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**GOVERNMENT OF JHARKHAND  
ENERGY DEPARTMENT**

**NOTIFICATION**

Notification No. 2917.....

Ranchi, Dated..20-11-15

**THE JHARKHAND STATE ELECTRICITY REFORMS REVISED TRANSFER SCHEME, 2015**

**Preamble**

In pursuance of the provisions of Section 131, 133 and other applicable provisions of the Electricity Act, 2003, the Government of Jharkhand notified "The Jharkhand State Electricity Reforms Transfer Scheme, 2013" vide notification no.18 dated 6<sup>th</sup> day of January 2014 for giving effect to the provisional transfer of properties, interests, rights, assets, liabilities, obligations, proceedings and personnel of Jharkhand State Electricity Board to the Transferees and for matters incidental thereto;

The Government of Jharkhand has decided to notify the revised transfer scheme to give effect to the transfer of properties, interests, rights, assets, liabilities, obligations, proceedings and personnel of Jharkhand State Electricity Board to the Transferees and for matters incidental thereto providing however for retention of some of the generation assets as described in the Transfer Scheme.

In exercise of powers conferred under sub-section (1) and (2) of Section 131, Section 133 and Section 134 and other applicable provisions of the Electricity Act, 2003, and in substitution of the earlier transfer scheme notified, the Government of Jharkhand hereby makes the following revised Scheme for the purpose of transfer and vesting of properties, interests, rights, assets, liabilities, obligations, proceedings and personnel of Jharkhand State Electricity Board to the Transferees and for matters incidental thereto providing however for retention of some of the generation assets as described herein,

**1. Short Title, Extent and Commencement: -**

- 1.1 This Scheme may be called "The Jharkhand State Electricity Reforms Revised Transfer Scheme, 2015".
- 1.2 The Scheme shall extend to the whole of the State of Jharkhand including properties, interests, rights, assets, liabilities, obligations, proceedings and personnel of Jharkhand State Electricity Board outside the State.
- 1.3 It shall come into force from the date of its publications in the official gazette.



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2. **Definitions – In the Scheme, unless the context otherwise requires:–**

- (a) **“Act”** means the Electricity Act, 2003 (36 of 2003) and any subsequent amendments thereto;
- (b) **“Assets”** means all assets & properties including power systems, plant, machinery, land, building, offices, stores, furniture, fixtures, vehicles, residential quarters and guest houses and amenities and installations pertaining and attached thereto and other movable and immovable assets, cash in hand, cash at bank, investments, book debts - corporeal and incorporeal, tangible and intangible assets, benefits, licenses, consents; authorities; registration, patents, trademarks and powers of every kind, nature and description whatsoever, privileges, liberties, easements, advantages, benefits and approvals, contracts, deeds, schemes, bonds, agreements and other instruments and interest of whatever nature and wherever situated and including the contingent assets, which may arise in regard to dealings before the effective date of transfer in respect of the specified Undertakings;
- (c) **“Board”** means Jharkhand State Electricity Board constituted under section 62 of The Bihar Reorganization Act 2000 and functioning under the Electricity (Supply) Act, 1948 (54 of 1948).
- (d) **“Company”** means a company incorporated under the Companies Act, 1956.
- (e) **“Jharkhand Bijli Vitran Nigam Ltd”** means the Distribution Company, to which the Distribution Undertakings of the Board are to be transferred in accordance with this Scheme;
- (f) **“Jharkhand Urja Utpadan Nigam Ltd”** or **“JUUNL”** means the Generating Company to which the Generating Undertakings of the Board (excluding PTPS) are to be transferred in accordance with this Scheme;
- (g) **“Jharkhand Urja Sancharan Nigam Ltd”** means the Transmission Company to which the Transmission Undertakings of the Board are to be transferred in accordance with this Scheme;
- (h) **“Jharkhand Urja Vikas Nigam Ltd”** means the holding Company that will own all shares of Jharkhand Urja Utpadan Nigam Ltd, Jharkhand Urja Sancharan Nigam Ltd and Jharkhand Bijli Vitran Nigam Ltd;
- (hh) **“Patratu Thermal Power Station”** or PTPS Undertakings means the Patratu Thermal Power Generating Station of the Board which was provisionally vested with JUUNL under the earlier provisional transfer scheme notified by the State Government dated w.e.f. 6<sup>th</sup> day of January 2014 as a part of the Generation Assets, to be vested in the State Government for

the present in terms of this Scheme and more fully described in Schedule 'E'.

- (i) "Effective Date of the Transfer" means the 6<sup>th</sup> day of January 2014, the date on which the provisional transfer scheme was first notified by the State Government;
- (j) "Liabilities" include all liabilities, debts, duties, obligations and other outstandings including statutory liabilities and Government levies of whatever nature and contingent liabilities which may arise in regard to the dealings before the effective date of the transfer in respect of the Undertakings, (defined hereinafter) transferred under this scheme.
- (k) "Personnel" means workmen, employees, staff and officers of the Board by whatever name called and includes probationers, if any, for the recruitment in the Board and those on deputation from the Board to other organizations or institutions, but shall exclude personnel on deputation from other organizations or institutions to the Board;
- (l) "Proceedings" means the proceedings of whatever nature including suits appeals, complaints, petitions, applications, conciliatory, arbitration whether civil or criminal or otherwise, in which Board is one of the parties;
- (m) "Schedules" means the Schedules appended to this Scheme;
- (n) "State" means the State of Jharkhand.
- (o) "State Government" means the Government of Jharkhand.
- (p) "Terminal Benefits" means the GPF(FW), GSS, Gratuity, Pension, Dearness Allowance, Leave Encashment and other applicable benefits including the right to have the appropriate revisions in the above benefits consistent with the practice that were prevalent in the Board.
- (q) "Transferee" means Jharkhand Urja Vikas Nigam Ltd, Jharkhand Urja Utpadan Nigam Ltd, Jharkhand Urja Sancharan Nigam Ltd, Jharkhand Bijli Vitran Nigam Ltd, as the case may be.
- (r) "Undertaking (s)" mean the functions, business and a block or blocks of properties, interest, rights, assets, liabilities, obligations, proceedings and personnel to the extent and in the manner specified as a part of the undertakings of the Board and such other properties, interests, rights, assets, liabilities, obligations and proceedings and wherever the context so admits shall include the Personnel as specified in this Scheme relevant to the functions;
- (s) Words and expressions which are used in the Scheme and also defined in the

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Act but not specifically defined in this Scheme shall have the same meaning as assigned to them in the Act.

3. ***Classification of Undertakings of the Board:-***

- 3.1 The Undertakings of the Board are classified in the following Schedules:
- i) Transmission Undertakings as set out in Schedule 'A';
  - ii) Generation Undertakings as set out in Schedule 'B' excluding, however, those forming part of Schedule 'E' herein;
  - iii) Distribution Undertakings as set out in Schedule 'C';
  - iv) Holding Undertaking as set out in Schedule 'D';
  - v) Patratu Thermal Power Station Undertakings as set out in Schedule 'E';
  - vi) Residual assets and liabilities as set out in Schedule 'F';
- 3.2 The personnel of the Board shall stand separately classified as set out in Schedule 'G' and they shall not form part of the Undertakings classified under Schedules 'A' to 'F' hereinabove.
- 3.3 If the assets of the Undertakings under sub-clause 3.1 above are subject to security documents or arrangements in favor of third parties for any financial assistance or obligations taken by the Board and the liabilities in respect thereof are to be classified in different Undertakings, the State Government, may by order to be issued for the said purpose, provide for the apportionment of the liabilities secured by such properties, assets and rights between the different Undertakings and upon such apportionment the security shall be applicable to the extent of apportioned liability.

4. ***Transfer of Assets, Liabilities etc. to the State:-***

- 4.1 On and from the Effective Date of Transfer, the assets and all interests, rights and liabilities of the Board as specified in such of the Schedules 'A', 'B', 'C', 'D' and 'F', as per the decision of the State Government, shall stand transferred to and vest in the State Government for the purposes of further transfers under this Scheme without any further act or thing to be done by the State Government or Board or any person, subject to the terms and conditions specified in the Act and this Scheme.
- 4.2 The assets and all interests, rights and liabilities as specified in Schedule 'E' shall stand vested in the State Government including obligations and agreements which have been executed by JUUNL till such date the State Government notify re-vesting the same on terms and conditions including the date from which such transfer shall be effective.
- 4.3 The assets and liabilities specified in Schedule 'F' shall not form part of the

assets and liabilities to be transferred to the Transferee companies as classified in Schedules 'A' to 'D' but shall form part of residuary assets and liabilities to be retained by the State Government. However, outstanding State Government Loans and interest thereon receivable from board will continue to be shown as recoverable from board in the books of State Government, pending final adjustment for write off by State Government.

4.4 Nothing in sub-clauses 4.1, 4.2 and 4.3 above or under clause 5 shall apply to rights, responsibilities, liabilities and obligations in respect of the personnel and personnel related matters including statutory dues such as salary, wages, gratuity, pension, provident fund, compensation, terminal and retirement benefits and the same shall be dealt with in the manner provided under clause 6 of this Scheme.

5. ***Transfer of Undertaking by the State:-***

5.1 The functions, business and Undertakings forming part of Transmission Undertakings as set out in Schedule 'A' shall stand transferred to and vest in Jharkhand Urja Sancharan Nigam Ltd on and from the Effective Date of Transfer, without any further act or thing to be done by the State Government or Board or any person, subject to the terms and conditions specified in the Act and this Scheme.

5.2 The functions, business and Undertakings forming part of Generation Undertakings as set out in Schedule 'B' shall stand transferred to and vest in Jharkhand Urja Utpadan Nigam Ltd on and from the Effective Date of Transfer, without any further act or thing to be done by the State Government or Board or any person, subject to the terms and conditions specified in the Act and this Scheme.

5.3 The functions, business and Undertakings forming part of Distribution Undertakings as set out in Schedule 'C' shall stand transferred to and vest in Jharkhand Bijli Vitran Nigam Ltd on and from the Effective Date of Transfer, without any further act or thing to be done by the State Government or Board or any person, subject to the terms and conditions specified in the Act and this Scheme.

5.4 The function, business and undertakings forming part of Holding Undertakings as set out in Schedule 'D' shall stand transferred to and vest in Jharkhand Urja Vikas Nigam Ltd on and from the Effective Date of Transfer, without any further act or thing to be done by the State Government or Board or any person, subject to the terms and conditions specified in the Act and this Scheme.

5.5 On such transfer and vesting of the functions, business and Undertakings in

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terms of sub-clauses 5.1 to 5.4 above and except as otherwise provided, the respective Transferee, shall be responsible for all functions, contracts, rights, deeds, schemes, bonds, agreements, proceedings and other instruments of whatever nature relating to the respective Undertakings transferred to it to which the Board/ the Transferee with whom the undertakings have been provisionally vested, was a party, subsisting or having effect on the date of the transfer, and the same shall remain in force and effect against or in favor of the respective Transferee and may be enforced effectively as if the respective Transferee had been a party thereto instead of the Board.

- 5.6 As consideration for the transfer and vesting of the Undertakings as specified in this Scheme, the relevant Transferee shall have the financials and opening balance sheet and shall issue shares as specified in Part II of Schedule 'A' to 'D' respectively.
- 5.7 The transfer value of the Assets & Liabilities forming part of the Schedules 'A', 'B', 'C', 'D' and 'E' have been taken at Book Values.
- 5.8 All the functions, business, rights, obligations, assets and liabilities as specified in Schedule 'E' shall remain vested in the State Government and shall for the present be administered by the State Government in the name as 'Patratu Thermal Power Station' by appointing a Managing Committee till the date of its re-vesting.
- 5.9 The Managing Committee will consist of Chairman of the Holding Company and Managing Directors of the three Transferee companies. Chairman of Holding Company shall officiate as Chairman of the Managing Committee and a special officer to act for and on behalf of the State Government to administer all functions, business, rights, obligations, assets and liabilities vested in the State Government as per clause 4.2. The Managing Committee may further delegate the powers suitably to ensure smooth operations during the interim period upto the date of its re-vesting.
- 5.10 The State Government shall have the power to appoint such additional members, remove or appoint member, special officer or the managing committee as the case may be as it deems fit.

6. ***Transfer of Personnel-***

- 6.1 The transfer of personnel shall be subject to the terms and conditions contained in Section 133 and other applicable provisions of the Act.
- 6.2 The personnel of the Board, involved in Distribution, Generation, Transmission and common services including at the Head Office and other regional or common offices, shall be deemed to be transferred as on the

