Buildings (Lease, Rent & Eviction) Control Act, 1968 and Rules

THE GOA, DAMAN AND DIU BUILDINGS (LEASE, RENT AND EVICTION) CONTROL ACT, 1968 AND RULES

1.The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (dated 2-2-1969) published in the Government Gazette, Series I No. 51 dated 20-3-1969 and came into force since 01-10-1969.
a.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1976 (Act 11 of 1976) [17-5-1976] published in the Official Gazette, Series I No. 9 dated 27-5-1976
b.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1978 (Act 7 of 1978) [29-4-1978] published in the Official Gazette, Series I No. 7 dated 18-5-1978 and came into force at once.
c.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1979 (Act 5 of 1979) [7-6-1979] published in the Official Gazette, Series I No. 12 dated 21-6-1979 and came into force at once.
d.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987 (Act 8 of 1987) [25-11-1987] published in the Official Gazette, Series I No. 39 dated 24-12-1987.
e.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1988 (Act 11 of 1988) [21-5-1988] published in the Official Gazette, Series I No. 8 dated 27-5-1988 and came into force at once
f.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1988 (Act 20 of 1988) [19-9-1988] published in the Official Gazette, Series I No. 27 dated 6-10-1988.
g.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1991 (Act 3 of 1992) [17-1-1992] published in the Official Gazette, Series I No. 45 dated 6-2-1992 and came into force at once.
h.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1992 (Act 12 of 1992) [3-9-1992] published in the Official Gazette, Series I No. 25 dated 22-9-1992 and came into force from 11-04-1992.
i.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1993 (Act 8 of 1994) [20-4-1994] published in the Official Gazette, Series I No. 5 dated 5-5-1994 and came into force at once.
j.The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1997 (Act 24 of 1997) [8-9-1997] published in the Official Gazette, Series I No. 27 dated 3-10-1997 and came into force at once.
k.The Goa, Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2003 (Act 17 of 2003) [30-5-2003] published in the Official Gazette, Series I No. 10 dated 9-6-2003 and came into force at once.
l. The Goa, Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2006 (Act 4 of 2006) [17-3-2006] published in the Official Gazette, Series I No. 51 dated 23-3-2006. and came into force at once
m. The Goa, Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2009 (Act 11 of 2009) [4-6-2009] published in the Official Gazette, Series I No. 13 dated 23-06-2009 and came into force at once.
2.The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Rules, 1969.

Arrangement of Sections

1	**Short title, extent and commencement**
2	**Definitions**

3	Act not to apply to certain buildings
4	Notice of vacancy
5	Release of building for use of the landlord
6	Requisitioning of building
7	Landlord's right to occupy
8	Restriction of structural alterations to a building
9	Effect of failure to give notice and prohibition of letting
10	Occupation without giving notice of vacancy void
11	Exemption of certain classes of buildings from Chapter II
12	Rent Tribunal to determine fair rent
13	Increase in fair rent in what cases admissible
14	Increase of rent in certain cases
15	Landlord not to claim or receive anything in excess of fair rent
16	Prohibition of receipt of premium
17	Receipt to be given for rent paid
18	Deposit of rent by tenant
19	Time limit for making deposit and consequences of incorrect particulars in application for deposit
20	Saving as to acceptance of rent
21	Bar on eviction of tenants
22	Grounds of eviction
23	Landlord's right to obtain possession
23A	Right to recover immediate possession of premises to acquire to certain persons
24	Saving in case of tenancy for a fixed term
25	Controller to decide right to possession
26	Special provision for certain classes of tenants
27	Consequences of failure of landlord to occupy premises vacated under section 25
28	Vexatious proceedings
29	Effect of dismissal of petition for ejectment
30	Recovery of possession by land-lord for repairs, alterations or additions or for reconstruction
31	Recovery of possession by landlord for repairs, alterations or additions or for reconstruction of building the possession of which has been taken over under section 6.
32	Payment or deposit of rent during pendency of proceedings for
33	Landlord's duty to keep building in good repair
34	Execution of lease deed of building
35	Tenant's right to essential services
36	Application of this Chapter
37	Determination of fair rate
38	Revision of fair rate
39	No charges payable in excess of fair rate

40	**Recovery of possession by manager of a hotel or the owner of a lodging house**
41	**Authorities**
42	**Transfer of proceedings**
43	**Powers of the Controller, the Rent Tribunal and the Appellate Board**
44	**Procedure**
45	**Appeal**
46	**Revision**
47	**Powers of appellate and revisional authorities**
48	**Costs**
49	**Recovery of compensation**
50	**Execution of orders**
51	**Orders under this Act to be binding on sub-tenants**
52	**Proceedings by or against legal representatives**
53	**Power of inspection**
54	**Penalties**
55	**Protection for acts done under this Act**
56	**Jurisdiction of courts barred**
57	**Power to remove difficulty**
58	**Power to make rules**
59	**Repeals and savings**

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

LD/2A/2/68

The following Act passed by Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on 22-2-1969 is hereby published for general information.

_____

THE GOA, DAMAN AND DIU BUILDINGS (LEASE, RENT AND EVICTION) CONTROL ACT, 1968

[1][Act No. 2 of 1969]

AN

ACT

To provide for the control of rents and evictions and of rates of hotels and lodging houses, and for the requisition of vacant buildings, in the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (*1*) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

(*2*) *It extends, in the first instance, to the cities of Panaji, Margao, Mapusa and Vasco (including the Harbour area) and to Daman (Nani and Moti) in the Union Territory of Goa, Daman and Diu but the Administrator may, from time to time, by notification in the Official Gazette extend this Act or any provision thereof to any other area in the said Union Territory.

Provided that different dates may be appointed for different provisions of this Act and for different areas and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

1 These words and figures have been substituted for the words and figures "Act 15 of 1968" by Corrigendum No. LD/2A/2/N-21-69 dated 2-7-1969. (Official Gazette, Series I No. 15 dated 10-7-1969).

* The Act has been extended w.e.f. 23-12-1980, Notification No. RD/BLDG/77/69-II dated 23-12-1980 and No. 10/6/87--RD dated 1-6-1988 vide "Appendix" at pages 66 and 74 ……..

** The Act has been enforced w.e.f. 30-9-1969 – Notification Nos. RD/BLDG/77/69-III, RD/BLDG/77/69-IV dated 30-9-1969 and 10-6-87-RD dated 22-2-1988 vide "Appendix" at pages 61, 64 and 74 ……

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

(a) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965;

(b) "Administrator" means the administrator of the Union Territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(c) "Appellate Board" means the Appellate Board constituted under sub-section (*1*) of section 41;

(d) "Authorised Officer" means an officer appointed as such under sub-section (*2*) of section 41;

(e) "Building" 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—

(i) the garden, ground and out-houses, 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;

*(f) "Controller" means a person appointed as a controller under sub-section (*2*) of section 41 and, except in section 42, includes an Additional Controller;

(g) "fair rate" means the fair rate fixed under section 37 and includes the rate as revised under section 38;

(h) "fair rent" means the fair rent fixed under Chapter III;

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

(j) "landlord" means a person who, for the time being, is receiving, or is entitled to receive, the rent of any building, 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;

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

(l) "member of the family" means—

"2[(i) in relation to a landlord who is an individual, his spouse, son, daughter and includes father, mother, grandson solely dependent on the landlord for maintenance:

Provided that in the case of married daughter, her husband shall not be entitled to claim any benefit under section 5, if his wife has already got the said benefit

* Vide Notification No. RD/BLDG/77/69-VI dt. 30-9-1969 in Appendix at page 64 ……

2 Substituted by Amendment Act No. 8 of 1987 published in the Official Gazette, Series I No. 39 dated 24-12-1987.

thereunder and in case her husband has already got the said benefit, the married daughter shall not be entitled to claim the same".]

(ii) in relation to a landlord who is a joint Hindu family, the members of such a family;

(iii) in relation to joint owners other than a Joint Hindu family, the members of the family as indicated in sub-clause (*i*) in relation to each of such joint owners;

(m) "owner of a lodging House" means a person who for the time being is receiving, or is entitled to receive, whether on his own account, or on account of, or on behalf of, or for the benefit of, himself or any other person or as an agent or guardian, receiver or a trustee or any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;

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

(o) "Rent Tribunal" means the Rent Tribunal constituted under sub-section (1) of section 41;

(p) "tenant" means any person by whom or on whose account or behalf the rent of any building is, or but for special contract would be, payable and includes [in the event of his death the surviving spouse, or any son, or unmarried daughter or father or mother who had been living with him as a member of his family upto the date of his death and] a sub-tenant and also any person continuing in possession after the termination of his tenancy, but shall not include any person against whom any order, or decree for eviction has been made.

3. Act not to apply to certain buildings.— (*1*) Nothing in this Act shall apply—

(a) to any building belonging to the Government, or a State Housing Board, or a local authority, or Industrial Development Corporation;

(b) to any building vested in the Custodian of Evacuee Property;

**(c) to any newly constructed building for a period of "[3]fifteen" years from the date of its completion;

[4]"(cc) to any building let out or leased for the first time on or after 20-4-1994, whose monthly rent exceeds—

(a) Rs. 2,500/- if such building is used for residential purpose;

(b) Rs. 5,000/- if such building is used for commercial purpose".

**(c) to any newly constructed building for a period of "fifteen" years from the date of its completion;

[3] In place of word "Four" the word "fifteen" is substituted by Amendment Act 8 of 1994 published in the Official Gazette, Series I No. 5 dated 5-5-1994 and came into force at once.

[4] This clause was initially inserted by Amendment Act 8 of 1994, published in the Official Gazette, Series I No. 5 dated 5-5-1994 and came into force at once. Original clause read as follow:

"(cc) to any building, whose monthly rent exceeds–

(a) rupees two thousand and five hundred if such building is used for residential purposes;

(b) rupees five thousand if such building is used for commercial purposes".

However vide Amendment Act 24 of 1997, published in the Official Gazette, Sr. I No. 27 dated 3-10-1997 present clause is substituted, which came into force at once.

[5]"(cc) (i) in clause (a), the expressions "the 1st day of January, 1965, or" and "whichever is later" shall be omitted;

(ii) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the fair rent once fixed shall automatically stand increased by 2% per annum".

(d) as against the Government to any tenancy or other like relationship created by a grant from the Government in respect of a building, the possession of which has been taken over under Section 6.

(2) Where the Administrator is of the opinion that it is necessary or expedient in the public interest so to do, he may, by notification in the Official Gazette, and subject to such conditions, if any, as he may specify in the notification, exempt any building or class of building from all or any of the provisions of this Act.

CHAPTER II

Control of letting

4. Notice of vacancy.— (*1*) Every landlord shall, within ten days after a building becomes vacant by his ceasing to occupy it or by termination of a tenancy, or by eviction of a tenant, or otherwise, give notice of the vacancy to the Authorised Officer.

(*2*) Every such notice shall be given in such manner, and shall contain such particulars, as may be prescribed.

5. Release of building for use of the landlord.— (*1*) The Authorised Officer may, on receipt of an application from the landlord, or on receipt of a direction from the Administrator in pursuance of an application made to him by the landlord, by order, release a building for the occupation of the landlord or a member of his family.

(*2*) A landlord who has obtained possession of a building in pursuance of an order made under sub-section (*1*) shall use it only for his own occupation or for the occupation of any member of his family, and if he fails to do so proposes either to let out or keep vacant the whole or any part of the building for a period exceeding that permitted by the Authorised Officer by order in writing, he shall give notice as required under section 4 as if the building had fallen vacant.

6. Requisitioning of building.— (*1*) Within fifteen days of receipt, by the Authorised Officer, of the notice under sub-section (*1*) of section 4, or sub-section (*2*) of section 5, the Authorised Officer, may, if he is of the opinion that the building is required for the purpose of the Government or of any local authority or of any public institution under the control of the Government or for the occupation of any officer or employee of the Government or a local authority, issue an order in the prescribed form giving intimation to that effect to the landlord, and calling upon the landlord to hand over possession of the building to him or any other officer empowered by him for this purpose on a date to be specified by him in this behalf in the said order, or on any other later date, as may be specified by him.

5 This substituted Amendment Act inserted which is published in Official Gazette, Series I No. 10 (Extraordinary No. 3) dated 9th June, 2003.

(*2*) (a) On receipt of the order issued under sub-section (*1*), the landlord shall deliver vacant possession of the building to the Authorised Officer or any officer empowered by him for this purpose.

(b) If the landlord fails to deliver the possession on the date so specified, the Authorised Officer or any other officer empowered by him in this behalf may take possession of the building.

(*3*) As soon as may be after the possession of the building is taken over under sub- -section (*2*), the Authorised Officer shall, after giving notice in this behalf to the landlord and hearing him and after holding such inquiry as he deems fit, determine the monthly rent payable to the landlord for the building on the following basis namely:—

(a) where the fair rent of the building is fixed under the provisions of Chapter III, the rent shall be the fair rent so fixed;

(b) in all other cases, the rent shall be the reasonable rent as the Authorised Officer may determine:

Provided that the reasonable rent fixed by the Authorised Officer shall be subject to such fair rent as may be determined by the Rent Tribunal.

(*4*) The landlord shall be entitled to payment of rent determined under sub-section (3),—

(a) where possession of the building has been handed over on the date specified in the order issued under sub-section (*1*), from the date on which the Authorised Officer received notice under sub-section (*1*) of section 4 or sub-section (*2*) of section 5, as the case may be;

(b) in any other case, from the date on which the possession of the building has been taken over by the Authorised Officer or the officer empowered by him in this behalf.

(*5*) The Authorised Officer may, by order in writing, allot the building for the purpose for which it was taken, over and the allottee shall hold it subject to such terms and conditions as may be specified in the allotment order.

7. Landlord's right to occupy.— If, within fifteen days of the receipt by the Authorised Officer of a notice under sub-section (*1*) of section 4 or sub-section (*2*) of section 5, the Authorised Officer does not intimate to the landlord in writing that the building is required for any of the purposes specified in sub-section (*1*) of section 6, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

8. Restriction on structural alterations to a building.— Where the possession of a building has been taken over under section 6, no structural alteration shall be made in the building except with the consent in writing of the landlord.

9. Effect of failure to give notice and prohibition of letting.— Notwithstanding the fact that a landlord has failed to give intimation to the Authorised Officer as required by sub-section (*1*) of section 4, or sub-section (*2*) of section 5, Administrator or the Authorised Officer may, if the building is required for any of the purposes specified in sub-section (*1*) of section 6 at any time, give intimation to the landlord that the building is so required and thereupon the provisions of this Chapter shall apply to such building as if the requisite notice had been given:

Provided that such intimation shall not affect any liability of the landlord for any penalty to which he may be subject by reason of his omission to give the notice.

10. Occupation without giving notice of vacancy void.— Where a landlord fails to give intimation to the Authorised Officer as required by sub-section (*1*) of section 4 or sub-section (*2*) of section 5 and occupies the building himself or lets it out to a tenant or otherwise allows it to be occupied by some other person, the said occupation of the building by the landlord or the tenant or other person shall be deemed to be void.

11. Exemption of certain classes of buildings from Chapter.— Nothing in this Chapter shall apply—

(a) to a residential building the monthly rent of which does not exceed twenty five rupees;

(b) to a non-residential building the monthly rent of which does not exceed fifty rupees;

(c) to any building or buildings in the same city, town or village owned by any company, association or firm, whether incorporated or not, and bonafide intended solely for the occupation of its officers, servants or agents.

CHAPTER III

Determination of fair rent

12. Rent Tribunal to determine fair rent.— (*1*) The Rent Tribunal shall, on application by the landlord or the tenant of a building, fix the fair rent payable per annum for such building after holding such inquiry as may be prescribed.

(*2*) The fair rent payable per annum shall consist of—

(a) [6] "twelve per cent" of the market value of the building (including the land on which the building is constructed) as on[7] ".." the date of the completion of the building, [8]"…"and

[9]"Provided that the fair rent once fixed shall automatically stand increased by 2% per annum".

(b) fifty per cent. of the taxes or cesses levied by the local authority and payable per annum by the landlord in respect of the building including the land on which the building is constructed.

****13. Increase in fair rent in what cases admissible.—** (*1*) When the fair rent of a building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been

[6] In place of word seven and half percent the word twelve percent substituted by Amendment Act 8 of 1994, published in the Official Gazette, Series I No. 5 dated 5-5-1994 and came into force at once.

[7] The words "the 1st day of January, 1965, or" were omitted vide Amendment Act No.17 of 2003, published in the Official Gazette, Series I No.10 dated 9th June, 2003.

[8] The words "whichever is later" were omitted vide Amendment Act No. 17 of 2003, published in the Official Gazette, Series I No.10 dated 9th June 2003.

[9] Proviso is substituted by Amendment Act No. 17 of 2003, published in the Official Gazette, Series I No.10 dated 9th June, 2003. Orignal proviso read as follows : "Provided that where the building has been let out for the first time previous to the 1st day of January, 1965, the fair rent shall not exceed the rent payable in respect of such building on that date."

carried out at the landlord's expense and, if the building is then in the occupation of a tenant at his request:

Provided that the increase shall be calculated at a rate per annum not exceeding [10][twelve per cent] of the cost of such addition, improvement or alteration.

(*2*) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (*1*) shall be decided by the Rent Tribunal.

(3) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Rent Tribunal.

14. Increase of rent in certain cases.— (*1*) Where the amount of taxes and cesses payable by the landlord in respect of a building to a local authority is enhanced or is levied for the first time after the fixation of the fair rent under section 12, the landlord shall be entitled to claim half of such excess or levy from the tenant in addition to the fair rent fixed:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Rent Tribunal.

15. Landlord not to claim or receive anything in excess of fair rent.— (*1*) Where the Rent Tribunal has fixed fair rent or a building, the landlord shall not claim, receive or stipulate for the payment of—

(a) any extra sum in addition to such fair rent, or

(b) save as provided in section 13 or section 14, anything in excess of such fair rent:

Provided that the landlord may claim, receive or stipulate for the payment of an amount not exceeding one month's rent, by way of advance.

(*2*) Save as provided in sub-section (*1*), any extra sum or any rent paid in addition to, or in excess of, such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord:

Provided that where before the determination of the fair rent, has been paid in excess hereof, the refund or adjustment shall be limited to the amount paid in excess for a period of six months prior to the date of the application by the tenant or the landlord under sub- -section (*1*) of section 12 for fixing the fair rent.

(3) Any stipulation in contravention of sub-section (*1*) or sub-section (*2*) shall be void.

16. Prohibition of receipt of premium.— (*1*) Where the fair rent of a building has not been so fixed, the landlord shall not, after the commencement of this Act, claim, receive

[10] In place of word "seven and half percent" the words "twelve percent" substituted by Amendment Act 8 of 1994, published in the Official Gazette, Series I No. 5 dated 5-5-1994 and came into force at once.

or stipulate for the payment of an extra amount or other like sum in addition to the agreed rent:

Provided that the landlord may claim, receive or stipulate for the payment of an amount not exceeding one month's rent by way of advance.

(*2*) Save as provided in sub-section (*1*), any sum paid in excess of the agreed rent after the commencement of this Act in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(*3*) Any stipulation in contravention of sub-section (*1*) or sub-section (*2*) shall be void.

CHAPTER IV

Payment and deposit of rent

17. 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.

(*2*) Every tenant who makes a payment of rent or advance 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.

(*3*) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (*2*), or does not accept any rent tendered by a tenant, the tenant shall remit the rent to the landlord by money order after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent and deliver a receipt as required by sub-section (*2*).

18. Deposit of rent by tenant.— (*1*) Where there is a bonafide doubt as to the person or persons to whom the rent is payable or where the address of the landlord or his authorised agent is not known to the tenant, [11][or the landlord refuses to accept the rent from the tenant] he may deposit such rent with the Controller in the prescribed manner.

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

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

(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 for and the circumstances in which the application for depositing the rent is made;

[11] Words inserted by Amendment Act (No. 12 of 1992) published in the Official Gazette, Series I No. 25 dated 22-9-1992 and came into force w.e.f. 11-4-1992.

(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 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 claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the right 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 the deposit, the landlord or the person claiming to be entitled to the rent complains to the Controller that the statements in the tenant's application of the reasons and the circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, if he is satisfied that the said statements were materially untrue, impose on the tenant a fine not exceeding an amount equal to two months' rent, and may further direct that such portion thereof as he considers fit should be paid to the landlord as compensation.

(*6*) The Controller, on the complaint of the tenant and after giving an opportunity to the landlord of being heard may, if he is satisfied that the landlord without any reasonable cause refused to accept rent though tendered to him within the time referred to in section 17, impose on the landlord a fine not exceeding an amount equal to two months' rent and may further direct that such portion thereof as he considers fit should be paid to the tenant as compensation.

19. Time limit for making deposit and consequences of incorrect particulars in application for deposit.— (*1*) No rent deposited under section 18 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty- -one days of the time allowed by section 17 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 building 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 the rent to the landlord as if the amount deposited had been validly tendered.

(*4*) If the deposit is not considered to have been validly made, the person depositing may withdraw the deposit at any time when he wishes to withdraw by making an application in writing in this behalf to the Controller.

20. Saving as to acceptance of rent.— The withdrawal of rent deposited under section 18 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.

CHAPTER V

Control on eviction of tenants

21. Bar on eviction of tenants.— Notwithstanding anything to the contrary contained in any other law or contract, a tenant shall not be evicted, whether in execution of a decree or otherwise, except in accordance with the provisions of this Chapter:

Provided that where the tenant denies the title of the landlord or claims a right of permanent tenancy, the Controller shall decide whether the denial or claim is bonafide and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court and the court may pass a decree for eviction on any of the grounds mentioned in this Chapter even though the court finds that such denial does not involve forefeiture of the lease or that the claim is unfounded.

22. Grounds of eviction.— (*1*) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf.

(*2*) If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application is satisfied —

[12][(a) that the tenant is in arrears in payment of rent due by him in respect of the building for a total period of three months and has failed to pay or tender such arrears of rent as are legally recoverable from him within thirty days of the receipt of or of the refusal of a registered notice served on him by the landlord for such arrears; or];

(b) that the tenant has without the written consent of the landlord—

(i) transferred his right under the lease or sub-let the entire building or any portion thereof, or

(ii) used the building for a purpose other than that for which it was leased; or

(c) that the tenant has committed such acts of damage as are likely to impair materially the value or utility of the building; or

(d) that the tenant has been guilty of such acts and conducts which are a nuisance to the occupiers of other portions of the same building or of buildings in the neighbourhood;

***Explanation*:—** For the purpose 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; Central Act 104 of 1956

---

[12]Substituted by G.D.D. 11 of 1976 S. 2 (Official Gazette, Series I No. 9 dated 27-5-1976). The Original clause (a) reads as follows:

"(a) That the tenant is in arrears in payment of rent due by him in respect of the building for a total period of three months; or".

(e) that the tenant of a dwelling house has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted a residence [13][within an area of five kilometers radius for the outer limits of the city or village as the case may be, where such dwelling house is situated]; or

(f) that the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

(g) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not bonafide;

the Controller shall make an order directing the tenant to put the landlord in possession of the building; and if the Controller is not so satisfied he shall make an order rejecting the application:

[14][(*3*) No order for the eviction of a tenant shall be made on the ground specified in clause (a) of sub-section (*2*), if the tenant, within thirty days of the service of the summons of proceedings on him, pays or tenders to the landlord or deposits with the Controller the arrears of rent due by him up to the date of such payment, tender or deposit together with the cost of application:

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

(*4*) In any proceeding falling under clause (a) of sub-section (*2*), if the controller on an application made to it is satisfied that the tenant's default to pay, tender or deposit rent was not without reasonable cause, he may, notwithstanding anything contained in sub- -section (3) or in section 32, after giving the parties an opportunity of being heard, give the tenant a reasonable time, to pay or tender the rent due by him to the landlord upto the date of such payment or tender and on such payment or tender the application shall be rejected].

23. Landlord's right to obtain possession.— (*1*) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building—

15[*].

(a) in case it is a residential building,—

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he requires it for his own occupation or for the occupation of any member of his family; or

13 By the Amendment Act (No. 12 of 1992) the words "in place where such dwelling house is situated" were inserted. However by the Amendment Act No. 4 of 2006, published in the Official Gazette, Series I No. 51 dated 23rd March, 2006 above expression is substituted, this Amendment came into force w.e.f. date of publication.

The omitted proviso reads as follows:

"Provided that in any case falling under clause (a), if the controller is satisfied that the tenants' default to pay or tender rent was not without reasonable cause, he may, not withstanding anything contained in section 32, give the tenant a reasonable time, not exceeding thirty days, to pay or tender the rent due by him to the landlord upto the date of such payment or tender the application shall be rejected".

15 Added Ibid.

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bonafide requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires if for his own or to the possession of which he is entitled in the city, town or village concerned which is own or to the possession of which he is entitled whether under this Act or otherwise:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under16[this sub- -section] before the expiry of five years from the date on which the instrument was registered :

17[Provided further that in case of gift from parents the above period of five years shall be reduced to two years]:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section—

(i) in case he has obtained possession of a residential building for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

(*2*) Where the landlord of a residential building is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.

(*3*) A landlord who is occupying only a part of a residential building, may notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for his own use or for the use of any member of his family.

***Explanation*:—** For the purpose of this section, a landlord means a person, on account of or on behalf of or for the benefit of whom the rent of a building is received but does not include an agent, trustees, guardian or receiver.

[18][**23A. 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 Government or any local authority is required, by, or in pursuance of any general or special order made by the Government or such authority to vacate such residential accommodation or in default, to incur certain obligations, on the ground that he owns in the place where such residential premises has been allotted to him either by the Government or by such local authority, a residential accommodation either

[16] These words have been substituted for the words "this clause" by the G.D.D. 5 of 1979 S. 2 (Official Gazette, Series I No. 12, dated 21-6-1979).

[17] Proviso inserted by Amendment Act No. 11 of 1988 published in the Official Gazette, Sr. I No. 8 dated 27-5-1988. [18] Section 23-A inserted by G.D.D. 5 of 1979 S. 3 (Official Gazette, Series I, No. 12 dated 21-6-1979).

in his own name or in the name of his wife or dependent child there shall accrue on and from the 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 place where the residential accommodation has been allotted to him by the Government or such local authority 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 other 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 the premises by him, refund to the tenant such amount as represents 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 as 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.

[19][(3) Notwithstanding anything contained in this Act,—

[19] Substituted by Amendment Act (No. 8 of 1994) published in the Official Gazette, Sr I No. 5 dated 5-5-1994. Earlier it was substituted by Amendment Act (No. 8 of 1987). The original sub-section (3) reads as follows :

(3) Notwithstanding anything contained in this Act—

(a) a landlord, who is a member of the armed forces of the Union or who was such member and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the grounds

that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him) and the Controller shall pass an order for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his Commanding Officer to the effect that—

i) he is presently a member of the armed forces of the Union or he was such member and is now retired ex-serviceman;

ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) Where a member of the armed forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow, who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself, or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated to the effect that—

(a) a landlord, who is a member of the armed forces of the Union or who is an employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original place of posting or who was such member or employee as the case may be, and is duly retired (which term shall include premature retirement), shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation ordinarily residing with him and dependent on him), and the Controller shall pass an order for eviction on such grounds if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his Services or his commanding Officer or by the Head of his Department or Head of the Public Sector Undertaking, as the case may be, to the effect that—

(*i*) he is presently a member of the armed forces of the Union or employee of the Central Government or Railways or the Public Sector Undertaking of the Central Government or he was such member or employee as the case may be, and is now retired ex-serviceman or employee as the case may be; and

(*ii*) he does not possess any other suitable residence in the local area where he or the members of his family can reside:

Provided that in the case of an ex-serviceman or an ex-employee referred to in sub- -clause (i) above, an affidavit sworn before the competent authority to the effect as envisaged in sub-clause (ii) shall be sufficient;

(b) Where a member of the armed forces of the Union or employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government whose employees are subject to transfers from their original posting place, as the case may be, dies while in services or such member is duly retired and dies within five years of his retirement, his widow who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself or any member of her family (which term shall include her husband's parent or other relation ordinarily residing with her) and the Controller shall pass an order for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated or by the Head of Department or Head of the Public Sector Undertaking whereof, her deceased husband was employee to the effect that—

(*i*) she is a widow of a deceased member of the armed forces or the employee of the Central Government or Railways or any Public Sector Undertaking of the Central Government, as the case may be; and

(i) She is a widow of a deceased member of the armed forces as aforesaid;

(ii) she does not possesses any other suitable residence in the local area where she or the member of her family can reside.

Explanation 1.— For the purposes of this section any certificate granted thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.— For the purpose of clause (a) of this section the expression "the Head of his Services" in the case of officers retired from the Indian Navy includes the Flag Officer Commanding-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force includes the Station Commander".

(*ii*) she does not possess any other suitable residence in the local area where she or the members of her family can reside:

Provided that the landlord or his widow, as the case may be, shall be entitled to recover only one of the premises chosen by him or her, under this section, in case more than one premises have been let out by him or her.

Explanation 1.— For the purposes of this sub-section,

(i) "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 the Police Act as applicable to the State of Goa;

(ii) any certificate granted by the concerned authority thereunder shall be conclusive evidence of the facts stated therein.

Explanation 2.— For the purpose of clause (*a*) of this sub-section, the expression the Head of his "Services in the case of officers retired from the Indian Navy, includes the Flag Officer-in-Chief, Western Naval Command and in the case of officers retired from the Indian Air Force, includes the Station Commander."

[20][(*c*) The provisions of this sub-section shall be applicable to all applications including those pending proceedings before any Controller/Tribunal/Court and all such proceedings shall be disposed of in accordance with the provisions of this section.

(*d*) During the pendency of proceedings for recovery of possession under this sub- -section, the tenant shall continue the regular payment of rent due to the landlord or deposit such amounts with the Controller/Tribunal/Court for payment to the landlord:

Provided that nothing in this sub-section shall be so constructed as conferring a right on any person to recover possession of more than one residential building inclusive of any part or parts thereof if it is let out in part of parts:

Provided further that the Controller may give the tenant a reasonable period for putting the landlord or as the case may be, his widow in possession of the residential building and may extend such time so as not to exceed six months in the aggregate].

[21][(*3A*) (*a*) Every application under sub-section (*3*) shall be dealt with in accordance with the procedure specified in this sub-section.

(*b*) After an application under sub-section (*3*) is received, the Controller shall issue summons for service on the tenant in the form specified in the Schedule.

(*c*) The summons issued under sub-clause (*b*) shall be served on the tenant as far as may be, in accordance with the provisions of Order V of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908). The Controller shall in addition direct that a copy of the summons be also simultaneously sent by registered post

[20] Clauses (c) and (d) added by Amendment Act (No. 20 of 1988) published in the Official Gazette, Series I No. 27 dated 6-10-1988.

[21] Sub-section 3A inserted by Amendment Act (No. 20 of 1988) published in the Official Gazette, Series I No. 27 dated 6-10-1988.

acknowledgement 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 that another copy of the summons be affixed at some conspicuous part of the building in respect whereof the application under sub-section (*3*)1 been made.

(*d*) 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 has refused to take delivery of the registered article and an endorsement is made by a process server to the effect that a copy of the summons has been affixed as directed by the Controller on a conspicuous part of the building and the Controller after such enquiry as he deemes fit, is satisfied about the correctness of the endorsement, he may declare that there has been a valid service of the summons on the tenant.

(*e*) The tenant on whom the service of summons has been declared to have been validly made under clauses (*c*) or (*d*) of sub-section (*3A*), shall have no right to contest the prayer for eviction from the residential building unless he files an affidavit within 15 days from the date stating the grounds of service 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 or, as the case may be, the widow, of such 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 of the tenant.

(f) The Controller may give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord or, as the case may be, the widow, of such landlord from obtaining an order for the recovery of possession of the residential building under sub-section (*3*).

(g) Where leave is granted to the tenant to contest the application, the Controller shall commence the hearing on a date not later than one month from the date on which the leave is granted to the tenant to contest and shall hear the application from day to day till the hearing is concluded and application decided.

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

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

[22][(3-B) (*a*) Notwithstanding anything contained in this Act, a Non-resident Indian, on an application made in this behalf to the Controller, shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family:

22 Inserted by the Amendment Act 2009 (Act 11 of 2009) [4-6-2009] published in the Official Gazette, Series I No. 13 dated 23-6-2009 and came into force at once.

Provided that the Non-Resident Indian had become the owner of such premises prior to the creation of the tenancy in respect of the said premises, except where the non-resident Indian had acquired ownership by inheritance.

(*b*) Where a Non-resident Indian recovers possession of the premises under above section, he or she shall not transfer it through sale or any other means or let it out before the expiry of a period of three years from the date of taking possession of the premises, failing which, the evicted tenant may apply to the Controller for an order that he or she be restored the possession of the said premises and the Controller shall make an order accordingly.

(*c*) The controller shall pass an Order for eviction of tenant on an application by a Non-resident Indian under clause (*a*) above supported by a certificate from the concerned District Magistrate that he is a Non-resident Indian and is now willing to reside in the State of Goa. The District Magistrate shall issue such certificate on an affidavit sworn by Non-resident Indian before the Competent Authority to the effect that he does not possess any other suitable residence in the local area where he or member of his family can reside.

(*d*) Every application filed before the Controller under clause (*a*) above shall be dealt with in accordance with the procedure specified in sub-section (*3A*) and the provisions thereof in so far as they are applicable, shall apply to such proceedings.

***Explanation*.—** For the purposes of this sub-section, "Non-resident Indian" means a person residing outside India, who is either a citizen of India or is a person of Indian origin"]

(*4*) [23][save as provided in sub-sections (*3*) and (*3A*) any landlord] who desires to exercise the right conferred by this section shall make an application to the Controller and the provisions of section 25 in so far as they are applicable, shall apply to such proceedings].

24. Saving in case of tenancy for a fixed term.— Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply for possession under section 23 before the expiry of such period.

25. Controller to decide right to possession.— The Controller shall, if he is satisfied that the claim of the landlord under section 23 is bonafide, make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not satisfied, he shall make an order rejecting the application:

Provided that in the case of an application under sub-section (*3*) of section 23, the Controller shall reject the application, if he is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the landlord:

[23] In place of words "Any landlord" present words are substituted by Amendment Act (No. 20 of 1988) published in the Official Gazette, Series I No. 27 dated 6-10-1988.

Provided further that the Controller may give to a tenant a reasonable time of not less than three months and not exceeding six months for putting the landlord in possession of the building and may extend such time so as not to exceed six months in the aggregate from the date of the order.

*__26. Special provision for certain classes of tenants.—__ No order for eviction shall be passed under section 23—

(*i*) against any tenant who is engaged in any employment or class of employment notified by the Administrator as an essential service for the purpose of this clause, unless the landlord is himself engaged in any employment or class of employment which has been so notified; or

(*ii*) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognized by the Administrator or any authority empowered by him in this behalf.

27. Consequences of failure of landlord to occupy premises vacated under section 25.— (*1*) Where a landlord who has obtained possession of a building in pursuance of an order under section 25 does not himself occupy it and for the purpose specified in the order within one month of the date of obtaining possession or, having so occupied it, vacates it without reasonable cause within three years of such date, the tenant who has been evicted may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make and order accordingly not withstanding anything contained in sections 4 to 10.

(*2*) Where a tenant who is entitled to apply for possession under sub-section (1) fails to do so within one month from the date on which the right to make the application accrued to him, the Authorised Officer shall have power, if the building is required for any of the purposes specified in sub-section (1) of section 6, to give intimation to the landlord that the building is so required, and thereupon the provisions of sections 4 to 10 shall apply to the building:

Provided that sub-section (*2*) shall not apply to a building to which the provisions of section 11 apply.

28. Vexatious proceedings.— Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation, not exceeding two months rent, be paid by such landlord to the tenant.

29. Effect of dismissal of petition for ejectment.— Where an application under sections 22 to 23 for evicting a tenant has been rejected by the Controller or in appeal or revision, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in the said section 22 or section 23.

* Vide Notification No. 10/4/85-RD dated 2-12-1985 in Appendix at page …

30. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction.— (*1*) Notwithstanding anything in this Act, on or application made by a landlord, the Controller may, if he is satisfied—

(*a*) that the building is reasonably and bonafide required by the landlord for carrying out repairs, alteration or additions which cannot be carried out without the building being vacated, or

(*b*) that the building consists of not more than two floors and is reasonably and bonafide required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

[24][(*2*) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs alterations or additions, or the new building on its completion, will be offered to the tenant who delivered possession in pursuance of an order under sub-section (*1*), for his re-occupation before the expiry of such period as may be specified by the Controller in this behalf, and unless the landlord provides temporary alternative premises to the tenant, when the order for recovery of possession is under clause (*b*) of sub-section (*1*):

Provided that the alternative premises referred to above shall be given in the case of a residential tenancy, within the city or village area as the case may be, wherein the building is situated and in the case of non-residential tenancy, within a rading of 500 metres of the commercial area where the building is situated and when no such alternative premises are available within such commercial area, the landlord shall pay such compensation as may be fixed by the Controller to the tenant for the loss suffered by him until the new building on its completion is offered to the tenant for his re-occupation :

Provided further that such compensation shall be fixed by the Controller after giving due notice to the landlord and after holding such enquiry as may be prescribed].

(*3*) In the event of the landlord failing to make the offer in accordance with the said undertaking, the Controller shall, on an application made by the tenant within one month after the expiry of the period specified under sub-section (*2*), make an order directing the landlord to deliver possession of the building to the tenant.

(*4*) The tenant on re-occupation of the building or occupation of the new building as the case may be, shall be subject to the following conditions, namely :—

[24] Sub-section (2) substituted by Amendment Act (No. 3 of 1992) published in the Official Gazette, Series I No. 45 dated 6-2-1992 which came into force on the day of publication in the Gazette.

The original sub-section (2) reads as follows :

"(2) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions, or the new building on its completion, will be offered to the tenant who delivered possession in pursuance of an order under sub-section (1) for his re-occupation before the expiry of such period as may be specified by the Controller in this behalf."

(a) that he shall pay to the landlord the fair rent in respect of the building, provided that, in respect of the residential building, the tenant concerned shall not be required to pay a rent in relation to the area of more than double the rate at which he paid the rent for his former building immediately before delivering possession under sub-section (1);

(b) that the re-occupation of the building or occupation of the new building as the case may be, shall, save as provided in condition (*a*) above, be on the same terms and conditions on which he occupied the building before the delivery of the possession under sub-section (*1*).

(5) In case the tenant to whom the building or the new building, as the case may be, is offered under sub-section (*2*) by the landlord does not want to occupy it, the landlord shall give notice of vacancy in writing to the Authorised Officer under sub-section (*1*) of section 4.

(6) Nothing in this section shall entitle a landlord who has recovered the possession of the building for repairs, alterations or additions or for re-construction to convert a residential building into a non-residential building or a non-residential building into a residential building, unless such conversion is permitted by the Controller at the time of passing an order under sub-section (*1*).

31. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction of building the possession of which has been taken over under section 6.— (*1*) Notwithstanding anything in this Act, on an application made by a landlord of a building the possession of which has been taken over under section 6, the Authorised Officer may, if he is satisfied—

(a) that the building is reasonably and bonafide required by the landlord for carrying out repairs, alterations or additions which cannot be carried out without the building being vacated, or

(b) that the building consists of not more than two floors and is reasonably and bonafide required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the allottee to deliver possession of the building to the landlord before a specified date.

(*2*) No order for recovery of possession under this section shall be passed unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions or the new building on its completion will be offered to the Authorised Officers before the expiry of such period as may be specified by the Authorised Officer in this behalf.

(*3*) In the event of the landlord failing to make the offer in accordance with the said undertaking, the Authorised Officer may proceed as if the landlord had failed to give the notice required by sub-section (1) of section 4.

(*4*) Nothing in this section shall entitle the landlord who has recovered possession of the building for repairs, alterations or additions or for reconstruction to convert a residential building into a non-residential building or a non-residential building into a residential building, unless such conversion is permitted by the Authorised Officer at the time of passing an order under sub-section (*1*).

32. Payment or deposit of rent during pendency of proceedings for eviction.— (*1*) No tenant against whom a proceeding for eviction has been instituted by a landlord under this Act shall be entitled to contest the proceedings before the Controller or any appellate or revisional authority or to prefer any appeal or revision under this Act, unless he has paid to the landlord or deposits with the Controller or the appellate or revisional authority, as the case may be, all arrears of rent in respect of the building up to the date of payment or deposit and continues to pay or deposit any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Controller or the appellate or revisional authority.

(*2*) The deposit of rent under sub-section (*1*) shall be made within such time and in such manner as may be prescribed.

(*3*) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (*1*), the Controller or the appellate or revisional authority, as the case may be, shall, on application made either by the tenant or by the landlord, and after making such inquiry as he deems necessary, determine summarily the rent to be so paid or deposited.

(*4*) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate or revisional authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(*5*) The amount deposited under sub-section (*1*) may, subjected to such conditions as may be prescribed, be withdrawn by the landlord on application made by him in that behalf.

CHAPTER VI

Obligation of the landlord and the tenant

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

(*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 building is 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 Rent Tribunal for permission to make such repairs himself and may submit to the Rent Tribunal an estimate of the cost of such repairs, and, thereupon, the Rent Tribunal may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as it may consider necessary, by 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 Rent Tribunal and the tenant agrees to bear the excess cost himself the Rent Tribunal may permit the tenant to make such repairs.

34. Execution of lease deed of a building.— Notwithstanding anything contained in clause (*c*) of sub-section (*1*) of section 3 or any other law for the time being in force a lease deed shall be executed between the landlord and the tenant whenever a building is let out after this Act comes into force.

35. Tenant's right to essential services.— (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 of the building 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.

(*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 building 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 building 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 vicariously;

(*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 of service is cut off by a local authority or any other competent authority.

CHAPTER VII*

Hotels and lodging houses

36. Application of this Chapter.— The provisions of this Chapter shall come into force in any local area only with effect from such date as the Administrator may, by notification, in the Official Gazette appoint:

Provided that if the Administrator is of the 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, he may, by notification in the Official Gazette, exempt such class of hotels or lodging houses from the operation of this Chapter.

37. Determination of fair rate.— (*1*) Where the Rent Tribunal, on a written complaint or otherwise, has reason to believe that the charges made for boarding or lodging or any other service provided in any hotel or lodging house are excessive, it may fix a fair rate to be charged for boarding, lodging or other services provided in the hotel or lodging house and in fixing such fair rate, specify separately the rate for lodging, boarding and other services.

(*2*) In determining the fair rate under sub-section (*1*), the Rent Tribunal shall have regard to the nature of the boarding, lodging and other services furnished, the prevailing rates of charges for the same or similar services, the cost of living and the scale of charges for boarding, lodging and other services as on the last day of January, 1965.

38. Revision of fair rate.— On a written application from the manager of a hotel or the owner of a lodging house or otherwise, the Rent Tribunal may, from time to time, revise the fair rate to be charged for boarding, lodging or other service in a hotel or lodging house, and fix such rate as it may deem fit having regard to any general rise or fall in the cost of living which may have occurred after the fixing of the fair rate.

39. No charges payable in excess of fair rate.— When the Rent Tribunal 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 Rent Tribunal, withdraw from the lodger any concession or service allowed at the time, when the Rent Tribunal determined the fair rate;

* Provisions of this chapter have been enforced w.e.f. 1-10-1969. See "Appendix, Pg …

(*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.

40. Recovery of possession by manager of 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 be 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 neighbouring lodger;

Explanation:— For the purpose 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; Central Act 104 of 1956.

(b) that the accommodation is reasonably and bonafide 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 in the opinion of the Controller is sufficient; or

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

(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; or

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

CHAPTER VIII

Authorities, Procedure and Appeals

41. Authorities.— (*1*) The Administrator may by notification in the Official Gazette, constitute for any local area an Appellate Board* and a Rent Tribunal consisting of one or more persons as may be prescribed for the purpose of this Act:

Provided that the Administrator may, by notification in the Official Gazette, entrust the powers, functions of duties of an Appellate Board to the Administrative Tribunal.

* Vide "Appendix" (Notification No. RD/BLDG/77-69-V, dated 30-9-1969). Pg.

(2) (a) The Administrator may also, by notification in the Official Gazette, appoint an Authorised Offficer, a Controller and as many Additional Controllers as he thinks fit, for any local area.

(*b*) An Additional Controller shall exercise the same powers and discharge the same duties as a Controller.

(3) The Administrator may, by notification in the Official Gazette, define the areas within which an Authorised Officer, or a Controller shall perform his functions.

42.Transfer of proceedings.— (*1*) The Controller may, after giving due notice to the parties and after giving them a reasonable opportunity of being heard—

(*a*) transfer any proceeding pending before him for disposal to any Additional Controller; or

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

(*2*) The Administrative Tribunal may after giving due notice to the parties and after giving them a reasonable opportunity of being heard, transfer any proceeding from a Controller to another Controller.

(*3*) The Appellate Board may transfer any proceeding from a Rent Tribunal to another Rent Tribunal.

43.Powers of the Controller, the Rent Tribunal and the Appellate Board.— The Controller, the Rent Tribunal and the Appellate Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit or appeal, in respect of the following matters, namely:— Central Act 5 of 1908.

(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, the Rent Tribunal and the Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the Controller, the Rent Tribunal and the Appellate Board shall be deemed to be civil courts within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. Central Act 45 of 1860. Central Act 5 of 1898.

44.Procedure.— (*1*) Subject to the provisions of this Act, the procedure to be followed by the Controller, the Rent Tribunal, the Appellate Board, or the Administrative Tribunal in all inquiries, appeals and proceedings under this Act shall be such as may be prescribed.

(*2*) Every decision made or order passed under this Act shall be recorded in the form of an order which shall state the reasons therefor.

45.Appeal.— (*1*) From every order, other than an interim order, passed by the Rent Tribunal, an appeal shall lie to the Appellate Board.

(*2*) From every order, other than an interim order, passed by the Authorised Officer under Section 31, or by the Controller an appeal shall lie to the Administrative Tribunal.

(*3*) An appeal under this section shall be preferred within thirty days from the date of the order appealed against:

Provided that the Appellate Board or, as the case may be, the Administrative Tribunal, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

46.Revision.— (*1*) The Administrative Tribunal may, in exceptional circumstances, on the application of any party, call for and examine the records relating to any order passed under this Act by the Authorised Officer, the Controller, the Rent Tribunal, or the Appellate Board for the purpose of satisfying itself as to the correctness, legality, or propriety of such order and may pass such order thereon as it thinks fit:

Provided that no such record shall be called for after the expiry of ninety days from the date of the order.

(*2*) The cost of such proceedings shall be in the discretion of the Administrative Tribunal.

47.Powers of appellate and revisional authorities.— Any appellate or revisional authority under this Act may confirm, modify or rescind the order in appeal or revision or its execution

or may [25][remand the case for disposal with such directions as deemed fit or] pass such other order as is legal and is in accordance with the provisions of this Act:

Provided that no order shall be varied in division unless an opportunity has been given to the interested parties to appear and be heard:

Provided further that every order passed by the Authorised Officer, the Controller or the Rent Tribunal shall be final, unless varied in appeal or revision and every order passed in appeal or revision shall be final.

48.Costs.— Subject to such conditions and limitations, if any as may be prescribed, the cost of and incident to all proceedings under this Act before any original, appellate or revisional authority under this Act shall be in the discretion of the said authority, which shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

49.Recovery of compensation.— Any compensation awarded or fine imposed by any authority under this Act shall be paid by the person concerned within such time as may be allowed, and in default of such payment the amount shall be recoverable as an arrear of land revenue, or in such other manner as may be prescribed.

50.Execution of orders.— An order made under this Act by any original, appellate or revisional authority directing the taking over of the possession of any building or the eviction of any person in occupation of any building shall be executable by that authority as a decree of a civil court and for this purpose that authority shall have all the powers of a civil court.

CHAPTER IX

Miscellaneous

51.Orders under this Act to be binding on sub-tenants.— Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not and whether they became sub-tenants before or after the date of the application for eviction, provided that such order was not obtained by fraud or collusion:

Provided that notwithstanding anything to the contrary contained in this Act, in case of a sub-tenancy of a building created with the written consent of the landlord, the sub- -tenant shall be a necessary party to an application by the landlord for eviction of the tenant from the building.

52.Proceedings by or against legal representatives.— (1) Any application made, appeal preferred or proceeding taken, under this Act by or against any person, may, in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceedings could have been made, preferred or taken, under this Act, by or against any person, such application, appeal or other proceedings may, in the event of his death, be made, preferred or taken by or against his legal representatives.

53.Power of inspection.— The Authorised Officer and any original, appellate or revisional authority under this Act or any person authorised in writing by him or by such authority in this behalf, may enter and inspect any building for the purposes of any inquiry or proceeding under this Act.

54.Penalties.— (1) If any person contravenes the provisions of section 15 or section 16, he shall be punishable with a simple imprisonment for a term which may extend to two years and a fine which may extend to a sum double the extra amount or the like amount claimed, received or stipulated in addition to or in excess of the fair rent or the agreed rent.

(2) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions other than section 15 or section 16 of this Act, or any rule made thereunder shall be punishable with fine which may extend to five thousand rupees.

(3) Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every Director, Manager, Secretary, Agent or other Officer or person concerned with the management thereof shall unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

55.Protection for acts done under this Act.— (*1*) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Government or any

person acting under his direction or aiding or assisting him, for anything which is in good faith done or intended to be done in pursuance of or under this Act.

(*2*) No suit or other legal proceeding shall lie against the Government for, or on account of, or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under this Act.

56.Jurisdiction of courts barred.— Save as provided in this Act, no court shall have jurisdiction to settle, determine or deal with any question which is by or under this Act required to be settled, determined or dealt with by the Controller, the Rent Tribunal, the Appellate Board, the Administrative Tribunal, or the Administrator, and no order passed by any such authorities under this Act shall be called in question in any court.

57.Power to remove difficulty.— If any difficulty arises in giving effect to the provisions of this Act, the Administrator may, by order, do anything not inconsistent with the provisions of this Act, which appear to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

58.Power to make rules.— (*1*) The Administrator may, by notification in the Official Gazette and subject to the conditions of previous publication, make rules to carry out the purposes of this Act.

(*2*) Without prejudice to the generality of the fore-going power such rules may provide for:—

(a) the procedure to be followed and the powers that may be exercised by the Controller, Rent Tribunal, Appellate Board, and Administrative Tribunal in the performance of their functions under this Act;

(b) the manner in which notices and orders under this Act shall be given or served;

(c) the setting aside of ex-parte orders passed under this Act;

(d) the application for bringing on record legal representatives of deceased persons who were parties to proceedings under this Act and the time within which such application shall be preferred;

(e) the procedure to be followed in taking possession of building and in disposing of the articles found therein at the time of taking possession;

(f) the fee leviable in respect of applications and appeals under this Act;

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

(3) In making a rule under this section the Administrator may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to one thousand rupees.

(4) Every rule made under this Act shall, as soon as may be after it is made, be laid on the table of the Legislative Assembly of Goa, Daman and Diu and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides 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.

59.Repeals and savings.— (*1*) As from the date on which this Act is brought into force in any local area, the provisions of Decree No. 43525, dated the 7th March, 1961, and Legislative Diploma No. 1409, dated the 14th February, 1952 and the corresponding provisions of any other law for the time being in force shall stand repealed in that area.

(*2*) Notwithstanding the repeal of the laws by sub-section (*1*), all suits and other proceedings under a repealed law pending at the commencement of this Act before any court or authority shall be continued and disposed of in accordance with the provisions of the repealed law as if that law had continued in force and this Act had not been passed:

Provided that in any such suit or proceeding for the fixation of fair rent or for the eviction of a tenant from any building, the court or other authority shall have regard to the provisions of this Act:

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

———

[26][SCHEDULE

Form of summons in a case where recovery of possession of building is prayed for under sub-section (3A) of section 23A

(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 building) under sub-section (3A) of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Now, therefore, you are hereby summoned to appear before the Controller within fifteen days of the service thereof and to obtain the leave of the Controller to contest the application for eviction under sub-section (3A) of the said Act, 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 residential building.

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 clause (*f*) of sub-section (*3A*) of section 23A of the said Act.

Given under my hand and seal this ... day of ... 19 ...

controller]

Secretariat, R. L. Segel,

Panaji, Secretary to the Government of Goa,

11th March, 1969. Law Department (Legal Affairs).

Revenue Department

———

Notification

RD/BLDG/77/69-I

In exercise of the powers conferred by Section 58 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, the Administrator of Goa, Daman and Diu hereby makes the following Rules, the same having been previously published, namely:

———

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Rules, 1969

1. **Short title and commencement**.— (*1*) These Rules may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Rules, 1969.

(*2*) They shall come into force at once.

2. **Definitions.**— In these Rules, unless there is anything repugnant to the subject or context,—

(a) "Act" means the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

(b) "Form" means a form appended to these Rules.

(c) "Section" means a section of the Act.

(d) Words and expressions used, but not defined in these rules shall have the meaning assigned to them in the Act.

3. **Manner of giving notice under Section 4(2) of the Act and the particulars to be contained therein**.— The landlord shall give notice required under sub-section (*2*) of Section 4, in writing and it shall contain the particulars as specified in

Form I. The landlord may either personally hand it over to the Authorised Officer who shall give him a receipt in writing, or he may send it by registered post acknowledgement due to the Authorised Officer.

4. **Form of the order to be issued under Section 6(1).—** The Authorised Officer shall issue the order under sub-section (1) of Section 6, in the manner as specified in

Form II.

5. **The manner of depositing rent under Section 18(1) and sending copy of the application under section 18(3).—** (*1*) A tenant, who desires, to deposit rent under sub- -section (*1*) of section 18 shall either personally or through an authorised agent make an application to the Controller in writing.

(*2*) On the application made under sub-rule (*1*), the Controller shall pass an order directing the Treasury Office specified in the order to accept the deposit of the rent. He shall also countersign the challan

form in triplicate.

(*3*) The tenant shall thereafter deposit the rent in the Treasury Office as directed by the Controller.

Form III to the landlord or persons claiming to be entitled to the rent.

6. **Manner of payment of deposited rent**.— The Controller, on being satisfied that the person applying for withdrawal of the deposit of rent of part thereof, as the case may be, is entitled thereto, shall pass an order directing the payment of the deposit or part of the deposit, as the case may be, to the said person after getting the indemnity bond signed by him for indemnifying the Government against any claim for the payment of the deposited rent amount.

7. **Time within which and the manner of making a deposit of rent under Section 32**.— (*1*) A tenant against whom proceeding for eviction has been instituted by a landlord under the Act, shall deposit all arrears of rent due in respect of the building within one month from the date on which notice is served on him for the first time about the said proceedings before the Controller [27][or] the appeal or the revisional proceedings before the appellate or the revisional authority, as the case may be.

(*2*) The tenant referred to in sub-rule (*1*) shall deposit the rent which may subsequently become due in respect of the building within fifteen days from the date on which such rent became payable by him.

(*3*) The provision contained in sub-rules (*1*) to (*3*) of Rule 5 shall mutatis mutandis apply to deposits made under this rule.

8. **Conditions for withdrawal of the amount deposited under Section 32**(5).— (*1*) The amount deposited by a tenant under sub-section (1) of section 32 may be withdrawn by the landlord subject to the following conditions:

(i) the landlord proves to the satisfaction of the Controller or the appellate or the revisional authority with whom the amount has been deposited by the tenant that he is entitled thereto;

(ii) the landlord passes a receipt in favour of the tenant for having received the deposited amount of rent; and

(iii) the landlord signs an Indemnity Bond indemnifying Government against any claim for payment of the deposited rent amount.

9. **Procedure to be followed by the Controller, the Rent Tribunal, the Appellate Board and the Administrative Tribunal in all enquiries and proceedings under the Act and the powers to be exercised by them**.— (*1*) Save as expressly provided by or under the Act or these rules, all enquiries and other proceedings before the Controller or

[27] This word has been substituted for the word "of" by Amendment Rules, 1975, (Official Gazette, Series I No. 41 dated 6-1-1977).

the Rent Tribunal shall be commenced by an application which shall contain the following particulars;

(a) The name, age, profession and place of residence of the applicant and the opponent;

(b) Short description and location of the building in respect of which the application is being made;

(c) The circumstances out of which the cause of action arose;

(d) The specific prayer of the applicant;

(e) A list of the applicant's documents, if any or his witnesses or whether such witnesses are to be summoned or whether the applicant will produce them on the date of the hearing.

(2) In all enquiries and proceedings commenced on the presentation of an application under sub-rule (1) or under any other provisions of the Act or the rules, the Controller or the Rent Tribunal shall exercise the same powers as the Mamlatdar under the Goa, Daman and Diu Mamlatdar's Court Act, 1966, and shall follow the provisions of the said Act as if the Controller or the Rent Tribunal were a Mamlatdar's Court under the said Act and the application presented was a plaint under Section 7 of the said Act.

(3) The Appellate Board in deciding appeals under the provisions of the Act shall have the same powers and shall follow the same procedure as is provided for in deciding appeals under the Civil Procedure Code, 1908.

(4) The Administrative Tribunal in deciding an appeal or a revision application under the provisions of the Act, shall have the same powers and shall follow the procedure provided for in this behalf in the Goa, Daman and Diu Administrative Tribunal Act, 1965, as if the appeal of the revision application was filed under the said Act.

10. **Manner of giving or serving notices or orders**.— (*1*) Save as otherwise provided in these rules, every notice under the Act may be served either by tendering or delivering a copy thereof or sending such copy by post by registered post A/D to the person on whom it is to be served or his authorised agent or if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence.

(*2*) An order issued under the Act shall be given in the same manner as provided in sub-rule (*1*).

11. **Procedure for setting aside ex-parte orders**.— Where an ex-parte order is passed under the Act against a person, the said person may present either personally or through an Authorised Agent, an application to the authority passing such order, at any time within 30 days from the date of such order stating that he was prevented by some unavoidable circumstances from appearance before that authority. The authority may issue a notice in

Form IV at the expense of the party concerned to the opposite party and if satisfied after hearing and recording evidence, if any, that the party concerned was prevented from attendance before the said Authority by some unavoidable circumstances, the authority may restore the case.

12. **Procedure for bringing on record legal representatives of deceased persons**.— (*1*) Where there are more applicants or respondents than one and any of them dies, the Rent Tribunal or the Appellate Board or the Controller of the Administrative Tribunal as the case may be shall cause an entry to that effect to be made on the record and the proceedings shall proceed at the instance of the surviving applicant or applicants or surviving respondent or respondents.

(*2*) Where one or two or more applicants died, the Rent Tribunal or the Appellate Board or the Controller or the Administrative Tribunal, as the case may be on an application made in that behalf within 60 days from the date of the death of the deceased applicant, shall cause the legal representatives of the deceased applicant to be made a party and shall proceed with the proceedings. Where within the time prescribed no application is made, the proceedings shall abate so far as the deceased applicant is concerned and on the application of the respondent the Rent Tribunal, or the Appellate Board or the Controller or the Administrative Tribunal, as the case may be, may award to him the costs which he may have incurred in defending proceedings to be recovered from the estate of the deceased applicant.

(*3*) Where one or two or more respondents dies, the Rent Tribunal, or the Appellate Board or the Controller or the Administrative Tribunal, as the case may be on an application made in that behalf, [28][within 60 days from the date of death of the deceased respondent] shall cause the legal representatives of the deceased respondent to be made a party and shall proceed with the proceedings. Any person so made a party may make any defence appropriate to his character as legal representative of the deceased respondent. Where within the time prescribed no application is made, the proceedings shall abate as against the deceased respondent.

(*4*) Where a question arises as to whether any person is or is not the legal representative of a deceased applicant or a deceased respondent such question shall be determined by the Rent Tribunal or the Appellate Board or the Controller or the Administrative Tribunal as the case may be.

(*5*) Notwithstanding anything contained in the foregoing sub-rules there shall be no abatement by reason of death of either party between the conclusion of the hearing and the pronouncement of the judgement, but judgement in such case be pronounced notwithstanding the death and shall give the same force and effect as if it had been pronounced before the death took place.

(*6*) The marriage of a female applicant or respondent shall not cause the proceedings to abate but the proceeding may, notwithstanding be proceeded with to judgement and where the order is against a female respondent it may be executed against her alone.

(*7*) Where the proceeding abates or is dismissed under this rule, no fresh proceeding shall be brought under same cause of action. The applicant or the person claiming to be the legal representative of a deceased applicant may apply for an order to set aside the abatement or dismissal; and if it is proved that he was prevented by any sufficient cause from continuing proceedings in the Rent Tribunal or the Appellate Board or the

Controller or the Administrative Tribunal as the case may be, shall set aside the abatement or dismissal upon such terms as to cause or otherwise as it thinks fit. The provisions of Section 5 of the Limitation Act, 1963 shall apply to the application under this sub-rule.

13**. Procedure for taking possession of the building and procedure for disposal of articles.**— Whenever an order is passed under the Act by the Controller or the Administrative

Tribunal directing the taking of possession of any building or eviction of any person in occupation of any building, the following procedure shall be adopted in this behalf:-

(*1*) The Controller may authorise in writing a subordinate officer, to take possession of the building or evict the person in occupation from the building, as the case may be.

(*2*) The officer so authorized shall, at any time between the hours 8 a.m. to 7 p.m., visit the building and intimate in writing the person in actual possession of the building and the landlord, if he is residing in the same building or near about, that he will take possession after expiry of twenty four hours from the time of giving the said intimation, unless before the expiry of the said period, vacant possession of the building is handed over to him, or as the case may be, the person to be evicted vacates the building. After the expiry of the period aforesaid, the officer shall take possession of the building or evict the person in occupation of the building and may use such force as may be reasonably necessary for that purpose.

(*3*) If free access to the building is not afforded to the officer authorised under sub- -rule (*1*), he may after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the custom of the country, remove or open any lock or bolt or break open any door or do any other act which in his opinion is necessary for taking possession of the building or evicting the person in occupation of such building.

(*4*) If at the time of taking possession of the building or evicting the person in occupation of the building, it is found that the building contains any furniture or any other articles which are not in the nature of permanent fixtures of the building, the officer authorised under sub-rule (*1*) shall make a panchanama of such furniture and articles and as far as possible keep them locked in one room and put a seal thereon. He shall also submit a report alongwith the panchanama to the Controller.

(*5*) The Controller shall cause a notice to be pasted on the prominent place on the outer side of the building, calling upon the owner of the furniture and articles found in the building, to establish his ownership of the said furniture and articles and to carry them away within one month from the date of the notice. If the furniture or articles are not removed within the aforesaid period of one month, the Controller may cause the same to be sold by auction and to credit the sale proceeds to Government.

(*6*) The provisions of the foregoing sub-rules shall mutatis mutandis apply to the order passed by the Administrative Tribunal directing the taking of possession of any building or eviction of any person in occupation of any building.

14. **Court Fees**.— (*1*) Every application made to the Controller or to the Rent Tribunal under the Act, shall bear Court Fee stamp of Rs. 12/-, and every memorandum of an appeal to the Appellate Board or the Administrative Tribunal made under the Act shall bear a Court Fee stamp of Rs. 50/-.

(*2*) Every revision application made under the Act shall bear a Court Fee stamp of Rs. 25/-.

(*3*) Every application made under the Act to the Appellate Board or Administrative Tribunal for the stay of the eviction or any order against which an appeal or revision application is made, shall bear a Court Fee stamp of Rs. 5/-.

(*4*) Notwithstanding anything contained in sub-rules (1), (2) and (3), when an application or appeal or revision application is made by a member of the Scheduled Caste specified in Part III of the Schedule to the Constitution (Scheduled Caste Order 1950) or of a Scheduled Tribe specified in Part III of the Schedule of the Constitution (Scheduled Tribe Order 1950), the Court Fees payable on such application, appeal or revision application, shall be one third of the amount of the Court fees specified in sub-rules (*1*), (*2*) and (*3*), as the case may be.

15. **Copy of the lease deeds to be sent to the Controller**.— A copy of the lease deed executed under Section 35 shall be sent by the landlord to the Controller within 15 days from the date of execution of the lease deed.

FORM I

(*See* Rule 3)

To,

The Authorised Officer,

……

……

I hereby give the notice of vacancy of my building and the particulars of the said building are as under:

(i) The name and address of the landlord ...

(ii) The name and address, if any, of the person who looks after the management of the building ...

(iii) The house number and address of the building which has become vacant …

(iv) Brief description of the accommodation in the building which has become vacant ...

(*Note*: Brief description should contain number of rooms, their respective areas, the use for which each room, is intended, such as kitchen, dining room, verandah, the floor on which the accommodation is situated, etc.) …

(v) The reasons for and the circumstances or the occurrence of the vacancy...

(vi) The fair rent, if any, fixed for the building ...

(vii)If the building is let out for the first time previous to last January, 1965, the rent payable for the building on 1-1-1965....

Station:

Date: Signature of the landlord

[FORM II

(*See* Rule 4)

Order

Whereas the landlord Shri... has given me under

Section 4 of the Goa, Daman

Section 5 read with Section 4

and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (2 of 1969), a notice of vacancy occurring in his building... (here mention the particulars of the buildings).

1
The above

Form II has been substituted for the original Form II, by Amendment Rules, 1975 (Official Gazette, Series I No. 41 dated 6-1-1977), which reads as follows:

_____

"FORM II

(*See* Rule 4)

Order

Whereas the landlord Shri ... has given me under Section 4 of the Goa and Diu Buildings Section 5 read with Section 4
(Lease, Rent and Eviction) Control Act, 1968 a notice of vacancy occurring in his building... (here mention the particulars of the building);

And whereas I, ... Authorised Officer is of the opinion that aforesaid building is required for the purpose of Government or the local authority or the public institution or for for the occupation of
the occupation of any officer or employee of the Government or a local authority);

Now, Therefore, Shri ... the aforesaid landlord is hereby informed in pursuance of Section ... that the aforesaid building is required for the purpose mentioned above, and he should hand over possession of the aforesaid building to Shri ... (here specify the name of the officer to whom the possession of the building is to be handed over) who is hereby empowered by the undersigned under sub-section (2) of Section 6 of the aforesaid Act, to receive the vacant possession of the aforesaid building.

Place: ……. Date :
(Authorised Officer)"

And whereas I, ... Authorised Officer ... is of the opinion that the aforesaid building is required for the purpose of Government or the local authority of the public institution or for the occupation of any officer or employee of the Government or a local authority;

Now, therefore, Shri ... the aforesaid landlord is hereby informed in pursuance of sub-section (*1*) of Section 6 of the Act that the aforesaid building is required for the purpose mentioned above, and he should hand over the possessions of the aforesaid building within ... days from the date of receipt of this order, to Shri ... (here specify the name of the Officer to whom the possession of the building is to be handed over), who is hereby empowered by the undersigned under sub-section (*2*) of Section 6 of the aforesaid Act, to receive the vacant possession of the aforesaid building.

Place: …… Date:
Authorised Officer]

FORM III

[*See* Rule 5(4)]

Order

The tenant, Shri ... who is occupying flat No. ... of House No. ... located on ... road at ... has made a deposit of Rs. ... towards the house rent in respect of the said premises for the months of ... of the year ... accompanied by an application (a copy whereof is annexed herewith) to the undersigned under sub-section (2) of section 18 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

And Whereas it appears from the said application of the tenant that Shri ... is one of the persons/the person who is entitled to receive the said rent and as such he is hereby called upon to appear before the undersigned in person or through an authorised agent at ... on ... with documentary evidence to prove that he is entitled to the said rent or a part thereof and if it is so proved beyond doubt, to present an application in this office or withdrawal of the deposit of the rent or part thereof as the case may be.

If Shri ... fails to remain present on the aforesaid time and date without intimation, it shall be presumed that he is not entitled to the said rent or any part thereof.

Date:

Place:

To,

Shri .....

...

(Controller)

_____

FORM IV

(See Rule 11)

Notice to be issued under Rule 11 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Rules, 1969

In the Court of the ...

No. of the case

Between ..... Applicant

V/s

..... Respondent

Notice

Whereas in the above case this court ordered on the ... day of ... that ...

And whereas the applicant / respondent has, on the day of ... applied to this court to rehear the case, on the grounds specified in the said application, a copy of which is attached herewith.

Notice is hereby given to Shri ... applicant / respondent that the said application will be heard and determined on the day of ... at ... in my office/court ... and he is hereby required to take notice that in default of his appearance, personally or by agent at the said time and place, the application will be

heard and determined in his absence and if granted, a time and place for rehearing the case will be fixed.

Given under hand and the seal of the court.

Dated this ... day of ... 19 ...

To,

Shri ……

……

Signature and designation of the issuing authority)

By order and in the name of the Administrator of Goa, Daman and Diu. *W. G. Ranadive,* Secretary (Revenue).

Panaji, 30th September, 1969.

8th Asvina, 1891.

APPENDIX

Revenue Department

—

Notification

RD/BLDG/77/69-II

In exercise of the powers conferred by sub-section (2) of Section 1 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to extend the said Act to the areas specified in column 3 of the schedule hereto.

Sr. No.	Taluka	Area
1	2	3
1. Goa		(i) A belt of 2 kilometres around the limits of the city of Panaji;
		(ii) The villages of Caranzalem, Dona Paula, Santa Cruz Alto de Bambolim, Merces, S. Pedro and Chimbel.
2. Salcete		(i) A belt of 2 kilometres around the limits of the city of Margao;
		(ii) The villages of Navelim, Nuvem, Aquem and Davorlim.

	(i)	A belt of 2 kilometres around the limits of the city of Mapusa;
	(ii)	The villages of Betim, Alto de Porvorim and Guirim.
4. Marmagoa	(i)	A belt of 2 kilometres around the limits of the city of Vasco da Gama, including the Harbour area;
5. Bicholim	(i)	The town of Bicholim and a belt of 2 kilometres from the limits of the said town;
	(ii)	The village of Sanquelim.
6. Ponda	(i)	The town of Ponda and a belt of two kilometres from the limits of Ponda Town;
	(ii)	The villages of Curti and Queula.
7. Quepem	(i)	The town of Quepem and a belt of 2 kilometres from
	(ii)	The village of Curchorem and a belt of 2 kilometres around it;
	(iii)	The village of Cacora.
8. Pernem	(i)	The town of Pernem and a belt of 2 kilometres from the limits of Pernem town;

Sr. No.	Taluka	Area
1	2	3
9. Satari	(i)	The town of Valpoi and a belt of 2 kilometres from the limits of town.
10. Canacona	(i)	The town of Canacona and a belt of 2 kilometres from the limits of Canacona town.
11. Sanguem	(i)	The town of Sanguem and a belt of 2 kilometres from the limits of Sanguem town.
12. Daman	(i)	A belt of 2 kilometres around the limits of the town of Daman (Nani and Moti).
13. Diu	(i)	The town of Diu and a belt of 2 kilometres from the limits of the said town.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th September, 1969.

Revenue Department

Notification

RD/BLDG/77/69-III

In exercise of the powers conferred by sub-section (*3*) of Section 1 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to appoint the first day of October, 1969, as the day on which all the provisions of the said Act, except Chapter VII, shall come into force throughout the areas to which the said Act has been extended under the said Act and the Government Notification No. RD/BLDG/77/69-II, dated 30th September, 1969.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th September, 1969.

8th Asvina, 1891.

Notification

RD/BLDG/77/69-IV

In exercise of the powers conferred by Section 36 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to direct that the provisions of Chapter VII of the said Act shall come into force in the cities of Panaji, Mapusa, Margao, Vasco- -da-Gama (including the Harbour area) and Ponda with effect from 1st October, 1969. By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th September, 1969.

8th Asvina, 1891.

Notification

RD/BLDG/77/69-V

In exercise of the powers conferred by sub-section (*1*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to constitute every Civil Judge, Senior Division, to be the Rent Tribunal within his respective local jurisdiction and the District Judge, Panaji to be the Appellate Board for the purposes of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th September, 1969.

8th Asvina, 1891.

Notification

RD/BLDG/77/69-VI

In exercise of the powers conferred by clause (a) of sub-section (*2*) and sub-section (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to appoint the Deputy Collector, Goa North Sub-Division and the Deputy Collector, Goa

South Sub-Division, the Collector of Daman and the Civil Administrator of Diu, as Authorised Officers and Controllers for the purposes of the said Act and to further direct that they shall perform the functions of an Authorised Officer and a Controller under the provisions of the said Act within the areas of their respective jurisdiction.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 30th September, 1969.

8th Asvina, 1891.

Notification

RD/BLDG/173/69

In exercise of the powers conferred by sub-section (*2*) of Section 3 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968, the Administrator of Goa, Daman and Diu is hereby pleased to exempt all buildings which are owned by an industrial or commercial undertaking and are being used for residential accommodation of the employees of the undertaking and the rent recovered from an employee for such residential accommodation

provided to him in such building does not exceed ten per cent of his basic wages received from the undertaking, from all the provisions of the said Act. By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 8th October, 1969.

16th Asvina, 1891 (Saka).

_____

Notification

No. RD/RENT/240/77

In exercise of the powers conferred by sub-sections (*2*) and (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu is pleased to appoint the Additional Deputy Collectors, Goa North Division and Goa South Division as Authorised Officers and Rent Controllers, for all local areas comprising within their respective jurisdiction for the purposes of the said Act and further directs that they shall perform the functions of

Authorised Officers and Rent Controllers within the areas of their respective jurisdictions, under the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 29th March, 1978.

_____

Notification

No. RD/RENT/243/77

In exercise of the powers conferred by sub-sections (*2*) and (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) and in supersession of the Government Notification of even number dated 29th March, 1978, published in the Official Gazette, Series II No. 1 dated 6th April, 1978, the Administrator of Goa, Daman and Diu hereby appoints the Additional Deputy Collectors, Goa North Division and Goa South Division as Additional Controllers for all local areas comprising within their respective jurisdiction for the purposes of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. V. Mongia, Secretary (Revenue).

Panaji, 8th August, 1978.

_____

Notification

No. RD/Delegation/318/79

In exercise of the powers conferred by sub-sections (*2*) and (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Administrator of Goa, Daman and Diu hereby appoints the Deputy Collector, Daman as Additional Controller for all local areas comprising within his jurisdiction in Daman for the purpose of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 27th September, 1980.

Notification

RD/BLDG/77/69-II

In continuation of Government Notification of even number dated 30-9-1969 and in exercise of the powers conferred by sub-sections (*2*) and (*3)* of Section 1 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969), the Administrator of Goa, Daman and Diu hereby extends the provisions of the said Act to all the remaining areas of Union Territory of Goa, Daman and Diu and further directs that the provisions of the aforesaid Act shall be enforced in the said areas with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. Regunathan, Under Secretary (Revenue).

Panaji, 23rd December, 1980.

Notification

2/1/82-RD

In exercise of the powers conferred by sub-section (*10*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (2 of 1969) and in partial modification of the Government Notification No. RD/BLDG/77/69-V, dated 30-9-1969 published in the Official Gazette, Series I No. 26 dated 30-9-1969, the Administrator of Goa, Daman and Diu hereby constitutes Appellate Board consisting of the District Judges of Panaji and Margao for the local areas comprised within their respective jurisdiction, for the purpose of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue–I).

Panaji, 1st November, 1982.

Revenue Department

—

Notification

10/4/85-RD

In exercise of the powers conferred by clause (*i*) of Section 26 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the

Administrator of Goa, Daman and Diu hereby notifies the "Director of Census Operations, Goa, Daman & Diu and Dadra Nagar Haveli, Panaji-Goa" as "essential services" for the purposes of the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 2nd December, 1985.

Revenue Department

—

Notification*

10/6/87-RD

In exercise of the powers conferred by sub-section (1) of the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987 (Goa Act No. 8 of 1987), the Government of Goa hereby appoints the 22nd day of February, 1988, as the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 22nd February, 1988.

_____

Notification

10/6/87-RD

In exercise of the powers conferred by sub-section (*2*) of Section 1 of the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1987 (Goa Act No. 8 of 1987) (hereinafter referred to as the "said Act"), the Government of Goa is pleased to extend the provisions of said Act to all the remaining areas of the State of Goa to which it was not extended.

By order and in the name of the Governor of Goa.

D. V. Sathe, Under Secretary to the Government of Goa (Revenue Dept.).

Panaji, 1st June, 1988.

* Vide Corrigendum at page 74.

Corrigendum

10/6/87-RD

Read:– Government Notification No. 10-6-87-RD dated 22-2-1988.

In Government Notification No. 10-6-87-RD dated 22-2-1988, published in the Official Gazette, Sr. I No. 47 dated 22nd February, 1988, Extraordinary, for the words and figures "Sub-Section (1)," the words and figures "sub-section (*3*) of section 1" shall be read.

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary to the Government of Goa (Revenue Dept.).

Panaji, 6th June, 1988.

_____

Revenue Department

—

Notification

10/3/89-RD

In exercise of the powers conferred by clause (a) of sub-section (2) read with sub- -section (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the 'said Act') the Government hereby appoints the Deputy Collector and District Recovery Officer, North Goa District, Panaji and the Deputy Collector (Revenue), South Goa District, Margao, as Authorised Officers and Controllers for the purposes of the said Act and further directs that they shall perform the functions of an Authorised Officer and Controller under the provisions of the said Act within the areas of their respective jurisdiction, with immediate effect.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Revenue).

Panaji, 20th November, 1995.

Revenue Department

—

Notification

No. 10/7/87-RD

Read : 1. Notification No. 10/7/87-RD dated 22-9-1987.

2. Notification No. 10/7/87-RD dated 27-10-1987.

3. Notification No. 10/7/87-RD dated 25-7-1989.

In exercise of the powers conferred by clause (*a*) of sub-sections (*2*) and (*3*) of section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969), the Government of Goa is pleased to appoint the following officer as Authorised Officer and Additional Controller for the purpose of the said Act and to further direct that he should perform the functions of an Authorised Officer under the provisions of the said Act, mentioned in the corresponding entry in column 3 within respective jurisdiction in the district specified in the corresponding entry in column 4 of the Schedule:—

SCHEDULE

Sr. No.	Officer	Officer under the Act	Jurisdiction
1	2	3	4
1	Additional Deputy Collector, Collectorate of North Goa District-Panaji	Additional Rent Controller	North Goa District

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 14th January, 1991.

Notification

10/3/89-RD

In exercise of the powers conferred by clause (*a*) of sub-section (*2*) read with sub- -section (*3*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) and Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Government hereby rescinds the Government Notification No. 10/3/89-RD dated 20-11-1995 published in the Official Gazette, Series I No. 35, dated 30-11-1995 with immediate effect.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Revenue).

Panaji, 1st August, 1996.

Notification

10/3/89-RD (Admn)

In exercise of the powers conferred by clause (*a*) of sub-section (*2*) of Section 41 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969) (hereinafter referred to as the "said Act") the Government of Goa hereby appoints the Deputy Collector, Margao (District Level Rent Court) and the Addl. Deputy Collector, Vasco, as Authorised Officers and Controllers for the purposes of the said Act, with immediate effect.

Further, in pursuance of sub-section (*3*) of section 41 of the said Act, the Government of Goa hereby directs that the Deputy Collector, Margao (District Level Rent Court) with headquarters at Margao, shall perform the functions of an authorised Officer and a Controller under the said Act within the Talukas of Salcete, Quepem, Sanguem and Canacona and the Additional Deputy Collector, Vasco with headquarters at Vasco, shall perform the functions of an Authorised Officer and a Controller under the said Act within the Taluka of Mormugao, with immediate effect.

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Under Secretary (Revenue).

Panaji, 6th September, 2000.