“(6) All offences under this Ordinance shall be triable by a Banking Court in accordance with section 7. All offenses, except for the offence of willful default, shall be bailable, non-cognizable and compoundable.”.

(b) after sub-section (6), substituted as aforesaid, the following new sub-sections shall be added, namely:—

“(7) Notwithstanding anything to the contrary provided in any other law for the time being in force, action in respect of an offence of willful default shall be taken by an investigating agency, to be nominated in this behalf by the Federal Government, on a complaint in writing filed by an authorized officer of a financial institution after it has served a thirty days notice upon the borrower demanding payment of the loan, advance or financial assistance.

(8) An offence of willful default shall be cognizable, non-bailable and non-compoundable and punishable with imprisonment which may extend to seven years or fine not exceeding the amount of default or with both.

(9) Any person convicted of the offence of willful default by a Banking Court shall not be eligible to receive any loan, advance or finance from any financial institution for a period of ten years and shall not be permitted to contest any election as a member of the Majlis-e-Shoora (Parliament), any Provincial Assembly or a local body for a period of five years, after serving out a sentence after conviction.”.

ACT NO. XXXIX OF 2016

An Act to amend the Private Power and Infrastructure Board Act, 2012

WHEREAS, in the interest of smooth functioning of the power sector of Pakistan and in order to enable processing of public sector power projects through Private Power and Infrastructure Board under the applicable power policies, it has become expedient to amend certain provisions of the Private Power and Infrastructure Board Act, 2012;

It is hereby enacted as follows:—

1. Short title and commencement.-(1) This Act may be called the Private Power and Infrastructure Board (Amendment) Act, 2016.
2. **Amendment of section 2, Act VI of 2012.**— In the Private Power and Infrastructure Board Act, 2012 (VI of 2012), hereinafter referred to as the said Act, in section 2,—

(i) in clause (f), the comma and words, "other than the Federal Government or any enterprise owned or controlled by the Federal Government" shall be omitted; and

(ii) the existing clause (j), clause (k), clause (l) and clause (m) shall be renumbered as clause (k), clause (l), clause (m) and clause (n), respectively, and after clause (i) the following new clause shall be inserted, namely:

"(j) "Public Sector Power Projects" means power generation, transmission or distribution facilities constructed or to be constructed, owned, managed or controlled by the Federal Government, a Provincial Government, a local authority or any entity owned or controlled by any such Government or authority where such facilities are specifically sanctioned by Federal Government to be established under the applicable power policies to be processed by Private Power and Infrastructure Board;".

3. **Amendment of section 5, Act VI of 2012.**— In the said Act, in section 5, in sub-section (2),—

(i) in clause (e), after the word "partnership" the words and comma "or for public sector power projects," shall be inserted; and

(ii) in clause (f), the word "their" shall be omitted and for the word "parties" the word "persons" shall be substituted.

**ABDUL JABBAR ALI,**

*Secretary.*