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PART-I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB

Notification

The 3rd November, 2003

No. 31-Leg/2003.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 14th October, 2003, and is hereby published for general information.

THE PUNJAB INFRASTRUCTURE (DEVELOPMENT AND REGULATION)
AMENDMENT ACT, 2003.

(Punjab Act No. 22 of 2003)

AN

ACT

*further to amend the Punjab Infrastructure (Development and Regulation)
Act, 2002.*

BE it enacted by the Legislature of the State of Punjab in the Fifty-fourth Year of the Republic of India as follows:-

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| <p>1. (1) This Act may be called the Punjab Infrastructure (Development and Regulation) Amendment Act, 2003).</p> <p>(2) It shall be deemed to have come into force on the with effect from the 11th day of July, 2002.</p> | <p>Short title and commencement</p> |
| <p>2. In the Punjab Infrastructure (Development and Regulation) Act, 2002 (hereinafter referred to as the principal Act), in section 2, in clause (21), the words “technical, financial and legal” shall be omitted.</p> | <p>Amendment of Section 2 of Punjab Act 8 of 2002</p> |
| <p>3. In the Principal Act, in section 4, in sub-section(1), for the words “Within a period of three months from the date of coming into force of this Act, the State Government”, the words “The State Government” shall be substituted.</p> | <p>Amendment of Section 4 of Punjab Act 8 of 2002</p> |
| <p>4. In the principal Act, in section 5,-</p> | <p>Amendment of Section 5 of Punjab Act 8 of 2002</p> |

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- (i) in sub-section (1), for the word “three”, the word “two” shall be substituted ; and
- (ii) in sub-section (4) for the word and letter “to a”, the word “as” shall be substituted.
- 5.** In the principal Act, in section 6, in sub-section (1), for this word and sign “Authority,”, the word “Authority” shall be substituted. Amendment of
Section 6 of
Punjab Act 8 of
2002
- 6.** In the principal Act, in section 18,- Amendment of
Section 18 of
Punjab Act 8 of
2002
- (A) in sub-section (2),-
- (i) in clause (g), the word “and” shall be omitted ; and
- (ii) for clause (h) and the entries relating thereto, the following clauses and entries shall be substituted, namely:-
- “(h) The Minister-in-charge of the : Special Invitee
Concerned Administrative
Department; and
- (i) The Administrative Secretary: Special Invitee
of the concerned Administrative
- (B) in sub-section (4), in clause (e) for the word “member”, the word “person” shall be substituted; and
- (C) in sub section (6), the words and sign “The constitution, powers, functions, objectives, and officers of each of these Committees shall be such as may be prescribed by the State Government” shall be omitted.
- 7.** In the principal Act, in section 20, in sub-section (2), in clause (i), in sub-clause (a), for the word “privatization”, the words “private participation” shall be substituted. Amendment of
Section 20 of
Punjab Act 8 of
2002
- 8.** In the principal Act, in section 21, -- Amendment of
Section 20 of
Punjab Act 8
of 2002
- (A) for sub-section (4), the following sub-section shall be substituted, namely:-
- “(4) The Sectoral Sub-Committee, the Project Implementaion Committee or any other Committee called by any other name, constituted by the Board under this Act, will be subordinate to the Board and will carry the functions delegated to them by the Board.”; and

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- (B) in sub-section (6),-
- (i) for the word “with”, the word and sign “with-“ shall be substituted; and
 - (ii) in clause (a), for the word “Board”, the words “Board or any other Committee as may be specified in this behalf by the Board” shall be substituted.

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| <p>9. In the principal Act, in section 25, in sub-section (3) for the word “fee”, the words “fee in the manner as may be prescribed by the State Government” shall be substituted.</p> | <p>Amendment of Section 25 of Punjab Act 8 of 2002</p> |
| <p>10. In the principal Act, section 26 shall be omitted.</p> | <p>Amendment of Section 26 of Punjab Act 8 of 2002</p> |
| <p>11. In the principal Act, in section 28, in sub-section (3), for the word “ninety”, the word “sixty” shall be substituted.</p> | <p>Amendment of Section 28 of Punjab Act 8 of 2002</p> |
| <p>12. In the principal Act, after section 30, the following section shall be inserted, namely:-</p> | <p>Insertion of section 30-A in Punjab Act 2002</p> |
| <p>Exemption from hearing</p> <p>“30-A. Notwithstanding anything contained in this Act, no hearing shall be required to be given in respect of such projects which in the opinion of the Board, primarily involve up-gradation of existing infrastructure project or structuring of management and operation of infrastructure project or have been identified and taken up for development by the Board or any public infrastructure agency prior to the issuance of the notification under sub-section (1) of section 5:</p> | |
| <p>13. In the principal Act, in section 32, in sub-section (3), for clause (vii), the following clause shall be substituted, namely:-</p> <p>“(vii) tariff policy, formula and factors to be used for the charge, recovery and appropriation of tolls or fees or rentals by the concessionaire.”.</p> | <p>Amendment of Section 32 of Punjab Act 8 of 2002</p> |
| <p>14. In the principal Act, in section 33, in sub-section (2), for the word and sign “to,”, the word “to” shall be substituted.</p> | <p>Amendment of Section 33 of Punjab Act 8 of 2002</p> |
| <p>15. In the principal Act, in section 34, in sub-section (7), for the words “rental or charges”, the words “rentals or charges or period of concession” shall be substituted.</p> | <p>Amendment of Section 34 of Punjab Act 8 of 2002</p> |

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16. In the principal Act, in section 35,-
- (i) in sub-section (1), in clause (ii), for the words “rentals and chargers”, the words “rentals, charges and period of concession” shall be substituted ;
 - (ii) in sub-section (3), for the words “Within a period of thirty days from the date of”, the words “Immediately after the” shall be substituted; and
 - (iii) in sub-section (4), for the words “within a period of fifteen days from the date of the decision”, the words “immediately after such decision”, shall be substituted.
17. In the principal Act, in section 36, for the words “Negotiation shall”, the words “Negotiation may” shall be substituted.
18. In the principal Act, in section 39, in sub-section (1), for the words, brackets, figures and sign “within a period of thirty days from the date of receipt of the notice of award or selection under sub-section (4) of section 34”, the words, brackets, figures and sign “Immediately after the issuance of the notice of award under sub-section (4) of section 35”, shall be substituted.
19. In the principal Act, in section 40, in sub-section (1), for the words “tariff levied”, the words “tariff in accordance with the terms and conditions of the concession agreement” shall be substituted.
20. In the principal Act, in section 45, in sub-section (1), for the word “directions”, the words “the directions” shall be substituted.
21. In te principal Act, in section 46, in sub-section (2), for clause (iv), the following clause shall be substituted, namely: -
- “(iv) prescribing the manner for assessing, re-assessing, collecting and enforcing payment of fee under sub-section (3) of section 25; and”.
22. In the principal Act, section 50, shall be omitted.
23. (1) The Punjab Infrastructure (Development and Regulation) Amendment Ordinance, 2003 (Punjab Ordinance NO. 9 of 2003), is hereby repealed.

Amendment of
Section 35 of
Punjab Act 8 of
2002

Amendment of
Section 36 of
Punjab Act 8 of
2002

Amendment of
Section 39 of
Punjab Act 8 of
2002

Amendment of
Section 40 of
Punjab Act 8
of 2002

Amendment of
Section 45 of
Punjab Act 8
of 2002

Amendment of
Section 46 of
Punjab Act 8
of 2002

Omission of
section 50 of
Punjab Act 8 of
2002

Repeal and
saving

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- (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

HARBANS SINGH,

Additional Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.