

MADHYA PRADESH UPKAR ADHINIYAM, 1981

Extract of Act No. 1 Of 1982 relating to Energy Development Cess MADHYA PRADESH ACT No. 1 of 1982 THE MADHYA PRADESH UPKAR ADHINIYAM, 1981 (Received the assent of the President on the 16th December, 1981 ; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 12th January 1982. An Act to provide for levy of certain cessus. Enacted by the Madhya Pradesh Legislature in the Thirty-second Year of the Republic of India as follows:—

PART—I
EUGENE. DEVELOPMENT CESS

2. In this unless there is anything repugnant in the subject or context,— (a) 'cess', means the energy development cess levied under section 3; Definitions. (b) 'Fund' means the energy development fund referred to in sub-section (2) of section 3; (c) words and expressions used but not defined in this part and defined in Madhya Pradesh Electricity Duty Act, 1949 (X of 1949), shall have the meaning respectively assigned to them in Act. every distributor of electrical Levy of energy 3. (1) Subject to the exceptions specified in section 4, development cess energy shall pay to the State Government at the prescribed time and in the an energy development cess at the rate. paise per unit on (the total units—of energy sold or consumer or consumed by himself or his employees during any month : Provided that no cess shall be payable in respect of electric energy— (i) (a) sold or supplied to the Government of India for consumption by that Government; or (b) sold or supplied to the Government of India or a railway company, consumption in the construction, or operation or any railway administered by the Government of India (ii) sold or supplied in bulk to a Rural Electric Co-operative under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961); Explanation.—For the purposes of this sub-section month means such period as may be prescribed. (2) The cess under sub-section 3 shall first be credited to the Consolidated Fund of the State and the State Government may at the commencement of each financial year, after due appropriation has been made, withdraw from the Consolidated Fund of the State an amount equivalent to the proceeds of cess realised by the State Government in the preceding financial year and shall place it to the credit of a separate fund to be called the Development Fund and such LO the said fund shall be an expenditure charged on the Consolidated Fund of the State Government of Madhya Pradesh. (3) The amount in the credit of the fund shall, at the discretion of the Government be utilised for (a) research and development in the field of energy including electrical energy as well as other conventional and sources of energy; (b) the efficiency of transmission. Distribution and other energy including reduction of losses in transmission; (c) (d) (e) (f) (g) research in design, construction, maintenance, operation, and materials of the equipment used in the field with a view to achieve of no return cost; (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) 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4. The provisions. Sections 4 to 9 (both inclusive) of the Madhya Pradesh Electricity Duty Act, 1949 (X of 1949) and the rules made thereunder shall mutatis mutandis apply to cess under this Act as they apply to levy of duty on sale or consumption of electrical energy under that Act and so that purpose reference to 'duty' or 'electricity duty' in the said Act or the rules made thereunder, as the case may be, shall be construed as reference to cess— 54 [—USED— 1-12-S6-500. 13 352.1 45 . 29 2001—3-nqrg 8, 1923 . fifi-1 qrg1ü, 29 2001 5. 213 art. fifera; R Root. 31*T, Roog. Z17; t t qfift-qf?rq 3-firqa, () R. (æiiUEF1) t. 703 qrg. 704 .3re.1T* t.rrrr 3;ilf a qa,-T 29 2001 (Gr t) ura (R) a-Nf filf (G) gra "AIQ" Giru. (R) Ro 31fiFfi Gz •üZ gro a, qfizSi Ro (a13) gra Gi, qRqi ul Gilk"ü. (Q (\$1) (Z) f<Riä5 29 2001 gra fix-ql fifia *rii ii -a-a fifü Fi fifü Errft. Ff 3iir •5qi æiü 3*id1 t; Fi (ft Gif GfT@; Ji11 ii tg 3ii(s--qi GIVI, •Ei ' '3Äf" 3imia Fi 3iix 8. 29 2001 348 (3) Gi (2001 2, 2001) t. 3-ff(. å; fiq-*, '704 (2) Short title.

Madhya Pradesh No. 1982 to be referred to as the Madhya Pradesh Upkar Adhiniyam, 1981. In partially amended. Amendment or Section 3. Levy of energy development cess. 29 2001 MADHYA PRADESH ORDINANCE No. 2 OF 2001 THE MADHYA PRADESH UPKAR (SANSKODHAN) ADHYADESH, 2001. (First published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 29th June. Promulgated by the Governor in the Fifty-Second year of the Republic of India; An Ordinance further to amend the Madhya Pradesh Upkar Adhiniyam, 1981. WHEREAS, the State Legislature is not in session and the Governor of Madhya Pradesh is satisfied that circumstances exist which render it necessary for him to take immediate action; Now, IN VIEW OF, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Madhya Pradesh is pleased to promulgate the following Ordinance:— 1. This Ordinance may be called the Madhya Pradesh Upkar (Sanskodhan) Adhyadesh, 2001

2. During the period of operation of this Ordinance the Madhya Pradesh Upkar Adhiniyam, 1981 (No. 1 of 1982) (hereinafter referred to as the Principal Act), shall have effect subject to the amendment specified in Section-3. -3. For section 3 of the Principal Act the following section shall be substituted, namely:— 3 (1) Every distributor of electrical energy shall pay to the State Government at the prescribed time and in the prescribed manner an energy development cess at the rate of one paise per unit on the total units of electrical energy sold or supplied to a consumer or consumed by himself or his employees during any month: Provided that no cess shall be payable in respect of electric energy,— (i) (a) sold or supplied to the Government of India for consumption by the Government; or (b) sold or supplied to the Government of India or a railway company for consumption in the construction, maintenance or operation of any railway administered by the Government of India; (ii) sold or supplied in bulk to a Rural Electric Co-operative Society registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961) Explanation.—For the purpose of this sub-section 'month' means such period as may be prescribed. (2) Every producer producing electrical energy by his captive unit or diesel generator set of capacity exceeding 10 Kilowatt in total shall pay to the State Government an energy development cess at the rate of 20 paise per unit on the total units of electrical energy produced whether for sale or supply to a consumer or for consumption by himself or his employees during any month: (1) Provided that no cess shall be payable in respect of electrical energy produced by (i) the Government of India for consumption by that Government. (ii) the Government of India or a railway company for consumption in the construction, maintenance or operation of any railway administered by the Government of India. (iii) the State Government for consumption by that Government. (iv) a Rural Electric Co-operative Society registered under the M. P. Co-operative Societies Act, 1960 (No. 17 of 1961). (v) the Local bodies including Municipal bodies and Panchayats for consumption in public street lamps or lamps in any market place or water works or any other places of public resort maintained by such bodies. Provided further that the amount of energy development cess shall be collected by the Madhya Pradesh State Electricity Board and the amount so collected shall be made available to the State Government. (3) The proceeds of the cess under sub-section (1) and (2) shall first be credited to the Consolidated Fund of the State and the State Government may, at the commencement of each financial year, after due appropriation has been made by law, withdraw from the Consolidated Fund of the State an amount equivalent to the proceeds of cess realized by the State Government in the preceding financial year and shall place it to the credit of a separate fund to be called the Energy Development Fund and such credit to the said fund shall be an expenditure charged on the Consolidated Fund of the State Government of Madhya Pradesh. (4) The amount in the credit of the funds shall, at the discretion of the State Government be utilized for : (a) research and development in the field of energy including electrical energy as well as other conventional and non-conventional sources of energy; (b) improving the efficiency of generation, transmission, distribution and utilization of energy including reduction of losses in transmission and distribution; (c) research in design, construction, maintenance, operation and materials of the equipment used in the field of energy with a view to efficiency, continuity and safety; (d) survey of energy sources including non-perennial sources to alleviate energy shortage; (e) energy conservation programmes; (f) extending such facilities and services to the consumers as may be deemed necessary; (g) creation of a laboratory and testing facilities for testing of electrical appliances and equipments and other equipments used in the field of energy 704 (3) 70a (4) 29 2001 (h) programmes or training conducive to achieve any or the above objectives: (i) transfer of technology in the field of Energy; (j) any purpose connected with safety of electrical installations, and (k) any other purposes connected with improvement of generation,

transmission, distribution or utilization of electrical and other forms of energy. as the State Government may, by notification, specify. this sub-section 'energy' includes all conventional non-conventional forms of energy. (5) If any question arises as to whether the purpose for which the land is being utilized is a purpose falling under sub-section (4) or not, the decision of the State Government thereon shall be final and conclusive". Bhopal Dated the 27th June, 2001. Dr. BHAI MAHAVIR Governor Madhya Pradesh. —2001. 38 a-sq. 11 2013 verj R. qqr (a) q, " (Ef qfi, i, sqf GA) æ:izia qtd <zi7 üEi", 11 2013 348 (3) (ü'b:a) afi. Tfizrq, 2012 9 2013) t. 11 2013 MADHYA PRADESH ACT No. 9 OF 2013 THE MADHYA PRADESH UPKAR (SANSHODHAN) ADHINIYAM, 2012. [Received the assent of the Governor on the 7th January, 2013; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 11th January, 2013.] An Act further to amend the Madhya Pradesh Upkar Adhiniyam, 1981. Be it enacted by the Madhya Pradesh Legislature in the Sixty-third year of the Republic of India as follows:— 1. This Act may be called the Madhya Pradesh Upkar (Sanshodhan) Adhiniyam, 2012- 2. In Section 3 of the Madhya Pradesh Upkar Adhiniyam, 1981 (No. 1 of 1982), for sub-section (I), the following sub-section shall be substituted, namely:— "(I) (a) Every Generating Company shall pay to the State Government at the prescribed time and in the prescribed manner an energy development cess at the rate of fifteen paise per unit on the total units of electrical energy sold or supplied to a distribution licensee or consumer in the State of Madhya Pradesh or consumed by itself or its employees during prescribed period. Provided that no cess shall be payable in respect of electrical energy sold or supplied by any Generating Company, in which the Government of Madhya Pradesh has fifty one percent or more equity.. (b) Every person owning or operating a captive generating plant shall pay to the State Government at the prescribed time and in the prescribed manner an energy development cess at the rate of fifteen paise per unit on the total units of electrical energy sold or supplied to a distribution licensee or consumer in the State of Madhya Pradesh or consumed by its employees during prescribed period. Provided that, no cess shall be payable in respect of electrical energy consumed himself by any person owning or operating a captive generating plant. Explanation.—For the purpose of this sub-section "Generating Company", "person", "captive generating plant", "distribution licensee" and "consumer" shall have the same meaning as assigned to them in Section 2 of the Electricity Act, 2003 (No. 36 of 2003)". YSfir—2013. 38 Short title. Amendment of Section 3. 0)- www.govtinfo.nic.in t ZT33 t. 30] 21 2015—NIF. 1 1, '1936 21 2015 Qi. S 2015 ft a t. azn qri ii • 7.. 3ifilfizrq. 7.. R. (*qiQi uw.i r: — (ell) i. (2. o a-lä q (äi um.5Äi " am .31fi.riÄaq, (mains ...R?) z. ü " fiv;q äfäoa 7m. 21 2015 ft-li;ä 21 4-7. .%FFöp. (S) 31frlfrm, 2001 2015) Sbot'l title. MADI-IYA PRADFSH ACC No. 5 OF 2015 MADI-IYA PRADESH UPKAR (DWITIYA 2014. {Received Of on the 8th January, 2015: published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 21st January, 2015). All Act further to amend the Madhya Pradesh (Upkar Adhiniyam, 1981) i. It is hereby enacted by the Madhya Pradesh Legislature in the sixty-fifth year of Republic India as follows:— I. In section 4 of the Madhya Pradesh Upkar (Dwitiya Sanshodhan) Adhiniyam, 2014. of 2. in section 4 of the Madhya Pradesh Upkar Adhiniyam, 1981 (No. 1 of 1982).— (i) in the marginal heading, (or the words and figures "No. X of 1949", the words and figures "No. 17 Of 2012" shall be substituted; (ii) in the provision, for the words, figures and brackets "section 313 to 9 (both inclusive.) of the Madhya Duty Act, 1949.00. X or 19:19)", the words, figures and brackets "sections 10 and 13 of the Madhya Pradesh Vidyut Shulk Adhiniyam. (No. 17 Of 2012)" shall be substituted. www.govtinfo.nic.in 19] 16 26, 1938 2017 77. Rai*8 2017 viq t, t. c. 37 38 16 2017 • 314fQ:— qrwr. • .. 16 2017 Ä. 348 (3) JifQfiuq, 2016 6 2017) afifiqfiwü:— Short title. Amendment of Section 3. zrrqq MADHYA PRADESH ACT No. 6 OF 2017 THE MADHYA PRADESH UPKAR (DWITIYA SANSHODHAN) ADHINIYAM, 2016 [Received the assent of the Governor on the 8th January, 2017; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 16th January, 2017.] An Act further to amend the Madhya Pradesh Upkar Adhiniyam, 1981. Be it enacted by the Madhya Pradesh Legislature in the sixty-seventh year of the Republic of India as follows. 1. This Act may be called the Madhya Upkar. (Dwitiya Sanshodhan) Adhiniyam, 2016

2. In Section 3 of the Madhya Pradesh Upkar Adhiniyam, 1981 (No. 1 of 1982), in sub-section after clause (b), the following new clause shall be inserted, namely:— person other than electricity distribution licensee, who is not covered under clauses (a) and (b) and who consumes electrical energy within the State upon procuring or obtaining it from outside the State through open access, shall pay to the State Government at the prescribed time and in the prescribed manner an energy development cess at the rate of fifteen paise per unit of total electrical energy consumed by such person during prescribed period."