THE DELHI RENT CONTROL ACT, 1958

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THE DELHI RENT CONTROL ACT, 1958

ACT NO. 59 OF 1958

[31*st December*, 1958.]

An Act to provide for the control of rents and evictions and of rates of hotels and lodging houses, and for the lease of vacant premises to Government, in certain areas in the Union territory of Delhi.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Delhi Rent Control Act, 1958.

(*2*) It extends to the areas included within the limits of the New Delhi Municipal Committee and the Delhi Cantonment Board and to such urban areas within the limits of the Municipal Corporation of Delhi as are specified in the First Schedule:

Provided that the Central Government may, by notification[1] in the Official Gazette, extend this Act or any provision thereof, to any other urban area included within the limits of the Municipal Corporation of Delhi of exclude any area from the operation of this Act or any provision thereof.

(*3*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "basic rent", in relation to premises let out before the 2nd day of June, 1944, means the basic rent of such premises as determined in accordance with the provisions of the Second Schedule;

(*b*) "Controller" means a Controller appointed under sub-section (*1*) of section 35 and includes an additional Controller appointed under sub-section (*2*) of that section;

(*c*) "fair rate" means the fair rate fixed under section 31 and includes the rate as revised under section 32;

(*d*) "hotel or lodging house" means a building or part of a building where lodging with or without board or other services is provided for a monetary consideration;

(*e*) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(*f*) "lawful increase" means an increase in rent permitted under the provisions of this Act;

(*g*) "manager of a hotel" includes any person in charge of the management of the hotel;

(*h*) "owner of a lodging house" means a person who receives or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or a trustee for any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house; (*i*) "premises" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes,—

1. Extended to the former Najafgarh and Narela N.A.C. areas and to other notified localities *vide* Notification No. G.S.R. 486, dated 12.4.1962, Gazette of India, Pt. II, s. 3(*i*) page 449.

(*i*) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;

(*ii*) any furniture supplied by the landlord for use in such building or part of the building; but does not include a room in a hotel or lodging house;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "standard rent", in relation to any premises, means the standard rent referred to in section 6 or where the standard rent has been increased under section 7, such increased rent;

[1][(*l*) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or, but for a special contract, would be, payable, and includes—

(*i*) a sub-tenant;

(*ii*) any person continuing in pos of his tenancy; and

(*iii*) in the event of the death of the person continuing in possession after the termination of his tenancy, subject to the order of succession and conditions specified, respectively, in *Explanation* I and *Explanation* II to this clause, such of the aforesaid person's—

(*a*) spouse,

(*b*) son or daughter, or, where there are both son and daughter, both of them,

(*c*) parents,

(*d*) daughter-in-law, being the widow of his pre-deceased son,

as had been ordinarily living in the premises with such person as a member or members of his family up to the date of his death, but does not include,—

(*A*) any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened under the proviso to section 3 of the Delhi Rent Control (Amendment) Act, 1976 (18 of 1976);

(*B*) any person to whom a licence, as defined by section 52 of the Indian Easements Act, 1882 (5 of 1882), has been granted.

Explanation I.—The order of succession in the event of the death of the person continuing in possession after the termination of his tenancy shall be as follows:—

(*a*) firstly, his surviving spouse;

(*b*) secondly, his son or daughter, or both, if there is no surviving spouse, or if the surviving spouse did not ordinarily live with the deceased person as a member of his family up to the date of his death; (*c*) thirdly, his parents, if there is no surviving spouse, son or daughter of the deceased person, or if such surviving spouse, son or daughter or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death; and

(*d*) fourthly, his daughter-in-law, being the widow of his pre-deceased son, if there is no surviving spouse, son, daughter or parents of the deceased person, or if such surviving spouse, son, daughter or parents, or any of them, did not ordinarily live in the premises as a member of the family of the deceased person up to the date of his death.

Explanation II. —If the person, who acquires, by succession, the right to continue in possession after the termination of the tenancy, was not financially dependent on the deceased person on the date of his death, such successor shall acquire such right for a limited period of one year; and, on the expiry of that period, or on his death, whichever is earlier, the right of such successor to continue in possession after the termination of the tenancy shall become extinguished.

Explanation III.—For the removal of doubts, it is hereby declared that,—

1. Subs. by Act 18 of 1976, s. 2, for clause (*l*) (w.e.f. 1-12-1975).

(*a*) where, by reason of *Explanation* II, the right of any successor to continue in possession after the termination of the tenancy becomes extinguished, such extinguishment shall not affect the right of any other successor of the same category to continue in possession after the termination of the tenancy; but if there is no other successor of the same category, the right to continue in possession after the termination of the tenancy shall not, on such extinguishment, pass on to any other successor, specified in any lower category or categories, as the case may be;

(*b*) the right of every successor, referred to in *Explanation* I, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs;]

(*m*) "urban area" has the same meaning as in the Delhi Municipal Corporation Act, 1957 (66 of 1957).

3. Act not to apply to certain premises.—Nothing in this Act shall apply—

(*a*) to any premises belonging to the Government; [1]***

(*b*) to any tenancy or other like relationship created by a grant from the Government in respect of the premises taken on lease, or requisitioned, by the Government:

[2][Provided that where any premises belonging to Government have been or are lawfully let by any person by virtue of an agreement with the Government or otherwise, then, notwithstanding any judgment, decree or order of any court or other authority, the provisions of this Act shall apply to such tenancy].

[3][(*c*) to any premises, whether residential or not, whose monthly rent exceeds three thousand and five hundred rupees; or

(*d*) to any premises constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988, for a period of ten years from the date of completion of such construction;]

CHAPTER II

PROVISIONS REGARDING RENT

4. Rent in excess of standard rent not recoverable.—(*1*) Except where rent is liable to periodical increase by virtue of an agreement entered into before the 1st day of January, 1939, no tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any premises any amount in excess of the standard rent of the premises, unless such amount is a lawful increase of the standard rent in accordance with the provisions of this Act.

(*2*) Subject to the provisions of sub-section (*1*) any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only.

5. Unlawful charges not to be claimed or received.—(*1*) Subject to the provisions of this Act, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary.

(*2*) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any premises,—

(*a*) claim or receive the payment of any sum as premium or pugree or claim or receive any consideration whatsoever, in cash or in kind, in addition to the rent; or

(*b*) except with the previous permission of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

(*3*) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or a sub-tenant to claim or receive any payment in consideration of the relinquishment, transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any premises.

(*4*) Nothing in this section shall apply—

1. The word “or” omitted by Act 57 of 1988, s. 2 (w.e.f. 1-12-1988).
2. Added by Act 4 of 1963, s. 2 (with retrospective effect).
3. Ins. by Act 57 of 1988, s. 2 (w.e.f. 1-12-1988).

(*a*) to any payment made in pursuance of an agreement entered into before the 1st day of January, 1939; or

(*b*) to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any premises on the land belonging to, or taken on lease by, the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the premises when completed for the use of that person or any member of his family:

Provided that such payment does not exceed the amount of agreed rent for a period of five years of the whole or part of the premises to be let to such person.

Explanation.—For the purposes of clause (*b*) of this sub-section, a “member of the family” of a person means, in the case of an undivided Hindu family, any member of the family of that person and in the case of any other family, the husband, wife, son daughter, father, mother, brother, sister or any other relative dependent on that person.

6. Standard rent.—(*1*) Subject to the provisions of sub-section (*2*), “standard rent”, in relation to any premises means—

(*A*) in the case of residential premises—

(*1*) where such premises have been let out at any time before the 2nd day of June, 1944,—

(*a*) if the basic rent of such premises per annum does not exceed six hundred rupees, the basic rent; or

(*b*) if the basic rent of such premises per annum exceeds six hundred rupees, the basic rent together with ten per cent. of such basic rent;

(*2*) where such premises have been let out at any time on or after the 2nd day of June, 1944,—

(*a*) in any case where the rent of such premises has been fixed under the Delhi and Ajmer-Merwara Rent Control Act, 1947 (19 of 1947), or the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952),—

(*i*) if such rent per annum does not exceed twelve hundred rupees, the rent so fixed; or

(*ii*) if such rent per annum exceeds twelve hundred rupees, the rent so fixed together with ten per cent. of such rent;

(*b*) in any other case, the rent calculated on the basis of [1][ten per cent.] per annum of the aggregate amount of the [2][actual] cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction;

[3]* * * *

(*B*) in the case of premises other than residential premises—

(*1*) where the premises have been let out at any time before the 2nd day of June, 1944, the basic rent of such premises together with ten per cent. of such basic rent:

Provided that where the rent so calculated exceeds twelve hundred rupees per annum, this clause shall have effect as if for the words "ten per cent.", the words "fifteen per cent." had been substituted;

(*2*) where the premises have been let out at any time on or after the 2nd day of June, 1944,—

(*a*) in any case where the rent of such premises has been fixed under the Delhi and Ajmer-Merwara Rent Control Act, 1947 (19 of 1947) or the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952),—

(*i*) if such rent per annum does not exceed twelve hundred rupees, the rent so fixed; or

1. Subs. by Act 57 of 1988, s. 3, for "seven and one-half per cent." (w.e.f. 1-12-1988).
2. Subs. by s. 3, *ibid*., for "Reasonable" (w.e.f. 1-12-1988).
3. Proviso omitted by s. 3, *ibid.* (w.e.f. 1-12-1988).

(*ii*) if such rent per annum exceeds twelve hundred rupees, the rent so fixed together with fifteen per cent. of such rent;

(*b*) in any other case, the rent calculated on the basis of [1][ten per cent.] per annum of the aggregate amount of the [2][actual] cost of construction and the market price of the land comprised in the premises on the date of the commencement of the construction:

[3][* * * *]

(*2*) Notwithstanding anything contained in sub-section (*1*),—

(*a*) in the case of any premises, whether residential or not, constructed on or after the 2nd day of June, 1951, but before the 9th day of June, 1955, the annual rent calculated with reference to the rent at which the premises were let for the month of March, 1958, or if they were not so let, with reference to the rent at which they were last let out, shall be deemed to be the standard rent for a period of seven years from the date of the completion of the construction of such premises;

[4][* * * *]

(*b*) in the case of any premises, whether residential or not, constructed on or after the 9th day of June, 1955, including premises constructed after the commencement of this Act [5][but before the commencement of the Delhi Rent 1988], the annual rent calculated with

reference to the rent agreed upon between the landlord and the tenant when such premises were first let out shall be deemed to be the standard rent for a period of five years from the date of such letting out.

[5][(*c*) in the case of any premises, whether residential or not, constructed on or after the commencement of the Delhi Rent Control (Amendment) Act, 1988 and to which the provisions of this Act are made applicable by virtue of clause (*d*) of section 3, the rent calculated on the basis of ten per cent. per annum of the aggregate amount of the actual cost of construction of the premises and the market price of the land comprised in the premises on the date of commencement of the construction, of the premises shall be deemed to be the standard rent.]

(*3*) For the purposes of this section, residential premises include premises let out for the purposes of a public hospital, an educational institution, a public library, reading room or an orphanage.

[6]**[6A. Revision of rent.**—Notwithstanding anything contained in this Act, the standard rent, or, where no standard rent is fixed under the provisions of this Act in respect of any premises, the rent agreed upon between the landlord and the tenant, may be increased by ten per cent. every three years.]

7. Lawful increase of standard rent in certain cases and recovery of other charges.—(*1*) Where a landlord has at any time, before the commencement of this Act with or without the approval of the tenant or after the commencement of this Act with the written approval of the tenant or of the Controller, incurred expenditure for any improvement, addition or structural alteration in the premises, not being expenditure on decoration or tenantable repairs necessary or usual for such premises, and the cost of that improvement, addition or alteration has not been taken into account in determining the rent of the premises, the landlord may lawfully increase the standard rent per year by an amount not exceeding [7][ten per cent.] of such cost.

(*2*) Where a landlord pays in respect of the premises any charge for electricity or water consumed in the premises or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant the amount so paid by him; but the landlord shall not recover from the tenant whether by means of an increase in rent or otherwise the amount of any tax on building or land imposed in respect of the premises occupied by the tenant:

1. Subs. by Act 57 of 1988, s. 3, for "seven and one-half per cent." (w.e.f. 1-12-1988).
2. Subs. by s. 3, *ibid*., for "Reasonable" (w.e.f. 1-12-1988).
3. Proviso omitted by s. 3, *ibid.,* (w.e.f. 1-12-1988).
4. Proviso omitted by s. 3, *ibid.,* (w.e.f. 1-12-1988).
5. Ins. by s. 3, *ibid.* (w.e.f. 1-12-1988).
6. Ins. by s. 4, *ibid.* (w.e.f. 1-12-1988).
7. Subs. by s. 3, *ibid.,* for "seven and one-half per cent." (w.e.f. 1-12-1988).

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement entered into before the 1st day of January, 1952, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

8. Notice of increase of rent.—(*1*) Where a landlord wishes to increase the rent of any premises, he shall give the tenant notice of his intention to make the increase and in so far as such increase is lawful under this Act, it shall be due and recoverable only in respect of the period of the tenancy after the expiry of thirty days from the date on which the notice is given.

(*2*) Every notice under sub-section (*1*) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882 (4 of 1882).

9. Controller to fix standard rent, etc.—(*1*) The Controller shall, on an application made to him in this behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any premises—

(*i*) the standard rent referred to in section 6; or

(*ii*) the increase, if any, referred to in section 7.

(*2*) In fixing the standard rent of any premises of the lawful increase thereof, the Controller shall fix an amount which appears to him to be reasonable having regard to the provisions of section 6 or section 7 and the circumstances of the case:

1 [Provided that in working out the cost of construction of any premises or the market price of the land comprised in such premises for the purposes of section 6, or the cost of improvement, addition or alteration referred to in section 7, the Controller may take the assistance of any valuer approved by the Central Government in accordance with such rules as may be prescribed and the assessment shall be made by such valuer in the manner prescribed.]

(*3*) In fixing the standard rent of any premises part of which has been lawfully sub-let, the Controller may also fix the standard rent of the part sub-let.

(*4*) Where for any reason it is not possible to determine the standard rent of any premises on the principles set forth under section 6, the Controller may fix such rent as would be reasonable having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar or nearly similar premises in the locality, having regard also to the standard rent payable in respect of such premises.

(*5*) The standard rent shall in all cases be fixed for a tenancy of twelve months:

Provided that where any premises are let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(*6*) In fixing the standard rent of any premises under this section, the Controller shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any fittings or furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(*7*) In fixing the standard rent of any premises under this section, the Controller shall specify a date from which the standard rent so fixed shall be deemed to have effect:

Provided that in no case the date so specified shall be earlier than one year prior to the date of the filing of the application for the fixation of the standard rent.

10. Fixation of interim rent.—If an application for fixing the standard rent or for determining the lawful increase of such rent is made under section 9, the Controller shall, as expeditiously as possible, make an order specifying the amount of the rent or the lawful increase to be paid by the tenant to the landlord pending final decision on the application and shall appoint the date from which the rent or lawful increase so specified shall be deemed to have effect.

1. Ins. by Act 57 of 1988, s. 6 (w.e.f. 1-12-1988).

11. Limitation of liability of middlemen.—No collector of rent or middleman shall be liable to pay to his principal, in respect of any premises, any sum by way of rental charges which exceeds, the amount which he is entitled under this Act to realise from the tenant or tenants of the premises.

12. Limitation for application for fixation of standard rent.—Any landlord or tenant may file an application to the Controller for fixing the standard rent of the premises or for determining the lawful increase of such rent,—

(*a*) in the case of any premises which were let, or in which the cause of action for lawful increase of rent arose, before the commencement of this Act, within two years from such commencement;

(*b*) in the case of any premises let after the commencement of this Act 1[but before the commencement of the Delhi Rent Control (Amendment) Act, 1988],—

(*i*) where the application is made by the landlord, within two years from the date on which the premises were let to the tenant against whom the application is made;

(*ii*) where the application is made by the tenant, within two years from the date on which the premises were let to that tenant; 2[and]

(*c*) in the case of any premises in which the cause of action of lawful increase of rent arises after the commencement of this Act within two years from the date on which the cause of action arises; [2][and]

[1][(*d*) in the case of any premises referred to in clause (*c*) of sub-section (*2*) of section 6, within two years from the date of such application:]

Provided that the Controller may entertain the application after the expiry of the said period of two years, if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

13. Refund of rent, premium, etc., not recoverable under the Act.—Where any sum or other consideration has been paid, whether before or after the commencement of this Act, by or on behalf of a tenant to a landlord, in contravention of any of the provisions of this Act or of the Delhi and Ajmer Rent Control Act, 1952 (38 of 1952), the Controller may, on an application made to him within a period of one year from the date of such payment, order the landlord to refund such sum or the value of such consideration to the tenant or order adjustment of such sum or the value of such consideration against the rent payable by the tenant.

CHAPTER III

CONTROL OF EVICTION OF TENANTS

14. Protection of tenant against eviction.—(*1*) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court or Controller in favour of the landlord against a tenant:

Provided that the Controller may, on an application made to him in the prescribed manner, make an order for the recovery of possession of the premises on one or more of the following grounds only, namely:—

(*a*) that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within two months of the date on which a notice of demand for the arrears of rent has been served of him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882 (4 of 1882);

1. Ins. by Act 57 of 1988, s. 7 (w.e.f. 1-12-1988).

2. Clause (*d*) has been ins. by s. 7 *ibid.* As a result of this insertion the word "and" of the end of sub-clause (*ii*) of clause (*b*) ought to have been omitted and added at the end of clause (*c*), which has been done by Act 57 of 1988. The irregularity has set right. (Ed.)

(*b*) that the tenant has, on or after the 9th day of June, 1952, sub-let, assigned or otherwise parted with the possession of the whole or any part of the premises without obtaining the consent in writing of the landlord;

(*c*) that the tenant has used the premises for a purpose other than that for which they were let—

(*i*) if the premises have been let on or after the 9th day of June, 1952, without obtaining the consent in writing of the landlord; or

(*ii*) if the premises have been let before the said date without obtaining his consent;

(*d*) that the premises were let for use as a residence and neither the tenant nor any member of his family has been residing therein for a period of six months immediately before the date of the filing of the application for the recovery of possession thereof;

(*e*) that the premises let for residential purposes are required *bona fide* by the landlord for occupation as a residence for himself or for any member of his family dependent on him, if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonably suitable residential accommodation;

Explanation.—For the purposes of this clause, "premises let for residential purposes" include any premises which having been let for use as a residence are, without the consent of the landlord, used incidentally for commercial or other purposes;

(*f*) that the premises have become unsafe or unfit for human habitation and are required *bona fide* by the landlord for carrying out repairs which cannot be carried out without the premises being vacated;

(*g*) that the premises are required *bona fide* by the landlord for the purpose of building or re-building or making thereto any substantial additions or alterations and that such building or re-building or addition or alteration cannot be carried out without the premises being vacated;

(*h*) that the tenant has, whether before or after the commencement of this Act, [1]***, acquired vacant possession of, or been allotted, a residence;

[2][(*hh*) that the tenant has, after the commencement of the Delhi Rent Control (Amendment) Act, 1988, built a residence and ten years have elapsed thereafter;]

(*i*) that the premises were let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment;

(*j*) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the premises;

(*k*) that the tenant has, notwithstanding previous notice, used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government or the Delhi Development Authority or the Municipal Corporation of Delhi while giving him a lease of the land on which the premises are situate;

(*l*) that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Development Authority or the Municipal Corporation of Delhi is pursuance of any improvement scheme or development scheme and that such building work cannot be carried out without the premises being vacated.

(*2*) No order for the recovery of possession of any premises shall be made on the ground specified in clause (*a*) of the proviso to sub-section (*1*), if the tenant makes payment or deposit as required by section 15:

1. The word "built" omitted by Act 57 of 1988, s. 8 (w.e.f. 1-12-1988).
2. Ins. by s. 8, *ibid.* (w.e.f. 1-12-1988).

Provided that no tenant shall be entitled to the benefit under this sub-section, if, having obtained such benefit once in respect of any premises, he again makes a default in the payment of rent of those premises for three consecutive months.

(*3*) No order for the recovery of possession in any proceeding under sub-section (*1*) shall be binding on any sub-tenant referred to in section 17 who has given notice of his sub-tenancy to the landlord under the provisions of that section, unless the sub-tenant is made a party to the proceeding and the order for eviction is made binding on him.

(*4*) For the purposes of clause (*b*) of the proviso to sub-section (*1*), any premises which have been let for being used for the purposes of business or profession shall be deemed to have been sub-let by the tenant, if the Controller is satisfied that the tenant without obtaining the consent in writing of the landlord has, after the 16th day of August, 1958, allowed any person to occupy the whole or any part of the premises ostensibly on the ground that such person is a partner of the tenant in the business or profession but really for the purpose of sub-letting such premises to that person.

(*5*) No application for the recovery of possession of any premises shall lie under sub-section (*1*) on the ground specified in clause (*c*) of the proviso thereto, unless the landlord has given to the tenant a notice in the prescribed manner requiring him to stop the misuse of the premises and the tenant has refused or failed to comply with such requirement within one month of the date of service of the notice; and no order for eviction against the tenant shall be made in such a case, unless the Controller is satisfied that the misuse of the premises is of such a nature that it is a public nuisance or that it causes damage to the premises or is otherwise detrimental to the interest of the landlord.

(*6*) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall lie under sub-section (*1*) on the ground specified in clause (*e*) of the proviso thereto, unless a period of five years have elapsed from the date of the acquisition.

(*7*) Where an order for the recovery of possession of any premises is made on the ground specified in clause (*e*) of the proviso to sub-section (*1*), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of six months from the date of the order.

(*8*) No order for the recovery of possession of any premises shall be made on the ground specified in clause (*g*) of the proviso to sub-section (*1*), unless the Controller is satisfied that the proposed reconstruction will not radically alter the purpose for which the premises were let or that such radical alteration is in the public interest, and that the plans and estimates of such reconstruction have been properly prepared and that necessary fund for the purpose are available with the landlord.

(*9*) No order for the recovery of possession of any premises shall be made on the ground specified in clause (*i*) of the proviso to sub-section (*1*), if the Controller is of opinion that there is any *bona fide* dispute as to whether the tenant has ceased to be in the service or employment of the landlord.

(*10*) No order for the recovery of possession of any premises shall be made on the ground specified in clause (*j*) of the proviso to sub-section (*1*), if the tenant, within such time as may be specified in this behalf by the Controller, carries out repairs to the damage caused to the satisfaction of the Controller or pays to the landlord such amount by way of compensation as the Controller may direct.

(*11*) No order for the recovery of possession of any premises shall be made on the ground specified in clause (*k*) of the proviso to sub-section (*1*), if the tenant, within such time as may be specified in this behalf by the Controller, complies with the condition imposed on the landlord by any of the authorities referred to in that clause or pays to that authority such amount by way of compensation as the Controller may direct.

[1][**14A. Right to recover immediate possession of premises to accrue to certain persons.**— (*1*) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required, by, or in pursuance of, any general or special order made by that Government or authority, to vacate such residential accommodation, or in default, to incur certain obligations, on the ground that he owns, in the Union territory of Delhi, a residential accommodation either in his own name or in the name of his wife or dependent child, there shall accrue, on and from the

1. Ins. by Act 18 of 1976, s. 5 (w.e.f. 1-12-1975).

date of such order, to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the Union territory of Delhi, two or more dwelling houses whether in his own name or in the name of his wife or dependent child to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(*2*) Notwithstanding anything contained elsewhere in this Act or in any there law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (*1*), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(*a*) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of possession of the premises by him, refund to the tenant such amount as represent the rent payable for the unexpired portion of the contract, agreement or lease;

(*b*) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the unexpired portion of the contract or agreement, or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid, the landlord shall be liable to pay simple interest at the rate of six per cent per annum on the amount which he has omitted or failed to refund.]

[1][**14B. Right to recover immediate possession of premises to accrue to members of the armed forces, etc.**—(*1*) Where the landlord—

(*a*) is a released or retired person from any armed forces and the premises let out by him are required for his own residence; or

(*b*) is a dependent of a member of any armed forces who had been killed in action and the premises let out by such member are required for the residence of the family of such member,

such person or, as the case may be, the dependent may, within one year from the date of his release or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(*2*) Where the landlord is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him are required for his own residence after his retirement, he may, at any time, within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(*3*) Where the landlord referred to in sub-section (*1*) or sub-section (*2*) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

Explanation.—For the purposes of this section, "armed forces" means an armed force of the Union constituted under an Act of Parliament and includes a member of the police force constituted under Section3 of the Delhi Police Act, 1978 (34 of 1978).

14C. Right to recover immediate possession of premises to accrue to Central Government and Delhi Administration employees.—(*1*) Where the landlord is a retired employee of the Central Government or of the Delhi Administration, and the premises let out by him are required for his own residence, such employee may, within one year from the date of his retirement or within a period of one

1. Ins. by Act 57 of 1988, s. 9 (w.e.f. 1-12-1988).

year from the date of commencement of the Delhi Rent Control (Amendment) Act, 1988, whichever is later, apply to the Controller for recovering the immediate possession of such premises.

(*2*) Where the landlord is an employee of the Central Government or of the Delhi Administration and has a period of less than one year preceding the date of his retirement and the premises let out by him are required by him for his own residence after his retirement, he may, at any time within a period of one year before the date of his retirement, apply to the Controller for recovering the immediate possession of such premises.

(*3*) Where the landlord referred to in sub-section (*1*) or sub-section (*2*) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of only one of the premises chosen by him.

14D. Right to recover immediate possession of premises to accrue to a widow.— (*1*) Where the landlord is a widow and the premises let out by her, or by her husband, are required by her for her own residence, she may apply to the Controller for recovering the immediate possession of such premises.

(*2*) Where the landlord referred to in sub-section (*1*) has let out more than one premises, it shall he open to her to make an application under that sub-section in respect of any one of the premises chosen by her.]

15. When a tenant can get the benefit of protection against eviction.—(*1*) In every proceeding of the recovery of possession of any premises on the ground specified in clause (*a*) of the proviso to sub-section (*1*) of section 14, the Controller shall, after giving the parties an opportunity of being heard, make an order directing the tenant to pay to the landlord or deposit with the Controller within one month of the date of the order, an amount calculated at the rate of rent at which it was last paid for the period for which the arrears of the rent were legally recoverable from the tenant including the period subsequent thereto up to the end of the month previous to that in which payment or deposit is made and to continue to pay or deposit, month by month, by the fifteenth of each succeeding month, a sum equivalent to the rent at that rate.

(*2*) If, in any proceeding for the recovery of possession of any premises on any ground other than that referred to in sub-section (*1*), the tenant contests the claim for eviction, the landlord may, at any stage of the proceeding, make an application to the Controller for an order on the tenant to pay to the landlord the amount of rent legally recoverable from the tenant and the Controller may, after giving the parties an opportunity of being heard, make an order in accordance with the provisions of the said sub-section.

(*3*) If, in any proceeding referred to in sub-section (*1*) or sub-section (*2*), there is any dispute as to the amount of rent payable by the tenant, the Controller shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent in relation to the premises to be paid or deposited in accordance with the provisions of sub-section (*1*) or sub-section (*2*), as the case may be until the standard rent in relation thereto is fixed having regard to the provisions of this Act, and the amount of arrears if any, calculated on the basis of the standard rent shall be paid or deposited by the tenant within one month of the date on which the standard rent is fixed or such further time as the Controller may allow in this behalf.

(*4*) If, in any proceeding referred to in sub-section (*1*) or sub-section (*2*), there is any dispute as to the person or persons to whom the rent is payable, the Controller may direct the tenant to deposit with the Controller the amount payable by him under sub-section (*1*) or sub-section (*2*) or sub-section (*3*), as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the Controller decides the dispute and makes an order for payment of the same.

(*5*) If the Controller is satisfied that any dispute referred to in sub-section (*4*) has been raised by a tenant for reasons which are false or frivolous, the Controller may order the defence against eviction to be struck out and proceed with the hearing of the application.

(*6*) If a tenant makes payment or deposit as required by sub-section (*1*) or sub-section (*3*), no order shall be made for the recovery of possession on the ground of default in the payment of rent by the tenant, but the Controller may allow such costs as he may deem fit to the landlord.

(*7*) If a tenant fails to make payment or deposit as required by this section, the Controller may order the defence against eviction to be struck out and proceed with the hearing of the application.

16. Restrictions on sub-letting.—(*1*) Where at any time before the 9th day of June, 1952, a tenant has sub-let the whole or any part of the premises and the sub-tenant is, at the commencement of this Act, in occupation of such premises, then, notwithstanding that the consent of the landlord was not obtained for such sub-letting, the premises shall be deemed to have been lawfully sub-let.

(*2*) No premises which have been sub-let either in whole or in part on or after the 9th day of June, 1952, without obtaining the consent in writing of the landlord, shall be deemed to have been lawfully sub-let.

(*3*) After the commencement of this Act, no tenant shall, without the previous consent in writing of the landlord,—

(*a*) sub-let the whole or any part of the premises held by him as a tenant; or

(*b*) transfer or assign his rights in the tenancy or in any part thereof.

(*4*) No landlord shall claim or receive the payment of any sum as premium or *pugree* or claim or receive any consideration whatsoever in cash or in kind for giving his consent to the sub-letting of the whole or any part of the premises held b

17. Notice of creation and termination of sub-tenancy.—(*1*) Where, after the commencement of this Act, any premises are sub-let either in whole or in part by the tenant with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the premises are sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month of the date of such sub-letting and notify the termination of such sub-tenancy within one month of such termination.

(*2*) Where, before the commencement of this Act, any premises have been lawfully sub-let either in whole or in part by the tenant, the tenant or the sub-tenant to whom the premises have been sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Act, and notify the termination of such sub-tenancy within one month of such termination.

(*3*) Where in any case mentioned in sub-section (*2*), the landlord contests that the premises were not lawfully sub-let, and an application is made to the Controller in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of sub-letting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the Controller shall decide the dispute.

18. Sub-tenant to be tenant in certain cases.—(*1*) Where an order for eviction in respect of any premises is made under section 14 against a tenant but not against a sub-tenant referred to in section 17 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the premises in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

(*2*) Where, before the commencement of this Act, the interest of a tenant in respect of any premises has been determined without determining the interest of any sub-tenant to whom the premises either in whole or in part had been lawfully sub-let, the sub-tenant shall, with effect from the date of the commencement of this Act, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

19. Recovery of possession for occupation and re-entry.—(*1*) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (*e*) of the proviso to sub-section (*1*) of section 14 [1][or under sections 14A, 14B, I4C, 14D and 21], the landlord shall not, except with the permission of the Controller obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(*2*) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from

1. Ins. by Act 57 of 1988, s. 10 (w.e.f. 1-12-1988).

the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (*1*) or the possession of such premises is transferred to another person for reasons which do not appear to the Controller to be *bona fide*, the Controller may, on an application made to him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.

20. Recovery of possession for repairs and re-building and re-entry.—(*1*) In making any order on the grounds specified in clause (*f*) or clause (*g*) of the proviso to sub-section (*1*) of section 14, the Controller shall ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in

the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or building or re-building, as the case may be.

(*2*) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs of building or re-building, place the tenant in occupation of the premises or part thereof.

(*3*) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the premises in accordance with sub-section (*2*), the Controller may, on an application made to him in this behalf by the tenant within such time as may be prescribed, order the landlord to place the tenant in occupation of the premises or part thereof or to pay to the tenant such compensation as the Controller thinks fit.

21. Recovery of possession in case of tenancies for limited period.— [1][(*1*)] Where a landlord does not require the whole or any part of any premises for a particular period, and the landlord, after obtaining the permission of the Controller in the prescribed manner, lets the whole of the premises or part thereof as a residence for such period as may be agreed to in writing between the landlord and the tenant and the tenant does not on the expiry of the said period, vacate such premises, then, notwithstanding anything contained in section 14 or in any other law, the Controller may, on an application made to him in this behalf by the landlord within such time as may be prescribed, place the landlord in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

[2][(*2*) While making an order under sub-section (*1*), the Controller may award to the landlord such damages for the use or occupation of the premises at such rates as he considers proper in the circumstances of the case for the period from the date of such order till the date of actual vacation by the tenant.]

22. Special provision for recovery of possession in certain cases.—Where the landlord in respect of any premises is any company or other body corporate or any local authority or any public institution and the premises are required for the use of employees of such landlord or in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in section 14 or any other law, the Controller may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Controller is satisfied—

(*a*) that the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or

(*b*) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or

(*c*) that any other person is in unauthorised occupation of such premises; or

1. Section 21 renumbered as sub-section (*1*) thereof by Act 57 of 1988, s. 11 (w.e.f. 1-12-1988).
2. Ins. by s. 11, *ibid.* (w.e.f. 1-12-1988).

(*d*) that the premises are required *bona fide* by the public institution for the furtherance of its activities.

Explanation.—For the purposes of this section, "public institution" includes any educational institution, library, hospital and charitable dispensary [1][but does not include any such institution set up by any private trust].

23. Permission to construct additional structures.—Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commen ork will not cause any undue hardship

to the tenant, the Controller may permit the landlord to do such work and may make such other order as he thinks fit in the circumstances of the case.

24. Special provision regarding vacant building sites.—Notwithstanding anything contained in section 14, where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws, for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Controller, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the Controller may—

(*a*) direct such severance;

(*b*) place the landlord in possession of the vacant land;

(*c*) determine the rent payable by the tenant in respect of the rest of the premises; and

(*d*) make such other order as he thinks fit in the circumstances of the case.

25. Vacant possession to landlord.—Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is made by the Controller under this Act for the recovery of possession of such premises the order shall, subject to the provisions of section 18, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such person therefrom:

Provided that nothing in this section shall apply to any persons who has an independent title to such premises.

[2][CHAPTER IIIA

SUMMARY TRAIL OF CERTAIN APPLICATIONS

25A. Provisions of this Chapter to have overriding effect.—The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained elsewhere in this Act or in any other law for the time being in force.

25B. Special procedure for the disposal of applications for eviction on the ground of *bona fide* requirement.—

(*1*) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (*e*) of the proviso to sub-section (*1*) of section 14, or under section 14A [3][or under section 14B or under section I4C or under section 14D], shall be dealt with in accordance with the procedure specified in this section.

1. Added by Act 57 of 1988, s. 12 (w.e.f. 1-12-1988).

2. Chapter IIIA (consisting of sections 25A to 25C ins. by Act 18 of 1976, s. 6 (w.e.f. 1-12-1975).

3. Ins. by Act 57 of 1988, s. 13 (w.e.f. 1-12-1988).

(*2*) The Controller shall issue summons, in relation to every application referred to in sub-section (*1*), in the form specified in the Third Schedule.

(*3*) (*a*) The Controller shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(*b*) When an acknowledgement purporting to be signed by the tenant or his agent is received by the Controller or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to

take delivery of the registered article, the Controller may declare that there has been a valid service of summons.

(*4*) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(*5*) The Controller shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in clause (*c*) of the proviso to sub-section (*1*) of section 14, or under section 14A.

(*6*) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing of the application as early as practicable.

(*7*) Notwithstanding anything contained in sub-section (*2*) of section 37, the Controller shall, while holding an inquiry in a proceeding to which this Chapter applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(*8*) No appeal or second appeal shall lie against an order for the recovery of possession of any premises made by the Controller in accordance with the procedure specified in this section:

Provided that the High Court may, for the purpose of satisfying itself that an order made by the Controller under this section is according to law, call for the records of the case and pass such order in respect thereto as it thinks fit.

(*9*) Where no application has been made to the High Court on revision, the Controller may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

(*10*) Save as otherwise provided in this Chapter, the procedure for the disposal of an application for eviction on the ground specified in clause (*e*) of the proviso to sub-section (*1*) of section 14, or under section 14A, shall be the same as the procedure for the disposal of applications by Controllers.

25C. Act to have effect in a modified form in relation to certain persons.—(*1*) Nothing contained in sub-section (*6*) of section 14 shall apply to a landlord who, being a person in occupation of any residential premises allotted to him by the Central Government or any local authority is required by or in pursuance of, an order made by that Government or authority to vacate such residential accommodation, or, in default, to incur certain obligations, or the ground that he owns a residential accommodation either in his own name or in the name of his wife or dependent child in the Union territory of Delhi.

(*2*) In the case of a landlord who, being a person of the category specified in sub-section (*1*), has obtained, on the ground specified in clause (*e*) of the proviso to sub-section (*1*) of section 14, or under section 14A, an order for the eviction of a tenant from any premises, the provisions of sub-section (*7*) of section 14 shall have effect as if for the words “six months”, occurring therein, the words “two months” were substituted.]

CHAPTER IV

DEPOSIT OF RENT

26. Receipt to be given for rent paid.—(*1*) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable [1][and where any default occurs in the payment of rent, the tenant shall be liable to pay simple interest at the rate of fifteen per cent, per annum from the date on which such payment of rent is due to the date on which it is paid.]

(*2*) Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent:

[2][Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order.]

(*3*) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (*2*), the Controller may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent paid.

27. Deposit of rent by the tenant.—(*1*) Where the landlord does not accept any rent tendered by the tenant within the time referred to in section 26 of refuses or neglects to deliver a receipt referred to therein or where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Controller in the prescribed manner:

[3][Provided that in cases where there is a *bona fide* doubt as to the person or persons to whom the rent is payable, the tenant may remit such rent to the Controller by postal money order.]

(*2*) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

(*a*) the premises for which the rent is deposited with a description sufficient for identifying the premises;

(*b*) the period for which the rent is deposited;

(*c*) the name and address of the landlord or the person or persons claiming to be entitled to such rent;

(*d*) the reasons and circumstances for which the application for depositing the rent is made;

(*e*) such other particulars as may be prescribed.

(*3*) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(*4*) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (*2*) as

1. Added by Act 57 of 1988, s. 14 (w.e.f. 1-12-1988).
2. Ins. by s. 14, *ibid.* (w.e.f. 1-12-1988).
3. Ins. by s. 15, *ibid*. (w.e.f. 1-12-1988).

claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a court of competent jurisdiction.

(*5*) If at the time of filing the application under sub-section (*4*), but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent complains or complain to the Controller that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may levy on the tenant a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(*6*) The Controller may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Controller is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in section 26 and may further order that a sum out of the fine realised be paid to the tenant as compensation.

28.Time limit for making deposit and consequences of incorrect particulars in application for deposit.—(*1*) No rent deposited under section 27 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time referred to in section 26 for payment of the rent.

(*2*) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the premises from the tenant.

(*3*) If the rent is deposited within the time mentioned in sub-section (*1*) and does not cease to be a valid deposit for the reason mentioned in sub-section (*2*), the deposit shall constitute payment of rent to the landlord, as if the amount deposited had been validly tendered.

29. Saving as to acceptance of rent and forfeiture of rent in deposit.—(*1*) The withdrawal of rent deposited under section 27 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said section.

(*2*) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Controller, if it is not withdrawn before the expiration of five years from the date of posting of the notice of deposit.

(*3*) Before passing an order of forfeiture the Controller shall give notice to the landlord or the person or persons entitled to receive the rent in deposit by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper.

CHAPTER V

HOTELS AND LODGING HOUSES

30. Application of the Chapter.—The provisions of this Chapter shall apply to all hotels and lodging houses in the areas which, immediately before the 7th day of April, 1958, were included in the New Delhi Municipal Committee, Municipal Committee, Delhi and the Notified Area Committee, Civil Station, Delhi and may be applied by the Central Government, by notification in the Official Gazette, to hotels and lodging houses within the limits of such other urban area of the Municipal Corporation of Delhi as may be specified in the notification:

Provided that if the Central Government is of opinion that it would not be desirable in the public interest to make the provisions of this Chapter applicable to any class of hotels or lodging houses, it may, by notification in the Official Gazette, exempt such class of hotels or lodging houses from the operation of this Chapter.

31. Fixing of fair rate.—(*1*) Where the Controller, on a written complaint or otherwise, has reason to believe that the charges made for board or lodging or any other service provided in any hotel or lodging houses are excessive, he may fix a fair rate to be charged for board, lodging or other services provided in the hotel or lodging house and in fixing such fair rate, specified separately the rate for lodging, board or other services.

(*2*) In determining the fair rate under sub-section (*1*), the Controller shall have regard to the circumstances of the case and to the prevailing rate of charges for the same or similar accommodation, board and service, during the twelve months immediately preceding the 1st day of June, 1951, and to any general increase in the cost of living after that date.

32. Revision of fair rate.—On a written application from the manager of a hotel or the owner of a lodging house or otherwise, the Control , revise the fair rate to be charged for

board, lodging or other service in a hotel or lodging house, and fix such rate as he may deem fit having regard to any general rise or fall in the cost of living which may have occurred after the fixing of fair rate.

33. Charges in excess of fair rate not recoverable.—When the Controller has determined the fair rate of charges in respect of a hotel or lodging house,—

(*a*) the manager of the hotel or the owner of the lodging house, as the case may be, shall not charge any amount in excess of the fair rate and shall not, except with the previous written permission of the Controller, withdraw from the lodger any concession or service allowed at the time when the Controller determined the fair rate;

(*b*) any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate;

(*c*) any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of six months from the date of the payment from the manager of the hotel or the owner of the lodging house or his legal representatives and may, without prejudice to any other mode of recovery, be deducted by such lodger from any amount payable by him to such manager or owner.

34. Recovery of possession by manager or a hotel or the owner of a lodging house.—Notwithstanding anything contained in this Act, the manager of a hotel or the owner of a lodging house shall he entitled to recover possession of the accommodation provided by him to a lodger on obtaining a certificate from the Controller certifying—

(*a*) that the lodger has been guilty of conduct which is a nuisance or which causes annoyance to any adjoining or neighboring ledger;

Explanation. —For the purposes of this clause, "nuisance" shall be deemed to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);

(*b*) that the accommodation is reasonably and *bona fide* required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or any other cause which may be deemed satisfactory to the Controller;

(*c*) that the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof;

(*d*) that the lodger has done any act which is inconsistent with the purpose for which the accommodation was given to him or which is likely to affect adversely or substantially the owner's interest therein;

(*e*) that the lodger has failed to pay the rent due from him.

CHAPTER VI

APPOINTMENT OF CONTROLLERS AND THEIR POWERS AND FUNCTION AND APPEALS

35. Appointment of Controllers and Additional Controllers.—(*1*) The Central Government may, by notification in the Official Gazette, appoint as many Controllers as it thinks fit, and define the local limits within which, or the hotels and lodging houses in respect of which, each Controller shall exercise the powers conferred, and perform the duties imposed, on Controllers by or under this Act.

(*2*) The Central Government may also, by notification in the Official Gazette, appoint as many additional Controllers as it thinks fit and an additional Controller shall perform such of the functions of the Controller as may, subject to the control of the Central Government, be assigned to him in writing by the Controller and in the discharge of these functions, an additional Controller shall have and shall exercise the same powers and discharge the same duties as the Controller.

(*3*) A person shall not be qualified for appointment as a Controller or an additional Controller, unless he has for at least five years held a judicial office in India or has for at least seven years been practising as an advocate or a pleader in India.

36. Powers of Controller.—(*1*) The Controller may—

(*a*) transfer any proceeding pending before him for disposal to any additional Controller, or

(*b*) withdraw any proceeding pending before any additional Controller and dispose it of himself or transfer the proceeding for disposal to any other additional Controller.

(*2*) The Controller shall have the same powers as are tested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of documents;

(*c*) issuing commissions for the examination of witnesses;

(*d*) any other matter which may be prescribed;

and any proceeding before the Controller shall be deemed to be a judicial proceeding within the meaning of section193 and section 228 of the Indian Penal Code (45 of 1860), and the Controller shall be deemed to be a civil court within the meaning of Section 480 and Section 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

(*3*) For the purposes of holding any inquiry or discharging any duty under this Act, the Controller may,—

(*a*) after giving not less than twenty-four hours' notice in writing, enter and inspect or authorise any officer subordinate to him to enter and inspect any premises at any time between sunrise and sunset; or

(*b*) by written order, require any person to produce for his inspection all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

(*4*) The Controller may, if he thinks fit, appoint one or more persons having special knowledge of the matter under consideration as an assessor or assessors to advise him in the proceeding before him.

37. Procedure to be followed by Controller.—(*1*) No order which prejudicially affects any person shall be made by the Controller under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Controller.

(*2*) Subject to any rules that may be made under this Act, the Controller shall, while holding an inquiry in any proceeding before him, follow as far as may be the practice and procedure of a Court of Small Causes, including the recording of evidence.

(*3*) In all proceedings before him, the Controller shall consider the question of costs and award such costs to or against any party as the Controller considers reasonable.

38. Appeal to the Tribunal.—(*1*) An appeal shall lie from every order of the Controller made under this Act [1][only on questions of law] to the Rent Control Tribunal hereinafter referred to as the Tribunal) consisting of one person only to be appointed by the Central Government by notification in the Official Gazette:

[1][Provided that no appeal shall lie from an order of the Controller made under section 21.]

(*2*) An appeal under sub-section (*1*) shall be preferred within thirty days from the date of the order made by the Controller:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*3*) The Tribunal shall have all the power vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when hearing an appeal.

(*4*) Without prejudice to the provisions of sub-section (*3*), the Tribunal may, on an application made to it or otherwise, by order transfer any pr Controller or additional Controller to

another Controller or additional Controller and the Controller or additional Controller to whom the proceeding is so transferred may, subject to any special directions in the order of transfer, dispose of the proceeding.

(*5*) A person shall not be qualified for appointment to the Tribunal, unless he is, or has been, a district judge or has for at least ten years held a judicial office in India.

[2]**[38A. Additional Rent Control Tribunals.—**(*1*) For the expeditious disposal of appeals and applications under section 38, the Central Government may, by notification in the Official Gazette, constitute as many Additional Rent Control Tribunals as it deems fit and appoint to each such Additional Rent Control Tribunal (hereinafter referred to as the Additional Tribunal) one person qualified for appointment to the Tribunal in accordance with the provisions of sub-section (*5*) of that section.

(*2*) Notwithstanding anything contained in section 38, the Tribunal may, by order in writing,—

(*a*) specify the appeals or classes of appeals under sub-section (*1*) of that section which may be preferred to and disposed of by each Additional Tribunal and the classes of cases in which each Additional Tribunal may exercise the powers of the Tribunal under sub-section (*4*) of that section;

(*b*) transfer any appeal or proceeding pending before it for disposal to any Additional Tribunal; or

(*c*) withdraw any appeal or proceeding pending before any Additional Tribunal and dispose it of itself or transfer the appeal or proceeding for disposal to any other Additional Tribunal.

(3) The provisions of sub-sections (*2*) and (*3*) of section 38 shall apply in relation to an Additional Tribunal as they apply in relation to the Tribunal.

38B. Power of High Court to transfer appeals, etc.—The High Court may also, on an application made to it or otherwise, by order, transfer—

(*a*) any appeal or proceeding pending before the Tribunal to any Additional Tribunal; or

(*b*) any appeal or proceeding pending before any Additional Tribunal to the Tribunal or in any other Additional Tribunal.]

39. [Second appeal.]—*Omitted by The Delhi Rent Control (Amendment) Act, 1988 (*57 *of* 1988*), s.* 17 (w.e.f. 1-12-1988)

1. Ins. by Act 57 of 1988, s. 16 (w.e.f. 1-12-1988).
2. Ins. by s. 2, Act 37 of 1984.

40. Amendment of orders.—Clerical or arithmetical mistakes in any order passed by a Controller or [1][the Tribunal or an Additional Tribunal] or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Controller or [1] [the Tribunal on an Additional Tribunal] on an application received in this behalf from any of the parties or otherwise.

41. Controller to exercise powers of a magistrate for recovery of fine.—Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1898, (5 of 1898) and the Controller shall be deemed to be a magistrate under the said Code for the purposes of such recovery.

42. Controller to exercise powers of civil court for execution of other orders.—Save as otherwise provided in section 41, an order made by the Controller or an order passed on appeal under this Act shall be executable by the Controller as a decree of a civil court and for this purpose, the Controller shall have all the powers of a civil court.

43. Finality of order.—Save as otherwise expressly provided in this Act, every order made by the Controller or an order passed on appeal under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

CHAPTER VII

PROVISIONS REGARDING SPECIAL OBLIGATIONS OF LANDLORDS AND PENALTIES

44. Landlord's duty to keep the premises in good repair.—(*1*) Every landlord shall be bound to keep the premises in good and tenantable repairs.

(*2*) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs which he is bound to make under sub-section (*1*) the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(*3*) Where any repairs without which the premises are not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the Controller for permission to make such repairs himself and may submit to the Controller an estimate of the cost of such repairs, and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Controller, and the tenant agrees to bear the excess cost himself, the Controller may permit the tenant to make such repairs.

45. Cutting off or withholding essential supply or service.—(*1*) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(*2*) If a landlord contravenes the provisions of sub-section (*1*), the tenant may make an application to the Controller complaining of such contravention.

1. Subs. by Act 37 of 1984, s. 3, for "the Tribunal" (w.e.f. 26-5-1984).

(*3*) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the premises or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (*4*).

Explanation.—An interim order may be passed under this sub-section without giving notice to the landlord.

(*4*) If the Controller on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the premises was cut off or withheld by the landlord without just and sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(*5*) The Controller may in his discretion direct that compensation not exceeding fifty rupees—

(*a*) be paid to the landlord by the tenant, if the application under sub-section (*2*) was made frivolously or vexatiously;

(*b*) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just and sufficient cause.

Explanation I.—In this section, "essential supply or service" includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation II.—For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any orde

46. Landlord's duty to give notice of new construction to Government.—Whenever, after the commencement of this Act, any premises are constructed, the landlord shall, within thirty days of the completion of such construction, give intimation thereof in writing to the [1][Director of Estates] or to such other officer as may be specified in this behalf by the Government.

47. Leases of vacant premises to Government.—(*1*) The provisions of this section shall apply only in relation to premises in the areas which, immediately before the 7th day of April, 1958, were included in the New Delhi Municipal Committee and which are, or are intended to be, let for use as a residence.

(*2*) Whenever any premises the standard rent of which is not less than two thousand and four hundred rupees per year becomes vacant either by the landlord ceasing to occupy the premises or by the termination of a tenancy or by the eviction of a tenant or by the release of the premises from requisition or otherwise, —

(*a*) the landlord shall, within seven days of the premises becoming vacant, give intimation thereof in writing to the [1][Director of Estates];

(*b*) whether or not such intimation is given, the [1][Director of Estates] may serve on the landlord by post or otherwise a notice—

(*i*) informing him that the premises are required by the Government for such period as may be specified in the notice; and

(*ii*) requiring him, and every person claiming under him, to deliver possession of the premises forthwith to such officer or person as may be specified in the notice:

Provided that where the landlord has given the intimation required by clause (*a*), no notice shall be issued by the [1][Director of Estates] under clause (*b*) more than seven days after the delivery to him of the intimation:

Provided further that nothing in this sub-section shall apply in respect of any premises the possession of which has been obtained by the landlord on the basis of any order made on the ground set forth in clause (*e*) of the proviso to sub-section (*1*) of section 14 or in respect of any premises which have been released from requisition for the use and occupation of the landlord himself.

1. Subs. by Act 58 of 1960, s. 3 and Schedule II, for "Estate Officer to the Government of India" (w.e.f. 26-12-1960).

(*3*) Upon the service of a notice under clause (*b*) of sub-section (*2*), the premises shall be deemed to have been leased to the Government for the period specified in the notice, as from the date of the delivery of the intimation under clause (*a*) of sub-section (*2*) or in a case where no such intimation has been given, as from the date on which possession of the premises is delivered in pursuance of the notice, and the other terms of the lease shall be such as may be agreed upon between the Government and the landlord or in default of agreement, as may be determined by the Controller, in accordance with the provisions of this Act.

(*4*) In every case where the landlord has in accordance with the provisions of sub-section (*2*) given intimation of any premises becoming vacant and the premises are not taken on lease by the Government under this section, the Government shall pay to the landlord a sum equal to one-fifty second of the standard rent per year of the premises.

(*5*) Any premises taken on lease by the Government under this section may be put to any such use as the Government thinks fit, and in particulars, the Government may permit the use of the premises for the purposes of any public institution or any foreign embassy, legation or consulate or any High Commissioner or Trade Commissioner, or as a residence by any officer in the service of the Government or of a foreign embassy, legation or consulate or of a High Commissioner or Trade Commissioner.

48. Penalties.—(*1*) If any person contravenes any of the provisions of section 5, he shall be punishable—

(*a*) in the case of a contravention of the provisions of sub-section (*1*) of section 5, with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum which exceeds the unlawful charge claimed or received under that sub-section by one thousand rupees, or with both;

(*b*) in the case of a contravention of the provisions of sub-section (*2*) or sub-section (*3*) of section 5, with simple imprisonment for a term which may extend to six months, or with fine which may extend to a sum which exceeds the amount or value of unlawful charge claimed or received under the said sub-section (*2*) or sub-section (*3*), as the case may be, by five thousand rupees, or with both.

(*2*) If any tenant sub-lets, assigns or otherwise parts with the possession of the whole or part of any premises in contravention of the provisions of clause (*b*) of the proviso to sub-section (*1*) of section 14, he shall be punishable with fine which may extend to one thousand rupees.

1[(*3*) If any landlord re-lets or transfers the whole or any part of any premises in contravention of the provisions of sub-section (*1*) or sub-section (*2*) of section 19 he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.]

(*4*) If any landlord contravenes the provisions of sub-section (*1*) of section 45, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

(*5*) If any landlord fails to comply with the provisions of section 46 he shall be punishable with fine which may extend to one hundred rupees.

(*6*) If any person contravenes the provisions of clause (*a*) of sub-section (*2*) of section 47, or fails to comply with a requirement under clause (*b*) thereof, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

49. Cognizance of offences.—(*1*) No court inferior to that of a 2[Metropolitan Magistrate] shall try any offence punishable under this Act.

1. Subs. by Act 57 of 1988, s. 19, for sub-section (*3*) (w.e.f. 1-12-1988). 2. Subs. by s. 19, *ibid*., for "magistrate of the first class" (w.e.f. 1-12-1988).

(*2*) No court shall take cognizance of an offence punishable under this Act, unless the complaint in respect of the offence has been made within three months from the dale of the commission of the offence.

(*3*) Notwithstanding anything contained in 1[section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)] it shall be lawful for any 2[Metropolitan Magistrate] to pass a sentence of fine exceeding 3[five thousand rupees] on a person convicted of an offence punishable under this Act.

CHAPTER VIII

MISCELLANEOUS

50. Jurisdiction of civil courts barred in respect of certain matters.—(*1*) Save a otherwise expressly provided in this Act, no civil court shall entertain any suit or proceeding in so far as it relates to the fixation of standard rent in relation to any premises to which this Act applies or to eviction of any tenant therefrom or to any other matter which the Controller is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the Controller under this Act shall be granted by any civil court or other authority.

(*2*) If, immediately before the commencement of this Act, there is any suit or proceeding pending in any civil court for the eviction of any tenant from any premises to which this Act applies and the construction of which has been completed after the 1st day of June, 1951, but before the 9th day of June, 1955, such suit or proceeding shall, on such commencement, abate.

(*3*) If, in pursuance of any decree or order made by a court, any tenant has been evicted after the 16th day of August, 1958, from any premises to which this Act applies and the construction of which has been completed after the 1st day of June, 1951, but before the 9th day of June, 1955, then, notwithstanding anything contained in any other law, the Controller may, on an application made to him in this behalf by such evicted tenant within six months from the date of eviction, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit.

(*4*) Nothing in sub-section (*1*) shall be construed as preventing a civil court from entertaining any suit or proceeding for the decision of any question of title to any premises to which this Act applies or any question as to the person or persons who are entitled to receive the rent of such premises.

51. Controllers to be public servants.—All Controllers and additional Controllers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

52. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any Controller or additional Controller in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

53. [Amendment of the Delhi Tenants Temporary Protection Act, 1956.]—*Repealed. by The Repealing and Amending Act,* 1960 (58 *of* 1960), *s*. 2 *and Schedule*. I.

54. Saving of operation of certain enactments.—Nothing in this Act shall affect the provisions of the Administration of Evacuee Property Act, 1950 (31 of 1950), or the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956), or the Delhi Tenants (Temporary Protection) Act, 1956 (97 of 1956).

55. Special provision regarding decrees affected by the Delhi Tenants (Temporary Protection) Act, 1956.—Where any decree or order for the recovery of possession of any premises to which the Delhi Tenants (Temporary Protection) Act, 1956 (97 of 1956), applies is sought to be executed on the cesser of operation of that Act in relation to those premises, the court executing the decree or order may, on the application of the person against whom the decree or order has been passed or otherwise, reopen the case and if it is satisfied that the decree or order could not have been passed if this Act had been in force on the date of the decree or order, the court may, having regard to the provisions of this Act, set aside the decree or order or pass such other order in relation thereto as it thinks fit.

1. Subs. by Act 57 of 1988, s. 19, for "Section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 1-12-1988). 2. Subs. by s. 19, *ibid*., for "magistrate of the first class" (w.e.f. 1-12-1988).

3. Subs. by s. 19, *ibid*., for "two thousand rupees" (w.e.f. 1-12-1988).

56. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

[1][(*a*) the manner of approval of valuers and the procedure to be followed by such valuers under the proviso to sub-section (2) of section 9;]

[2][(*aa*)] the form and manner in which, and the period within which, an application may be made to the Controller;

(*b*) the form and manner in which an application for deposit or rent may be made and the particulars which it may contain;

(*c*) the manner in which a Controller may hold an inquiry under this Act;

(*d*) the powers of the civil court which may be vested in a Controller;

(*e*) the form and manner in which an application for appeal or transfer of proceeding may be made to the Tribunal;

(*f*) the manner of service of notices under this Act;

(*g*) any other matter which has to be, or may be, prescribed.

[3][(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

57. Repeal and saving.—(*1*) The Delhi and Ajmer Rent Control Act, 1952 (38 of 1952) in so far as it is applicable to the Union territory of Delhi, is hereby repealed.

(*2*) Notwithstanding such repeal, all suits and other proceedings under the said Act pending, at the commencement of this Act, before any court or other authority shall be continued and disposed of in accordance with the provisions of the said Act, as if the said Act had continued in force and this Act had not been passed:

Provided that in any such suit or proceeding for the fixation of standard rent or for the eviction of a tenant from any premises to which section 54 does not apply, the court or other authority shall have regard to the provisions of this Act:

Provided further that the provisions for appeal under the said Act shall continue in force in respect of suits and proceedings disposed of thereunder.

1. Ins. by Act 57 of 1988, s. 20 (w.e.f. 1-12-1988).

2. Clause (*a*) relettered as clause (*aa*) thereof by s. 20, *ibid*. (w.e.f. 1-12-1988).

3. Subs. by Act 37 of 1984, s. 4, for sub-section (*3*) (w.e.f. 26-5-1984).

THE FIRST SCHEDULE

(*See* section 1(*2*)]

THE URBAN AREAS WITHIN THE LIMITS OF THE MUNICIPAL CORPORATION OF DELHI TO WHICH THE ACT EXTENDS

The areas which, immediately before the 7th April, 1958, were included in—

1. the Municipality of New Delhi excluding the area specified in the First Schedule to the Delhi Municipal Corporation Act, 1957 (66 of 1957);
2. the Municipal Committee, Delhi;
3. the Notified Area Committee, Civil Station, Delhi;
4. the Municipal Committee, Delhi- Shahdara;
5. the Notified Area Committee, Red Fort;
6. the Municipal Committee, West Delhi;
7. the South Delhi Municipal Committee;
8. the Notified Area Committee, Mehrauli.

THE SECOND SCHEDULE

[*See* sections 2(*a*) and 6 (*1*)]

BASIC RENT

1. In this Schedule, "basic rent" in relation to any premises let out before the 2nd June, 1944, means the original rent of such premises referred to in paragraph 2 increased by such percentage of the original rent as is specified in paragraph 3 or paragraph 4 or paragraph 5, as the case may be.

(*2*) "Original rent", in relation to premises referred to in paragraph 1, means—

(*a*) where the rent of such premises has been fixed under the New Delhi House Rent Control Order, 1939, or the Delhi Rent Control Ordinance, 1944 (25 of 1944), the rent so fixed; or

(*b*) in any other case, —

(*i*) the rent at which the premises were let on the 1st November, 1939, or

(*ii*) if the premises were not let on that dale, the rent at which they were first let out at any time after that date but before the 2nd June, 1944.

3. Where the premises to which paragraph 2 applies are let out for the purpose of being used as a residence or for any of the purposes of a public hospital, an educational institution, a public library or reading room or an orphanage, the basic rent of the premises shall be the original rent increased by—

(*a*) 12-1/2 per cent. thereof, if the original rent per annum is not more than Rs. 300;

(*b*) 15-5/8 per cent. thereof, if the original rent per annum is more than Rs. 300 but not more than Rs. 600;

(*c*) 18-3/4 per cent. thereof, if the original rent per annum is more than Rs. 600 but not more than Rs. 1,200;

(*d*) 25 per cent. thereof, if the original rent per annum is more than Rs. 1,200.

4. Where the premises to which paragraph 2 applies are let out for any purpose other than those mentioned in paragraph 3, the basic rent of the premises shall be the original rent increased by twice the amount by which it would be increased under paragraph 3, if the premises were let for a purpose mentioned in that paragraph.

5. Where the premises to which paragraph 2 applies are used mainly as a residence and incidentally for business or profession, the basic rent of the premises shall be the mean of the rent as calculated under paragraphs 3 and 4.

[1][THE THIRD SCHEDULE

[*See* section 25B(*2*)]

Form of summons in a case where recovery of possession of premises is prayed for on the ground of *bona fide* requirement or under section 14A

To

(Name, description and place of residence of the tenant.)

WHEREAS Shri.....has filed an application a copy of which is annexed) for your eviction from here insert the particulars of the premises) on the ground specified in clause (*e*) of the proviso to sub-section (*1*) of section 14, or under section 14A;

You are hereby summoned to appear before the Controller within fifteen days of the service hereof and to obtain the leave of the Controller to contest the application for eviction on the ground aforesaid; in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the Controller supported by an affidavit as is referred to in sub-section (*5*) of section 25B.

Given under my hand and seal.

This .....day of.....19.....

Controller]

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1. Ins. by Act 18 of 1976, s. 7 (w.e.f. 1-12-1