The Bombay Revenue Tribunal Act, 1957

GOVERNMENT OF GUJARAT

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

BOMBAY ACT No, XXXI OF 1958

The Bombay Revenue Tribunal Act, 1957

(As modified upto 31st August, 2007)

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The Bombay Revenue Tribunal Act, 1957

THE BOMBAY REVENUE TRIBUNAL ACT, 1957

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THE FIRST SCHEDULE

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BOMBAY ACT NO. XXXI OF 1958[1]

[THE BOMBAY REVENUE TRIBUNAL ACT, 1957.]

[*10th April 1958*.]

Amended by Bom. 52 of 1959*
Adapted and modified by the Gujarat Adaptation of Laws (State and Concurrant Subjects) Order, 1960.

An Act to constitute a Revenue Tribunal for the State of Bombay, to invest it with jurisdiction to entertain appeals and revise decisions in certain cases, to abolish corresponding bodies in any part of the State, and to provide for matters connected therewith.

WHEREAS it is expedient to constitute a Revenue Tribunal for the State of Bombay, to invest it with jurisdiction to entertain appeals and revise decisions in certain cases, to abolish corresponding bodies in any part of the State, and to provide for matters connected therewith ; It is thereby enacted in the Eighth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This act may be called the Bombay Revenue Tribunal Act, 1957.

(2) It extends to the whole of the [2][State of Gujarat].

Definitions.

2. In this act, unless there is anything repugnant in the subject or context,

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

(b) "President" means the President of the Tribunal;

(c) "Tribunal" means the [3][Gujarat] Revenue Tribunal constituted under section *3*.

CHAPTER II.

CONSTITUTION,POWERSANDFUNCTIONSOFTHE[3][GUJARAT] REVENUETRIBUNAL.

[3][Gujarat Revenue Tribunal.]

3. (1)There shall be established, for the State of [3][Gujarat], a Tribunal, to be called the [3][Gujarat] Revenue Tribunal.

(2) The Tribunal shall consist of the President, and such number of other members, as may be appointed by the State Government.

President and Members.

Vacancy and temporary absence.

4. The qualifications of the President and other members constituting the Tribunal, the period for which they shall hold office, and their conditions of service, shall be such as may be prescribed.

5. (1) If any vacancy occurs by reasons of the death, resignation or expiry of the appointment, or termination of the appointment, of the President or other member , or for any other cause whatsoever, such vacancy shall be filled by appointment of a duly qualified person.

(2) If any member of the Tribunal becomes, by reasons of illness or other infirmity, temporarily incapable of performing the duties of his office, the State Government may appoint some other person to discharge his duties for any period not exceeding six months at one time and the person so appointed shall during that period have the same powers as the person in whose place he is appointed.

(3) Until the vacancy of the office of the President is filled, the senior-most

member shall act as President.

(4) The Tribunal shall not be deemed to be invalidly constituted merely by reason of any vacancy or temporary absence referred to in the foregoing sub-sections,

Registrar and Deputy Registrars.

6. The State Government may, by notification in the *Official Gazette,* appoint a Registrar of the Tribunal having such qualifications as may be prescribed ; and may also appoint, in like manner, such number of Deputy Registrars, having such qualifications, as may be prescribed, for such areas as may be specified in the notification.

Head quarters.

7. The headquarters of the Tribunal shall be [4][at such place as the State Government may by order direct].

Place of sitting.

8. The Tribunal shall ordinarily sit at the headquarters, but may sit at any other place convenient for the transaction of business, in the [5][State of Gujarat], as the President, with the approval of the State Government, may direct by general of special order.

Jurisdiction of Tribunal.

9. (1) Subject to the provisions of this section, the Tribunal shall have jurisdiction to entertain and decide appeals from and revise decisions and orders of officers, not below the rank of a Collector or Deputy Commissioner, in respect of cases arising under the provisions of the enactments specified in the First Schedule.

(2) Save as expressly provided in any enactment for the time being in force, the State Government may, by notification in the *Official Gazette,* direct that the Tribunal shall also have jurisdiction to entertain and decide appeals from, and receive decisions and orders of, such persons, officers and authorities in such other cases as the State Government may determine; and for that purpose the State Government may, by notification in the *Official Gazette,* add to, amend or omit, any of the enteries in the First Schedule, and there upon the Tribunal shall have jurisdiction in such matter and the jurisdiction of any other persons, officer or authority therein shall cease.

(3) The State Government may, at any time, in like manner, cancel such notification or omit any entry from the First Schedule and resume to itself such jurisdiction :

Provided that nothing herein shall prevent the State Government after such resumption of jurisdiction from conferring any such jurisdiction on any other person, officer or authority.

(4)Notwithstanding anything contained in any other law for the time being in force, when the Tribunal has jurisdiction to entertain and decide appeals from and revise decisions and orders of, any person, officer or authority in any matter aforesaid, no other person, officer or authority shall have jurisdiction to entertain and decide appeals from and revise decisions or orders of such person, officer or authority in that matter.

Jurisdiction barred in certain cases.

10. *(1)* The Tribunal shall have no jurisdiction in any matter which is *sub-judice* in a court of law.

(2) The Tribunal shall also have no jurisdiction in respect of a matter which in its opinion involves a question as to the validity of any Act, Ordinance or Regulation or any provision contained in an Act, Ordinance or Regulation, the determination of the invalidity of which in its opinion is necessary to the disposal of that matter.

Explanation-In this section "Regulation" means any Regulation of the Bombay Code of Regulation as defined in the General Clauses Act, 1897, or in a General Clauses Act in force in any part of the State. X of 1879.

Jurisdictio Governme resumed.

11. Subject to the provisions of this Act, all jurisdiction in respect to any matter concerning the revenue or concerning any act ordered or done in the collection thereof, which immediately before the commencement of this Act, vested in, and was exercisable by, the State Government or any Tribunal or Board of Revenue and which is not expressly conferred by this Act on the Tribunal established under this Act and not conferred or deemed to be conferred on any person, officer or authority by or under any other law for the time being in force, shall be deemed to have been resumed to, or, as the case may be, continued in, the State Government and shall be exercisable by that Government:

Provided that nothing herein shall prevent the State Government from conferring any such power or jurisdiction, resumed to or continued in that Government on the Tribunal, or such other person, officer or authority as it thinks fit.

Powers of under othe not affecte

12. Nothing contained in this Act shall affect any powers or functions of the Tribunal conferred on it or which may be conferred on it, by or under any other law for the time being in force to entertain and decide any appeals, applications for revision, or other proceedings.

Tribunal t power of Court,

13. (1) In exercising the jurisdiction conferred upon it by or under this, Act, the Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath, affirmation or affidavit, of summoning and enforcing the attendance of witnesses, of compelling discovery and the production of documents and material objects, requisitioning any public record or any copy thereof from any Court or office, issuing commissions for the examination of witnesses or documents, and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Civil Court for all the purposes of sections 195, 480 and 482 of the Code of Criminal Procedure, 1898, and its proceedings shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

V of 1898.

XLV of 1860.

(2) In the case of any affidavit to be filed, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

Practice a procedure

14. (1) Subject to the provisions of this Act and to the previous approval of the State Government, the President may make regulations for regulating the practice and procedure of the Tribunal, including the award of costs by the Tribunal, the levy of any process fee, the right of audience before the Tribunal, the sittings of the members either singly, or in benches constituted by the President (or such member as is authorised by him from amongst the members of the Tribunal), the disposal by the Tribunal, or a bench thereof, of any proceedings before it notwithstanding that in the course thereof there has been a change in the persons sitting as members of the Tribunal or bench; and generally for the effective exercise of its powers and discharge of its functions under this Act. Where any members sit singly or where any benches are constituted, such member or bench shall exercise and discharge all the powers and functions of the Tribunal.

State Go to be hea certain c

15. (1) If at any stage in any proceedings before the Tribunal it appears to the Tribunal that the proceedings raise a question, as to the interpretation of a law, and which is of such a nature and of such public importance that it is expedient to issue notice to the State Government, the Tribunal shall issue notice to that Government and that Government may, if it thinks fit, appear and the Tribunal shall then hear the State Government before deciding the question.

(2) If it appears to the State Government that in its opinion the interpretation of a provision of law in any proceedings before the Tribunal, is of such a nature and of such public importance that it is expedient that the State Government be heard before decision of the question, it may apply to the Tribunal in such proceedings to be heard; and the Tribunal shall not decide

the question without hearing the State Government.

No appeal to lie.

Review of orders of

16. No appeal shall lie to the State Government against any order passed by the Tribunal in the exe l or revision under section 9.

Tribunal.

17. (1)The Tribunal may, either on its own motion or on the application of any party interested, and where the State Government is heard under section 15 on the application by that Government, review its own decision or order in any case, and pass in reference thereto such order as it thinks just and proper :

Provided that no such application made by any party shall be entertained, unless the Tribunal is satisfied that there has been the discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record, or for any other sufficient reason :

Provided further that, no such decision or order shall be varied or revised, unless notice has been given to the parties interested to appear and be heard in support of such order.

*(*2*)* An application for review under sub-section *(1)* by any party or, as the case may be, by the State Government shall be made within 90 days from the date of the decision or order of the Tribunal :

Provided that in computing the period of limitation, the provisions of the Indian Limitation Act, 1908, applicable to applications for review of a judgment or order of a Civil Court Shall, so far as may be, apply to applications for review under this section. IX of 1908.

Manner of executing orders passed by Tribunal.

18. All orders passed by the Tribunal shall be executed in the same manner in which similar orders, if passed by the State Government or other competent authority, as the case may be, could have been executed.

CHAPTER III.
MISCELLANEOUS.

Exemption from court- fees.

19. Notwithstanding anything contained in the Court-fees Act, 1870, or any corresponding law in force in any part of the [6][State of Gujarat] no court-fee shall be levied on any appeal or application made to the Tribunal: VII of 1870.

[7][Provided that where the Tribunal exercises any powers or functions under any tenancy law or other special law and that law provides for the levy of court-fee on any appeal or application to the Tribunal, nothing contained in this section shall affect the provision for levy of such fee.]

Rules.

20. (1) The State Government may, by notification in the *Official Gazette,* make rules consistent wich the provisions of this Act for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for the following matters, namely : -

(*a*) the qualifications of the President and other members of the Tribunal ;

(b) the period of office and the terms and conditions of service of the President and other members of the Tribunal ;

(c) the qualifications of the Registrar and Deputy Registrars;

(d) any other powers of a Civil Court which may be vested in the Tribunal.

(3) Such rules shall be subject to the condition of previous publication.

Repeals, savings and construction.

21. (1)On the commencement of this Act, the following Acts and provisions, that is to say,-

Bom. XII of 1939.
Bom. XII of 1939.
Sau. Ord. XX of 1949.
Hyd. Reg LX of 1358F.
M.P. Act. II of. 1955.

(*i*) the Bombay Revenue Tribunal Act, 1939;

(ii) the Bombay Revenue Tribunal Act, 1939, as extended to the Kutch area of the State of Bombay;

(iii) the Saurashtra Revenue Tribunal Ordinance, 1949;

(iv) the Hyderabad Board of Revenue Regulation 1358 F;

(v) Chapter II of the Madhya Pradesh Land Revenue Code, 1954, shall be repealed ;

Provided that such repeal shall not affect-

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

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

(*c*) any penalty or forfeiture incurred in respect of any thing done against any law so repealed ;

and any investigation, proceeding or remedy in respect of any right, privilege, obligation, liability, penally or forfeiture as aforesaid shall be instituted or enforced before the Tribunal, and if any proceeding is pending, immediately before the commencement of this Act, before any Tribunal, Board of Revenue or other authority constituted or appointed under the provisions of any law so repealed, it shall on the commencement of this Act stand transferred to the Tribunal established under this Act, and such proceeding shall be continued and disposed of before such Tribunal and the Tribunal shall have jurisdiction to entertain and decide all such matters :

Provided further, but subject to the preceding proviso, anything done or action taken (including any rules, regulations and forms made or issued and in force immediately before the commencement of this Act, all notices issued,) under any such law repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(2) Any reference to the law repealed or any provisions thereof as aforesaid, or to any tribunal, Board of Revenue or other authority constituted by the laws so repealed, in any law for the time being in force or in any instrument or other document, shall be construed as a reference to this Act or the relevant provision thereof, or to the Tribunal respectively and the Tribunal shall have and exercise all the powers under any such law, instrument or document.

Consequen amendmen

22. The Acts or provisions thereof set out in column one of the Second Schedule shall be amended in the manner and to the extent specified in column two thereof.

Transition f existing trib Board of R or other aut the Tribuna this Act.

23. The Tribunal to be constituted under section 3 of this Act may be constituted at any time after the passing of this Act and before its commencement; but the Tribunal so constituted shall not begin to function (except as to the framing of regulations and as to other matters referred to in section 22 of the Bombay General Clauses Act, 1904) till the commencement of this Act; and on such commencement, any other tribunal, Board of Revenue or corresponding body, shall be deemed to be dissolved and the members thereof shall be deemed to have vacated their office.

Bom. I of 1904.

FIRST SCHEDULE
***(See* section 9)**

Name of enactment	Appellate or revisional jurisdiction against orders or decisions in cases arising under the following provisions.
1	2

1. The Bombay Land Revenue Code, 1879 (Bom. V of 1879).	Section 37 sub-section (2). Section 39A. Section 43. Section 46. Section 47. Section 51. Section 61. Section 79A, except clause (*b*) thereof.
2. The Bombay Land Revenue Code, 1879 (Bom. V of 1879), as extended to the Kutch area of the State of Bombay.	Section 37, sub-section (2) Section 39A. Section 43. Section 46. Section 47. Section 51. Section 61. Section 79A, except clause *(b)* thereof.
3. The Bombay Land Revenue Code, 1879 (Bom. V of 1879), as adapted and applied to the Saurashtra area of the State of Bombay.	Section 37, sub-section (2). Section 39A. Section 43. Section 46. Section 47. Section 51. *] Section 61. Section 79A, except clause *(by* thereof. *
[8]	* * * * * Section 11. Section 12. Section 15. Section 16. Section 1 * * * * * * * *]
9. The Indian Forest Act, 1927 (XVI of 1927)	
10. The Indian Forest Act, 1927 (XVI of 1927), as adapted and applied to the Saurashtra area or the State of Bombay.	
[9]	

SECOND SCHEDULE

Omitted by the Gujarat Adaptation of laws (State and Concurrent Subjects) Order, 1960.]

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The Bombay Revenue Tribunal Act, 1957

*Section 3 of Bom. 52 of 1959 reads as under :-

"3. Notwithstanding anything contained in any judgment, decree or order of a Court, any court fee levied or paid on and after the commencement of the principal Act but before the commencement of this Act on any appeal or application to the Tribunal in accordance with the provisions of any tenancy law or other special law referred to in section *2* of this Act shall be deemed to have been validly levied or paid and the validity of such levy or payment shall not be called in question merely on the ground that the provisions relating to court-fees in such law were affected by the provisions of section 19 of the principal Act. "]

Validation of court- fees levied on appeals and apptications to Tribunal under special law. 2These words were substituted for the words 'State of Bombay' by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3This word was substituted for the word "Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4These words were substituted for the words "in Greater Bombay" by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

5These words were substituted for the words "State of Bombay", by the Gujarat Adaptation of Laws (State and Concurrent Subject) Order, 1960.

6These words were substituted for the words " State of Bombay, " by the Gujarat Adaptation of Laws State and Concurrent Subjects) Order, 1960

7This proviso was added and was deemed always to have been added by Bom. 25 of 1959, s. 2.

8Entries 4,5,6,7 and 8 were Omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

9Entry 11 was omitted, by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

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