This Act expired on 14th August, 1949.

¹⁷ Substituted for the words "the Crown" by the West Pakistan Laws (Adaptation) Order, 1964, w.e.f. 8.6.1962, s. 2 and Schedule; and published in the Gazette of West Pakistan (Extraordinary), dated 3.6.1964, pages 1805-1849.

19. Service of orders or directions.— Every order or direction made or issued under this Act shall, as far as may be, be served in the manner prescribed in section 53 of the ¹⁸[* * *] Electricity Act, 1910¹⁹.

20. Effect of orders, etc., repugnant to the Electricity Act.— The provisions of this Act, and any order made and any other action taken under such provisions shall have effect notwithstanding anything inconsistent therewith contained in the ²⁰[* * *] Electricity Act, 1910²¹, or in any instrument having effect by virtue of the said Act.

¹⁸Omitted the word "Indian" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), w.e.f. 21.1.1955, s. 2 and Schedule I; and published in the Punjab Gazette (Extraordinary), pages 87-108.

¹⁹Act IX of 1910.

²⁰Omitted the word "Indian" by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), w.e.f. 21.1.1955, s. 2 and Schedule I; and published in the Punjab Gazette (Extraordinary), pages 87-108.

²¹Act IX of 1910.