

महाराष्ट्र शासन

अतितात्काळ

Email Id :- pradeep.shivtare@nic.in

दुरध्वनी क्र. :- ०२२-२२८८३४९६

क्र.संकिर्ण-२०१७/प्र.क्र.३५४/ऊर्जा-५

उद्योग, ऊर्जा व कामगार विभाग,

मादाम कामा रोड, हुतात्मा राजगुरु चौक,

मंत्रालय, मुंबई ४०० ०३२.

दिनांक : २२ मे, २०१८.

प्रति,

- १) अध्यक्ष व व्यवस्थापकीय संचालक,  
महाराष्ट्र राज्य विद्युत वितरण कंपनी मर्या.,  
प्रकाशगड, वांद्रे, मुंबई-५९.
- २) अध्यक्ष व व्यवस्थापकीय संचालक,  
महाराष्ट्र राज्य वीज निर्मिती कंपनी मर्या.,  
प्रकाशगड, वांद्रे, मुंबई-५९.
- ३) अध्यक्ष व व्यवस्थापकीय संचालक,  
महाराष्ट्र राज्य विद्युत पारेषण कंपनी मर्या.,  
प्रकाशगंगा, वांद्रे, मुंबई-५९.

विषय : विद्युत (महाराष्ट्र सुधारणा) विधेयक, २०१८

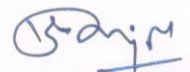
महोदय,

उपरोक्त विषयावरील अवर सचिव, गृह मंत्रालय, भारत सरकार यांच्या दि. १०/०५/२०१८ रोजीच्या पत्राची प्रत व त्यासोबत संचालक, विद्युत मंत्रालय, भारत सरकार यांच्या दि. ०८/०५/२०१८ रोजीच्या पत्राची प्रत सहपत्रांसह सोबत जोडली आहे.

२. महाराष्ट्र विधानमंडळामध्ये विद्युत अधिनियम, २००३ च्या कलम १६८ मध्ये सुधारणा करण्यासाठी विद्युत (महाराष्ट्र सुधारणा) विधेयक, २०१८ संमत करण्यात आले आहे. सदर विधेयक मा. राष्ट्रपतींच्या मान्यतेसाठी केंद्रशासनास सादर केले असता त्यामध्ये विद्युत मंत्रालयाने त्यांच्या दि. ०८/०५/२०१८ रोजीच्या पत्रान्वये काही सुधारणा सुचविल्या आहेत. तरी त्यानुषंगाने आपल्या कंपनीचे अभिप्राय शासनास तात्काळ सादर करण्यात यावेत, ही विनंती.

सोबत - वरीलप्रमाणे

आपला,



(भि. य. मंता)

उप सचिव, महाराष्ट्र शासन

## The Electricity (Maharashtra Amendment) Bill, 2018 - regarding

ARC Liaison [arcliaisonmahasadan@gmail.com]

**Sent:** 18 May 2018 PM 03:54:34

**To:** Shri D. K. Jain; dscs; Arvind Singh

**Attachments:** The Electricity Bill, 2018.pdf (999 KB)

Sir,

29/5  
9:25

Please see the attachment.

--

with warm regards.

Assistant Resident Commissioner (Liaison)

Office of The Resident Commissioner & Secretary ,

Government of Maharashtra, Maharashtra Sadan, New Delhi-1

Email : arcliaisonmahasadan@gmail.com

Ph No. 011-23384353/FAX-011-23782804



उ.स. (सी.म.)

pl. discuss today

for  
21/5

Smt. K



**MOST IMMEDIATE**  
**STATE LEGISLATION**

F.No.17/19/2018- Judl & PP  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
(Judicial & Political Pensions Section)

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Major Dhyan Chand Stadium,  
2<sup>nd</sup> Floor, India Gate, New Delhi.  
Dated 16<sup>th</sup> May, 2018.

To

*Squad/est (C)*  
*11/5/18*  
The Secretary to the Governor of Maharashtra,  
Raj Bhavan, Malabar Hill,  
Mumbai- 400035.

Subject:- The Electricity (Maharashtra Amendment) Bill, 2018- regarding.

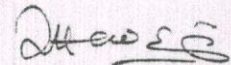
Sir,

I am directed to refer to the State Government's letter No.RB-2018/GS/987 dated 04.04.2018 on the subject mentioned above and to forward herewith the comments of the Ministry of Power for seeking clarifications of the State Government (copies enclosed).

2. If the State Government agrees for the proposed modification as suggested by the M/o Power, as per procedure the Bill may be withdrawn and amendments may be made and resubmitted afresh.

Encl: As above.

Yours faithfully,



(Thangkhulun Haokip)  
Under Secretary (Judl.&PP)  
Tele/fax- 23075310  
Email: usjpp-mha@gov.in

Copy for information to:

*C.No (C)*  
*11/5/18*  
The Resident Commissioner, Government of Maharashtra, Maharashtra  
Sadon, Copernicus Marg, New Delhi-110001.



**MOST IMMEDIATE  
STATE LEGISLATION**

No. 23/16/2018-R&R  
Government of India  
Ministry of Power  
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Shram Shakti Bhawan, Rafi Marg,  
New Delhi, 8<sup>th</sup> May, 2018

**OFFICE MEMORANDUM**

Subject: Reference from MHA – The Electricity (Maharashtra Amendment) Bill, 2018 – regarding.

The undersigned is directed to refer to Ministry of Home Affairs OM No. 17/19/2018-Judl&PP dated 18<sup>th</sup> April, 2018 on the above mentioned subject. The State Legislature of Maharashtra has proposed amendment in Section 168 of the Electricity Act, 2003 through the above subject Bill.

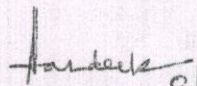
2. The proposed Electricity (Maharashtra Amendment) Bill, 2018 has been examined in consultation with the Central Electricity Authority. The comments of Ministry of Power in the prescribed template (Annexure-I) are enclosed.

3. This Ministry has no objection to the proposed Electricity (Maharashtra Amendment) Bill, 2018 subject to following modification in the proposed provisions of the Bill:

*“Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of an offence alleged to have been committed by an employee employed in connection with the affairs of the Maharashtra State Power Generation Company Limited, the Maharashtra State Electricity Transmission Company Limited or the Maharashtra State Electricity Distribution Company Limited, being the Government Companies, while acting or purporting to act in the discharge of his official duties under this Act or the rules or regulations made thereunder, without the previous sanction of an officer of the ~~concerned Government Company~~ Energy Department of Government of Maharashtra duly authorized in this behalf by it.”*

4. This issues with the approval of Hon'ble MoS(IC) for Power & NRE.

Encl: As above

  
(Sandeep Naik) 8/5/18  
Director  
Tel: 2371 5250

Ministry of Home Affairs,  
(Shri V.B. Dubey, Joint Secretary (Judicial)),  
Judicial and Political Pension's Section,  
Major Dhyan Chand Stadium,  
2<sup>nd</sup> Floor, India Gate,  
New Delhi.



**Template for Examination by the Line Ministries for 'Bill as introduced and as passed' by the State Legislature and reserved by the Governor**

1. Whether the proposed legislation is constitutionally valid: **To be replied by M/o Law & Justice**

(i) Whether the subject matter of the Bill is ex-facie beyond the legislative competence of the State Legislature or not:

**To be replied by M/o Law & Justice**

(ii) If Yes, how? ( Pl explain with statutory provisions)

(iii) Whether its provisions derogate from the scheme and framework of the Constitution so as to endanger the sovereignty, unity and integrity of the Nation or not:

**To be replied by M/o Law & Justice**

(iv) If yes, how? { Pl explain with details of the provision(s) with counter arguments and with supporting documents}

(v) Whether the provisions of the Bill clearly violate The Fundamental Rights or transgress into other Constitutional Limitations and any other provision relating to its basic structure:

**To be replied by M/o Law & Justice**



- (vi) If yes, { Pl explain with details of the provision(s) with counter arguments and supporting document(s)}

2. Whether there is any conflict with an Electricity Act 2003 ? No

- (i) If yes, whether the conflict may be consciously permitted: Yes/No

Not Applicable

- (ii) Which provision/provisions of the Bill is/are in conflict with an Electricity Act 2003, and to what extent?

Not Applicable

- (iii) Whether such Electricity Act has been enacted or is under consideration for enactment?

Not Applicable

- (iv) Reasons due to which this conflict cannot be permitted consciously.



Not Applicable

3. Whether the proposed State enactment involves any deviation from an existing National or Central Policy to its detriment, or would be a hindrance to enactment of uniform laws for the country: **No**

(i) If yes, Which provision(s) of the Bill involve(s) any deviation from any existing National or Central policy, and to what extend?

Not Applicable

(ii) Whether this National or Central Policy has been notified or is still under consideration: **No**

(iii) Reasons due to which this deviation cannot be permitted consciously.

Not Applicable

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