

उत्तर प्रदेश सरकारी बिजली-व्यवसाय-संस्था
(देयों की वसूली) अधिनियम, 1958
(उत्तर प्रदेश अधिनियम संख्या 16, 1958)

**THE UTTAR PRADESH GOVERNMENT
ELECTRICAL UNDERTAKINGS (DUES
RECOVERY) ACT, 1958
(U.P. Act No. XVI of 1958)**

THE UTTAR PRADESH GOVERNMENT ELECTRICAL
UNDERTAKINGS (DUES RECOVERY) ACT, 1958¹

[U. P. Act No. XVI of 1958]

Amended by

U. P. Act no. XXVII of 1963

U. P. Act no. XXXVI of 1974

U. P. Act no. 12 of 1983

**[Passed in Hindi by the Uttar Pradesh Legislative Assembly
on February 10, 1958 and by the Uttar Pradesh Legislative Council
on March 25, 1958.]**

**Received the assent of the President on May, 8, 1958, under
Article 201 of the Constitution of India and was published in the
Uttar Pradesh Gazette Extraordinary, dated May 12, 1958.]**

AN

ACT

***to provide for expeditious recovery of Government dues for
the supply of electrical energy by Government undertakings***

**WHEREAS it is expedient to make provision for expeditious
recovery of dues for the supply of energy by Government under
takings;**

**It is hereby enacted as follows in the ninth year of the
Republic of India ;**

**Short title,
extent and
commencement**

1. (1) This Act may be called the Uttar Pradesh Government
Electrical Undertakings (Dues Recovery) Act, 1958.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Definition

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

²[(a) “Consumer” means any person who is supplied with energy
by a Government electrical undertaking whether for his own
consumption or in connection with his business of supplying energy or
otherwise ;]

(b) “Prescribed authority” includes any person authorized as
such by the State Government, by notification in the official Gazette, to
perform the functions of a Prescribed Authority under this Act for such
area as may be specified in the notification ;

(c) “Government Electrical Undertakings” includes the Kanpur
Electric Supply Administration and such other electrical undertakings

1. For Statement of Objects and Reasons see Uttar Pradesh Gazette Extraordinary, dated January 30, 1958.

2. [Subs. by s. 9 \(i\) of U. P. Act No. 36, 1974 and be deemed always to have been substituted.](#)

run or controlled by the State Government or the Board as may be notified in this behalf ;

(d) “State Government” means the Government of Uttar Pradesh; and

(e) “Board” means the “State Electricity Board” constituted under section 5 of the Electricity (Supply) Act, 1948, as amended from time to time.

Notice of demand or dues not paid

3. Where any dues [including the amount of security payable ¹[under Schedule VI to the Indian Electricity Act, 1910 or under section 47-A] of the Electricity ²[(Supply) Act, 1948] are payable by a consumer to a Government Electricity Undertaking, the prescribed authority may, at any time after thirty days from the date on which such dues accrued, serve or cause to be served upon the person liable, a notice of demand stating the name of the person, the amount payable by him and the undertaking in respect of which it is due.

Explanation (1)— The sending of the notice by registered post shall be deemed to be sufficient service on the person concerned.

Explanation (2)— A sum due to a Government Electrical Undertaking shall be deemed to have accrued on the expiry of the date mentioned in the bill for payment of the dues.

Suit to challenge the liability to pay dues

4. (1) Where a notice of demand has been served on the consumer, or his authorized agent, under section 3, he may, if he denies his liability to pay the dues or any part thereof, and upon deposit thereof with the prescribed authority under protest in writing, institute a suit for the refund of the dues or part thereof so deposited.

(2) The suit referred to in sub-section (1) may be instituted at any time within six months from the date of deposit with the prescribed authority in the Court having jurisdiction, but subject to the result of the suit the notice of demand shall be conclusive proof of the dues mentioned therein.

**Recovery of dues
Application of other laws and agreement**

5. If the dues for which notice of demand has been served are not deposited with the prescribed authority within thirty days from the date of service, or such extended period as the prescribed authority may allow, the same together with such costs of recovery as may be prescribed shall be recoverable as arrears of land revenue, anything contained in any other law or instrument or agreement to the contrary notwithstanding.

Extension of period of limitation

³**[5-A.** Notwithstanding anything in the Indian ⁴[Limitation Act, 1963], or any other law for the time being in force, the period of limitation in respect of any suit by or on behalf of the Board, for the

¹. [Inserted by section 9 \(ii\) of U. P. Act No. 36 of 1974 and be deemed to have been inserted with effect from October 9, 1972.](#)

². [Subs. by section 9 of U. P. Act no. 12 of 1983.](#)

³. [Ins. by section 2 of U.P. Act No. xxvii, 1963 and be deemed to have been operative with effect from April 01, 1959.](#)

⁴. [Subs. by section 10 of U.P. Act No. 12 of 1983.](#)

[The Uttar Pradesh Government Electrical Undertakings (Dues Recovery) Act, 1958]

Act IX of 1908 recovery of any dues under this Act shall be six years from the date from which the period of limitation would begin to run under the Indian Limitation Act, 1908, against a like suit by a private person ;

Act no. LIV of 1948 Provided that the period of limitation for any suit filed by the Board by virtue of sub-section (1) of section 60 of the Electricity (Supply) Act, 1948, for the recovery of any dues accruing before the date of the first constitution of the Board, shall be the same as provided in Article 149 of the First Schedule to the Indian Limitation Act, 1908, but not exceeding six years from the first constitution of the Board.]¹

Act no. IX of 1908

Power to make rules

6. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely —

(a) the form of notice and the manner in which it may be served;

(b) the costs of the notice of demand and the costs of recovery ;

(c) any other matter which has to be, or may be, prescribed.

1. [Added by section 2 of U. P. Act No. XXVII, 1963 and be deemed to have been operative with effect from April 1, 1959.](#)

