JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL RULES 2017

Government of Rajasthan Urban Development Department Jaipur, Dated NOTIFICATION In exercise of the powers conferred by sub-section (1) of section 91 read with sub-section (5) of section 77 of the the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) the State Government, hereby makes the Jodhpur Development Authority Appellate Tribunal Rules, 2017 following rules, namely. Copy -Enclosed By Order of the Governor, (Rajendra Singh Shekhawat) Joint Secretary to the Government Copy forwarded to the followings for information and n/a :- 1. 2. 3. 4. 5. 8. 9. 10. 11. 12. 13. 14

15. Principal Secretary to Hon'ble Chief Minister, Government of Rajasthan, Jaipur P.S. to Hon'ble Minister for Urban Development Deptt. Jaipur P.S. to Chief Secretary, Government of Rajasthan, Jaipur P.S. to Addl. Chief Secretary, Urban Development Deptt. Jaipur P.S. to Principal Secretary to the Government, Law Department, Government of Raj asthan Joint Secretary I, 11 & Ill Urban Development Deptt. Jaipur Sr. D.S. UDH to upload the notification in Deptt's Website. Commissioner Jaipur/Jodhpur/Ajmer Development Authority Chief Town Planner, Rajasthan, Jaipur All Divisional Commissioner Rajasthan. Distract Collector, Jodhpur, Rajasthan, All Chairman/Secretary, Urban Improvement Trust. Director, Printing & Stationary Deptt. Rajasthan for Publication of the Jodhpur Development Authority Appellate Tribunal Rules, 2017 notification in next issue of Extra Ordinary State Gazette immediately. Superintendent, Govt. Central Press, Jaipur for Publication of the Jodhpur Development Authority Appellate Tribunal Rules, 2017 notification in next issue of Extra Ordinary State Gazette immediately. Forty copies of the Gazette notification may kindly sent to this Deptt. earliest. A soft copy in CD as well as a copy of said rules vetted from Law Deptt. are enclosed for necessary action. Guard File Joint Secret 1 to the Government Government 0k kajostliah Urban Development Department NOTIFICATION Joint In exercise of the powers conferred by sub-section (l) of section 91 read with sub-section (5) of section 77 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) the State Government hereby makes the following rules, namely :- 1. Short title and cormnencement.- (1) These rules may called the Jodhpur Development Authority Appellate Tribunal Rules, 2017. (2) They shall come into force on or from the date of their publication in the Official Gazette

2. Definition.- (l) In these rules, unless the context otherwise requires,- (a) (b) (c) (d) "Act" means the Jodhpur Development Authority Act, 2009 ; "Authority" means Jodhpur Development Authority constituted under section 3 of the Act ; "Form" means form appended to these rules; "Section" means section of the Act; and "Tribunal" means the Jodhpur Development Authority Appellate Tribunal, constituted under sub-section (l) of section 77 of the A.)t. (2) Words and expressions used but not definecl in these lules shall have the same meaning respectively assigned to them in the Act 3. Procedure for filing appeal.- (l) Every appeal shall be preferred in the form of a memorandum signed by the appellant and his 1 Advocate, if any, and presented before to the Tribunal or the such officer as it appoints in this behalf. (2) Every rnemorandum of appeal shall be accompanied by,- (a) certified copy of the order appealed against or its true copy issued by the Authority; (b) where the appellant, for reasons beyond his control, is not in a position to furnish a duly certified copy of the order appealed against, the appeal shall be accompanied by an affidavit stating tne reasons thereof; (c) copy or copies of the documents, photostate or otherwise on which he wished to rely along with a list of documents in

Form No. I ; (d) as many copies of memorandum of appeal as there are respondents in the appeal along M'ith notice of appeal ; and (e) affidavit in support of the contents of memorandum of appeal and documents

4. Contents of meniorandum of appeal.— Every memorandum of appeal shall,- (ii) (iii) (iv) Scate the name and address of the appellant; state the name and address of the respondents ; set out concisely and under distinct heads the grounds of appeal without any argument or narrative ; state at the end of memorandum of appeal that no suit. writ petition, appeal or other proceedings have been flied by hini or by any other person within his knowledge concerning the matter in this appeal in any court ; and 2 (v) in case, the appellant or any other person within his knowledge has filed any such suit writ petition, appeal or proceedings as mentioned above in any court, brief description of the same shall be given in the memorandum of appeal

5. Scrutiny of memorandum of appeal-- On presentation of memorandum of apneal and before initiating any action on it, the Tribunal or any officer as it appoints in this behalf shall have the scrutiny made on the following points:- (i) (iii) (iv) (v) (vi) whether it bears the signatures of the appellant; whether it is accompanied by order or its true copy against which the appeal has been filed along with the requisite number of copies of appeal, notice, documents, affidavits under clause (b) (c) (d) and (e) of sub-rule (2) of rule 3; whether it is within the jurisdiction of the Tribunal ; whether it contains the grounds of appeal; whether the appeal is within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period ; and any other relevant point effecting the admissibility of appeal

6. Rejection or amendment of memorandum of appeal.- (l) WII(re the memorandum of appeal is not drawn up in the manner hereinbefore specified, it may be rejected or be returned to the appellant for lhe purpose of being anlended within a time to be fixed by the Tribunal or be amended then nnd 3 (2) Where the Tribunal rejects any memorandum of appeal, it shall record the reasons for such rejection . (3) Where a memorandum of appeal is amended, the presicing officer of the Tribunal or such officer as it appoints in this behalf, shall sign or initial the amendment

7. Registry of memorandum of appeal.- (l) After the scrutiny of memorandum of appeal under rule 5 and amended under sub-rule (3) of rule 6, if any, the officer appointed in this behalf by the q-ribunai shall endorse thereon the date of presentation and shall register the appeal in a register of appeals. (2) Form of register shall be such as may be specified by the Tribunal

8. Notices (o the respondent and production of record.- (l) As soon as the appeal is admitted, the Tribunal shall order to,- (i) issue notices in

Form No. 11 to the respondents; and (ii) issue notice for production of records in the Form No. Ill to the appellant or respondents; Explanation : Notices in the name of the Authority shall be issued to the Secretary of the Authority. (2) All notices required to be given to or served on any person under these rules shall be issued and served as nearly as may be in the same manner as provided for the issuance and service of summons under the provisions of Order V of the Code of Civil Procedure (Central Act No. V of 1908)

9. Daily cause list.- A cause list shall be prepared in Hindi for each days in Form No. IV of cases fixed for hearing and signed by such officer as Inay be appointed in this behalf by the Tribunal, same shall be pasted on the notices board of the Tribunal on the previous working day. 4

10. What to Accmnpany the notices to respondents.- Along with the copy of the notices to the respondents, the following documents shall be send to the respondents:- (i) copy of the memorandum of appeal along with copies of documents filed by the appellant ; and (ii) copy of the order appealed against which shall be supplied by the appellant

11. Reply of respondent.- The respondent shall, on or before the first hearing or within such time as the Tribunal may permit, from time to time, file reply of the appeal along with copy or copies of the documents on which he rely along with a list of documents and affidavits in support of the contents of reply and documents

12. Order or judgment of appeal.- The Tribunal, after hearing the parties shall pass the order or judgment in writing and shall be sigind with date who pronounced or delivered it

Form No. V, certified copies of the order or judgment passed by the Tribunal shall be supplied to the parties by the Tribunal on payment of fee as specified in rule 229 of the General Rules (Civil), 1986. Such fees shall be deposited in cash in the Authority. No such fee shall be charged from the Authority and the Govemment of Rajasthan. (2) The Tribunal shall send a certified copy of an order or judgment passed by it in each appeal to the Secretary of the Authority and one such copy to the officer of the Authority against whose order appeal was filed. (3) Such applications shall be entered into a register in the form specified by the Tribunal. 5 (4) The procedure for issuing copies of orders and judgments of an appellate court specified in rules 226 to 249 of the General Rules (Civil), 1986 shall be followed mutatis mutandis by the Tribunal

14. Inspection of records.- (l) A person may apply for inspection of records of the Tribunal. (2) The form of application and fee for the inspection of records shall be same as specified in rule 208 of the General Rules 1986. The fee shall be deposited in the fund of the Authority. No fee shall be charged from the Authority or the State Government. (3) The Tribunal may allow, on application under sub-rule (l), inspection of records on same terms and conditions and in same manner as specified, for the inspection of records, in Chapter-IX of the General Rules (Civil), 1986. (4) Every application under sub-rule (l) shall be enteted in a register

15. Preservation, retention and disposal of records.- The provisions of rules 158 to 180 of the General Rules (Civil), 1986 in respect to the preservation, retention and disposal of records relating to appeals shall, so far as may be, mutatis mutandis apply

16. Reference to Tribunal.- (l) Any dispute arising out of any provisions of this Act may be referred to the Tribunal by the Authority. (2) The Authority may dravr up a statement of the facts of the case and the point or points on which dispute has arisen and refer such statement for the decision of Tribunal. (3) Such statement shall be signed by the Secretary of the Authority

17. Review.- (1) The Tribunal may on an application of the party to the appeal or on its own motion, review its own order or judgment. (2) Thc Tribunal shall have the same powers as are vested in a civil coun under the Code of Civil Pl'ocedure, 1908 (Central Act No. V of 1908) in 6

18. Procedure regarding matters not coVered by rules.- The Tribunal shall follow such procedure as it may think fit on the matters not provided by and not inconsistent with the Act

19. Repeal and savings.- (l) All notifications, circulars, orders issued by the State Government, from time to time, in relation to matters covered by these rules and which are net consistent to these rules, shall stand superseded to the extent of inconsistency as fiom the date of thc merit of these rules, com (2) Any action taken or things done under superseded notification, circular, orders prior to coining into force of these rules shall be deemed to have been taken or done under these rules. 7 FORM Noel [see rule 3(2)(c)l BEFORE THE JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL JODHPUR LIST OF DOCUMENTS APPEAL No NAME OF PARTIES: Appellant V/'b S.No. Descripti.on document Date of No. Papers Respondent of Original or copy Remarks Signature of Appellant with address 8

FORM No. 11 [see rule JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL, JODHPUR Notice to Respondent of the day fixed for the hearing of the appeal APPELLANT: Appeal RESPONDENT Jodhpur Development Authority, Jodhpur against the order No. dt /passed by the Jodhpur Development Authority (To, Jodhpur Development Authority, Jodhpur TAKE NOTICE that an appeal from the order, as shown above has been presented by the appellant and registered in this Tribunal and that the the day of at 11:00 A. M. has been fixed by this Tribunal for the hearing of this appeal. (Copies of Appeal and impugned order enclosed.) If no appearance is made on your behalf by yourself, your pleader, or by someone by law authorised to act for you in this appeal. it will be heard and decided in your absence. Given under Illy hand and the seal of the Tribunal this the day of By Order JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL JODHPUR 9 No FORM No.lll [see rule 8(ii)l REQUISITION FOR RECORD Dated V/s Jodhpur Development Authority, Jodhpur To, Jodhpur Develoment Authority, Jodhpur Kindly transmit to this Tribunal, the record specified below. I have satisfied myself that the production of the original record is actually should reach to this Tribunal record necessary. The the next (late of hearing. before l- 2- 3- 4- 5- 6- PARTICULARS OF RECORD SENT FOR Of what court/Authority Kind of case. No. and yea, Title Date of disposal/orders Remarks. Yours faithfully JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL JODHPUR 10 FORM No. IV [see rule 91 CAUSE- LIST DATE s NO. 1 No. description case 2 of Namc parties 3 of MONTH YEAR Name of Purpose Lawyers Remarks 6 4 11 5 FORM No. V [see rule 131 BEFORE JODHPUR DEVELOPMENT AUTHORITY APPELLATE TRIBUNAL JODHPUR APPEAL NO. NAME or PARTIES: Applicant is Appellant/Respondent/Advocate in re quests for certified copy/copies of order/Judgment. this appeal and S.NO. Description of No. order/judgment copies of Purpose for obtaining copies 4 Urgent ordinary 5 of 2 3 Date Signature of Applicant with address By order of the Governor, (leajendra Singh Shekhawat) Joint Secretary to the Government 12