

1978: T.N. Act 29]

***Electricity Board
(Recovery of Dues)***

TAMIL NADU ACT No. 29 OF 1978.*

THE TAMIL NADU ELECTRICITY BOARD
(RECOVERY OF DUES) ACT, 1978.

[Received the assent of the President on the 13th June 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 19th June 1978 (Ani 5, Kalayukti (2009--Tiruvalluvar Aandu).]

An Act to provide for the expeditious recovery of certain sums due to the Tamil Nadu Electricity Board.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows :-

- 1.** (1) This Act may be called the Tamil Nadu Electricity Board (Recovery of Dues) Act, 1978.
(2) It extends to the whole of the State of Tamil Nadu.

Short title and extent.

- 2.** In this Act, unless the context otherwise requires,

Definitions.

(1) "Board" means the Tamil Nadu Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (Central Act LIV of 1948);

(2) "dues" means any sum payable to the Board on account of,-

(i) consumption of electrical energy supplied; or

(ii) any remuneration, rent, or other charges for hire, inspection, test, installation, connection, repairs, maintenance or removal of any electric meter, electric machinery, control gear, fittings, wires or apparatus for lighting, heating, cooling or motive power or for any other purpose for which electricity can or may be used, or any industrial or agricultural machinery operated by electricity; or

(iii) price of any such goods as aforesaid taken on loan but not returned;

(3) "debtor" means a person by whom any dues are payable;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette* Extraordinary, dated the 27th March 1978, Part IV--Section 1, Pages 234-235.

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(4) "prescribed authority" means any person or authority subject to the control of the Board and authorised, whether by virtue of office or otherwise by the State Government, by notification, to perform the functions of the prescribed authority under this Act in and for such area, as may be specified in the notification.

3. (1) Every bill for dues payable to the Board by a debtor shall be in the form prescribed by the Board and shall specify conspicuously the date, by which such dues are to be paid and shall be served in such manner as may be prescribed by rules.

Bills to state the date by which payment are to be made and consequences of non-payment.

(2) (a) If a debtor disputes his liability to pay the whole or part of the dues specified in the bill referred to in sub-section (1), he may, within such time as may be prescribed, prefer an appeal to the appellate authority to be specified by the Board.

(b) The appellate authority shall, while deciding the appeal, follow such procedure as may be prescribed by rules.

(c) The dues as determined by the appellate authority in the case of an appeal under this sub-section, shall be paid by such date as may be specified by the appellate authority.

(3) If the dues as mentioned in the bill under sub-section (1) are not paid by the date specified in the bill, and in the case of an appeal under sub-section (2), the dues as determined by the appellate authority are not paid by the date specified by such authority, the debtor shall be liable to pay, in addition thereto such penalty which may be specified by the Board, and such dues and penalty shall be recoverable along with the costs incurred in making such recovery, in the manner hereinafter laid down in this Act.

4. If the dues as mentioned in the bill under sub-section (1) of section 3 are not paid by the date specified in the bill and in the case of an appeal under sub-section (2) of section 3, the dues as determined by the appellate authority are not paid by the date specified by such authority, the prescribed authority may at any time serve or cause to be served upon him a notice of demand in the prescribed form, stating the name of the debtor, the amount payable by him on account of the various dues, penalty and the costs of recovery.

Notice of demand for dues and penalty not paid.

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Explanation.--The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned.

5. Where a notice of demand has been served on, the debtor or his *authorised agent* under section 4, he may, if he denies his liability to pay the dues, penalty or cost or any part of any of them, institute a suit within three months from the date of service of notice of demand, after depositing with the prescribed authority the aggregate amount specified in the notice of demand under protest in writing that he is not liable to pay the same. Subject to the result of such suit, the notice of demand shall be conclusive proof of the various dues, penalty and costs mentioned therein.

Suit to challenge liability to payment.

6. (1) If the aggregate amount of the various dues, penalty and costs mentioned in the notice of demand served under section 4 is not deposited with the prescribed authority within three months of the date of such service or such extended period as the Chairman of the Board may from time to time allow, the debtor shall be deemed to be in default in respect of such amount and the same shall without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue notwithstanding anything to the contrary contained in any other law or instrument or agreement.

Recovery of dues, etc, if not paid.

(2) For the purpose of recovery of the amount specified in subsection (1) as arrear of land revenue, the prescribed authority shall have all the powers of the Collector under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

¹**6-A.** (1) Notwithstanding anything contained in section 6, if the Board is of opinion that it is necessary or expedient in the public interest or for the purpose of securing recovery of any dues payable to it, to publish the names and other particulars of any debtors, the Board may, subject to such conditions as may be prescribed, cause to be published in such manner as it thinks fit, the names and other particulars of such debtors :

Publication of information respecting debtors.

¹ This section was inserted by section 2 of the Tamil Nadu Electricity Board (Recovery of Dues) Amendment Act, 1981 (Tamil Nadu Act 3 of 1982).

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(2) No publication under this section shall be made in relation to any dues, penalty and costs mentioned in the notice of demand served under section 4, until the time for instituting a suit under section 5 has expired without institution of a suit, or the suit, if instituted, has been disposed of.

Explanation.--In the case of a firm, Company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers, or managers of the Company, or the members of the association, as the case may be, may also be published if, in the opinion of the Board, the circumstances of the case justify it.

7. (1) The State Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) The notification issued under this Act shall, unless it is expressed to come into force on a particular day, shall come into force on the day on which it is published.

(3) Every rule made and notification issued under this Act shall, as soon as possible, after it is made, or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session, in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.