



MES BUILDERS ASSOCIATION OF INDIA (REGD.)

Head Office : 807-808, Sahyog 58, Nehru Place, New Delhi - 110019
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2017-2019

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Ref.No.MBAI/E-in-C/ 283/2018

Dated : 19.03.2019

The Engineer in Chief,
Kashmir House,
Rajaji Marg,
New-Delhi-110011.

Sub:- Requirement of Electrical Licence for carrying out electrical works in Cantonment areas.

Dear Sir,

Please refer to our letter No.MBAI/E-in-C/279/2018 dated 12.02.2019 and discussions held on the subject in subsequent meeting held on 09-03-2019.

In continuation of the same we further wish to submit as following:-

1. Please refer to section 184 of The Electricity Act 2003 which clearly says that "The provisions of this act does not apply to the Ministry or Department of the Central Government dealing with Defence, Atomic Energy or such other similar Ministries or Departments or undertakings or boards or Institutions under the control of such Ministries or Departments as may be notified by Central Government". Hence it is pertinent to point out that provisions, notifications, rules, etc. cited in the meeting by the officers of MES do not apply to MES.
2. There is no provision given in The Electricity Act 2003 and Allied Rules & Regulations regarding licencing of electrical contractors. Powers for licencing of electrical contractors by respective Electrical Inspector of each state of India have been vested in them by the virtue of the notification / orders issued by each state (being appropriate Government in this context) to regulate contractors doing electrical work in their respective state. Therefore the Electrical contractor licence issued by electrical inspector of any state is valid only within the state it is issued and nowhere else.

BRANCHES

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- Electrical Inspector appointed by each state has jurisdiction within the state where he is appointed u/s 162 (1) of The Electricity Act 2003.
- Since vide provisions of section 184 of The Electricity Act 2003 the Act does not apply to Central Government department dealing with Defence, therefore it is not applicable to the Central Government department i.e. MES, Cantonment Boards, etc. dealing with electrical works within any cantonment. This has been in force ever since the MES department has been constituted because similar provisions existed in the acts then in force but have been repealed now after enactment of The Electricity Act 2003.
- Here it is pertinent to point out that Electrical Inspector of a state does not have jurisdiction in cantonments situated within the respective state.
- All departments dealing with electricity have the powers to appoint Electrical Inspector in their respective departments in case the requirement is felt. Therefore the appointment of Electrical Inspector in MES department confirm to the provisions made in "The Qualifications, Powers and Functions of Chief Electrical Inspector and Electrical Inspectors Rules, 2006", to ensure comprehensive electrical safety, even though it was not mandatory. His powers are clearly mentioned in the said rules. In case MES feels necessity of issuing Electrical Licence to contractors doing electrical works, it may do so by issuing appropriate orders empowering its Electrical Inspectors because they are the ones having jurisdiction in cantonment areas.
- As a practice "The Electricity Rules, 2005" and "National Electrical Code 2011" is followed in MES works as a standard but only up to the extent of its technical provisions.
- Please note that MES contractors have a general executive role in the contracts undertaken by them and it has been a standard practice of all the MES contractors doing electrical works to get the

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electrical work done by technically qualified engineers, ITI trained & licenced electricians only. This is invariably stipulated in all contracts by the department.

In view of the aforesaid it is our view that asking for Electrical Contractor Licence issued by the Electrical Inspector of any state government does not serve any purpose, neither legally nor technically.

Please find enclosed the following books for your ready reference and in support of our submissions:-

- The Electricity Act, 2003 (amended up to date) along with Allied rules & regulations
- The Electricity Rules, 2005 with Allied rules & regulations
- The National Electric Code, 2011
- Electrical Contractor Licence issued by Electrical Inspector, Government NCT of Delhi as a sample
- Electrical Contractor Licence issued by Electrical Inspector, Government of UP as a sample

In view of the facts and submissions mentioned above we once again request your good self to review your decision in the right perspective regarding stipulation of requirement of Electrical contractor Licence in MES contracts and oblige please.

With warm regards,

Thanking you,

Yours faithfully,

(PRAVEEN MAHANA)
PRESIDENT

Encl: As above.

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