

THE KHYBER PAKHTUNKHWA ELECTRICITY (TEMPORARY POWERS OF CONTROL) ACT, 1947.

(ACT XXI of 1947).

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**THE ¹[KHYBER PAKHTUNKHWA] ELECTRICITY
(TEMPORARY POWERS OF CONTROL) ACT, 1947.**

ACT XXI OF 1947.

(Recived the assent of the Governor-General on the 6th July, 1947).

WHEREAS it is expedient to provide for the continuance during a limited period of powers to control the production. supply and distribution of electricity;

It is hereby enacted as follows: —

1. (1) This Act, may be called the ²[Khyber Pakhtunkhwa] Electricity Temporary Powers of Control Act, 1947. Short title, extent, commencement and duration.

(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa.

(3) It shall be deemed to have come into force on the 26th day of March, 1947.

(4) It shall cease to have effect after March the 25th, 1949, except as respects things done or omitted to be done before the expiration thereof, and Section 6 of the ⁴[West Pakistan General Clauses Act, 1956], shall apply upon the expiry of this Act as if it had then been repealed by an Act of this Province.

2. "Notified Order" means an order notified in the official Gazette. Definition.

⁵[.....]

3. (1) The Provincial Government so far as it appears to it to be necessary or expedient for maintaining or increasing supply of electricity or for securing its equitable distribution may, by notified order, provide for regulating or prohibiting the production, supply and distribution thereof. Powers to control production, supply and distribution.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide-

- (a) for regulating the giving of connections of electricity;
- (b) for regulating the time during which and the manner in which the electricity shall be consumed by any person or commercial undertaking;

¹. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

². Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

³. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

⁴. This Act, has been repealed by the W.P. General Clauses Act, 1956 (VI of 1956).

⁵. The definition "Provincial Government" omitted by W.P.L.A. Order, 1964.

- (c) for collecting any information or statistics with a view to regulating or prohibiting the production or consumption of electricity.

4. The Provincial Government may, by notified order, direct that the power to make orders under Section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by an officer or authority subordinate to the Provincial Government:

Delegation of Powers.

Provided that an appeal against an order of such officer or authority shall lie to the Provincial Government if preferred within 30 days from the date on which the order was passed:

Provided also the Provincial Government may admit the appeal after the period of limitation prescribed therefor, when it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

5. Every order made under sub-rule (2) of Rule 81 of the Defence of India Rules, as continued in force by Section 2 of the Emergency Provisions (Continuance) Ordinance, 1946 (XX of 1946) in respect of any of the matters specified in Section 3, which was in force immediately before the commencement of this Act shall, so far it could validly have been made by the Provincial Government under the said section, continue in force and be deemed to have been made under that section until it is superseded or modified by a competent authority under the provisions of this Act.

Continuance in force of existing orders.

6. Any order made or deemed to have been made under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of orders inconsistent with other enactment.

7. If any person contravenes any order made or deemed to have been made under Section 3, he shall be punishable with imprisonment for a term which may extend to six months or with fine up to Rs. 1,000 or with both.

Penalties.

8. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to have been made under Section 3, he shall be deemed to have contravened that order.

Attempt etc. to contravene orders.

9. If the person contravening an order made or deemed to have been made under Section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall unless he proves that the contravention took place without his knowledge, or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Offences by corporation.

10. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence

Cognizance of offences.

made by a person who or is a public servant as defined in Section 21 of the Indian Penal Code.

11. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under Section 3. Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by any thing which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under Section 3.

12. The Provincial Government may after previous publication, by notification in the official Gazette, make rules to give effect to the purposes of this Act. Power to make rules.