



सत्यमेव जयते

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL, 2015.

### GUJARAT BILL NO. 22 OF 2015.

### A BILL

*further to amend the Gujarat Electricity Duty Act, 1958.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2015. Short title.

Bom. XL of  
1958.

2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 4, in sub-section (1), the words "a first charge on the amount" shall be deleted.

Amendment of  
section 4 of Bom.  
XL of 1958.

Insertion of new  
section 8A in  
Bom. XL of  
1958.

3. In the principal Act, after section 8, the following section shall be inserted, namely:-

Tax to be first  
charge on  
electricity duty.

“8A. Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by the consumer, licensee or a person on account of electricity duty, interest or penalty which he is liable to pay to the State Government under this Act, shall be the first charge on the property of such consumer, licensee or, as the case may be, such person.”.

**STATEMENT OF OBJECTS AND REASONS**

It is well settled law that sovereign debts or outstanding dues of the State Government are given priority over other debts. Citizens are bound to pay statutory debts before they pay their dues to other creditors. The statutory dues have priority over the dues of secured creditors if there is a provision in the particular statute.

Section 4 of the Gujarat Electricity Duty Act, 1958 *inter alia* provides that the electricity duty payable by the licensee to the State Government shall be a first charge on the amount recoverable by the licensee for the energy supplied by him. However, there is no such provision with regard to the consumers and other persons who are not licensees but who generate energy and supplies the same to other persons. Also there is no provision for statutory first charge in respect of the interest or penalty, if any, payable by the licensee. It is, therefore, necessary to create a statutory first charge on the amount of electricity duty, interest or penalty which is liable to be paid to the State Government by the consumer, licensee or a person, as the case may be, under the said Act. By creating the first charge on the property of such consumer, licensee or a person, as the case may be, dues recoverable under the said Act shall have priority over the secured debts. A new section 8A in the said Act is, therefore, intended to be inserted as also provisions of sub-section (1) of section 4 are proposed to be amended suitably.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**Dated the 17<sup>th</sup> August, 2015.**

**SAURABH PATEL.**

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

Gandhinagar,  
Dated the 19<sup>th</sup> August, 2015.

**C. J. GOTHI,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.