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Reg. No. MH/MR/South-322/2010-12



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष ४, अंक १६]

बुधवार, मे १६, २०१२/वैशाख २६, शके १९३४

[पृष्ठे १३

किंमत : रुपये १४.००

असाधारण क्रमांक ५७

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांब्यतिरिक्त) नियम व आदेश.

INDUSTRIES, ENERGY AND LABOUR DEPARTMENT

Madam Kama Marg, Hutatma Rajguru Chowk,

Mantralaya, Mumbai 400 032,

dated the 11th May 2012

NOTIFICATION

ELECTRICITY ACT, 2003.

No. Niyam 2008/C.R. 217/NRG-3.—In exercise of the powers conferred by Clause (b) of sub-section (2) of Section 180 read with sub-section (2) of Section 67 of Electricity Act, 2003 (36 of 2003) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules :—

1. *Short title.*—These rules may be called the Maharashtra Electricity Work of Licensees Rules, 2012.

भाग चार-अ—५७-१

(१)

2. *Definitions.*—(1) In these rules unless the context otherwise requires,—

(a) “ The Act ” means the Electricity Act, 2003 ;

(b) “ Authorised Officer ” means an officer nominated by the Government of Maharashtra for deciding the issues, (related to Transmission and Distribution Licenses) ;

(c) “ Commission ” means Maharashtra Electricity Regulatory Commission constiuted under section 82 of the Act ;

(d) “ Energy ” means electrical energy,—

(i) generated, transmitted or supplied for any purposes, or

(ii) used for any purpose except transmission of a meassage ;

(e) “ Occupier ” of any building or land means a person in lawful occupation of that building or land.

(f) “ Rules ” means the rules framed by the State Government under the Act.

(2) The words and expressions used but not defined herein shall have the respective meanings as assigned to them in the Act.

3. *Licensee to carry out works.*—(1) A licensee may,—

(a) carry out works, lay down or place any electric supply line or other works in, through, or against, any building, or on, over or under any land whereon, where over or whereunder any electric supply-line or works has not already been lawfully laid down or placed by such licensee, with the prior written consent of the owner or occupier of any building or land;

(b) fix any support of overhead line or any stay or strut required for the purpose of securing in position any support of an overhead line on any building or land or having been so fixed, may alter such support ;

Provided that, in case where the owner or occupier of the building or land raises objections in respect of works to be carried out under this rule, the licensee shall by an application obtain permission in writing from the District Collector or any other officer authorized by the State Government in this behalf, for carrying out the works:

Provided further that, if at any time, the owner or occupier of any building or land on which any works have been carried out or any support of an overhead line, stay or strut has been fixed shows sufficient cause, the District

Collector or the officer authorized may by order in writing direct for any such works, support, stay or strut to be removed or altered :

Provided also that, in case the District Collector does not issue a direction within fifteen days from the date of receipt of application or does not consent to the proposed works, the licensee may seek direction from the Commission.

(2) When making an order under sub-rule (1), the District Collector or the officer so authorized, as the case may be, shall fix after considering the representations of the concerned persons, if any, the amount of compensation, which should in his opinion be paid by the licensee to the owner or occupier.

(3) Every order made by a District Collector or an authorized officer under sub-rule (1) shall be subject to revision by Commission.

(4) Nothing contained in this rule shall affect the powers conferred upon any licensee under section 164 of the Act.

4. *Works affecting streets, railway, tramway, monorail, metro, canal or waterway.*— (1) Where the exercise of any of the powers of a licensee in relation to the execution of any works involves the placing of any works in, under, over, along or across any street, part of a street, footpath, subway, bridge, railway, tramway, Monorail, Metro, canal or waterway, the licensee shall serve upon the person responsible for the repair of the street or part of a street (hereinafter referred to as "the repairing authority") or upon the person for the time being entitled to work the railway, tramway, monorail, metro, canal or waterway (hereinafter referred to as "works authority"), as the case may be, a notice in writing, not less than twenty days before commencing the execution of the works describing the proposed works, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one cm. to one meter vertically and one cm. to forty meters horizontally and intimating the manner in which, period for completion from commencement and the time at which, it is proposed to interfere with or alter any existing works, and shall, upon being required to do so by the repairing authority or works authority, as the case may be, from time to time give such further information in relation thereto as may be desired.

(2) If the repairing authority intimates to the licensee that it disapproves of such works, section or plan giving reasons for disapproval, or approves thereof subject to amendment, the licensee may, unless settled by an agreement, prefer an appeal to the Commission within one week of receiving such intimation, whose decision, after considering the reason given by the repairing authority for its action, shall be final.

(3) If the repairing authority fails to give notice in writing of its approval or disapproval to the licensee within fifteen days of the receipt of the notice, it shall be deemed to have approved of the works, section and plan, and the licensee, after giving not less than forty-eight hours' notice in writing to the repairing authority, may proceed to carry out the works in accordance with the notice and the section and plan served under sub-rule (1).

(4) If the works authority disapproves of such works, Section or plan giving reasons for disapproval, or approves thereof subject to amendment, he may, within fifteen days after the service of the notice under sub-rule (1) of rule 5, serve a requisition upon the licensee demanding that any question in relation to the works or to compensation, or to the obligations of the works authority to others in respect thereof, shall be determined, by the commission.

(5) Where no requisition has been served by the works authority upon the licensee within the time period provided under sub-rule (4), the works authority shall be deemed to have approved of the works, section and plan, and in that case, or where after the matter has been determined by the Commission, the works may, upon payment or securing of compensation, be executed according to the notice and the section and plan, subject to such modifications as may have been determined by Commission or agreed upon between the parties :

Explanation.—The word “works” includes a service line in, under, over, along or across a railway even if such line is immediately attached or intended to be immediately attached to a distributing main, but does not include any other service line so attached or intended to be so attached to a distributing main, or works which consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered.

(6) Where the works to be executed consist of the laying of any underground service line immediately attached, or intended to be immediately attached, to a distributing main and not being a service line on railway premises, the licensee shall give to the repairing authority or the works authority, intimation about the same.

(7) Where the works to be executed consist of the repair, renewal or amendment of existing works of which the character or position is not to be altered, the licensee shall, except in cases of emergency, give to the repairing authority, or to the works authority, as the case may be not less than forty-eight hours notice in writing of his intention to execute such works, and, on expiry of such notice such works shall be commenced forthwith and shall be carried out with all reasonable dispatch, and, if possible, both by day and by night until completed without disturbing the existing installations of repairing authority or works authority.

(8) Where the works to be executed consist of the alteration of the position of any pipe, wire or other works necessitated by the licensee's duties under the Act, the licensee shall give not less than fourteen days intimation to the owner of such pipe, wire or other works, of his intention to execute such works together with such details as may be required by the owner.

(9) Where the works to be executed consist of digging or sinking a trench near to any sewer, drain or other works of the State Government or local authority or to any works of any duly authorized person, the licensee shall, except in the case of an emergency, shall give not less than forty-eight hours notice to such State Government, local authority or duly authorized person of his intention to carry out such works:

Provided that, nothing in this sub-rule will apply where the licensee is a local authority in respect of any sewer, drain or other works under the control of such local authority.

(10) Where the works to be executed consist of laying down or placing any works within ten meters of a telegraph line, the licensee shall execute such works in accordance with the provisions of section 69 of the Act.

(11) Where after providing a notice in the manner prescribed in these Rules the licensee does not receive an objection in writing, within the notice period, from the person to whom such notice was given, the approval of such person to the proposed works shall be deemed to have been obtained :

Provided, that the Licensee shall with reasonable diligence endeavour, on a best effort basis, to obtain the consent of such person as required by these Rules including by way of giving notice in newspapers.

(12) Notwithstanding the aforesaid, the licensee shall not alter the position of the main sewer of a local authority without obtaining the written consent of such local authority.

5. *Repairs and works during emergency.*—The licensee may, in case of emergency due to the breakdown of an underground electric supply-line, after informing in writing with necessary reasons to the repairing authority or the works authority, as the case may be, of his intention to do so, carry out the work of repairs to electric supply or place an overhead line or underground cable without complying with the provisions of rule 4 and by observing provisions of safety code:

Provided that, such overhead line shall be used only until the defect in the underground electric supply-line can be made good, and in no case (unless with the written consent of the repairing authority, works authority or occupier as the case may be) for a period exceeding six weeks, and shall be removed, as soon as may be, after such defect is removed.

(2) The licensee may, in case of emergency due to the breakdown of existing works, execute such works as may be required to restore supply ("temporary works") without having to comply with the requirements of these rules as regards time period of prior notice :

Provided that, in respect of existing works of the licensee within ten meters of a telegraph line, the licensee shall comply with the provisions of section 69 of the Act with regard to giving notice to the telegraph authority:

Provided further that, the licensee shall remove the temporary works immediately upon repair or restoration, as the case may be, of the existing works and in no case later than six weeks from the date of implementation of such temporary works (unless the repairing authority, works authority or occupier, as the case may be, provides a written consent to retain the temporary works).

6. *Procedure for carrying out other works near sewers, pipes or other electric lines or works.*—The licensee or any duly authorised person, as the case may be (hereinafter in this rule referred to as "the operator"), shall,—

(a) where the licensee requires to dig or sink any trench for laying down any new electric supply lines or other works, near to which any

sewer, drain, water-course or work under the control of the State Government or of any local authority, or any pipe, siphon, electric supply-line or other work belonging to any duly authorised person, has been lawfully placed, or

(b) where any duly authorised person is required to dig or sink any trench for laying down or constructing any new pipes or other works, near to which any electric supply-lines or works of a licensee have been lawfully placed ;

unless it is otherwise agreed upon between the parties interested or in case of sudden emergency, give to the State Government or local authority, or to such duly authorised person or the licensee, as the case may be (hereinafter in this Rule referred to as "the owner"), not less than forty-eight hours' notice in writing before commencing to dig or sink the trench and the owner shall have the right to be present during the execution of the work, which shall be executed to the reasonable satisfaction of the owner.

(2) Where the operator finds it necessary to undermine, but not to alter, the position of any pipe, electric supply-line or work, he shall support its position during the execution of the work, and before completion shall provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the licensee) lays any electric supply-line across, or so as to be liable to touch, any pipes, lines or service-pipes or service-lines belonging to any duly authorised person or to any person supplying, transmitting or using energy under the Act, he shall not, except with the written consent of such person and in accordance with the regulations on safety as specified under section 53 of the Act, lay his electric supply-lines so as to come into contact with any such pipes, lines or service-pipes or service-lines.

(4) Where the operator makes default in complying with of the provisions of this rule, he shall make full compensation for any loss or damage incurred by reason thereof.

(5) Where any difference or dispute arises under this rule, the matter shall be determined by the Commission.

(6) Where the licensee is a local authority, the references in this rule to the local authority and to sewers, drains, water-courses or works under its control shall not apply.

7. *Alteration of the position of pipes, electric lines, etc.*—(1) Any licensee may alter the position of any pipe not forming part of a local authority's main sewer), or of any wire under or over any place which he is authorised to open or break up, if such pipe or wire is likely to interfere with the exercise of his powers under the Act; and any person may alter the position of any electric supply-lines or works of a licensee under or over any such place as aforesaid, if such electric supply-lines or works are likely to interfere with the lawful exercise of any powers vested in him.

(2) The licensee or other person desiring to make the alteration, unless otherwise agreed, shall, not less than one month before commencing any alteration, serve upon the person for the time being entitled to the pipe, wire, electric supply- lines or works, as the case may be (hereinafter in this rule referred to as "the owner"), a notice in writing, describing the proposed alteration, together with a section and plan thereof on a scale sufficiently large to show clearly the details of the proposed works, and not in any case smaller than one cm. to one meter vertically and one cm. to forty meters horizontally, and intimating the time when it is to be commenced, and shall subsequently give such further information in relation thereto as the owner may desire.

(3) The owner may, within fourteen days after the service of the notice, section and plan, serve upon the operator a requisition to the effect that any question arising upon the notice, section or plan, shall, unless settled by agreement, be determined by Commission, and thereupon the matter shall be determined by the Commission.

(4) The Commission to whom a reference is made under sub-rule (3), shall have regard to any duties or obligations which the owner is under, and may require the operator to execute any temporary or other works so as to avoid, as far as possible, interference therewith.

(5) Where no requisition is served upon the operator under sub-rule (3) within the time limit, or where such a requisition has been served and the matter has been settled by agreement between the parties or determined by the Commission, the alteration may, upon payment or securing of any compensation accepted or determined by Commission, be executed in accordance with the notice, section and plan and subject to such modifications agreed upon between the parties or as may have been determined by the Commission.

(6) Where the operator desiring to make the alteration makes default in complying with any of these provisions, he shall make fully compensation for any loss or damage incurred by reason thereof, and, where any difference or dispute arises as to the amount of such compensation, the matter shall be determined by the Commission.

(7) Where the owner or occupier desires to carry out certain works himself, —

(i) he may, at least ten days before the operator desiring to make the alteration of pipes or wires is entitled to commence the alteration, serve upon the operator a statement in writing to the effect that he desires to execute the alteration himself and requires the operator to give such security for the repayment of any expenses as may be agreed upon or, determined by the Commission :

Provided that, such works shall be executed by a Licensed Electrical Contractor on behalf of the owner in accordance with the specifications and standards provided by the licensee.

(ii) where a statement is served upon the operator under clause (i), he shall, not less than forty-eight hours before the execution of the alteration is required to be commenced, furnish such security and serve upon the owner a notice in writing intimating the time when the alteration is required to be commenced, and the manner in which it is required to be made and thereupon the owner may proceed to execute the alteration as required by the operator ;

(iii) Where the owner declines to comply, or does not, within the time and in the manner prescribed by a notice served upon him under clause (ii), comply with the notice, the operator may himself execute the alteration ;

(iv) all expenses incurred by the owner in complying with a notice served upon him by the operator under clause (ii) may be recovered by him from the operator :

Provided that, the owner may require the licensee to give security towards repayment of expenses incurred by him.

8. *Works not repairable by the Appropriate Government, licensee or local authority.*—The licensee shall open or break up any street not repairable by the Central Government or the State Government or a local authority only with the written consent of the person by whom the street is repairable or with the written consent of the State Government :

Provided that the State Government shall not give any such consent as aforesaid, until the licensee has given notice by advertisement or otherwise as State Government may direct, and within such period as the Government may fix in this behalf, to the person above referred to, and until all representations or objections received in accordance with the notice have been considered by State Government.

9. *Procedure for fencing, guarding, lighting and other safety measures relating to works and immediate reinstatement of streets, railways, sewers, drains or tunnels.*—(1) Where any person, in exercise of any of the powers conferred by or under these rules opens or breaks up the soil or pavement of any street, railway or tramway, or any sewer, drain or tunnel, he shall—

(a) immediately cause the part opened or broken up to be fenced and guarded and fix caution boards to alert traffic ;

(b) cause a light or lights, sufficient for the warning of passengers before sunset, to be set up and maintained until sunrise against or near the part opened or broken up ;

(c) make suitable arrangements for smooth flow of traffic ;

(d) fill in the ground and reinstate and make good the soil or pavement, or the sewer, drain or tunnel, opened or broken up with all reasonable speed, and carry away the rubbish occasioned by such opening or breaking up ; and

(e) after reinstating and making good the soil or pavement, or the sewer, drain or tunnel broken or opened up, keep the same in good repair for three months and for any further period, not exceeding nine months, during which subsidence continues :

Provided this rule shall not apply in cases where the work is carried out by concerned local authority and payment recovered from utility or other concerned person.

(2) Where any person fails to comply with any of the provisions of sub-rule (1), the person having the control or management of the street, railway, tramway, sewer, drain or tunnel in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred on such execution ;

(3) Where any person has undertaken any works provided for in this Rule, he shall pay such charges as may be specified by the repairing authority or owner, towards cost of reinstating and making good the soil or pavement, or the sewer, drain or tunnel, as the case may be. The repairing authority, after the reinstatement is carried out, shall refund the excess amount within a period of three months alongwith a statement of actual expenditure incurred for the reinstatement job ;

(4) Where any person fails to comply with any of the aforesaid clause, the repairing authority or the owner, as the case may be, in respect of which the default has occurred, may cause to be executed the work which the defaulter has delayed or omitted to execute, and may recover from him the expenses incurred in such execution ;

(5) Where any difference or dispute arises as to the amount of the expenses incurred or non refund of excess amount under sub-rule (2) or (3), the matter shall be determined by the Commission.

10. *Avoidance of public nuisance, environmental damage and unnecessary damage to the public and private property by such works.*—The licensee shall, while carrying out works, ensure that such works do not cause Public nuisance, environmental damage and unnecessary damage to the public or private property.

11. *Manner of deposit of amount for restoration of railways, tramways, waterways etc.*—The licensee shall deposit the amount for restoration of railways, tramways, waterways etc. under these rules by means of demand draft in favour of the officer-in-charge of the maintenance of the works concerned.

12. *Manner of restoration of property affected by such works and maintenance thereof.*—The licensee shall carry out the restoration of property affected by works and undertake necessary maintenance thereof for one month :

Provided nothing in this rule shall apply in cases where the work is carried out by concerned local authority and payment recovered from utility or other concerned person.

13. *Determination and payment of compensation to affected persons.*—
(1) Where the licensee makes default in complying with any of the provisions of these rules, he shall make full compensation for any loss or damage incurred by reasons thereof to the person affected, as may be determined by the District Collector or by any other officer authorised by the State Government in this behalf, if not agreed mutually between the parties concerned.

(2) Where any difference and dispute arises as to the amount of compensation determined under sub-rule (1), the matter shall be determined by the Commission.

14. *Procedure for deposit of compensation payable by the licensee and furnishing of security.*—(1) The amount of compensation payable by the licensee under these rules shall be deposited by means of demand draft ;

(2) The security required to be furnished under these rules shall be in the form of Bank Guarantee from a Scheduled Bank or in any other form as may be notified by the Government from time to time.

15. *Overhead Lines.*— An overhead line shall be installed or kept installed above ground with the approval of the State Government :

Provided, that the licensee may, in case of an emergency, due to the breakdown of an underground electric line, after giving notice in writing to the repairing authority or the owner, as the case may be, of his intention to do so, place an overhead line without the prior approval of the State Government :

Provided further that such overhead line shall be used only till the defect in the underground electric line can be made good and in no case (unless with the written consent of the State Government) for a period exceeding six weeks and shall be removed as soon as such defect is removed.

16. *Determination of dispute or difference by the Commission.*—When a matter is brought to the Commission for determination under these rules, the Commission shall endeavour to determine the same within a period of

forty-five days and after hearing the parties concerned :

Provided that, if the commission is unable to determine the matter, within the said period of forty-five days, it shall by order in writing, record the reasons, for every such day for which it could not determine the matter.

17. *Service of notice etc.*—Whenever a notice or intimation is required to be served upon a person under these rules, the procedure provided under Section 171 of the Act and rules made there under shall be followed.

By order and in the name of the Governor of Maharashtra,

VIDYADHAR KANADE,
Principal Secretary to Government.