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 repugnan t to the subject or context,—

(a)"Act" means the Goa, Daman and Diu Buildings (L ease, 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 su b-section (*2*) of Section 4, in writing and itshall 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 pers onapplying 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.

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7.**Time within which and the manner of making a deposit of rent under Section 32**.— (*1*) Atenant 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 1[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 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

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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, 2[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.

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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.

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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.

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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

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3[FORM II

(*See* Rule 4)

Order

Whereas the landlord Shri …… has given me Section 4 of the Goa and Diu Buildings (Lease, Rent and Eviction) Control Act, Section 5 read with Section 4 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 Go 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: Authorised Officer]

Date:

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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)

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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 has, on the day of ... applied to this court to rehear the case, respondent

on the grounds specified in the said application, a copy of which is attached herewith.

Notice is hereby given to Shri ... applicant that the said application will be heard and deter-
respondent
-mined 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.

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(Revenue).

Panaji, 30th September, 1969. 8th Asvina, 1891.

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