

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, নভেম্বর ৮, ২০১৬

Government of the People's Republic of Bangladesh
Ministry of Power, Energy & Mineral Resources

NOTIFICATION

Dated the 03 November, 2016

S.R.O. No. 332-Law/2016.—In exercise of the powers conferred by section 13 of the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010 (Act No. LIV of 2010), the Government is pleased to publish the following English text of the Act to be called the Authentic English Text of the Act:

**Quick Enhancement of Electricity and Energy Supply
(Special Provisions) Act, 2010**

Act No. LIV of 2010

An Act to make special provisions for facilitating effective and urgent measures to enhance the generation, transmission, transportation and marketing of electricity and energy with a view to ensuring uninterrupted supply of electricity and energy keeping pace with the demands of agricultural, industrial, commercial and domestic activities, and for quick implementation of the plan to import electricity and energy from abroad, if necessary, and for implementation of the decisions on urgent extraction and utilization of minerals related to energy.

(১৫৯৯৫)

মূল্য : টাকা ৮.০০

WHEREAS there prevails acute shortage of electricity and energy in the country; and

WHEREAS the plan to enhance electricity generation is not being implemented quickly due to shortage of energy supply; and

WHEREAS agricultural, industrial, commercial and domestic activities are being hindered largely due to shortage of electricity and energy, and expected investment in these sectors is not being made; and

WHEREAS overall economic development including high economic growth, achieving Millennium Development Goals, technological development, poverty alleviation programmes, meeting agricultural production target is being hindered due to insufficient supply of electricity, and discomfort is prevailing in the public life, and

WHEREAS it is time consuming to mitigate the shortage and insufficiency of electricity and energy in pursuance of the procedures under the existing laws; and

WHEREAS it is very essential to mitigate the shortage and insufficiency of electricity and energy; and

WHEREAS it is expedient and necessary to make special provisions for facilitating effective and urgent measures to enhance the generation, transmission, transportation and marketing of electricity and energy with a view to ensuring uninterrupted supply of electricity and energy keeping pace with the demand of agricultural, industrial, commercial and domestic activities, and for quick implementation of the plan to import electricity and energy from abroad, if necessary, and for implementation of the decisions of urgent extraction and utilization of minerals related to energy;

THEREFORE it is hereby enacted as follows:—

1. **Short title and duration.**—(1) This Act may be called the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010.
(2) This Act shall remain in force for the next ¹[8 (eight) years] from the date of its commencement unless it is repealed or its duration is extended earlier.
2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—
 - (a) “rules” means rules made under this Act;
 - (b) “energy” means—
 - (i) natural gas, natural liquid gas (NLG), liquidated natural gas (LNG), compressed natural gas (CNG), synthetic natural gas (SNG), or mixture, etc. of natural hydrocarbon which can be transformed into gaseous substance under normal pressure or temperature;
 - (ii) coal;
 - (iii) petrol, diesel, kerosene, furnace oil and other petroleum derivative products; and
 - (iv) renewable energy.

(2) The words and expressions used but not defined in this Act, shall have the same meaning as defined in the Bangladesh Gas Act, 2010 (Act No. XL of 2010), Bangladesh Energy Regulatory Commission Act, 2003 (Act No. XIII of 2003), Mine and Mineral Resources (Control and Development) Act, 1992 (Act No. XXXIX of 1992), and Electricity Act, 1910 (Act No. IX of 1910).

¹The words “8 (eight) years” were substituted by section 2 of the Quick Enhancement of Electricity and Energy Supply (Special Provisions) (Amendment) Act, 2015.

3. **Act to override all other laws.**—Notwithstanding anything contained in the Public Procurement Act, 2006 (Act No. XXIV of 2006) or any other law for the time being in force, the provisions of this Act shall prevail.

4. **Undertaking plans and accepting proposals.**—The Government and all enterprises owned or controlled by the Government may undertake any plan under this Act for quick enhancement of the generation, transmission, transportation and marketing of electricity or energy, or may accept any proposal for undertaking any plan regarding import of electricity or energy from abroad and transmission, transportation and marketing thereof and quick implementation of the same.

5. **Proposal Processing Committee and its terms of reference.**—(1) In order to implement any plan or proposal undertaken for carrying out the purposes of this Act, the Government shall, keeping consistency with the technical or other matters of such plan, constitute a processing committee consisting of such number of experts having experience in the said technical and other matters as may be required, and the committee shall reserve power to take decisions from initial stage of the plan up to the stage of making proposal and presenting it to the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase, as the case may be.

(2) For the purpose of implementing the plan, the Processing Committee shall communicate, consult and bargain with any organization concerned to the plan and, in consideration of the competency, experience and financial capability of such organization, prepare a proposal containing such recommendations as may serve the best of public interests.

6. **Publicity of the plan or proposal.**—(1) In respect of each purchase and investment plan or proposal, the Implementing Authority may, by publishing advertisement in the following manner, call for participating in the plan or proposal, such as :—

- (a) by publishing an advertisement in the newspaper with limited time offer;

- (b) by publishing an advertisement in the Web site of the Central Procurement Technical Unit of the Implementation, Monitoring and Evaluation Division of the Ministry of Planning;
- (c) by publishing advertisements in its own Web site;
- (d) by communicating with the concerned organization through letters or emails or any other means.

(2) Notwithstanding anything contained in sub-section (1), the Processing Committee mentioned in section 5 shall consult and bargain with a single or limited number of organizations about any purchase, investment plan or proposal and, with approval of the Minister, Ministry of Power, Energy & Mineral Resources, select an organization for the said work and take steps to forward the same to the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase in accordance with the procedure mentioned in section 7.

7. Submitting plan to the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase.—(1) The proposal prepared by the Processing Committee under section 5 shall be submitted by the concerned Division to the Cabinet Committee on Economic Affairs or, as the case may be, to the Cabinet Committee on Government Purchase in accordance with the procedures relating thereto.

(2) If the proposal is approved by the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase, the administrative Ministry or Division shall take appropriate measures to implement it.

(3) If the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase sends back the proposal with observations, the same shall be submitted to the Processing Committee and the Processing Committee shall, considering the observations of the Cabinet Committee, make its decision and submit the revised proposal to the Cabinet Committee for reconsideration and approval.

8. **Assistance to the Committee in performing its functions.**—The Committee may, if necessary, seek assistance from any person or any government, non-government or autonomous body for implementing any project.

9. **Bar to jurisdiction of Court, etc.**—No question regarding the validity of any act done or purported to be done, any action taken or any order issued or direction given under this Act shall be raised in any court.

10. **Protection of action taken in good faith.**—No suit or prosecution or any other legal proceeding shall lie against any officer or employee for anything which is in good faith done or purported to be done at the time of discharging his duties under this Act or rules made and general or special order passed thereunder.

11. **Power to make rules.**—For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules:

Provided that, until such rules are made, the Government may, if necessary, subject to consistency with this Act, make provisions by general or special order to undertake or implement any activity.

12. **Power of Government to remove difficulty.**—If any difficulty arises in case of giving effect of any provision of this Act due to ambiguity thereof, the Government may, by notification in the official Gazette, give direction in this behalf with clarification and explanation of the provision keeping consistency with other provisions of this Act.

13. **Publication of Authentic English Text.**—After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic text of this Act translated into English which shall be called the Authentic English Text of this Act :

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

14. **Savings of actions taken under this Act.**—Notwithstanding expiry of this Act, all acts done and actions taken under this Act shall be continued and administered as if this Act had not been expired.

By order of the President

Mohammad Alauddin

Joint Secretary

Power Division.

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