GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Bombay Act No. LVII of 1947

The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947

(As modified up to the 30th September, 2007)

THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL ACT, 1947.

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Bombay Rents, Hotel and Lodging House Rates Control Act, 1947

BOMBAY ACT NO. LVII OF 1947. 1

[THEBOMBAYRENTS, HOTELANDLODGINGHOUSE RETES CONTROLACT,1947.]

[19TH JANUARY, 1948.]

Amended by Bom. 36 of 1948.
Amended by Bom. 3 of 1949.
Amended by Bom. 53 of 1949.
Amended by Bom. 58 of 1949.*
Amended by Bom. 59 of 1949.
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Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 53 of 1950.
Amended by Bom. 42 of 1951.
Amended by Bom. 43 of 1951.
Amended by Bom. 15 of 1952.
Amended by Bom. 4 of 1953.
Amended by Bom. 61 of 1953.
Amended by Bom. 46 of 1954. +
Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order. 1956.
Amended by Bom. 18 of 1959.
Amended by Bom. 49 of 1959.
Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
Amended by Guj. 3 of 1961.
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Amended by Guj. 5 of 1963.
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Amended by Guj. 15 of 1981.
Amended by Guj. 7 of 1985.
Amended by Guj. 30 of 1986. **
Amended by Guj. 6 of 1991.
Amended by Guj. 12 of 1991.
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An Act to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions.

WHEREAS it is expedient to amend and consolidate the law relating to the control of rents and repairs of certain premises of rates of hotels and lodging houses and of evictions; It is hereby enacted as follows:-

PARTI.

Preliminary.

Short title. Extental.

1. This Act may be called the Bombay Rents. Hotel and Lodging House Rates Control Act, 1947.

2. (*1*)Parts I and IV of this Act shall extend to 2[the whole of the State of Gujarat].

(*2*) 3[Part II shall extend to the areas specified in Schedule I] to this Act and shall continue to extend to any such area notwithstanding that the area ceases

to be of the description therein specified.

4[**(2A)** Part II shall extend also to those areas of the Saurashtra area of the State of Gujarat to which Part II of the Saurashtra Rent Control Act, 1951 extended immediately before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963. Sau. Act. 1951. Guj. 1963.

(2B) Parts II and III shall extend to those areas of the Kutch area of the State of Gujarat to which Parts II and III of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, as applied to the said Kutch area extended immediately before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963.] Guj. LVII

(*3*) The 5[State] Government may by notification in the *Official Gazette,* ex- tend to any other area any or all of the provisions of Part II or Part III or of both.

(4) The 5[State] Government may at any time by like notification direct that any or all the provisions of Part II or Part III or of both, as the case may be, shall cease to extend to such area and on such date as may be specified in the notification; and on that date the said provision shall cease to be in force in such area.

Act to apply to Saurashtra and Kutch areas with certain modifications.

6[**2A**. In its application to the Saurastra area and the Kutch area of the State of Gujarat this Act shall be amended in the manner as set forth in Parts 1 and II respectively of Schedule IA.]

Commencement and duration.

3. (*1*)This Act shall come into operation on such date as the 7[State] Governemnt may, by notification in the *Official Gazette,* appoint in this behalf:

8[Provided that in the areas to which this Act is extended by the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963 this Act shall come into force on the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963 comes into force.] Guj. LVII of Guj. LVII of

(*2*) It shall remain in force upto and inclusive of 9[10[11[12[31st day of March 2011]]]].

13[* * * * * * *]

(3) Section 7 of the Bombay General Clauses Act, 1904 shall apply upon the expiry of this Act or upon this Act as any provision thereof ceasing to be in force in any area, as if it had then been repealed by a 14[Gujarat Act]. Bom. I of 19

Exemptions.

4. (*1*)This Act shall not apply to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy or other like relationship created by grant from the Government in respect of premises taken on lease or requisitioned by the Government; but it shall apply in respect of premises let to the Government or a local authority.

15[**(***1A***)** This Act shall not apply to—

(a) any premises constructed on or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Second Amendment) Act, 2001 (hereinafter reffered to as "the amending Act"); Guj. 27 of 20

(b) any existing premises which is self-occupied by the owner or vacant on or after the commencement of the amending Act, and is let

after such commencement;

for a period of ten years from the date of the commencement of the amending Act.

Explanation.-For the purposes of this section, "existing premises" means any premises which exists on the date of the commencement of the amending Act.]

(2) The 16[State] Government 17[may, by a notification in the *Official Gazelle* direct] that all or any of the provisions of this Act 18[shall not, subject to such conditions and terms, as it may specify, 19[apply,-

(a) generally-]]

20[*(i)* to premises used for a public purpose of a charitable nature or to any class of premises used for such purpose;

(ii) to premises held by a public trust for a religious or charitable purpose;

21[* * * * * *]

(iii) to premises held by a public trust for a religious or charitable purpose and administered by 22[a local authority; or]]

VI of 1890.
Bom. XXIX of 1950.

23[*(iv)* to premises vested by or under the Charitable Endowments Act, 1890, in the Treasurer of Charitable Endowments for India or for any State; or]

24[*(v)* to premises constructed or purchased out of the Public Trusts Administration Fund established under section *57* of the Bombay Public Trusts Act, 1950 and vesting in the Charity Commissioner; or

25[(*b*) for special reasons to be recorded to any particular premises of the nature referred to in sub-clause *(i), (ii) or (iii)* of clause (a).]

Bom. XXIX of 1950.
XXIX of 1954.

26*[Explanation.*- For the purpose of this section "public trust" means a public trust registered or deemed to be registered under the Bombay Public Trusts Act, 1950 or a Wakf registered or deemed to be registered under the Muslim Wakfs Act, 1954.]

27[*(3)* The 16[State] Government may also by order direct that all or any of the provisions of Part III shall not apply to such hostel or institution or such class of hostels or institutions, subject to such terms and conditions, if any, as may be specified in the order.]

28[**(4)** (*a*) The expression "premises belonging to the Government or a local authority" in sub-section *(1)* shall, notwithstanding anything contained in the said sub-section or in any judgement, decree or order of a court, not include a building erected on any land held by any person from the Government or local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be; and

Bom Ord. No. III of 1959.

(b) Notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof 29[whether before or after the commencement of the

Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959.]]

Power of State Government to issue orders in respect of premises belonging to Local authority.

30[**4A**. 31[*(1)*] Notwithstanding anything contained in this Act, the State Government may from time to time by a general or special order direct that exemption granted to a local authority under sub-section *(1)* of section 4 shall be subject to such conditions and terms as it may specify either generally or for special reasons in any particular case and such conditions and terms shall be applicable to the premises belonging to the local authority with effect from such date, either before or after the commencement of the Bombay Rents, Hotel and Loding House Rates Control (Second Amendment) Act, 1953, as the State Government may in its discretion determine:]

Bom LXI o

[32][Provided that after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963, no such order shall be made so as to have retrospective effect.] Guj. LVII o

[33][(*2*)If a local authority fails to comply with, or contravenes, any of the conditions or terms specified under sub-section (*1*) in respect of any premises belonging to that authority, the State Government may, by order, direct that the exemption of the premises of the local authority under sub-section (*1*) of section 4 shall cease to have effect from such date as may be specified in the order, and thereupon, the relevant provisions of this Act shall apply thereto as they apply to other premises :

Provided that, no such order shall be made, until the local authority has been given a reasonable opportunity of showing cause against the order to be made against it.]

Definitions.

5. In this Act unless there is anything repugnant to the subject or context—

(*1*) "fair rate" means the rate fixed under section 33 and includes the rate as revised under section 34;

(2) "hotel or lodging house" means a building or a part of a building where lodging with or without board or other service is [34][by way of business] provided for a monetary consideration;

(3) "landlord" means any person who is for the time being, receiving, or entitled to receive, rent in respect of any premises whether on his own account or on account, or on behalf, 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; and includes any person not being a tenant who from time to time derives title under a landlord; and further includes in respect of his sub-tenant a tenant who has sub-let any premises;

(4) "legal representative" means a legal representative as defined in the Code of Civil Procedure, 1908, and includes also, in the case of joint family property, the joint family of which the deceased person was a member; V of 1908.

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

(6) "owner of a lodging house" includes any person who receives or is entitled to receive, whether on his own account or on behalf of himself and others or as an agent or trustee, any monetary consideration from any person on account of board, lodging or other service;

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

(8) "premises" means—

(a) any land not being used for agricultural purposes,

(*b*) any building or part of a building let separately (other than a farm building) including-

(i) the garden, grounds, garages and out-houses, if any. appurtenant to such building or part of a building,

(ii) any furniture supplied by the landlord for use in such building or part of a building,

(iii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof,

but does not include a room or other accommodation in a hotel or lodging house;

(9)"prescribe" means prescribed by rules and prescribed shall be construed accordingly;

35[**(9A)** "specified date" means-

(*a*) in relation to premises situated in the Bombay area of the State of Gujarat 36[excluding the areas of the merged territories of the former State of Baroda] the first day of September, 1940;

(b) in relation to premises situated in the Saurashtra area of the State of Gujarat, the first day of January, 1941;

(c) in relation to premises situated in the Kutch area of the State of Gujarat, the tenth day of November, 1942];

(10)"standard rent" in relation to any premises means—

Bom. XVI of 1939.
Bom. VII of 1944.

(a) where the standard rent is fixed by the Court and the Controller respectively under the Bombay Rent Restriction Act, 1939, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, such standard rent; or

(b) where the standard rent is not so fixed; subject to the provisions of section 11

(i) the rent at which the premises were let on the first day of September, 1940, or

(ii) where they were not let on the first day of September 1940, the rent at which they were last let before that day, or

(iii) where they were first let after the first day of September 1940, the rent at which they were first let, or

(iv) in any of the cases specified in section 11, the rent fixed by the Court;

(11) "tenant" means any person by whom or on whose account rent is payable for any premises and includes-

Bom. Ord. No. III of 1959.

(a) such sub-tenants and other persons as have derived title under a tenant 37[before the commencement of the Bombay Rents. Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959];

38[*(aa)* any person to whom interest in premises has been transferred under the proviso to 39[sub-section *(1)* of]section 15;]

(b) any person remaining after the determination of the lease, in possession, with or without the assent of the landlord, of the premises leased to such person or his predeccessor who has derived title 37[before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance. 1959;]

Bom. Ord. N of 1959.

40[*(c) (i)* in relation to premises let for residence, any member of the tenants' family residing with the tenant at the time of, or within three months immediately preceding, the death of the tenant as may be decided in default of agreement by the Court, and

(ii) in relation to premises let for business, trade or storage, any member of the tenant's family carrying on business, trade or storage with the tenant in the said premises at the time of the death of the tenant as may continue, after his death, to carry on the business, trade or storage as the case may be, in the said premises and as may be decided in default of agreement by the Court;]

41[**(12)** "tenement" means a room or group of rooms rented or offered for rent as a unit.]

PARTII.

Residential and other premises.

Application.

6. (*1*)In areas specified in Schedule I, this Part shall apply to premises let for residence, education, business, trade 42[or] storage 43[and also to open land let for building purposes]:

44[Provided that the 45[State] Government may, by notification in the *Official Gazelle,* direct that in any of said areas, this Part shall cease to apply to premises, let for any of the said purposes:]

46[Provided further that the State Government may by like notification direct that in any of the said areas this Part shall re-apply to premises let for such of the aforesaid purposes as may be specified in the notification.]

47[*(1A)* The 45[State] Government may, by notification in the *Official Gazelle,* direct that in any of the said areas, this Part shall apply to premises let for any other purpose.]

(2) In areas to which this Part is extended under sub-section *(3)* of section 2, it shall apply to premises let for such of the purposes referred to 48[in sub-section *(1)* or notified under sub-section *(1A)]* or let for such standard rent as the 45[State] Government may, by notification in the *Official Gazelle,* specify.

Rent in excess of standard rent illegal.

7. Except where the rent is liabe to periodical increment by virtue of an agreement entered into before the 49[specified date] it shall not be lawful to claim or receive on account of rent for any Premises any increase above the standard rent unless the landlord was, before the coming into operation of this Act, entitled to recover such increase under the provisions of the Bombay Rent Restriction Act, 1939 or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, or is entitled to recover such increase under the provisions of this Act.

Bom. XVI of

Bom. VII of 19

Cases where rent to be deemed and not to be deemed to be increased.

8. (*1*) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are on the whole less favourable to the tenant than the previous terms, the rent shall be deemed to be increased for the purposes of this Part whether the sum payable as rent is increased or not.

(2) Where, as the result of any alteration of the terms of the tenancy, the terms on which any premises are held are not on the whole less favourable to the tenant than the previous terms, the rent shall not be deemed to be increased for the purposes of this Part whether the sum payable as rent is increased or not.

9. *A* landlord shall be entitled to make such increase in the rent of the premises, as may be reasonable, for an improvement or structural alteration of the premises which has been made with the consent of the tenant given in writing; and such increase shall not be deemed to be an increase for the purposes of section 7.

Increase in rent account of impro ments, etc.

excepted.

Explanation.- In this section improvement and alterations do not include the repairs which the landlord is bound to make under sub-section *(1)* of section 23.

10. Where a landlord is required to pay to a local authority in respect of any premises any rate, cess or tax imposed or levied for the purposes of such authority he shall be entiled to make an increase in the rent of the premises by an amount not exceeding the increases paid by him 50[by way of such rate, cess or tax over the amount paid] in the period of assessment which included the date of the coming into operation of this Act 51[or the date on which the premises were first let, whichever is later,] and such increase in rent shall not be deemed to be an increase for the purposes of section 7.

Increase in rent account of paym of rates, etc.

excepted.

52[**10A**. Not withstanding anything contained in section 10,-

Increase in rent

1925. Bom. III of 1901. II of 1924. Bom. VI of 1933.

account of paym of increased rate etc. after 31st March, 1949 not permitted in cert areas.

(1) 53[if in any area] specified in Schedule III to this Act a rate or tax on buildings, houses or lands or a rate or tax in the form of such rate or tax on buildings, houses or lands levied under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901 or the Cantonments Act, 1924 or the Bombay Village Panchayats Act, 1933, as the case may be. is increased after the 31st day of March, 1949 a landlord shall not, in respect of any premises situated 54[* * *] in any of the areas specified in the said Schedule 55[* * *] and let on or before the said date, be entitled to make any further increase in the rent of the said premises on account of the payment by him of such increase in the rate or tax;

56[* * * * * * * * *]

(3) The 57[State] Government may by notification publised in the *Official Gazette* direct that in any area other than 58[* * *] those specified in Schedule III, a landlord shall not be entitled to make any increase in rent in respect of any premises situate in such area on account of the payment by him of an increase in the rate or tax imposed or levied by any local authority for its own purpose on buildings, houses or lands after such date, as may be specified in the notification;]

Bom. LIX of 1949.

59[*(4)* if the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949 in respect of any premises in any city exceeds the amount paid by any landlord to any local authority on account of a rate or tax on buildings, houses or lands in respect of such premises for the assessment period which included the 31st March 1949, there shall be deemed to be an increase in such rate or tax for the purpose of this section.]

Increase in rent o account of paym of increased rate etc., permitted a certain date in certain areas.

60[**10AA**. *(1)* Notwithstanding anything contained in sections 10 and 10A,-

Bom. LIX of 1949.

(a) 61[if in the City of Ahmedabad] the general tax levied under section 129 of the Bombay Provincial Municipal Corporations Act, 1949, or in any other area to which clause (1) of section 10A applies, a rate or tax on buildings, houses or lands or a rate or tax in the form of such rate or tax on buildings, houses or lands levied under any of the enactment referred to in the said clause *(1) is* increased after *the* 31st day of March, 1949, a landlord, in respect of any premises

Bom. LXI of 1953.

situated in any of the said areas and let on or before the said date, shall be entitled, after the date of commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953 (hereinafter in this section referred to as "the appointed date"), to make an increase in the rent of the said premises on account of the payment by him of such increase in the rate or tax;

(b) a landlord shall be entitled, after the appointed date, to make an increase in the rent of any premises situated in any of the said areas and let after the 31st day of March, 1949 on account of the payment by him of any increase in such rate or tax;

(c) if a notification has been issued under clause (3) of section 10A in respect of any area, a landlord shall be entitled, after the appointed date, to make an increase in the rent of any premises situated in such area on account of the payment by him of an increase in the rate or tax imposed or levied by any local authority for its own purpose on buildings, houses or lands after the date specified in such notification:

Provided that the increases referred to in clauses (a), (b) and *(c)* above shall not exceed-

(i) the difference between the amount of the increase paid by the landlord by way of rate or tax and the amount, if any. by which the Urban Immoveable Property Tax is reduced after the 31st day of March, 1949 ; or

(ii) five p whichever is Jess.

(2) Any increase made under sub-section (1) shall not be deemed to be an increase for the purpose of section 7.]

10B. *[Proportional recovery of riot tax after certain date permitted.] Omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.*

Increase in rent Excepted.

62[**10C**. (*1*) A landlord shall also be entitled to make an increase in the rent of premises referred to in column 1 which were let on or before the first day of September, 1940, by an addition to the rent at the rates specified against them in cloumn 2 below :-

1	2
(1) Residential premises the rent of which does not exceed Rs. 20 per month.	Not exceeding 5 per cent of the standard rent.
(2) Residential premises the rent of which exceeds Rs. 20 per mouth but does not exceed Rs. 80 per month.	Not exceeding 7 1/2 per cent. of the standard rent.
(3) Residential premises the rent of which exceed Rs. 80 per month.	Not exceeding 10 per cent. of the standard rent.
(4) Non-residential premises other than those specified in items (5) and *(6)* below :-	
(a) the rent of which does not exceed Rs. 50 per month.	Not exceeding 25 percent. of the standared rant.
(b) the rent of which exceeds Rs. 50 per month.	Not exceeding 50 per cent. of the standard rent.

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63[*(5)* Premises interest in which is transferred under the proviso to 64[sub-section *(1)* of] section 15 on or after the date of the coming into force of theBombay Rents, Hotel and Lodging HouseRates Control (Second Amendment) Act, 1953,as incidental to the sale of a business togetherwith the stock-in-trade and goodwill thereof.]

(6) Premises used for the purposes of a cinema.

(2) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.

(3) Nothing contained in sub-sections (1) and (2) shall apply to premises to which this Part has been applied in the areas of the merged territories of the former State of Baroda to which this Part has been extended.

Explanation.-Forthe purposes of sub-section (1), the expression "premises" shall have the same meaning as is assigned to it in sub-clause (b) of clause (8) of section 5.]

Increase in ren premises used Cinema in Saurashtra and Kutch areas ar former Baroda territories.

65[**10CC**. *(1)* In the Saurashtra area and the Kutch area of the State and in the areas of the merged territories of the former Baroda State, in the case of premises let on or before the specified date and used for the purposes of a cinema, a landlord shall also be entitled to make an increase in the rent of such premises by an addition to the rent at a rate not exceeding fifity per cent. of the standard rent.

(2) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.

Explanation.-For the purposes of this section, the expression "premises" shall have the same meaning as is assigned to it in sub-clause (b) of clause (8) of section 5.]

Increase in ren
account of rep
excepted.

66[**10D**. *(1)* Subject to the provisions of sub-sections (2) and (5) and notwithstanding anything contained in section 9, a landlord shall further be entitled to make an increase in the rent of premises by an addition to the rent in the manner prescribed, of an amount not exceeding five per cent. per annum of the expenses incurred on account of special or heavy repairs or special additions to permises or special alterations made therein of additional amenities provided for the premises or on account of improvements or structural alterations made under section 9 :

Provided that the incereases permitted by this sub-section shall not, in respect of improvements or structural alterations, be in addition to the increase already made under section 9 and shall after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, be in substitution of the reasonable incerease permitted under that section, notwithstanding anything contained therein.

Bom. LXI of 1953.

(2) Before making any increase under sub-section (1), the landlord shall obtain a certificate from the local authority that he was required by it to make or to provide such repairs, additions, alterations, improvements or amenities and has completed them in confornity with its requirements or shall obtain the consent in writing of the tenant or of majority of tenants occupying the premises in the building.

(3) Any increase under sub-section (1) shall not be deemed to be an increase

for the purposes of section 7.

(4) If a landlord, when required by a local authority to execute the work of any such repairs, additions, improvements, alterations, or amenities, fails to do so the tenant or the tenants interested in such work may seek the approval of the local authority for executing such work. The local authority shall grant the approval unless other measures are taken by it to execute the said work. While granting the approval, the local authority shall specify the nature of the work and the estimated cost thereof which shall for all purposes be binding on the landlord. Upon such approval being granted, the tenants shall be entited to execute the said work and to deduct the amount of the expenses thereof from the rent which from time to time becomes due by them to the landlord or otherwise recover such amount from him :

Provided that where such work is jointly executed by the tenants the amount to be deducted or recovered by each tenant shall bear the same propertion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such work :

Provided further that the total amount so deducted or recoverable shall not exceed the estimated cost specified by the local authority.

(5) In respect of any work executed by the tenants under sub-section (4) the landlord shall not be entitled to make the increase permitted under sub-section (1).

Explanation.-For the purposes of this section, the expression "local authority" shall include the Municipal Commissioner.]

Increase in rent on account of payment of increased ground rent, etc.

67[**10E.***(1)* Where a loandlord is liable to pay in respect of any premises, any levy of, or increase in, the ground rent, non agricultural asseasment or any other tax on land imposed by the State Government, he shall be entitled to make an incerease in the rent of the premises by an amount not exceeding the increase paid by him by way of such ground rent, non-agricultural assessment or tax, as the case may be. The amount of such increase in rent to be recovered from tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the rent recoverable for the whole of the premises if let.

(2) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.]

Court may fix standard rent and permitted increase in certain cases.

11. *(1)* In any of the following cases the Court may, upon an application made to it for that purpose, or in any suit or proceeding, fix the standard rent at such amount, as, having regard to the provisions of this Act and the circumstances of the case, the Court deems just-

(a) where any premises are first let after the [68][specified date] and the rent at which they are so let is in the opinion of the Court excessive; or

(b) where the Court is satisfied that there is no sufficient evidence to ascertain the rent at which the premises were let in any one of the cases mentioned in sub-clauses (i) to (iii) of clause (b) of sub-section (10) of section 5; or

(c) where by reason of the premises having been let at one time as a whole or in parts and at another time in parts or as a whole, or for any other reasons, any difficulty arises in giving effect to this Part; or

(d) where any premises have been or are let rent-free or at a nominal rent or for some consideration in addition to rent; or

(e) where there is any dispute between the landlord and the tenant regearding the amount of standard rent.

(2) If there is any dispute between the landlord and the tenant regarding the amount of permitted increase the Courts may determine such amount.

[69][*(3)* If any application for fixing the standard rent or for determining the permitted increase is made by a tenant who has received a notice from his landlord under sub-section *(2)* of section 12, the Court shall make an order directing the tenant to deposit in Court forthwith, and thereafter monthly or periodically, such amount of rent or permitted increases as the Court considers to be reasonably due to the landlord pending the final decision of the application, and a copy of such order shall be served upon the landlord. Out of the amount so deposited, the Court may make order for the payment of such reasonable sum to the landlord towards payment of rent or increases due to him, as it thinks fit. If the tenant fails to deposit such amount his application shall be dismissed.

(4) Where at any stage of a suit for recovery of rent, whether with or without a claim for possession of the premises, the Court is satisfied that the tenant is withholding the rent on the ground that the rent is excessive and standard rent should be fixed, the Court shall, and in any other case if it appears to the Court that it is just and proper to make such an order the Court may, make an order directing the tenant to deposit in Court forthwith such amount of rent as the Court considers to be reasonably due to the landlord. The Court may further make an order directing the tenant to deposit in Court, monthly or periodically, such amount as it considers proper as interim standard rent during the pendency of the suit. The Court may also direct that if the tenant fails to comply with any such order within such time as may be allowed by it, he shall not be entitled to appear in or defend the suit except with leave of the Court which leave may be granted subject to such terms and conditions as the Court may specify.

(5) No appeal shall lie from any order of the Court made under sub-section *(3)* or *(4)*.

(6) An application under this section may be made jointly by all or any of the tenants interested in respect of the premises situated in the same building.]

Right of tenan new building i disturbed area

70[**11A**. Where by reason of any riot or violence of mob any material part of the premises in a disturbed area is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let,-

(a) the landlord shall erect the new building at the original site subject to the provisions of any rules, bye-laws or regulations made by a local authority not later than fifteen months from the date of the publication of the notification in the *Official Gazette,* issued under sub-section *(1)* of section 3 of the Gujarat Pohibition of Transfer of Improvable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 or the date on which the material part of premises of the building is wholly destroyed or rendered substantially and permanently unfit, whichever is later:

Guj. 12 of 1991.

Provided that the State Government may for sufficient reasons extend the period of fifteen months to such further period not exceeding nine months as it thinks fit,

(b) the tenant shall have the right to occupy a tenament in the new building erected at the original site by the landlord, and the provisons of sections 17B and 17C shall, so far as may be, apply.

Explanation.--In this section and in sub-section (1A) of section 12, the expression "disturbed area" shall have the same meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991.]

Guj. 12 of 19

Right of tenants in new building when premises damaged or destroyed due to natural calamity.

71[**11B**. Notwithsatnading anything contained in this Act, where by reason of earthquake or any other natural calamity, any material part of the premises is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let,-

(a) The landlord shall erect new building at the original site, subject to the provisions of any rules, bye-laws or regulations, made by a local authority, not later than twelve months from the date on which material part of premises of the building is wholly destroyed or rendered substantialy and permanently unfit:

Provided that the State Government may for sufficient reasons extend the said period of twelve months to such further period not exceeding twelve months as it thinks fit.

(b) the tenant shall have the right to occupy a tenement in the new building errected at the original site by the landlord, and the provisions of sections 17B and 17C shall, so far as may be, apply.

No ejectment ordinarly to be made if tenant pays or is ready and willing to pay standard rent and permitted increase.

12. (*1*) A landlord shall not be entitled to the recovery of possession of any premises so long as the tenant pays, or is ready and willing to pay, the amount of the standard rent and permitted increases, if any, and observes and performs the other conditions of the tenancy, in so tar as they are consistent with the provisions of this Act.

72[*(1A)* Where by reason of any riot or violence of mob any material part of the premises in a disturbed area is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let, the landlord shall not be entitled to —

(a) the standard rent and permitted increases due for the premises,

(b) recover possession of such premises merely on the ground of nonpayment of standard rent and permitted increases due, during the period in which such premises remain so destroyed or unfit.]

73[**(1B)** Notwithstanding anything contained in this Act, where by reason of earthquake or any other natural calamity, any material par destroyed or rendered

substantially and permanently unfit for the purpose for which it was let, the landlord shall not be entitled to—

(a) standard rent and permitted increases due for the premises,

(b) recover possession of such premises merely on the ground of non payment of standard rent and permitted increases due,

during the period in which such premises remained so destroyed or unfit.]

(2) No suit for recovery of possession shall be instituted by a landlord against a tenant on the ground of non payment of the standard rent or permitted increases due, until the expiration of one month next after notice in writing of the demand of the standard rent or permitted increases has been served upon the tenant in the manner provided in section 106 of the Transfer of Property Act, 1882. IV of 1882.

74[(3) *(a)* Where the rent is payble by the month and there is no dispute regarding the amount of standard rent or permitted increases, if such rent or increases, are in arrears for a period of six months or more and the tenant neglects to make payment thereof until the expiration of the period of one month after notice referred to in sub-section *(2),* the Court may pass a decree for eviction in any such suit for recovery of possession.

(b) In any other case, no decree for eviction shall be passed in any such suit if, on the first day of hearing of the suit or on or before such other date as the Court may fix, the tenant pays or tenders in Court the standard rent and permitted increases then due 75[and thereafter, -

(i) continues to pay or tender in Court such rent and permitted increases till the suit is finally decided; and

(ii) pays costs of the suit as directed by the Court.]]

76[*(4)* Pending the disposal of any such suit, the Court may out of any amount paid or tendered by the tenant pay to the landlord such amount towards payment of rent or permitted increases due to him as the court thinks fit.]

Explanation.- In any case where there is a dispute as to the amount of standard rent or permitted increases recoverable under this Act the tenant shall be deemed to be ready and willing to pay such amount if, before the expiry of the period of one month after notice-referred to in sub-section *(2),* he makes an application to the Court under sub-section *(3)* of section 11 and thereafter pays or tenders the amount of rent or permitted increases specified in the order made by the Court.

13. *(1)* Notwithstanding anything contained in this Act 77[but subject to the provisions of section 15], a landlord shall be entitled to recover possession of any premises if the Court is satisfied- When landlord recover posses

(a) that, the tenant has committed any act contrary to the provisons of clause (o) of section 108 of the Transfer of Property Act, 1882; or IV of 1882.

*(b)*78[that, save as otherwise provided in section 23A, the tenant] has, without the landlord's consent given in writing, erected on the premises any permanent structure; or

(c) that the tenant or any person residing with the tenant has been guilty of conduct which is a nuisance or a ning or neighbouring

occupier, or has been convicted of using the premises or allowing the premises to be used for immoral or illegal purposes; or

(d) that the tenant has given notice to quit and in consequence of that notice the landlord has contracted to sell or let the premises or has taken any other steps, as a result of which he would, in the opinion of the Court, be seriously prejudiced if he could not obtain possession of the premises; or

(e) that the tenant has, since the coming into operation of this Act [79][unlaw-fully sub-let] the whole or part of the premises or assigned or transferred in any other manner his interest therein; or

Guj. LVII of 1963.

[80][*(ee)* that the tenant has, after the commennent of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963, given the whole or any part of the premises on licence for monetary consideration to any person, without the previous permission of the landlord; or]

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

(g) that the premises are reasonably and *bonafide* required by the landlord for occupation by himself or by any person for whose benefit the premises are held [81][or where the landlord is a trustee of a public charitable trust that the premises are required for occupation for the purpose of the trust]; or

(h) that the premises are reasonably and *bonafide* required by the landlord for carrying out repairs which cannot be carried out without the premises being vacated; or

[82][(*hh*) that the premises consist of not more than two floors and are reasonably and *bonafide* required by the landlord for the immediate purpose of demolishing them and such demolition is to be made for the purpose of erecting new building on the premises sought to be demolished; or]

[83][*(hhh)* that the premises are required for the immediate purpose of demolition ordered by any local authority or other competent authority; or]

(i) that where the premises are land, such land is reasonably and *bonafide* required by the landlord for the erection of a new [84][* *] building; or

[85][*(ii)* that where the premises are land in the nature of garden or grounds appurtenant to a building or part of a building, such land is required by the landlord for the erection of a new residential building which a local authority has approved or permitted him to build thereon;]

(j) that the rent charged by the tenant for the premises or any part thereof which are sub-let [86][before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959] is in excess of the standard rent and permitted increases in respect of such premises or part or that the tenant has received any fine, premium, other like sum or consideration in respet of such premises or part; or

Bom. Ord. No. III of 1959.

(k) that the premises have not been used without reasonable cause for the purpose for which they were let for a continuous period of six months immediately preceding the date of the suit; or

(l) that the tenant after the coming into operation of this Act has built, acquired vacant possession of or been allotted a suitable residence.

87[*Explanalion.*-Forthe purposes of clause *(b),* no permanent structure shall deemed to be erected on any premises merely by reason of the construction of a partition wall, door or lattice work or the filling of kitchen-stand or such other alterations made in the premises as can be removed without serious damage to the premises.]

(2) No decree for eviction shall be passsed on the ground specified in clause *(g)* of sub-section (*1*) if the Court is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is available for the landlord or the tenant greater hardship would be caused by passsing the decree than by refusing to pass it.

Where the Court is satisfied that no hardship would be caused either to the tenant or to the landlord by passing the decree in respect of a part of the premises, the Court shall pass the decree in respect of such part only.

88*[Explanation.-For* the purposes of clause *(g)* of sub-section (*1*) -

(a) a person shall not be deemed to be a landlord unless he has acquired his interest in the premises at a date prior to the beginning of the tenancy or the first day of January, 1964, whichever is later, or if the interest has devolved on him by inheritance or succession, his predecessor-in-title had acquired the interest at a date prior to the beginning of the tenancy or the first day of January, 1964, whichever is later;

(b) the expression "landlord" shall not include a rent-farmer or rent-collector.]

(3) The Court may pass the decree on the ground specified in clause *(h)* or *(i)* of sub-section *(1)* only in respect of a part of the premises which in its opinion it is necessary to vacate for carrying out the work of repairs or ercection.

89[*(3A)* No decree for eviction shall be passed on the ground specified in clause *(hh)* of sub-section *(1),* unless the landlord produces at the time of the institution of the suit a certificate granted by the Tribunal under sub-section *(3B)* and gives an undertaking-

(a) that the new building to be erected by him shall 90[subject to the provisions of any rules, bye-laws or regulations, made by a local authority,] contain not less than 91[two] times the number of residential tenements, and not less than 91[two] times the floor area, contained in the premises sought to be demolished;

(b) that the work of demolishing the premises shall be commenced by him not later than one month, and shall be completed not later than three months, from the date he recovers possession of the entire premises; and

(c) that the work of erection of the new building shall be completed by him not later than fifteen months from the said date:

92[Provided that, where the Court is satisfied mat the work of demolishing the premises could not be commenced or completed, or the work of erection of the new building could not be completed, within time for reasons beyond the control of the landlord, the Court may by order extend the period by such further periods, not exceeding three months at a time, as may, from time to time, be specified.]

(3B) *(a)* For the purposes of sub-section *(3A),* the State Government may from time to time constitute a Tribunal consisting of such persons and for such local area as it thinks fit.

(b) The Tribunal constituted under clause *(a)* may grant a certificate after being satisfied that-

(i) the plans and estimates for the new building have been properly prepare

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(iii) the necessary funds for the purpose of the erection of the new building are available with the landlord; and

(iv) such other conditions as the State Government may by general or special order specify, have been satisfied.

(c) The proceedings before the Tribunal shall be in the manner as may be prescribed by rules made by the State Government in this behalf.]

(4) For the purposes of clause *(j)* of sub-section *(1)* the standard rent or permitted increases in respect of the part sub-let shall be the amounts bearing such proportion to the standard rent or permitted increases in respect of the premises as may be reasonable having regard to the extent of the part sub-let and other relevant considerations.

Right of members of armed Forces of Union and their widows and heirs to recover possession of premises required for their occupation.

94[**13AA**. *(1)* Notwithstanding anything to the contrary contained in this Act or in any contract-

(a) a specified landlord shall be entitled to recover from his tenant the possession of any premises owned by him or by any member of his family, on the ground that such premises are *bonafide* required by him for occupation by himself or by any member of his family and on receipt of an application made by the specified landlord for the purpose of recovery of possession of the premises, the competent authority shall make an order of eviction on that ground if the specified landlord produces a certificate granted by the authorised officer to the effect that,-

(i) he is a member of the armed forces of the Union, or that he was such a member and has retired as such, and

(ii) he does not possess any other premises suitable for residence in the local area where the premises are situated;

(b) a successor-in-interest who becomes the landlord of the premises owned by such member of the armed forces of the Union, as a result of death of such member while in service or within five years of his retirement, shall be entitled to recover possession of such premises on the ground that the premises are *bonafide* required for occupation by the successor-in-interest himself or by any member of the family of the deceased member and on receipt of an application made by the successor-in-interest for the purpose of recovery of possession of the premises, the competent authority shall make an order of eviction on that ground if the successor in-interest produces a certificate granted by the authorised officer to the effect that,-

(i) the successor-in-interest is a widow or any other member of the family of the deceased member of the armed forces of the Union; and

(ii) such successor-in-interest, does not possess any other premises suitable for residence in the local area where such premises are situated.

(2) Any certificate granted under clause *(a)* or clause *(b)* of sub-section *(1)* shall be conclusive evidence of the facts stated therein.

(3) *(a)* No order for eviction shall be made under this section if the competent authority is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is available for the specified landlord or, as the case may be, the successor-in-interest or the tenant, greater hardship would be caused by making the order than by refusing to make it.

(b) Where the competent authority is satisfied that no hardship would be caused either to the tenant or to the specified landlord or, as the case may be, the successor-in-interest by making the order in respect of a part of the premises, the competent authority shall make the order in respect of such part only.

Explanation.—For the purpose of this section,—

(1) "authorised officer", in relation to a member of the armed forces of the Union, means his commanding officer or head of service including—

(i) in the case of an officer retired from Army, the Area Commander,

(ii) in the case of an officer retired from the Navy, the Flag Officer commanding-in-Chief, Naval Command,

and

(iii) in the case of an officer retired from the Air force,

the Station Commander ;

(2) "competent authority" means the authority appointed under section 31A;

(3) "member of the family" in relation to a member of the armed forces of the Union, means any of the following members of his family who is ordinarily residing with him and who is dependent on him and where such member has retired or died, any member of his family who is so resident or dependent at the time of his retirement, or as the case may be, death, namely:—

spouse, father, mother, son, daughter, grand-son, grand-daughter, son's wife, grandson's wife, widow of a predeceased son or grand-son;

(4) "specified landlord" means a person who is a member of the armed forces of the Union or who was such member and has duly retired prematurely or otherwise and who or a member of whose family owns any premises;

(5) "successor-in-interest" in relation to a deceased member of the armed forces of the Union means,—

(i) if the deceased member has a spouse living at the

time of his death, such spouse, and

(ii) in any other case, any other member of his family.]

Permission to construct additional structure.

95[*13A*. Where the landlord proposes to make any improvement in, or construct any additional structure on, any building which (or part of which) has been let to a tenant, and the tenant refuses to allow the landlord to make the improvement or construct such additional structure, if the Court, on an application made to it in this behalf by the landlord, is satisfied that such work will not cause undue hardship to the tenant, the Court may permit the landlord to do such work, and may make such other order as it thinks fit in the circumstances of the case.]

Sub-tenant to become tenant on determination of tenancy.

14. Where the interest of a tenant of any premises is determined for any reason, any sub-tenant to whom the premises or any part thereof have been lawfully sub-let 86[before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959] shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms and conditions as he would have held from the tenant if the tenancy had continued.

Bom. Ord. No of 1959.

98[In absence of contract to the contrary tenant not to sub-let or transfer.]

15. 96[(1)] Notwithstanding anything contained in any law, 97[but subject to any contract to the contrary,] it shall not be lawful after the coming into operation of this Act for any tenant to sub-let the whole or any part of the premises let to him or to assign or transfer in any other manner his interest therein:

99[Provided that the 100[State] Government may, by notification in the *Official Gazette,* permit in any area the transfer of interest in premises held under such leases or class of leases and to such extent as may be specified in the notification.]

101[(2) The bar against sub-letting, assigning or transferring premises contained in sub-section (1) shall be deemed not to have had any effect before the commenement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959, in any area in which this Act was in operation before such commencement; and accordingly, notwithstanding, anything contained in any contract or in the judgement, decree or order of a Court any such sub-lease, assignment or transfer in favour of such persons as have entered into possession despite the bar as sub-lessees, assignees or transferees, and have continued in possession at the commencement of the said Ordinance, shall be deemed to be valid and effectual.] Bom. Ord. No of 1959.

Landlord's permission necessary for giving on licence.

102[**15A**. Notwithstanding anything contained in any law, it shall not be lawful after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963 for any tenant to give premises or any part thereof on licence for monetary consideration without the previous permission of the landlord.] Guj. LVII of 1

Recovery of possession for repairs and reentry.

16. *(1)* The Court shall when passing a decree on the ground specified in clause (*h*) of sub-section (1) of section 13 ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and, if the tenant so elects, shall record the fact of the election in the decree and specify in the decree the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs.

103[*(2)* If the tenant delivers possession on or before the date specified in the decree the landlord shall, two month before the date on which the work of repairs is likely to be competed, give notice to the tenant of the date on which the said work shall be completed. Within fifteen days from the date of such notice, the tenant shall intimate to the landlord his acceptance of the accommodation offered and deposit with the landlord rent for one month. If the tenant gives such intimation and makes the deposit, the landlord shall, on completion of the work of repairs, place the tenant in occupation of the premises or part thereof on the original terms and conditions. If the tenant fails to give such intimation and to make the deposit, the tenant's right to occupy the premises shall terminate.]

(3) If, after the tenant has delivered possession on or before the date specified in the decree, the landlord fails to commence the work of repairs within one month of the specified date or fails to complete the work within a reasonable time or having completed the work fails to place the tenant in occupation of the premises in accordance with sub-section *(2),* the Court may, on the application of the tenant made within one year of the specified date, order the landlord to place him in occupation of the premises or part thereof on the original terms and conditions; and on such order being made the landlord and

any person who may be in occupation shall give vacant possession to the tenant of the premises or part thereof.

(4) Any landlord who, when the tenant has vacated by the date specified in the decree, without reasonable excuse fails to commence t any landlord or other

person in occupation of the promises who fails to comply with the order made by the Court under sub-section (*3*), shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Recovery of possession for occupation, ec re-entry.

17. *(1)* Where a decree for eviction has been passed by the Court on the ground specified in clause *(g)* or *(i)* of sub-section *(1)* of section 13 and the premises are not occupied or the work of erection is not commenced within a period of one month from the date the landlord recovers possession or the premises are re-let within one year of the said date to any person other man the original tenant, the Court may on the application of the original tenant made within thirteen months of such date, order the landlord to place in occupation of the premises on the original terms and conditions, and, on such order being made, the landlord and any person who may be in occupation of the premises shall give vacant possession to the original tenant.

(2) Any landlord who recovers possession on the ground specified in clause *(g) or* (*i*) of sub-section *(1)* of section 13 and keeps he premises unoccupied or does not commence the work of erection without reasonable excuse within the period of one month from the date he recovered possession and any landlord or other person in occupation of the premises who fails to comply with the order of the Court under sub-section *(1)* shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Recovery of possession for demolishing building.

104[**17A**.(*1*) Where a decree for eviction has been passed by the court on the ground specified in clause *(hh)* of sub-section (*1*) of section 13 and the work of demolishing the premises has not been commenced by the landlord within the period specified in clause *(d)* of sub-section (3A) of the said section, 105[or extended under the proviso to the said sub-section] the tenant may give the landlord a notice of his intention to occupy the premises from which he has been evicted and if the landlord does not forthwith deliver to him the vacant possession of the premises on the same terms and conditions on which he occupied them immediately before the eviction, the tenant may make an application to the Court within six weeks of the date on which he delieverd vacant possession of the premises to the landlord.

(2) If the Court is satisfied that the landlord has not substantially commenced the work of demolishing the premises within the period of one month in accordance with his undertaking, the Court shall order the landlord to deliver to the tenant vacant possession of the premises on the terms and conditions on which he occupied them immediately before the eviction. On such order being made the landlord shall forthwith deliver vacant possession of the premises to the tenant. Such order shall be deemed to be an order within the meaning of clause *(14)* of section 2 of the Code of Civil Procedure, 1908.

V of 1908.

(3) Any landlord who recovers possession on the ground specified in clause *(hh)* of sub-section *(1)* of section 13, and fails to carry out any undertaking referred to in clause *(a), (b)* or *(c)* of sub-section (3A) of the said section without any reasonable excuse or fails to comply with the order of the Court under sub-section (*1*) shall, without prejudice to his liability in execution of the order under sub-section (2), on conviction be punishable with imprisonment for a term which may extend to three months or with fine or with both.]

Tenant's righ give notice t landlord of h intention to tenement in building.

106[**17B**. Where a decree for eviction has been passed by the Court on the ground specified in clause *(hh)* of sub-section (*1*) of section 13 and the work of demolishing the premises and of the erection of a new building has been commenced by the landlord, the tenant may. within six months from the date on which he delivered vacant possession of the premises to the landlord, give notice to the landlord of his intention to occupy a tenement in the new building on its completion on the following conditions, namely:-

(*a*) that he shall pay to the ladlord the standard rent in respect of the n respect of a residential

tenement, the tenant concerned shall not be required to pay rent in relation to the area at more than double the rate at which he paid rent for his former premises, immediately before his eviction under the decree, 107[unless the landlord obtains an order of the Court fixing the standard rent in respect of the tenement at a higher rate].

(b) that his occupation of the tenement shall, save as provided in condition (a) above, be on the same terms and conditions as the terms and conditions on which he occupied the premises immediately before the eviction.]

Landlord to intimate to tenant date of completion and tenant's right to occupy tenement in new building.

108[**17C.**(*1*)On receipt of notice from the tenant under section 17B, the landlord shall, not less than three months before the date on which the erection of the new building is likely to be completed, intimate to the tenant the date on which the said erection shall be complected. On the said date the tenant shall be entitled to occupy the tenement.

(2) *(a)* If the tenant fails to occupy the tenement within a period of one month from the date on which he is entitled to occupy it under sub-section (1), the tenant's right to occupy the said tenement under the said sub-section shall terminate and the landlord shall be entitled to recover from the tenant a sum equal to three times the amount of the monthly standard rent in respect of the tenemant.

(b) If the landlord fails, without reasonable excuse, to comply with the provisions of sub-section *(1)* or to place the tenant in occuption of the tenement he shall, without prejudice to his liability to place the tenant in vacant possession of the tenement, on conviction, be punishable with imprisonment for a term which may, extend to three months or with fine or with both.]

Vesting of original site State in Government.

109[**17D**. *(1)* 110[(a)] Where a landlord fails to erect a new building within the period specified in clause (a) of section 11A, 111[or as the case may be, in clause (a) of section 11B,] the original site, irrespective of wheather the premises thereon reffered to in section 11A 112[or section 11B exist or not,] shall vest in the State Government free from all encumbrances for the purpose of erection of new building to provide accommodation to tenants and there shall be paid to the landlord such compensation for such site as may, object to such rules as may be made in this behalf under section *49,* by an order be determind by the Collector.

113[(*b*) the terms and conditions for providing accommondation to tenants after erection of new building shall be such as may be prescribed.]

(2) An appeal shall lie to the State Government from an order made by the Collector under sub-section (*1*) determining the amount of compensation to be paid to the landlord, within thirty days from the date of communication of the order and the State Government may pass such order as it deems fit.]

Unlawful charges by and lord.

18. *(1)* If any landlord either himself or though any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of the

landlord receives any fine, premium or other like sum or deposit or any consideration other than the standard rent or the permitted increases, in respect of the grant, renewal or continuance of a lease of any premises, or for giving his consent to the transfer of a lease by sub-lease or otherwise, such landlord or person shall, on conviction be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the amount of the fine, premium or sum or deposit or the value of the consideration received by him, and further where the offence is committed by a landlord in respect of permises which were of his

ownership on the date of the offence such premises shall be liable to confiscation.

(2) Where any fine, premium or other like sum or deposit or any consideration referred to in sub-section (*1*) is paid by any person, the amount or value thereof shall be recoverable by him from the landlord to whom it was paid or on whose behalf it was received or from his legal representative at any time within a period of six months from the date of payment and may, if such person is a tenant, without prejudice to any other remedy for recovery, be deducted by him from any rent payable by him to such landlord.

(*3*) Nothing in this section shall apply to any payment made under any agreement entered into before the 114[specified date] 115[or to any payment made by any person to landlord by way of a loan, for the purpose of financing the erection of the whole or part of a residential building or a residential section of a building on the land held by him as an owner, a lessee or in any other capacity, entitling him to build on such land, under an agreement which shall be in writing and shall, notwithstanding anything contained in the Indian Registration Act, 1908, be registered. Such agreement shall *inter alt.* include the following conditions, namely :-

XVI of 1908.

(*i*) That the landlord is to let to such person the whole or part of the building when completed for the use of such person or any member of his family;

(ii) that the rate of interest on such loan shall not be less than four per cent. per annum;

(iii) that such loan shall be a repayable by the landlord within a period often years from the date of the execution of the agreement or within a period of six months from the date of the termination of the tenancy by the landlord, whichever period expires earlier;

*(iv)T*hat the amount of the loan shall be a charge on the entire building and the entire interest of the landlord in the laud on which such building is erected :

Provided that if the loan has been advanced by more than one person, all such persons shall, notwithstanding anything contained in any law for the time being in force, be entitled to a charge on the entire building and the entire interest of the landlord in such land rateably according to the amount of the loan advanced by each of such persons;

(*v*) that the landlord shall use the amount of the loan for the purpose of erecting the whole or part, as the case may be, of the residential building and for no other purpose; and

(*vi*) *(a)* that the erection of the building shall be completed within a period of two years from the date of the execution of the agreement or if the agreements executed are more man one, from the date of the execution of the first of such agreements :

Provided that the said period of two years may be extended to a further period not exceeding one year with the sanction of the Collector;

(*b)* that if the erection of the building is not completed within the period of two years or within the extended period specified in the proviso to clause *(a),* the loan shall be repayable forthwith to the person advancing the same with interest at the rate of four per cent. per annum.]

116[*(4)* If any landlord who has received a loan under an agreement in accordance with the provisions of sub-section *(3*). contravenes, without any reasonable excuse any of the conditions specified in the said sub-section *(3),* such landlord shall on conviction, be punished with

imprisonment for a term which may extend to six months or with fine or with both.]

117[*Explanation 1.*117[I]-For the purpose of sub-section *(1)* --

(a) *118*[except as provided in sub-section *(3)]* receipt of rent in advance for more than three months in respect of premises let for the purposes of residence, or

(b) Where any furniture or other article is sold by landlord to the tenant either before or after the creation of tenancy of any premises, the excess of the price received over the reasonable price of the furniture or article, shall be deemed to be a fine or premium or consideration.

119[Explanalion II.- For the purposes of sub-section (3), "member of the family" means in the case of an Undivided Hindu Family any member of such family and in the case of any other Family, the husband/wife, son, daughter, father, mother, brother, sister, or any other relative of the person permanently residing and boarding with him.]

Unlawful charges by tenant.

19. *(1)*120[Save in cases provided for under the proviso to section 15,] it shall not be lawful for the tenant or any person acting or purporting to act on behalf of the tenant to claim or receive any sum, or any consideration as a condition of the relinquishment 121[transfer or assignment] of his tenancy of any premises.

(2) Any tenant or person who in contravention of the provisions of sub-section *(1)* receives any sum or consideration shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the sum of the value of the consideration received by him.

Recovery of amounts paid not in accordance with Act.

20. Any amount paid on account of rent after the date of the coming into operation of this Act shall, except in so far as payment thereof is in accordance with the provisions of this Act, be recoverable by the tenant from the landlord to whom it was paid or on whose behalf it was received or from his legal representative at anytime within a period of six months from the date of payment and may, without prejudice to any other remedy for recovery, be deducted by such tenant from any rent payable by him to such landlord.

Landlord to furnish particulars of rent, etc. to tenant.

21. *(1)* Every landlord shall, upon a notice served upon him by the tenant by post or in any other manner, furnish to such tenant within one month of the receipt such notice a statement giving full particulars of the amount of standard rent of the premises or part thereof let to such tenant and of the permitted increases.

(2) Any landlord who fails to furnish such statement or any landlord or his agent who intentionally furnishes a statement which is false in any materials particular 122[shall, on conviction, be punished] with fine which may extend

to one thousand rupees.

Bom. Ord. No. III of 1959.

22. *(1)* Every tenant who, 123[before the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Ordinance, 1959,] has, without the consent of the landlord given, in writing, sub-let the whole or any part of the premises let to him or assigned or transferred in any other manner his interest therein, and every sub-tenant to whom the premises are so sub-let or the assignment or transfer is so made, shall furnish to the landlord, within a month of the receipt of a notice served upon him by the landlord by post or in any other manner a statement in writing signed by him giving full particulars of such sub-letting, assignment or transfer including the rent charged or paid by him.

(2) Any tenant or sub-tenant who fails to furnish such statement or intentionally furnishes a statement which is false in any material particulars, 125[shall on conviction, be punished] with fine which may extend to one thousand rupees.

Particulars to furnished by of tenancy su transferred b 124[the Bomb Rants, Hotel Lodging Hou Rates Contro (Amendame Ordinance, 1

Landlord's d keep premis good repair.

23. (*1*) Notwithstanding anything contained in any law for the time being in force and in the absence of an agreement to the contrary by the tenant, every landlord shall be bound to keep the premises in good and tenantable repair.

126[*(2)* If the landlord neglects to make any repairs, which he is bound to make under sub-section (*1*), within a reasonable time after a notice is served upon him by post or in any other manner by a tenant or jointly by tenants interested in such repairs, such tenant or tenants may themselves make the same and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that where the repairs are jointly made by the tenants the amount to be deducted or recovered by each tenant shall bear the same proportion as the rent payable by him in respect of his premises bears to the total amount of the expenses incurred for such repairs:

127[Provided further that the amount so deducted or recoverable in any year shall not exceed one fourth of the rent payable by the tenant for that year, excluding *therefrom one-fourth* of the proportionate taxes in respect of his premises payable to a local authority for that year.]

(3) for the purpose of calculating the expenses of the repairs made under sub- section (2), the accounts together with the vouchers maintained by the tenanth shall be conclusive evidence of such expenditure and shall be binding on the landlord.]

Tenant entitlec supply of elect at his cost.

IX of 1910.

128[**23A**. (*1*) When a tenant desires to get supply of elecricity at his own cost from a licensee within the meaning of the Indian Electricity Act, 1910 and the owner of the premises does not give his consent therefor, the tenant may apply to the Collector setting out the scheme for such supply.

(2) On receipt of such application the Collector may, after giving the landlord and the owner of the premises if he be not the landlord, opportunity of being heard, permit the tenant to get the supply in accordance with the scheme set out in the tenant's application or in accordance with any modified scheme.

(3) On such premission being given, notwithstanding anything contained in any contract or in any other law for the time being in force, the owner shall be deemed to have given the requisite consent under sub-section (2) of section 12 of the Indian Electricity Act, 1910 and the licensee shall not be a liable to the owner for trespass for steps taken for supply of electricity according to the said permission.]

IX of 1910.

28 of 45

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947

Landlord not to cut off or withhold essential supply or service.

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

(2) A tenant in occupation of the premises may, if the landlord has contravened the provisions of sub-section (*1*), make an application to the Court for a direction to restor such supply or service.

(3) If the Court on inquiry finds that the tenant has been in enjoyment of the essential supply or service and that it was cut off or withheld by the landlord without just or sufficient cause,the Court shall make an order directing the landlord to restore such supply or service before a date to be specified in the order. Any landlord who fails to restore the supply or service before the date so specified shall for each day during which the default continues thereafter be liable 129[upon a further direction by the Court to that effect] to fine which may extend to one hundred rupees.

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

Explanation 130[(1)] In this section essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service.

131[*Explanation II*.- For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.]

Conversion of residential into nonresidential premises prohibited.

25. (*1*) A landlord shall not use or permit to be used for a non-residential purpose any premises which on the date of the comming into operation of this Act were used for a residential purpose.

(2) Any landlord who contravenses the provisions of sub-section (*1*) shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Giving receipt for 133[any amount received] compulsory.

26. *(1)* Every landlord shall give a written receipt for any amount 132[at the time when such amount is] received by him in respect of any premises in such form and in such manner as may be prescribed.

(2) Any landlord or person who fails to give a written receipt for any amount received by him in respect of any permises shall, on conviction be punishable with fine which may extend to one hundred rupees.

Recovery of rent according to British calender.

27. *(1)* Notwithstanding anything contained in any law for the time being in force or any contract, custom or local usage to the contrary, rent payable by the month or year or portion of a year shall be recovered according to the British Calendar.

(2) The 134[State] Government may prescribe the manner in which rent recoverable according to any other calendar before the coming into operation of this Act shall be calculated and charged in terms of the British Calendar.

Jurisdiction of courts.

28. 135[(*1*)] Notwithstanding anything contained in any law and notwithstanding that by reason of the amount of the claim or for any other reason, the suit or proceeding would not, but for this provision, be within its jurisdiction,

136[* * *] 137*

138[*(a)* in the City of Ahmedabad, the Court of Small Causes of Ahmedabad,]

139[(*aa*) in any area for which a Court of Small Causes is established under the Provincial Small Cause Courts Act, 1887, such Court, and] IX of 1887.

(b) elsewhere, the Court of the Civil Judge (Junior Division) having jurisdiction in the area in which the premises are situate or, if there is no such Civil Judge, the Court of the Civil Judge (Senior Division) having *ordinary* jurisdiction,

shall have jurisdiction to entertain and try any suit or proceeding between a landlord and a tenant relating to the recovery of rent or possession of any premises to which any of the provisions of this Part apply and to decide any application made under this Act and to deal with any claim or question arising out of this Act or any of its provisions and 140[subject to the provisions of sub-section (2),] no other Court shall have jurisdiction to entertain any such suit, proceeding or application or to deal with such claim or question.

141[*(2)* (*a*) Notwithstanding anything contained in clause (aa) of sub-section(*1*), the District Court may at any stage withdraw any such suit, proceeding or application pending in a Court of Small Causes established for any area under the Provincial Small Cause Courts Act, 1887, and transfer the same for trial or disposal to the Court of the Civil Judge (Senior Division) having ordinary jurisdiction in such area.

IX of 1887.

(b) Where any suit, proceeding or application has been withdrawn under clause (a), the Court of the Civil Judge (Senior Division) which thereafter tries such suit, proceeding or application, as the case may be, may either re-try it or proceed from the stage at which it was withdrawn.

(c) The Court of the Civil Judge trying any suit, proceeding or application withdrawn under clause *(a)* from the Court of Small Causes, shall, for purposes of such suit, proceeding or application as the case may be, deemed to be the Court of Small Causes.]

Explanation.-In this section "proceeding" does not include an execution proceeding arising out of a decree passed before the coming into operation of this Act.

29. (*1*) Notwithstanding anything contained in any law, an appeal shall lie- Appeal.

142[(*a*) in the City of Ahmedabad, from a decree or order made by the Court of Small Causes, Ahmedabad, exercising jurisdiction under section 28 to a bench of two judges of the said court which shall not include the judge who made such decree or order;]

(*b*) 143[elsewhere from a decree] or order made by 144[a Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, 145[or by the Court of the Civil Judge deemed to be the Court of Small Causes under clause (*c*)of sub-section (2) of section 28] or by] a Civil Judge exercising such jurisdiction, to the District Court:

IX of 1887.

146[Provided that no such appeal shall lie from—

(I) a decree or order made in any suit or proceeding in respect of which no appeal lies under the Code of Civil Procedure, 1908;

V of 1908.

(*II*) a decree or order made in any suit or proceeding (other than a suit or proceeding relating to possession) in which the plaintiff seeks to recover rent and the amount or value of the subject matter of which does not exceed-

147[* * * * *

148[(*i*) where such suit or proceeding is instituted in the City of Ahmedabad, two thousand rupees, and]

(*ii*) 149 * * * 150[where such suit or proceeding is instituted elsewhere the amount upto] which the Judge or Court specified in clause (*b*) is invested with jurisdiction of a Court of Small Causes, under any law for the time being in force;

(iii) an order made upon an application for fixing the standard rent or for determining the permitted increases in respect of any premises except in a suit or proceeeding in which an appeal lies;

(*iv*) an order made upon an application by a tenant for a direction to restore any essential supply or service in respect of the premises let to him.]

151[*(1A)* Every appeal under sub-section *(1)* shall be made within thirty days from the date of the decree or order, as the case may be :

Provided that in computing the period of limitation prescribed by this sub-section the provisions contained in sections 4, 5 and 12 of the Indian Limitation Act, 1908 * shall, so far as may be, apply.] IX of 1908.

152[(*2*) No further appeal shall lie against any decision in appeal under sub- section (1) but the High Court may, for the purpose of satisfying itself that any such decision in appeal was according to law, call for the case in which such decision was taken and pass such order with respect thereto as it thinks fit.]

153[*(3)* Where no appeal lies under this section from a decree or order in any suit or proceeding 154[* * * *] 155[in the City of Ahmedabad the bench of two judges, specified in clause (a) of sub-section *(1)* and elsewhere] the District Court, may for the purpose of satisfying itself that the decree or order made was according to law, call for the case in which such decree or order was made and pass such order with respect thereto as it thinks fit.]

Saving of suits involving title.

156[**29A**. Nothing contained in section 28 or 29 shall be deemed to bar a party to a suit, proceeding or appeal mentioned therein in which a question of title to premises arises and is determined, from suing in a competent court to establish his title to such premises.]

Compensation in respect of proceedings which are not *bonafide* or are false, frivolous or vexatious.

30. If the Court finds that any suit, proceeding or application instituted or made before it is not instituted, or made *bonafide* or is false, frivolous or vexatious, the Court may, after hearing the plaintiff or applicant and for reasons to be recorded, order that compensation, not exceeding one thousand rupees, be paid by such plaintiff or applicant to the defendants or opponent, as the case may be.

Procedure of courts.

31. The courts specified in sections 28 and 29 shall allow the prescribed procedure in trying and hearing suits, proceeding, applications and appeals and in executing orders made by them.

Special procedure for disposal of certain applications.

157[**31A**. *(1)* The State Government may, by notification in the *Official Gazette,* appoint as many persons as it thinks fit as competent authority for the purpose of exercising the powers conferred, and performing the duties imposed on the competent authority under this section and shall define the local limits within which any competent authority so appointed shall exercise such powers and perform such duties.

(2)A person shall not be qualified for appointment as a competent authority unless he had held a judicial office for at least five years or has been practising as an advocate or pleader for at least seven years.

(3) Notwithstanding anything to the contrary contained in this Act, an application for eviction on the ground specified in section 13AA shall be made to the competent authority which shall deal with the application in accordance with the procedure laid down in this section.

(4) The competent authority shall issue summons, in relation to every application referred to in sub-section (3), in the form specified in Schedule IV.

(5) *(a)* The competent authority shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post (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 may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to have been signed by the tenant or his agent is received by the competent authority or the registered artical containing the summons is received back with an endorsement, purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the competent authority may declare that there has been a valid service of summons.

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

(7) Thecompetent authority shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises on the ground specified in section 13AA.

(8) Where leave is granted to the tenant to contest the application, the competent authority shall commence the hearing of the application as early as practicable.

(9) The competent authority shall, while holding an inquiry in a proceeding to which this section applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(10) No appeal shall lie against an order for the recovery of possession of any

premises made by the competent authority in accordance with the procedure specified in this section:

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

(11) Where no application has been made to the High Court for revision, the competent authority may exercise the powers of review in accordance with the provisions of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908. V of 190

(12) If any person refuses or fails to comply with the order of the eviction within thirty days of the date on which it has become final, the competent authority or any other officer duly authorised by such competent authority in this behalf, may evict that person from and take possession of, the permises and deliver the same to the landlord and for that purpose, use such force as may be necessary.

(13) In respect of an application for eviction on the ground specified in section 13AA made to the competent authority the provisions of section 17 shall apply as if for sub-section *(1)* and *(2)* the following sub-sections had been substituted, namely:—

"(1) Where an order for eviction has been made by the competent authority under section 13AA and the premises are not occupied or the premises are relet within one year from the date the specified landlord or the successor-in interest recovers possession, to any person other than the original tenant, the competent authority may on the application of the original tenant made within 13 months of such date order the specified landloard or the successor-in-interest to place the original tenant in occupation of the premises on the original terms and conditions, and on such order being made the specified landlord or the successor-in-interest or any person who may be in occupation of the premises shall give vacant possession to the original tenant.

(2) Any specified landlord or the successor-in-interest who recovers possession under section 13AA and keeps the premises unoccupied and any specified landlord or successor-in-interest or other person in occupation of the premises who fails to comply with the order of the competent authority under sub-section *(1)* shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine or with both".

(14) Save as otherwise provided in this section, the procedure for the disposal of an application for eviction on the ground specified in section 13AA shall be the same as the procedure land down for the disposal of application by the Court.]

PARTIII.

Hotels and Lodging Houses.

Appointment of Controller.

32. The 158[State] Government may by notification in the *Official Gazette,* appoint any person to be a Controller for any area for the purposes of this Part.

Fixation of fair rates, 160[percentage of accommodation] and number of Lodgers.

33. (*1*)The Controller may fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house, at such amount as having regard to the circumstances of the case, he deems just. 159[The Controller may also fix the percentage of accommodation of daily] and monthly lodgers respectively in a hotel or lodging house.]

(2) The Controller may fix a fair rate separately for—

(i) lodging with reference to the nature of the accommodation and the number of lodgers to be accommodated;

(ii) board, partial or full;

(iii) other service.

(3) The Controller may fix fair rates separately for daily and monthly lodgers.

(4) The Controllen shall also Six the number of lodgers to be accommodated in each room or specified accommodation in the hotel or lodging house.

161[*Explantion.*—For the purposes of this Part, a lodger who agrees to reserve accommodation in a hotel or lodging house for a period of less than a month shall be deemed to be a daily lodger.]

Revision of

34. The Controller may, from time to time revise the fair rates, 162[the percentage of accommodation] or the number of lodgers fixed under section 33.

160[percentag
accommodat
number of L

Bom. VII of 1944.

35. Fair rates fixed under the Bombay Hotels and Lodging Houses Control Order, 1942, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944 and which were in force immediately before the coming into operation of this Part shall be deemed to have been fixed under this Part, and the provisions of this Part shall apply in respect of such rates.

Continuance
rates before
into operatio
this Part.

Notice of fai

36. Where under section 33 or section 34 the Controller has fixed or revised the fair rate, the 163[percentage of accommodation] or the number of lodgers he shall direct the manager of the hotel or the owner of lodging house, as the case may be, to display a notice of the fair rate 163[parcentage of accommodation], the number of lodgers and the provisions of this Act relating thereto in a conspicuos manner in the hotel or lodging house and also in the room or accommodation in respect of which the fair rate and the number of lodgers are fixed or revised.

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lodgers to be
displayed.

Charges not
recoverable
excess of fai

37. (*1*)Notwithstanding any agreement to the contrary, no manager of a hotel or owner of a lodging house shall charge any amount in excess of the fair rate.

(2) When the Controller has fixed the fair rate 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.

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

No ejectmen
ordinarily to
made if fair
paid.

38. No manager of a hotel or owner of a lodging house shall evict or refuse board or other service to a lodger so long as he pays, or is ready and willing to pay, the fair rate and observes and performs the other conditions of his agreement in so far as they are consistent with the provisions of this Act:

164[Provided that where under section 33 or section 34 the Controller has fixed or revised the percentage of accommodation for daily and monthly lodgers respectively, the manager of a hotel or owner of a lodging house may refuse accommodation to any daily or monthly lodger, as the case may be, if the accommodation in respect of such class of lodgers is fully occupied.]

When manager of a hotel or owner of lodging house may recover possession.

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

(a) the lodger has been guilty of conduct which is a nuisance or an annoyance to any adjoining or neighbouring lodger; 165*

(b) 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 for any other cause which may be deemed satisfactory by the Controller ; 166 *

167[*(bb)* the lodger is habitually irragular in making payment of the charges for board, lodging or other service provided in the hotel or lodging house.]

168[*(c)* the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof:

Provided that before issuing a certificate under this clause the Controller shall take into consideration the vacancies, if any, in the accommodation for daily and monthly lodgers the percentage of which has been f ction 33 or section 34 and the

circumstances under which the lodger did not vacate on the termination of the period of the agreement;] 169[or]

170[*(d)* the lodger has done any act which is inconsistent with the purpose for which the accommodation is provided to him or which is likely to affect adversely and substantially the owner's interest therein.]

Penalties.

40. *(1)* If any manager of a hotel or owner of a lodging house either himself or through any person acting or purporting to act on his behalf or if any person acting or purporting to act on behalf of a manager of a hotel or owner of a lodging house receives any fine, premium or other like sum or deposit or any consideration other than the fair rate, in respect of the grant or continuance of accommodation in the hotel or loding house, such manager, owner or person shall, on conviction, be punished with imprisonment for a term which may extend to six months and shall also be punished with fine which shall not be less than the amount of the fine, premium or sum or deposit or the value of the consideration received by him.

(2) Any manager of a hotel or owner of a lodging house who charges any amount in excess of the fair rate in contravention of section 37 shall, on conviction, be punishable with imprisonment which may extend to three months, or with fine, or with both.

(*3*) Any manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in excess of the number fixed by the Controller shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(4) Any manager of a hotel or owner of a lodging house who fails to display a notice in contravention of the Controller's direction under section 36 shall, on conviction, be punishable with fine which may extend to five hundred rupees.

171[*Explanation.*—For the purposes of sub-section (1), receipt of charges in advance for more than one month shall be deemed to be a fine or premium or consideration.]

Provisions relating to inquiries by Controller.

41. *(1)* No order under this Act shall be made by the Controller except after holding an inquiry.

(2) Every such inquiry shall be made summarily in the prescribed manner.

(3) For the purposes of holding an inquiry under sub-section *(1)* the Controller shall have the same powers as are vested in Civil Courts in respect of-

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents, and

(d) issuing commissions for the examination of witnesses.

(4) The Controller may himself, enter or authorize any person subordinate to him to enter upon any premises, hotel or lodging house or any part thereof to which the inquiry relates.

Appeal. Procedure o in suits.

42. An appeal shall lie to the 172[State] Government from an order passed by the Controller under the provisions of this Part (including an order granting or refusing a certificate under section 39) within fifteen days from the date of communication of the order and the 172[State] Government may pass such order as it deems fit.

43. 173[(*1*)] The provisions contained in sections 28, 29, 30 and 31 shall, 174[subject to the provisions of sub-secton (2),] apply to suits by a manager of a hotel or an owner of a lodging house against a lodger for recovery of charges for, or possession of, the accommodation provided in the hotel or lodging house.

175[*(2)* Pending the final decision of the suit for recovery of charges fo vided in a hotel or

lodging house, the manager of the hotel or the owner of the lodging house may make an application to the Court requiring the lodger to deposit in Court the amount of such charges. On such application, the Court shall forthwith make an order directing the lodger to deposit in Court such amount of charges within such period as it thinks fit and shall serve 176[the order upon the lodger and a copy theredof upon the manager] of the hotel or the owner of the lodging house. If the lodger fails to deposit such amount within the period specified in the order the Court may at any time thereafter pass an order for the eviction of the lodger.]

XLV of 1860.

44. *A* Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Controller to deemed publ servant.

XLV of 1860.

45. All proceedings before a Controller shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code.

All proceedi a Controller judicial proc

46. No suit, prosecution or other legal proceeding shall he agaist a Controller in respect of anything in good faith done or intended to be done under tins Act.

Protection taken under

PART IV.
Miscellaneous.

47. (*1*) Offences under sections 16, 17, 177[17A, 17C,] 18, 19, sub-section (4) of section 24, section 25 and sub-sections (1) and (2) of section 40 shall be cognizable and shall not be triable by any Court inferior to that of 178*** a Magistrate of the First Class.

Certain offe be cognizabl

V of 1898.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for a Magistrate trying offences under this Act to pass sentences of fine or to award any punishment under this Act in

excess of his powers.

Offences by companies, etc.

48. 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), or a firm, every director, manager, secretary, agent or other officer or person concerned with the management thereof and every partner of the firm shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Rules.

49. (*1*)The 179[State] Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers such rules may provide for—

180[*(ai)* the manner in which addition to the rent shall be made under sub-section *(1)* of section 10D,]

182[(*aai)* the rules subject to which compensation may be determined by the Collector under sub-section (1) of section 17D,]

183[*(aaai)* the terms and conditions for providing accommodation to tenants under clause (b) of sub-section (1) of section 17D,]

(i) the form and the manner in which a receipt is to be given under subsection *(1)* of section 26,

(ii) the manner in which rent recoverable according to any calendar other than the British Calendar before the coming into operation of this Act shall be calculated and charged in terms of the British Calendar under sub-section *(2)* of section 27;

(*iii)* the procedure to be followed in trying or hearing suits, proceedings (including procedings for execution of decrees and distress warrants), applications, appeals and execution of orders;

(*iv*) the manner in which inquires shall be made summarily under sub-section *(2)* of section 41;

v185[*(v)* levy of court-fees in suits, appeals, proceedings and applications instituted or made before the State Government, Court, Controller or Collector.]

186[(*3*) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.]

Repeal.

=**50**. The Bombay Rent Restriction Act, 1939, and the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, are hereby repealed: Bom. XVI of 1 Bom. VII of 19

Provided that all suits and proceedings 187[* *] between a landlord and a tenant relating to the recovery or fixing of rent or possession of any premises to which the provisions of Part II apply and all suits and proceeding by a manager of a

hotel or an owner of a lodging house against a lodger for the recovery of charges for, or possession of the accommodation provided in a hotel or lodging house situate in an area to which Part III applies, which are pending in any Court, shall be transferred to and countinued before the Courts which would have jurisdiction to try such suits or proceedings under this Act 188[or shall be continued in such Courts, as the case may be,] and 189* * all the provisions of this Act and the rules made thereunder shall apply to all such suits and proceeding.

190[Nothing in this proviso shall apply to execution procedings and appeals arising out of decrees or orders passed before the coming into operation of this Act and such execution proceedings and appeals shall be decided and disposed of as if this Act had not been passed :]

Provided further that—

(a) every order passed or act done by the Controllers under Part IV of the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944, and every order or act deemed to have been passed or done under that Part shall be deemed to have been passed or done under this Act; and

Bom. VII of 1944.

(b) all proceedings pending before the Controllers under Part IV of that Act shall be transferred to and continued before the Controllers appointed under this Act as if they were proceedings instituted before the Controllers under this Act.

Sau. Act XXII of 1951. Bom. LVII Of 1947.

191[**51**. The Saurashtra Rent Control Act, 1951, and the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as extended to the Kutch area of the State of Gujarat by the Government of India, Ministry of States, Notification No. 215-J, dated the 19th September 1951 are hereby repealed : Repeal of Sa XXII of 195 of Bom. LV 1947 as exte Kutch area a saving.

Provided that—

(*1)* such repeal shall not—

(i) affect the previous operation of any law so repealed or anything duly done or suffered thereunder;

(ii) affect any right, privilege, obligation, or liability acquired, accrued or incurred under any law so repealed;

(iii) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any law so repealed; or

(iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and

(*2)* any such investigation, legal proceeding or remedy may be continued, instituted or enforced and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid law had not been repealed:

Provided further that, subject to the preceding proviso, anything done or any action taken under any such law, including any notification, order, notice or receipt issued or agreement made, shall be deemed to have been done, taken, issued or made under the corresponding provisions of this Act and shall continue in force accordingly, unless and until superseded by any thing done or any action taken under this Act.]

38 of 45

Bombay Rents, Hotel and Lodging House Rates Control Act, 1947

SCHEDULEI.

[See section 2 (2).]

(i) [192] * * * *

(ii) [192] * * * *

(iii) [192] * * * *

(iv) [192] * * * *

(v) (a) Ahmedabad District—

(1) Ahmedabad Municipal Borough (2) Ahmedabad Cantonment.

(3) Kochrab Village.

(4) Paldi Village.

(5) Madalpur Village.

(6) Changispur Village.

(7) Shekhpur-Khanpur Village.

(8) Vasna-Maktampur Village.

(9) Vadaj Village.

(10) Usmanpur Village.

(11) Ranip Village.

(12) Survey Nos. 149,150 and 151 Memnagar Village.

(13) Baherampur Village.

[193][(14) Rajpur-Hirpur Village] (15) Dani Limda Village.

(16) Gomtipur Village.

(c) Broach District—

(1) Broach Municipal Borough.

(2) Ankleshwar Municipal District.

(3) Jambusar Municipal District.

(d) Panch Mahals District— (1) Dohad Municipal District.

(2) Godhra Municipal Borough.

(3) Jhalod Village.

(4)Halol Village.

(5) Kalol Village.

(6) Derol Village.

(7) Vajapore Village.

(e) Surat District—

(l) Surat Municipal Borough. (2) Bulsar Municipal District.

(17) Kokhra-Mahemdabad Village.

(18) Amraivadi Village.

(19) Rakhial Village.

(20) Saraspur Village.

(21) Asarva Village.

(22) Revenue Survey Nos. 1077 to 1140 of Naroda Village.

(23) Sahijpur-Bogha Village.

(24) Dariapur-Kajipur Village.

(25) Hansol Village.

(26) Acher Village.

(b) Kaira District— (1) Anand Municipal District.

(2) Borsad Municipal District.

(3) Mahemdabad Municipal District.

(4) Kapadwanj Municipal District.

(5) Umreth Municipal District, of (6) Dakore Municipal District.

(7) Kaira Municipal District.

(8) Nadiad Municipal Borough (9) Matar Village.

(10) Thasra Village.

(3) Rander Municipal District.

(4) Jalalpore Village.

(5) Mandvi Village.

(6) Pardi Village.

(f) [194]* * *

(g) [194]* * *

(h) [194]* * *

(i) [194]* * *

(j) [194]* * *
(k) [194]* * *
(l) [195]* * *
(m) [195]* * *
(n) [195]* * *
(o) [195]* * *
(p) [194]* * *
(q) [194]* * *

[196]**[Schedule IA**

(SEE SECTION 2A.)

PARTI.

Amendments of the Act in its application to the Saurashtra area of the State of Gujarat.

1. In section 5, for clause *(10),* the following shall he substituted, namely :-

"(10) "standard rent" in relation to any premises means-

(a) where the standard rent is fixed by any Court or authority authorised to do so by any law in force immediately before the 20th December, 1948, such rent: or

(b) where the standard rent is not so fixed, subject to the provisions of section 11,

(i) the average rent for the month during the calender year, 1941 or during the period in the said year in which the premises were let, plus an amount not exceeding ten per cent, of the rent on the 1st day of January, 1943, or

(ii) where they were not let on the 1st day of January, 1941, the rent at which they were last let before that day, plus an amount not exceeding ten per cent, of the rent on the 1st day of January, 1943, or

(iii) where they were first let after the 1st day of January, 1941, the rent at which they were first let, or

(iv) in any of the cases specified in section 11, the rent fixed by the Court".

2. Section 10C shall be omitted.

3. In Section 10D, in sub-section *(1),* the proviso shall be omitted.

PARTII.

Amendments of the Act in its application to the Kutch area of the State of Gujarat.

1. In section 5, for clause *(10),* the following shall be substituted, namely :-

"(10) "standard rent" in relation to any premises means,—

(i) the rent at which the premises were let on the specified date, or

(ii) where they were not let on the specified date, the rent at which they were last let before that date, or

(iii) where they were first let after the specified date, the rent at which they were first let, or

(iv) the rent fixed by the Rent Controller under the Kutch Rent Restriction Order revived by Order No. J-3849, dated the 15th September, 1947, or

(v) in any of the cases specified in section 11. the rent fixed by the Court".

2. Secton 10C shall be omitted.

3. In Secton 10D, in sub-section *(1),* the proviso shall be omitted.

[197][* *]

[198][SCHEDULE III.

[*See section 10A.*]

(a) [199] * * *

(b) [199]* * *

(c) *Ahmedabad District—*
(1) Ahmedabad Municipal Borough.
(2) Ahmedabad Cantonment.

(d) [199][* * *.]

200[SCHEDULE IV.

[*See section 31A(4)*]

FORMOFSUMMONSINACASEWHERERECOVERYOFPOSSESSIONOF PREMISESIS PRAYEDFORONTHEGROUNDSPECIFIEDINSECTION13AA.

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

Whereas

Shri……..has filed an application (a copy of which is annexed) for your eviction from (here insert the particulars of the premises) on the ground specified in section 13AA;

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

Leave to appear and contest the application may be obtained on an application to the competent authority supported by an affidavit as is referred to in sub-section *(6)* of section 31A.

Given under my hand and seal.

This day of 19

Competent Authority.]

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* Section 7 of Bom. 58 of 1949 reads as follows:-

"7. The amendments made in the said Act by the provisions of section 4 and *5* of this Act shall not have any effect in respect of and apply to any suit or proceeding pending in any court on the date on which this Act comes into force or to execution or other proceeding arising out of any decree or order passed by any court before the date on which this Act comes into force and any such suit, or proceeding shall be continued or instituted and disposed of as if this Act had not been passed". **Savings.**

+ Section 3 of Bom. 46 of 1954 reads as follows :-

Bom. LXI of 1953.

"3. The amendment made by section 2 of this Act shall be deemed to have come into force on and from the date on which the Bombay Rents. Hotel and Lodging House Rates Control (Second Amendment) Act, 1953. came into force". **Comming into force of section 2 of this Act with retrospective effect.**

2 These words were subsitituted for the words the Bombay area of the Stale of Gujarat" by Guj. 57 of 1963, s. 2(1).

3 These words and figures were substituted for the words and figures “Parts II and III shall extend respectively to the area specified in Schedules I and II” by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 Sub-sections (2A) and (2B) were inserted by Guj 57 of 1963, s 2(2).

5 This word was substituted in the word “Provincial” by the Adaption of Laws Order, 1950. 6 Section 2A was inserted by Guj. 57 of 1963, s 3.

7 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

8 This Proviso was added by Guj. 57 of 1963, s. 4(1).

9 These words, figures and letters were substituted for the words figures and letters "31st day of March, 1976” by Guj. 6 of 1976, s 2.

10 These words figures and letters were substituted for the words, figures and letters "the 31st day of March, 1981 by Guj. 15 of 1981, s. 2.

11 These words, figures and letters were substituted for the words, figures and letters "31st day of March, 1991” by Guj. 6 of 1991, s 2.

12 These words, figures and letters were substituted for the words, figures and letters "31st day of March, 2001” by Guj. 26 of 2001, s 2.

13 The proviso to sub-section (2) was deleted by Bom. 58 of 1949, s. 2(2).

14 These words were substituted for the words Bombay Act by Guj, 57 of 1963, s. 4(3). 15 Sub-section (1A) was inserted by Guj, 27 of 2001, s. 2.

16 This word was substituted for the words "Provincial" by the Adaptation of Laws Order, 1950.

17 These words were substituted for the words "may direct" by Guj. 57 of 1963, *s.5(l)* (a).

18 These words were substituted for the words "shall not apply" by Bom. 53 of 1950, s.2.

19 These words were substituted for the words "apply generally" by Guj. 57 of 1963, s. *5(1) (b)*. 20 This portion was substituted for the words "to premises used for a public purpose of a charitable nature or to any particular premises or class of premises used for such purpose" by Bom. 61 of 1953, s.3.

21 The words "and let at a nominal or concessional rent; or" were deleted by Guj. 57 of 1963, s.5(l)(c).

22 These words were substituted for the words "a local authority' by Guj. 57 of 1963, s.5(l)(d). 23 Sub-clause *(iv)* was inserted by Guj. 57 of 1963, *s.5(1)(e).*

24 Sub-clause (v) was inserted. *by Guj. 18 of 1965, s.2.*

25*Clause (b) was* inserted *by Guj. 57 of 1963, s.(1) (f).*

26 This explanation was inserted by Guj. 57 of 1963*, s.5(2).*

27*Sub-section (3)* was *added by Bom. 58 of 1949, s. 3.*

28 Sub-Section (4) was added by Bom. 4 of 1953, s.3.

29 This portion was added by Bom. 49 of 1959, s.2.

30 Section 4A was inserted by Bom. 61 of 1953, s.4.

31 Section 4A was renumbered as sub-section (1) of that section by Guj. 57 of 1963, s.6.

32 This Proviso was added by Guj. 57 of 1963, s.6(1).

33 Sub-section (2) was inserted by Guj. 57 of 1963,s.6(2).

34 These words were inserted by Bom. 1 of 1953, s. 5(1).

35 Clause *(9A)* was inserted by Guj 57 of 1963. s. 7(*1*).

36 These words were inserted and shall be deemed to have been inserted with effect on and from the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Extension and Amendment) Act, 1963 came into force by Guj, 18 of 1965, s.8(1).

37 This portion was substituted for the words before the coining into operation of this Act" by Bom. 49 of 1959 s. 3 (*1*) .

38 Sub-clause (aa) was inserted by Bom 61 of 1953 s. 5(*2).*

39 This portion was inserted by Bom. 49 of 1959, s. 3*(2)*.

40 Sub-clause *(c)* was substituted by Guj. 18 of 1965, s. 3 (2).

41 Clause (12) was added by Bom. 53 of 1950, s. 3.

42 The word "or" was inserted by Bom. 36 of 1948, s. 2 *(a).*

43 This words were inserted by Guj.57 of 1963, s.8.

44 This proviso was added by Bom. 36 of 1948, *s. 2 (b).*

45 This word was substituted for the word "Provincial" by the Adaptation of Laws Order. 1950. 46 This proviso was added by Bom. 53 of 1950, *s. 4.*

47 Sub-section *(1A)* was inserted by Bom. 36 of 1948, s. 2.(*c*).

48 These words were substituted for the words brackets and figure "in or notified under sub-section *(1)"* by Bom. 36 of 1948*,* s. 2(d).

49 These words were substituted for the words and figures "first day of September, 1940". by Guj. 57 of 1963, s. 9.

50 These words were substituted for the words " in such rate, cess or tax" by Bom. 36 of 1948, s.3 (a).

51 These words were inserted, by Bom. 36 of 1948,s. 3(b).

52 Section 10A was inserted by Bom. 3 of 1949, s. 2.

53 These words were substituted for the words and figures "if in the City of Bombay the General tax levied under section 143 of the City of Bombay Municipal Act, 1888, or in any other area" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

54 The words "in the City of Bombay or" were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

55 The words and comma "as the case may be," were omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

56 Clause (2) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

57 This word was substituted for the word "Provincial" by the Adaptation of Laws Order. 1950. 58 The words "the City of Bombay or" were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

59 Clause (4)was added by Bom. 59 of 1949, s. 491, Appendix III.

60 Section 10AA was inserted by Bom. 61 of 1953, s. 6.

61 These words were substituted for the words and figures "if in Greater Bombay the General tax levied under section 143 of the Bombay Municipal Corporations Act, or in the City of Ahmedabad or the City of Poona" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

62 Section 10C was inserted by Bom. 61 of 1953, s. 7.

63 Clause(5) was substituted for the original by Bom. 46 of 1954, s. 2.

64 This portion was inserted by Bom. 49 of 1959, s. 4.

65 Section 10CC was inserted by Guj. 18 of 1965, s. 4.

66 Section 10D was inserted by Bom. 61 of 1953, s. 7.

67 Section 10E was inserted by Bom. 57 of 1963, s. 10.

68 These words were substituted for the words and figures "first day of September, 1940" by Bom. 57 of 1963,s. 11(1).

69 Sub-sections (3) to (6) were substituted for sub-section (3) by Guj. 57 of 1968, s. 11 (2).

70 Sub-section 11A was inserted by Guj. 12 of 1991, s. 13.

71 Section 11B was inserted by Guj 26 of 2001, s 3.

72 Sub-section (1A) was inserted by Guj. 12 of 1991, s. 14.

73 Sub-section (1B) was inserted by Guj. 26 of 2001, s. 4.

74 Sub-section (3) was substituted f 953, s. 8 *(1).*

75 This portion was substituted for the portion beginning with the words "and thereafter continues" and ending with the words "also pays costs of the suit as directed by the Court" by Guj. 7 of 1985, s. 2.

76 Sub-section (4) was inserted by Bom. 61 of 1953, s. 8(2).

77 These words and figures were inserted by Bom .3 of 1949. s. 3.

78 These words, fingures and letter were substituted for the words "that the tenant" by Guj 57 of 1963 s 12*(1)* (a).

79 These words were substituted for the word "sub-let" by Bom. 49 of 1959, s.5(1).

80 Clause *(ee)* was inserted by Guj. 57 of 1963, s. 12*(1)(b).*

81 These words were inserted by Bom. 61 of 1953, s.9(*1*)(a).

82 Clause *(hh)* was inserted by Bom. 53 of 1950, s. 6(*1*).

83 Clause *(hhh)* was inserted by Bom. 61 of 1953, *s.9(1)(b).*

84 The word "residential" was deleted, by Bom. 61 of 1953*,* s. (*1*)(c).

85 Clause *(ii)* was inserted by Bom. 61 of 1953. s.9(*1*)(*d*).

86 This portion was substituted for the words "before the coming into operation of this Act" by Bom. 49 of 1959, s.5 *(2).*

87 This explanation was added by Guj. 57 of 1963, s. 12 *(1)* (c).

88 This explanation was substituted for the original by Guj. 57 of 1963,s. 12 (2).

89 Sub-sections *(3A)* and *(3B)* were inserted by Bom. 53 of 1950, s.6(3).

90 These words were inserted by Bom. 61 of 1953 by Bom. 61 of 1953, s. 9 *(3)(i).*

91 This word was substituted for the word "three" by Bom. 61 of 1953, s. *9(3)(ii).*

92 This proviso was added by Guj. 57 of 1963, s. 12*(3).*

93 Sub-clause *(ii)* was deleted by Bom. 61 of 1953, s.9(4).

94 Section 13AA was inserted by Guj. 7 of 1985, s. 3.

95 Section 13A was inserted by Guj. 57 of 1963, s. 13.

96 Section 15 was renumbered as sub-section (1) of that section and sub-section (2) was added by Bom. 49 of 1959, s. 7.

97 These words were inserted and shall be deemed always to have been inserted. by Bom. 49 of 1959, s. 7.

98 This marginal note was substituted and shall be deemed always to have been substituted for the original, by Guj. 49 of 1959, s 7(3).

99 This proviso was substituted for the original by Bom. 36 of 1948, s. 4.

100 This word was substituted for the word "Provincial" by the Adaptation of Laws Order. 1950. 101 Sub-section (2) was substituted for the original by Guj. 57 of 1963, s. 14.

102 Section 15A was inserted by Guj. 57 of 1963, s 15.

103 Sub-section (2) was substituted for the original by Bom 61 of 1953, s. 10.

104 Section 17A was inserted by Bom. 53 of 1950, s. 7.

105 These words were inserted by Guj. 57 of 1963, s. 16.

106 Section 17B was inserted by Bom. 53 of 1950, s. 7.

107 This portion was added by Bom. 61 of 1953, s. 11.

108 Section 17 C was inserted by Bom. 53 of 1950. s 17.

109 Section 17 D was inserted by Guj. 12 of 1991. s. 15.

110 Sub-section (1) was renumbered as clause (a) of that sub-section by Guj. 26 of 2001, s.5(l). 111 These words, brackets, figure and letters were inserted by Guj. 26 of 2001*,* s. 5(1) (i).

112 These words, figure and letter were substituted for the words "exist or not," by Guj. 26 of 2001,s. 5 (1) (ii).

113 Clause (b) was inserted by Guj. 26 of 2001,s. 5 (2).

114 These words were substituted for the words and figures "first day of September 1940" by Guj. 57 of 1963, s. 17.

115 This portion was added by Bom. 42 of 1951, s. 2(1).

116 Sub-section (4) was inserted by Bom. 42 of 1951, s. 2(2).

117 This Explanation was numbered as Explanation by Bom. 42 of 1951,s. 2(1).

118 This portion was inserted by Bom. 42 of 1951, *s. 2(3).*

119 Explanation II was added by Bom. 42 of 1951,s. 2(4).

120 These words and figures were inserted by Bom. 61 of 1953, s. 12(1).

121 These words were inserted by Bom. 61 of 1953,s. 12(2).

122 These words were substituted for the words "shall be punishable" by Bom. 61 of 1953, s. 13.

123 This portion was substituted for the words "before the date of the coming into operation of this Act" by Bom 49 of 1959, s. 8(1).

124 This portion was substituted for the words "this Act" by Bom. 49 of 1959,s. 8(2).

125 These words were substituted for the words "shall be punishable" by Bom. 61 of 1953, s. 14 126 Sub-sections (2) and (3) were substituted for the original sub-section (2) by Bom. 61 of 1953, s. 15.

127 This poviso was substituted for the original by Guj. 57 of 1963, s. 18.

128 Section 23A was inserted by Bom. 61 of 1953*,* s. 19.

129 These words were inserted by Bom. 61 of 1953, s. 16(1).

130 This explanation was numbered as Explanation I by Bom. 61 of 1953*,* s. 16 (2).

131 Explanation II was added by Bom. 61 of 1953, s 16 (2).

132 These words were inserted by Bom. 53 of 1949, s. 3, Second Schedule.

133 This word was substituted for the word "rent" by Bom. 53 of 1949, s.3 sch.

134 This word was substituted for the word "Provincial" by the Adaptation of Laws Order,1950. 135 Section 28 except the explanation to the said section was renumbered as sub-section (1) of that section by Bom. 15 of 1952, s. 2(1).

136 Clause (*a*) was ommitted by the Gujarat Adaptation of Laws (Slate and Concurrent Subjects) Order, 1960.

137 The word "and " was deleted by Bom. 58 of 1949, s. 4(1).

138 Clause *(a)* was inserted by Guj. 19 of 1961, Schedule, item 1.

139 Clause (*aa*) was inserted by Bom. 58 of 1949, s.4(2).

140 This portion was inserted by Bom. 15 of 1952, s. 2(2).

141 Sub-section (2) was inserted by Bom. 15 of 1952, s. 2(3).

142 Clause (a) was inserted by Guj. 19 of 1961, s. 18, Schedule, item 2(1)(a).

143 These words were substituted for the words "from a decree" by Guj. 19 of 1961,Schedule, item 2(1)(b).

144 These words and figures were inserted by Bom. 58 of 1949, s.5.

145 This portion was inserted by Bom. 15 of 1952, s.3.

146 This proviso was added by Bom. 61 of 1953, s. 17(1).

147 Sub-clause (i) was omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order. 1960.

148 Sub-clause (i) was inserted by Guj. 19 of 1961, s. 18., Sch., item 2(1) (c)A.

149 The words "where such suit or proceeding is instituted else where" were omited by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

150 These words were substituted for the words "the amount upto" by Guj. 19 of 1961, s. 18. Sch. Item 2 (1) (c) B.

151 This sub-section was inserted by Bom. 36 of 1948, s. 5. This amendment shall not apply to appeals from decress or orders made before the coming into operation of the said. Act. *vide* s. 8.*The Limitation Act, 1963 is in force in whole of India except the State of Jammu and Kashmir. 152 Sub-section *(2)* was substituted for the original by Guj. 18 of 1965, s. 5.

153 Sub-section (*3*) was inserted by Bom 61 of 1953, s. 17 (2).

154 The words "In Greater Bombay the bench of two judges specified in clause (a) of sub-section *(1)* and elsewhere" were deleted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Oder, 1960.

155 These words were inserted by Guj. 19 of 1961, s. 18, Schedule, Item 2(2).

156 Section 29A was inserted by Bom. 36 of 1948, s. 6.

157 Section 31A was inserted by Guj. 7 of 1985, s. 4.

158 This word was substituted for the word Provincial" by the Adaptation of Laws Order, 1950.

159 This portion was added by Bom. 3 of 1949, s. 4(1).

160 These words were inserted by Guj. 3 of 1949, s 4(3). 161 This explanation was inserted by Bom. 3 of 1949,s *4(2).*

162 These words were inserted by Bom. 3 of 1949, *s. 5.*

163 These words were inserted by Bom. 3 of 1949. s. 6.

164 This proviso was added by Bom. 3 of 1949, s. 7.

165 The word "or" was deleted by Bom. 3 of 1949*,* s. 8. 166 The word "or" was deleted by Bom. 58 of 1949, s. 6 (1).

167 Clause (bb) was inserted by Bom. 61 of 1953, s.18.

168 Clause (c) was added by Bom. 3 of 1949, s. 8.

169 The word "or" was added by Bom. 58 of 1949, s 6(2).

170 Clause (d) was added 0by Bom. 58 of 1949,s. 6(3).

171 This Explanation was added by Bom. 36 of 1948, s. 7.

172 This word was substituted for the word "Provincial" by the Adaptaion of Laws Order.1950. 173 as Sub-section *(1)* of that section by Bom 3 of 1949, s. 9(1).

174 This portion was inserted, by section 43 by Bom. 3 of 1949, s. 9(1) 175 Sub-section *(2)* was inserted by Bom 3 of 1949*,* s. 9(2).

176 These words were sub-stituted for the words "a copy of such order upon the manager"by Bom. 61 of 1953. s. 19.

177 These figures. and letters were inserted by Bom 53 of 1950, s 8.

178 The words “a Presidency Magistrate or” were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

179 This word was substituted for the word Provincial by the Adaptation of Laws Order 1950. 180 Clause(*ai*) was inserted by Bom 61 of 1953, s 20.

182 Clause(*aai*) was inserted by Guj 12 of 1991, s 16 (1).

6[(aaa)] the terms and conditions for providing the accommodation to tenants under clause (6) of sub-section (1) of section 17D].

183 Clause(*aaai*) was inserted by Guj 26 of 2001, s 6.

185 Clause (v) *was substituted by Guj. 12 of 1991, s. 16 (2).*

186 These sub-sections were inserted by Guj. 57 of 1963, s. 20.

= Section 13 of Bom 3 of 1949 reads as under :-

"13. *Sections 10 and 11 to have retrospective effect:*- The amendments made by sections 10 and 11 of this Act. shall be deemed to have been made and come into force on the date on which the said Act. came into force and shall always be deemed to have been made and in force from such date : Provided that the validity of any decree or order passed in any suit or proceeding referred to in section 50 of the said Act, between the 19th day of February 1948 and the 3rd day of February 1949 shall not be questioned only on the ground that such suit or proceeding should have been decided and disposed of in accordance with the provisions of the said Act, and not in accordance with the provisions of any of the enactments repealed by the said Act. or *vice versa* and any execution proceedings or appeals arising out of such decree or order shall be decided and disposed of in accordance with the provisions of the said Act. or the enactments repealed in accordance with which, as the case may be. such decree or order was passed."

187 The words "(other than execution proceedings and appels)" were deleted by Bom. 3 of 1949, s. 10.

188 These words were inserted, by Bom. 3 of 1949, s. 10.

189 The word "thereupon" was deleted, by Bom 3 of 1949, *s*. 10.

190 This portion was inserted, by Bom 3 of 1949, s. 10.

191 Section 51 was inserted by Guj. 57 of 1963, s 21.

192 Entries *(i), (ii), (Hi), (iv).* and clauses *(f)* to *(k)* and clauses *(p)* and *(q)* relating to the City of Bombay, The Bombay Suburban, the Thana District and The Nasik Districts. East Khandesh. West Khandesh. Poona. Satara. Sholapur. Kolhapur and Ratnagiri Districts, respectively were ommitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order; 1960.

193 This sub-entry was substituted for sub-entry "(14) Ranip-Hirpur Village." by Guj. 5 of 1963 and it shall be deemed always to have been substituted, by s. 2 which reads as follows:-Bom. LVII of 1947. "2 In Schedule I to the Bombay Rents. Hotel and Lodging House Rates Control Act. 1947 (hereinafter referred to as "the principal Act.") in entry (v) under the heading "(a) Ahmedabad District." for the sub-entry "(14) Ranip-Hirpur Village" the sub-entry "(14) Rajpur Hirpur Village" shall be and shall be deemed always to have been, substituted and accordingly Part-II of the principal Act shall apply and shall be deemed always to have applied to premises in the said Rajpur Hirpur Village let for residence, education, business, trade or storage, and anything done or any action taken before the commencement of this Act in respect of such premises (including any jurisdiction exercised by any Court or authority whatsoever and all proceedings conducted and orders passed, judgements pronounced, decrees made or executed) on the assumption that the said Part II applied to such premises shall be valid and shall not be called in question merely on the ground that the said Rajpur Hirpur Village was not included in Schedule I to the principal Act at the time when any such thine was done or action was taken." Amendment of Schedule I of Bom. LVII of 1947 and validation of certain acts and proceedings hereunder.

194 Entries *(i), (ii). (iii), (iv),* and clauses *(f)* to *(k)* and clauses *(p)* and *(q)* relating to the City of Bombay Suburban District and Thana, Nasik, East Khandesh. West Khandesh. Poona. Satara Sholapur. Kolhapur. and Ratnagiri District respectively were omitted by the Gujarat Adaptation of Laws (Suite and Concurrent Subjects) Order; 1960.

195 Clauses *(l), (m), (n)* and (o) relating to Belgam. Bijapur, Dharwar and Kanara Districts respectively have been omitted by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

196 Schedule IA was inserted by Guj. 57 of 1963, s. 22.

197 Schedule II was omitted by the Gujarat Adaptation of Laws(State and Concurrent Subjects) Order, 1960.

198 Schedule IIIwas added by Bom 3 of 1949, s. 12.

199 Heading *"(a)* Bombay Suburban District, *(b)* Thana District and *(d)* Poona District" and sub-entries thereunder were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order. 1960.

200 Schedule IV was inserted by Guj. 7 of 1985, s. 5.