

ASSAM ACT IX OF 1973

(Received the assent of the President on the 25th April 1973)  
THE INDIAN ELECTRICITY (ASSAM AMENDMENT)  
ACT, 1973

[Published in the *Assam Gazette*, Extraordinary, dated the 26th  
April, 1973]

An  
Act

to amend the Indian Electricity Act, 1910 in its application to  
the territory comprised within the State of Assam

Preamble Whereas it is expedient to amend the Indian <sup>Central Act</sup>  
Electricity Act, 1910 hereinafter called the principal <sup>9 of 1910.</sup>  
Act, in its application to the territory comprised  
within the State of Assam in the manner hereinafter  
appearing ;

It is hereby enacted in the Twenty-fourth Year  
of the Republic of India, as follows :—

Short title  
extent and  
commence-  
ment.

1. (1) This Act may be called the Indian Electricity (Assam Amendment) Act, 1973.
- (2) It shall extend to the State of Assam.
- (3) It shall be deemed to have come into force on the 27th day of September, 1972.

Amendment  
of section 5.  
section

2. In section 5 of the principal Act, in sub-section (2)—
  - (i) for the words “the purchase price of the undertaking”, the words “an amount” shall be substituted ;
  - (ii) the words, brackets, figure and punctuation marks “or as the case may be, sub-section (3) of that section” shall be deleted.

Amendment of section 6. 3. In section 6 of the principal Act, in sub-section (7),—

- (i) for the words "the purchase price", the words "an amount" shall be substituted;
- (ii) for the words, brackets and figure "sub-section (4)", the words, brackets, figures and punctuation mark "sub-sections (1) (2) and (3)" shall be substituted.

Substitution of section 7-A. 4. For section 7-A of the principal Act, the following section shall be substituted, namely—

"Determination of amount payable. 7-A. (1) Where an undertaking of a licensee is sold under sub-section (1) of section 5 or purchased under section 6, the amount payable for the undertaking shall be the book value of the undertaking at the time of purchase or where the undertaking has been delivered before the purchase under sub-section (3) of section 5, at the time of delivery of the undertaking.

(2) The book value of an undertaking for the purpose of sub-section (1) shall be deemed to be the depreciated book value as shown in the audited balance sheet of the licensee under the law for the time being in force, of all lands, buildings, works, materials and plant of the licensee, suitable to and used by him for the purpose of the undertaking, other than (i) a generating station declared by the licensee not to form part of the undertaking for the purpose of purchase and (ii) service lines or other capital works or any part thereof which have been constructed at the expense of the consumers, but without any addition in respect of compulsory purchase or of goodwill or any profits which may be or might have been made from the undertaking or of any similar consideration.

(3) Notwithstanding anything contained in any licence or any instrument, order, agreement or law for the time being in force in respect of any additional sum by whatever name may it be called, payable to a licensee for compulsory purchase, the licensee shall be entitled only to a *solatium* of ten per centum of the book value as determined under sub-sections (1) and (2) for compulsory purchase of his undertaking under section 6.

(4) No provision of any Act for the time being in force including the other provisions of this Act

and of any rules made thereunder or of any instrument including licence having effect by virtue of any of such Acts or any rule made thereunder, shall, in so far as it is inconsistent with any of the provisions of this section, have any effect."

Repeal and savings.

5: (1) The Indian Electricity (Assam Amendment) Ordinance, 1972. is hereby repealed. Assam Ordinance VII of 1972.

(2) Notwithstanding such repeal and notwithstanding any judgement, decree or order of any court or tribunal, any action taken or purported to have been taken or anything done or purported to have been done, or any right, obligation or liability acquired or incurred, by or on behalf of the Government of Assam or the Assam State Electricity Board, in pursuance of the provisions of the Indian Electricity (Assam Amendment) Ordinance, 1972, shall be deemed to have been taken, done, acquired or incurred under the corresponding provisions of this Act, by or on behalf of the Government of Assam or the Assam State Electricity Board, as the case may be. Assam Ordinance VII of 1972.