



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Goa Electricity Duty (Amendment) Bill, 2002

(Bill No. 10 of 2002)


(~~To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM,
JANUARY, 2002

The Goa Electricity Duty (Amendment) Bill, 2002

(Bill No. 10 of 2002)

A

BILL

to amend the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No. 7 of 1986)

Be it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India as follows: -

1. *Short title and commencement.*— (1) This Act may be called the Goa Electricity Duty (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from the 28th day of November 2001.

2. *Amendment of section. 3.*— In the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No. 7 of 1986), (hereinafter referred to as the “principal Act”, in section 3, in sub-section (1), the following provision shall be inserted, namely:—

“ Provided that the Government may, by notification in the Official Gazette, levy a duty at such other rate or rates or at a flat rate for all types of consumers but not exceeding the maximum rates as specified in the said Schedule.”

3. *Amendment of Schedule.*— In the Schedule appended to the principal Act,—

(a) in PART-C, for the figure "1", the figure "4" shall be substituted;

(b) in PART-E, for the figure "1", the figure "2" shall be substituted.

4. *Repeal and Saving.*— (1) The Goa Electricity Duty (Amendment) Ordinance, 2001 (Ordinance No.8 of 2001), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Statement of Objects and Reasons

At present the responsibility of providing and maintaining the public lighting is with the Electricity Department. The local authorities, i.e. Municipalities and the Village Panchayats, are not in a position to bear the energy charges towards public lighting and this financial burden also falls on the Electricity Department. In order to mobilise additional revenue to meet these expenses on providing and maintaining the public lighting, the Governor of Goa promulgated the Goa Electricity Duty (Amendment) Ordinance, 2001 (Ordinance No.8 of 2001) on 28/11/2001, thereby empowering the Government to levy a duty at such other rate or rates or at a flat rate for all types of consumers but not exceeding the maximum rates as specified in the Schedule to the Act, by suitably amending sub-section (1) of section 3 and the Schedule to the said Act, 1986.

This Bill seeks to replace the said Ordinance.

Panaji Goa
11 January, 2002

DIGAMBAR KAMAT
Minister for Power

Financial Memorandum

By levy of Electricity Duty of 2 paise on all consumption for all type of consumers the Government is likely to earn on average an additional annual revenue of Rupees two crores.

Memorandum Regarding Delegated Legislation

Proposed provision to sub-section (1) of section 3 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act No.7 of 1986) empowers the Government to levy, by notification in the Official Gazette a duty at such other rate or rates or at a flat rate for all types of consumers but not exceeding the maximum rates as specified in the schedule.

This delegation is of normal character.

Assembly Hall
Porvorim-Goa
11 January, 2002

R. KOTHANDARAMAN
Secretary (Legislature),

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommends to the Legislative Assembly, the introduction and consideration of the Bill.

ANNEXURE

Extract of section 3 of the Goa, Daman and Diu Electricity Duty Act, 1986 (Act 7 of 1986)

3. *Duty on units of energy consumed.* — (1) Subject to the provisions of sub-section (2), there shall be levied and paid to the Government on the units of energy consumed, a duty at the rates specified in the schedule.

(2) No duty shall be leviable on the units of energy consumed.—

(i) by the Government (save in respect of premises used for residential purposes);

(ii) in respect of a hospital, or nursing home or dispensary, each of which when not maintained for private gains;

(iii) where the energy generated is at a voltage not exceeding 100 volts;

(iv) in respect of such industrial or agricultural purposes (other than residential or office purposes) in such areas and subject to each terms and conditions and for such period as the Government may, having regard to the need and conditions of industrial and agricultural development in the areas, by general or special order, specify in that behalf.

Provided that the Government may, either prospectively or retrospectively, by notification in the official Gazette, exclude —

(a) any areas aforesaid or any part thereof (regard being had to the price of energy prevailing therein

and to the state of industrial development thereof);
or

(b) any new industrial undertaking, as may be specified in this behalf by the Government in such Notification; and thereupon the provision of this clause shall not apply in those areas or part thereof or in relation to such new industrial undertakings.

SCHEDULE

(See section 3)

PART - A

I.

In respect of —

- (i) Private houses, bungalows, clubs, hostels and hospitals run on non-commercial lines; charitable, education and religious institutions, etc. for lights, fans, radios, domestic heating and other household appliances—

Units consumed per month	paise/Unit
(a) For first 30 units	5
(b) For next 120 units	8
(c) For balance above 150 units	10

PART - B

In respect of—

Shops, offices, railway stations, hotels, restaurants, photographic studios, X-ray installations, laundries, drycleaners, cinemas, theatres, A.I.R. station and other commercial installations for lights, fans, radios, heating and other appliances -

Units consumed per month	paise/Unit
(d) For first 30 units	15
(e) For next 120 units	15
(f) For balance above 150 units	15

PART - C

In respect of —

General motive power service.

Units generated and consumed
per month

	paise/Unit
All units (for L.T. consumers)	1
All units (for H.T. consumers)	4

PART - D

In respect of —

Poultry, dairy, piggery, pisciculture, etc for lights, fans, heating and other appliances —

Units consumed per month	paise/Unit
All units	5

PART - E

In respect of —

Irrigation pumping anmd agricultural purposes —

Units consumed per month	paise/Unit
All units	1

PART - F

In respect of —

Public lighting system including signal system and park lighting belonging to local authorities such as Municipalities/Panchayats, etc.—

Units consumed per month	paise/Unit
All units	-

PART - G

In respect of —

Temporary supply for exhibitions or entertainments for private gains or for social functions or for any other purpose. —

Capacity of generator	Rs/KVA/day
Any capacity	2

II .Where any question arises to the part or clause in this schedule under which any consumption of

energy falls, or where the energy is consumed for different purposes, what portion of consumption should be governed by such part of clause, the question shall be referred for decision to such authority, as the Government may by Notification in the official Gazette, specify for the whole or any part of the Union Territory. The authority after inquiry as it deems fit shall record its decision.

An appeal shall lie against such decision to the Government, which shall be made within 60 days from the date of the decision.

Where no such appeal is made, the Government may, at any time suo motu, for the purpose of satisfying itself as to the legality or propriety of the decision of the authority, call for and examine the record of the case. If it appears to the Government that any decision so called for, should be modified annulled or reversed, the Government may, after giving the person affected thereby an opportunity of being heard, pass such order thereon as it thinks just.

The decision recorded by the authority, subject to any appeal to, or revision by the Government, and the order of the Government in appeal or revision shall be final.