

ORISSA ACT XII OF 1946

THE ORISSA WAR COSTS SURCHARGES ON
ELECTRIC UTILITIES VALIDATING ACT, 1946

[Received the assent of the Governor-General on the 16th
November 1946, first published in an extraordinary
issue of the Orissa Gazette on the 3rd December 1946]

AN ACT TO ESTABLISH THE VALIDITY OF CERTAIN SURCHARGES
LEVIED ON MAXIMUM RATES CHARGEABLE BY A LICENSEE
UNDER SECTION 3 OF THE INDIAN ELECTRICITY
ACT, 1910 OR BY A PERSON UNDER
SECTION 28 OF THE SAID ACT, FOR
THE SUPPLY OF ELECTRICAL ENERGY

WHEREAS it is expedient to validate certain surcharges
levied on maximum rates chargeable by a licensee under
section 3 of the Indian Electricity Act, 1910, or by a person ^{IX of 1910}
under section 28 of the said Act, for supply of the electrical
energy ;

AND WHEREAS the licensee or the person as aforesaid
levied the surcharges on the authority of the Provincial
Government ;

It is hereby enacted as follows :—

Short title
and com-
mencement

1. (1) This Act may be called the Orissa War Costs
Surcharges on Electric Utilities Validating Act, 1946.

(2) It shall come into force at once.

Validation
of sur-
charge
already
levied

2. (1) Where any licensee under section 3 of the Indian
Electricity Act, 1910, or any person engaged in the business of ^{IX of 1910}
supplying electrical energy with the previous sanction of the
Provincial Government under section 28 of the said Act has
under the authority of the notification cited and during the
period specified in sub-section (2), levied a surcharge on the
price charged in respect of the supply of electrical energy,
such surcharge shall be deemed to have been lawfully made
and to have been lawfully payable notwithstanding any
stipulation inconsistent therewith or contrary thereto in any
contract or agreement previously made and then subsisting,
and the propriety of such surcharge shall not be called in
question in any Court, nor shall any claim for refund of any
payment made by way of such surcharge be entertained by
any Court.

(2) The period referred to in sub-section (1) is, in
respect of a licensee or person supplying electrical energy
in the Province of Orissa, the period from the 1st of April
1944 to the 31st August 1945 being the period during which
the Orissa Government Order No. 2422, dated the 4th
March 1944, as subsequently amended and published in
the *Orissa Gazette* was extant in respect of a licensee or
person supplying electrical energy in the Province of
Orissa.