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**THE ELECTRICITY (CONTROL OF UNDERTAKINGS)
ACT, 1947.**

[BURMA ACT NO. LXIII OF 1947.]

[25th October 1947.]

It is hereby enacted as follows :—

1. (1) Notwithstanding anything to the contrary contained in the Electricity Act or in the rules made thereunder or in any licence granted under that Act, the Governor may, after one month's notice, cause an agent of the Governor to take over the undertaking comprised in any such licence and to carry on the undertaking in place of the licensee with the powers of the licensee as lessee of any property comprised in the undertaking.

(2) The notice aforesaid shall be served on the licensee or, where that is not practicable, posted on the site of the power-station of the licensee.

2. Where an agent of the Governor takes over an undertaking in pursuance of the provisions of sub-section (1) of section 1, the licensee of such undertaking shall be paid a reasonable hire charge for the use of the undertaking, plus an allowance for the ordinary depreciation which occurs after the undertaking has been taken over on behalf of the Governor.

3. The value of the undertaking shall, for the purpose of section 2, be deemed to be its original installed cost plus all capitalized expenditure thereon as recognized under the Burma Income-tax Act or rules made thereunder, less any damage caused by circumstances arising out of the War or otherwise.

4. Where an owner is dissatisfied with the amount of the hire charge or allowance made by the Governor under section 2, he may apply to the Governor to appoint an arbitrator who shall determine, subject to the provisions of sections 2 and 3, the amount of the hire charge or allowance payable under section 2, and shall make an award which shall be final. The arbitrator may be appointed either by name or by virtue of the office which he holds.

5. In determining the amount of the hire charge payable, regard shall be had to the amount of the allowance for depreciation payable under section 2, but no consideration shall be given to any appreciation in value due to any emergency.

6. (1) The arbitrator shall, without prejudice to any other powers, have the powers which are vested in a Court under the Code of Civil Procedure in respect of the following matters :—

(a) discovery and inspection,

(b) enforcing the attendance of witnesses and requiring the deposit of their expenses,

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- (c) compelling the production of documents and impounding the same,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavits, and
- (g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material ; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure.

(2) The arbitrator may and shall, if so required by either of the parties to the case before him, state a case upon any point of law for the opinion of the High Court at any time during the proceedings, and pending the hearing of the reference to the High Court, the proceedings shall be adjourned.

7. An agent of the Governor authorized to take over an undertaking as aforesaid shall be deemed to be a public servant within the meaning of section 183 of the Penal Code.