

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 10th October, 2012

No. 18-Leg./2012.—The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 26th March, 1998, is hereby published for general information :-

THE PUNJAB RENT ACT, 1995

(Punjab Act No. 13 of 2012)

AN

ACT

to provide for the regulation of rents, repairs and maintenance and eviction relating to premises and matters connected therewith in the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Forty-sixth Year of the Republic of India, as follows :-

1. (1) This Act may be called the Punjab Rent Act, 1995.
- (2) It extends to all urban areas of Punjab, but nothing herein contained shall be deemed to affect the regulation of house accommodation in any cantonment area.
- (3) It shall be applicable to all the residential and non-residential buildings.
- (4) It shall come into force on such date as the State Government may specify in this behalf in the Official Gazette.

Short title extent,
application and
commencement,

CHAPTER I**PRELIMINARY**

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

Definitions

- (a) "Bench" means a Bench of the Tribunal;
- (b) "Chairman" means the Chairman of the Tribunal;



- (c) "Landlord" means a person who, for the time being is receiving or is entitled to receive the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant:
- (d) "Lawful increase" means an increase in the rent permitted under the provisions of this Act;
- (e) "Member" means a Member of the Tribunal and includes the Chairman ;
- (f) "non-residential premises" means premises being used solely for the purpose of business or trade:



Provided that the residence in the premises only for the purpose of guarding it shall not be deemed to convert a "non-residential premises" to a "residential premises";

- (g) "Premises" means any building or part of a building which is or is intended to be let separately, for use a residence or for non-residential use or for any other purpose, and includes:-
- (i) the garden ground and out-houses, if any, appurtenant to such building or part of building but does not include the upper side of roof (Terrace).
- (ii) any fittings to such building or part of the building for the more beneficial enjoyment thereof.
- (h) "prescribed" means prescribed by rules made under this Act ;
- (i) "Rent Authority" means an authority appointed under sub-section (1) of section 36 and includes an additional Rent Authority appointed under sub-section (2) of that section;
- (j) "residential premises", means any building which is not non-residential premises ;
- (k) "standard rent" in relation to any premises, means the rent calculated under section 7;
- (l) "SCF" means a Shop-cum-Flat but the shop and flat will be treated as two separate premises i.e. shop as Non-residential or commercial

building and flat as residential building. In case of composite rent agreement the rent for residential premises will be treated equal to one-third of total rent;

(m) "tenant" means any person by whom or on whose account or behalf the rent of any premises is or, but for special contract, would be payable, and include;-

(i) a sub-tenant ;

(ii) any person continuing in possession after the termination of his tenancy, but does not include--

(I) Any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened;

(II) any person to whom a licence as defined in section 52 of the Indian Easements Act, 1882, has been granted;

(n) "Tribunal" means the Punjab Rent Tribunal Established under section 39; and

(o) "urban area" means any area administered by a Municipal Corporation, Municipal Council, Nagar Panchayat, or a cantonment board or any area declared by the State Government, by notification in the Official Gazettee, to be urban for the purposes of this Act.

3. (I) Nothing in this Act shall apply;-

(a) to any premises belonging to the State Government or the Government of India or a local authority;

(b) to any premises, whether residential or not and whether let out before or after the commencement of this Act whose monthly deemed rent, on the date of commencement of this Act, exceeds an amount ranging between Rs. 1500 to Rs. 3500 per month, as may be specified by the State Government through a notification in the Official Gazettee for different urban areas;

(c) to any premises constructed on or after the first day of December, 1988 but before the commencement of this Act for a period of ten years from the date of completion of such construction;

(d) to any premises constructed on or after the commencement of this

Certain provision
not to apply to
premises



(ASVN 18, 1934 SAKA)

building and flat as residential building. In case of composite rent agreement the rent for residential premises will be treated equal to one-third of total rent;

(m) "tenant" means any person by whom or on whose account or behalf the rent of any premises is or, but for special contract, would be payable, and include:-

(i) a sub-tenant ;

(ii) any person continuing in possession after the termination of his tenancy, but does not include--

(I) Any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re-opened;

(II) any person to whom a licence as defined in section 52 of the Indian Easements Act, 1882, has been granted;

(n) "Tribunal" means the Punjab Rent Tribunal Established under section 39; and

(o) "urban area" means any area administered by a Municipal Corporation, Municipal Council, Nagar Panchayat, or a cantonment board or any area declared by the State Government, by notification in the Official Gazettee, to be urban for the purposes of this Act.

3. (1) Nothing in this Act shall apply;-

(a) to any premises belonging to the State Government or the Government of India or a local authority;

(b) to any premises, whether residential or not and whether let out before or after the commencement of this Act whose monthly deemed rent, on the date of commencement of this Act, exceeds an amount ranging between Rs. 1500 to Rs. 3500 per month, as may be specified by the State Government through a notification in the Official Gazettee for different urban areas;

(c) to any premises constructed on or after the first day of December, 1988 but before the commencement of this Act for a period of ten years from the date of completion of such construction;

(d) to any premises constructed on or after the commencement of this

Certain provision
not to apply to
premises



Act, for a period of fifteen years from the date of completion of such construction;

- (e) to any premises, being a premises not let out within seven year before letting out the same, for a period of fifteen years from the date it is, let out;
- (f) to any premises let out to citizen of a foreign country or an embassy, high commission, legation or commission of a foreign State or such international organisation as may be specified by the State Government by notification in the Official Gazette;
- (g) to any premises belonging to such religious, charitable or educational trust or class of trusts as may be specified by the Government in the Official Gazette ;
- (h) to any tenancy, whether created before or after the commencement of this Act, for a period of twenty years or more and registered under the Registration Act, 1908, and not terminable before its expiration at the option of the landlord.

Explanation I.- For the removal of doubts, it is hereby declared that the provisions of this Act shall apply to any premises, not being a premises specified in sub-section (1):-

- (i) let out to the State Government or the Government of India or a local authority;
- (ii) let out by a hire-purchaser, lessee or sub-lessee by whatever name called, who has been allotted such premises by the Punjab State Housing Development Board or any other local authority by way of an agreement of hire-purchase, lease or sub-lease, even before the full ownership rights accrue to such hire-purchaser, lessee or sub-lessee, as the case may be,

Explanation II.- The expression "deemed rent on the date of commencement of the Act" as used in clause (b) above shall mean the rent calculated in the manner provided in section 6 and 7 of this Act together with revision of rent, if any, as provided in section 9 of this Act and decreased in the case of premises constructed after the commencement of this Act at the same rate as the rate of enhancement stipulated in Schedule 1 to this Act to reflect the position on the date of commencement of this Act.



Explanation III.- The expression "date of completion of construction" as used in Clause (d) above shall mean the date of completion as intimated to the concerned authority or of assessment to property tax, whichever is earlier, and, where the premises have been constructed in stages, the date on which the initial building was completed and an intimation thereof was sent to the concerned authority or was assessed to property tax, whichever is earlier.

Explanation IV.- The expression "premises constructed", as used in clause (d) above shall include-

- (i) re-building of more than seventy five per cent of an existing building; and
- (ii) additional construction to an existing building.

(2) Notwithstanding anything contained in the Transfer of Property Act, 1882, the Code of Civil Procedure, 1908 and any other law for the time being in force, the Rent Authority shall have the jurisdiction to decide all disputes relating to tenancies in respect of the premises referred to in clause (b) to (h) of sub-section (1).

(3) For non-residential premises, contract renting shall be admissible during the subsisting of period contracted in this regard. Such premises shall be governed by the conditions of the contract and litigation under any other law shall not be permissible. A landlord violating the conditions laid down in the contract and agreed to by the two parties shall not be entitled for rent for the period of violation and if the tenant violates the conditions, he shall be liable to pay double the rent for the period in question, in addition to immediate dispossession through the Rent Authority.

4. (1) Notwithstanding anything contained in Section 107 of the Transfer of Property Act, 1882, no person shall, after the commencement of this Act, let or take on rent any premises except by an agreement in writing.

Registration of
tenancy
agreement

(2) Every agreement referred to in sub-section (1) is required to be registered under sub-section (3) shall be in the Form specified in Schedule XV to this Act and shall be registered under the Registration Act 1908 within one month and for this purpose the agreement shall be deemed to be a document for which registration is compulsory under 17 of the said Act. The Registration shall be done with the Rent Authority of the area concerned on payment of registration fee of one hundred rupees.

(3) Where, in relation to a tenancy created before the commencement of this Act;-

(a) An agreement in writing was entered into was not registered under Registration Act, 1908, the landlord and the tenant shall, jointly present a copy thereof for registration before the Rent Authority under this Act.

(b) no agreement in writing was entered into, the landlord and the tenant shall enter into a agreement in writing with regard to that tenancy and present the same for registration before the Rent Authority under this Act.

Inheritability of
tenancy.

5. (1) In the event of death of a tenant, the right of tenancy shall devolve for a period of ten years from the date of his death to his successors in the following order, namely:-

(a) Spouse ;

(b) Son or daughter or where there are both son and daughter both of them;

(c) Parents ; and

(d) Daughter-in-law, being the widow of his pre-deceased son:

Provided that the successor has ordinarily been living in the premises with the deceased tenant as a member of his family upto the date of his death and was dependent on the deceased tenant.

Provided further that a right to tenancy shall not devolve upon a successor in case such successor or his spouse or any of his dependent son or daughter is owning or occupying a residential premises in the same urban area.

(2) If a person, being a successor specified in sub-section (1), was ordinarily living in the premises with the deceased tenant but was not dependent on his on the date of his death, or he or his spouse or any of his dependent son or daughter is owning or occupying a residential premises in the same urban area, such successor shall acquire a right to continue in possession as a tenant for a limited period of one year from the date of death of the tenant and, on the expiry of that period, or on his death, whichever is earlier, the right of such successor to continue in possession of the premises shall become extinguished.

Explanation.- For the removal of doubts, it is hereby declared that :-

- (a) Where, by reason of sub-section (2), the right of any successor to continue in possession of the premises become a extinguished, such extinguishment shall not effect the right of any other successor of the same category to continue in possession of the premises but if there is no other successor of the same category, the right to continue in possession of the premises, shall not, on such extinguishment, pass on to any other successor specified in any lower category or categories, as the case may be .
- (b) the right of every successor, referred to in sub-section (1) to continue in possession of the premises shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs.
- (3) Nothing in sub-section (1) or sub-section (2) shall apply to a non-residential premises and the vacant possession of such premises shall be delivered to the landlord within one year;-
 - (i) of the death of the tenant, in case the tenant is an individual;
 - (ii) of the dissolution of the firm, in case the tenant is a firm;

Explanation.-If all partners of the firm as on the date of hiring the premises leave the firm it shall be deemed that the firm stands dissolved.

- (iii) of the winding up of the company, in case the tenant is a "company", as defined in the Companies Act, 1956.
- (iv) of the dissolution of the corporate body other than a company in case the tenant is such a corporate body.

CHAPTER II

RENT

6. (1) For all the existing tanancies, rent being paid and accepted (agree rent) shall be considered as "Basic Rent", and the year from which it is being paid shall be the base year or year of occupation :

Basic Rent and
base Year.

Provided that if the rent had been decreased by mutual agreement after occupation then actual year of occupation shall be taken as base year.

(2) The rent payable in relation to a premises shall be -

- (a) the rent agreed to between the landlord and the tenant as enhanced in the manner provided in Schedule I to this Act; or



(b) the standard rent specified under section 7 of this Act as revised under section 9 of this Act;

(3) In the case of a tenancy entered into before the commencement of this Act, the landlord shall intimate the revised standard rent by notice in writing in the Form specified in Schedule IV to this Act to the tenant within one year from the date of such commencement. The enhanced rent shall be payable from the date of such commencement;

Provided that in case, where notice as aforesaid is served to the tenant later than one year, the enhanced rent from the date of notice shall be admissible.

(4) For all buildings exempted from the purview of this Act due to being new construction or deemed new construction, the rent being paid in the last year of exemption shall be considered to be standard rent for the year and shall be subject to increase in keeping with the provisions of this Act.

Standard Rent

7. (1) For the existing tenancies, fair rent previously fixed by the Rent Controller under the East Punjab Urban Rent Restriction Act, 1949 and other cases of disputed rate of rent shall be reassessed in accordance with the provisions of this section.

(2) "Standard rent" in relation to any premises, means the rent calculated on the basis of ten per cent, per annum of the aggregate amount of the cost of construction and market price of the land comprised in the premises on the date of commencement of the construction :

Provided that the standard rent calculated as aforesaid shall be enhanced in the manner provided in Schedule I to this Act.

(3) For the purposes of this section,—

(a) cost of construction shall also include cost of electrical fittings, water pumps, overhead water tanks, storage tank and other water, sewerage and other fixtures and fittings affixed in the premises;

(b) in case any fixture and fitting referred to in clause (a) are in common use by more than one occupant in a building, such proportion of cost of the fixtures and fittings shall be included in the cost of construction of the premises as bears the proportion to the plinth area of such premises to the plinth area of that building ;

(c) the cost of construction and the market price of the land comprised in the premises purchased from or allotted by the Government or a

local authority shall be the aggregate amount payable to such Government or the local authority, as the case may be, for the premises:

Provided that the Rent Authority may, for the purpose of arriving at, the cost of construction and market price of the land comprised in the premises, allow addition subject to a maximum of thirty per cent, of the amount payable to the Government or the local authority, as the case may be, to the amount so payable for any expenditure incurred by the landlord or by the first or any subsequent purchaser or allottee for any improvement, addition or structural alteration in the premises.

8. (1) A tenant shall be liable to pay the landlord, besides the rent, the following charges, namely:-

- (a) maintenance charges at the rate of ten per cent of the rent ; and
- (b) without prejudice to the liability of the landlord to pay the property tax to the local authority, the *pro rata* property tax in relation to the premises.

Explanation.- For the purpose of calculating the monthly charges payable by the tenant to the landlord towards the property tax, the amount paid or payable as tax for the immediately preceding year or the estimated tax payable shall form the basis..

(2) The landlord shall be entitled to recover from the tenant the amount paid by him towards charges for electricity or water consumed or other charges levied by a local or other authority which is ordinarily payable by the tenant.

9. (1) Where a landlord has at any time, before the commencement of this Act, with or without the approval of the tenant, or after the commencement of this Act with the written approval of the tenant, incurred expenditure for any improvement, addition or structural alteration in the premises not being expenditure on decoration or tenantable repairs necessary or usual for such premises, and the cost of that improvement, addition or alteration has not been taken into account in determining the rent of the premises, the landlord may lawfully increase the rent per year by a amount not exceeding ten per cent of such cost.

(2) Where, after the rent of a premises has been fixed under this Act, or agreed upon, as the case may be, there has been a decrease, diminution or deterioration of accommodation in such premises, the tenant may claim a

Other charges
payable



Revision of rent
in certain cases

reduction in the rent.

Notice of
revision of rent

10. (1) Where a landlord intends to revise the rent of any premises under sub-section (1) of section 9, he shall give to the tenant a notice in Form as specified in Scheduled V to this Act, of his intention to make the revision and, in so far as such revision is lawful under this Act, it shall be due and recoverable from the date of Improvement, addition or structural alteration.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

(3) Subsequent to the coming into force of this Act and fixation of the revised rent for the existing tenancies and for all new tenancies, the rent shall be increased by five per cent of the last rent for two years. The third year increase shall be based on the increase in the consumer price index over the corresponding three years.

for example, if the Consumer Price Index increases by eighteen per cent in three years, the rent for the fourth year shall be the rent for the first year multiplied by one point eighteen. The cycle will continue.

Rent Authority
to fix standard
rent etc.

11. (1) The rent Authority shall on an application made to him in this behalf, in the Form as specified in Schedule VIII to this Act fix in respect of any premises for existing tenancies;—

- (i) the deemed rent for the purpose of clause (b) of sub-section (1) of section 3 of this Act;
- (ii) the enhancement in rent in the manner provided in Schedule 1 to this Act in the case of agreed rent;
- (iii) the standard rent as per the provisions of section 7 of this Act, in the case of disputed rate of rent or earlier fixed by the Rent Controller;
- (iv) the other charges payable as per the provisions of section 8 of this Act; and
- (v) the revision in rent as per the provisions of section 9 of this Act for improvements.

(2) In working out the cost of construction of any premises or the market price of the land comprised in such premises for the purpose of section

7 of this Act or the expenditure incurred for any improvement, addition or structural alteration or the decrease, diminution or deterioration of accommodation in a premises for the purposes of section 9 of this Act, the Rent Authority may take the assistance of an approved valuer who shall carry out the assessment in the manner prescribed.

(3) The standard rent shall in all cases be fixed for a tenancy of twelve months.

(4) In fixing the standard rent or lawful increase or decrease of rent or for determining the other charges payable in respect of any premises under this section, the Rent Authority shall specify a date from which the amount, so fixed shall be deemed to have effect:

Provided that, in the matter of standard rent, in no case the date so specified shall be earlier than the date of the filing of the application for the increase or decrease of the standard rent.

Provided further that if the increase is because of improvement, addition or structural alteration, it shall come into effect from the date of completion of such improvement, addition or alteration.

(5) The Rent Authority may, while fixing standard rent or lawful increase or decrease in rent or other charges payable, order for payment of the arrears of amount due by the tenant to the landlord in such number of instalments as it may deem proper.

12. If an application for fixing the standard rent or for determining the lawful increase or decrease of rent or other charges payable is made under section 11 of this Act, the Rent Authority shall, as expeditiously as possible, make an order specifying the amount to be paid pending final decision on the application and shall appoint the date from which the amount so specified shall be deemed to have effect.

Fixation of
interim rent

13. (1) Every tenant shall pay rent and other charges payable to the landlord within the time fixed by contract or in the absence of such stipulation, by the fifteenth day of the month next following the month for which is payable and where any default occurs in the payment of rent or other charges, the tenant shall be liable to pay simple interest at the rate of fifteen per cent per annum from the date on which such payment of rent and other charges payable is due to the date on which it is paid.

Receipt to be
given for rent
paid.

(2) Every tenant who makes payment of rent or other charges payable

or advance towards such rent or other charges to his landlord in cash shall be entitled, to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent;

Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order.

(3) If the landlord or his authorised agent refuses or neglect to deliver to the tenant the receipt referred to in sub-section (2), the Rent Authority may, on a application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent or other charges paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent or other charges paid.

(4) If the landlord supplies the particulars of his bank account the tenant shall deposit the rent and other charges payable in such bank account as and when due.

Deposit of rent

14. (1) Where the landlord does not accept any rent and other charges payable tendered by the tenant within the time and the manner referred to in section 13 or refuses or neglects to deliver a receipt referred to therein or where there is a *bona fide* doubt as to the person or persons to whom the rent and other charges are payable, the tenant may deposit such rent and other charges payable with the Rent Authority according to the provisions of sub-section (2) below.

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

- (a) the premises for which the rent and other charges payable are deposited with a description sufficient for indentifying the premises;
- (b) the period for which the rent and other charges payable are deposited;
- (c) the name and address of the landlord or the person or persons claiming to be entitled to such rent and other charges payable; and
- (d) the reasons and circumstances for which the application for depositing the rent and other charges payable is made;

the rent and other charges payable unless the landlord has withdrawn the ammount deposited before the date of filing an application for the recovery of possession of the premises from the tenant.

(3) if the rent and other charges payable are deposited within the time specified in sub-section (1) and do not case to be valid deposit for the reasons specified in sub-section(2), the deposit shall consititute payment of rent and other charges payable to the landlord as if the amount deposited has been validly tendered.

Saving as to
acceptance of
rent and other
charges payable
and foreiture in
deposit.

16. (1) The withdrawal of rent and other charges payable deposited under section 14 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent and other charges payable for the period of default, the amount due or of any facts stated in the tenant's application for depositing the rent and other charges payable under the said section.

(2) Any rent and other charges payable in deposit which are not withdrawn by the landlord or by the person or persons entitled to receive such rent and other charges payable shall be forfeited to Government by an *order made by the Rent Authority, if they are not withdrawn before the expiration of five years from the date of receiving the intimation of deposit.*

(3) Before passing an order of forfeiture, the Rent Authority shall give notice to the landlord or the person or persons entitled to receive the rent and other charges in deposit by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper.

CHAPTER III

Repairs of Premises

Duties of
landlord.

17. (1) Subject to the contract in writing to the contrary every landlord shall be bound to keep the premises in good and tenantable repairs in relation to matters falling under Part A of Schedule II to this Act.

Explanation.- The expression "Good and tenantable repairs" under this section and section 18 shall mean repairs as shall keep the premises in the same condition in which it was let out except for the normal wear and tear.

(2) Where any repairs, in relation to a matter falling under Part A of Schedule II to this Act without which the premises are not habitable or useable

except with undue inconvenience are to be made and the landlord neglects or fail to make them within a period of three months after notice in writing, the tenant may apply to the Rent Authority for permission to make such repairs himself and may submit to the Rent Authority an estimate of the cost of such repairs and thereupon the Rent Authority may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as it may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make repair himself and to deduct the cost thereof, which shall in no case except the amount to specified, from the rent or otherwise recover it from the landlord.

Provided that the amount so deducted or recoverable from rent in any year shall not exceed one-half of the rent payable by the tenant for that year and any amount remaining not recovered in that year shall be deducted or recovered from rent in the subsequent years at the rate of not more than twenty-five per cent of the rent for a month :

Provided further that where there are more than one premises owned by a landlord in a building, the tenants thereof may jointly carry out the repairs and share the expenses proportionately.

(3) Nothing in sub-section (2) shall apply to a premises which,-

(a) at the time of letting out was not habitable or useable except with undue inconvenience and the tenant had agreed to take the same in that condition;

(b) after being let out was caused to be not habitable or useable except with undue inconvenience by the tenant.

18. (1) Every tenant shall be bound to keep the premises in good and tenantable repairs in relation to the matters falling under part B of Schedule II to this Act,

Duties of
tenant.

(2) Where any repairs, in relation to a matter falling under Part B of Schedule II to this Act without which the premises are not habitable or useable except with undue inconvenience, are to be made and the tenant neglects or fails to make them within a period of sixty days after notice in writing, the landlord may apply to the Rent Authority for permission to make such repairs himself and may submit to the Rent Authority an estimate of the cost of such repairs, and thereupon the Rent Authority may, after giving the tenant an



opportunity of being heard and after considering such estimate of the cost and making such enquiries as he may consider necessary, by an order in writing, permit the landlord to make such repairs at such cost as may be specified in the order, and it shall thereafter be lawful for landlord to make such repairs himself and to recover the cost of such repairs, which shall in no case exceed the amount so specified, from the tenant..

(3) The landlord or a person authorised by him shall have the right to enter and inspect the premises after notice to the tenant in the form specified in Schedule VI to this Act.

(4) The tenant shall make good all damages caused to premises by his negligence within ninety days of being informed in writing to do so by the landlord failing which the landlord may apply to the Rent Authority for permission to make good the said damages and the Rent Authority shall decide the matter in the manner provided in sub-section (2).

(5) The tenant shall hand over the possession of the premises on termination of tenancy in the same condition, except for the normal wear and tear, as it was when it was handed over to him at the beginning of such tenancy and in a case where certain damages have been caused, not being damages caused by war, act of God or disturbances, the tenant shall make good the damages caused to the premises failing which the landlord may apply to the Rent Authority for permission to make good the said damages and the Rent Authority shall decide the matter in the manner provided in sub-section (2).

(6) The tenant shall not, whether during the subsistence of tenancy or thereafter, demolish any improvement or alteration, carried out by him in the premises or remove any material used in such improvement or alteration, other than any fixture of a removable nature, without the permission of the landlord failing which such demolition or alteration shall be deemed to be a damage caused by such tenant under sub-section (4) and shall be dealt with accordingly.

Cutting off or
withholding
essential supply
of service.

19. (1) No landlord or tenant either by himself or through any person purporting to act on his behalf shall, without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant or landlord, as the case may be, in respect of the premises let to him, or, under his own occupation.

(2) If a landlord or a tenant contravenes the provisions of sub-section (1), the tenant or the landlord, as the case may be, may make an application to rent Authority complaining of such contravention.

(3) If the Rent Authority is satisfied that the essential supply or service was wilfully cut off or withheld, it may pass an order directing the restoration of the amenities immediately pending the inquiry referred to in sub-section (4) :

Provided that interim order may be passed under this sub-section without giving notice to the landlord or the tenant, as the case may be.

(4) If the Rent Authority on inquiry finds that the essential supply or service enjoyed the tenant or landlord was cut off or withheld by the landlord or the tenant, as the case may be, wilfully and without just and sufficient cause, he shall make an order directing the restoration of such supply or service.

(5) The Rent Authority shall complete an enquiry under sub-section (4) within a period of thirty days of filing of an application for enquiry unless the Rent Authority, for reasons to be recorded in writing, decides that it is not possible to complete the enquiry within such period.

(6) The Rent Authority may, in his discretion, direct that compensation not exceeding one thousand rupees be paid to,-

(a) the landlord or the tenant, as the case may be, by the complainant if the application under sub-section (2) was made frivolously or vexatiously:

(b) the complainant, if the landlord or the tenant, as the case may be, had cut off or withheld the supply or service without just and sufficient cause.

Explanation.-In this section the expression "essential supply or service" shall include supply of water, electricity, lights in passages and on staircases, conservancy and sanitary service.

Explanation.-For the purposes of this section withholding any essential supply or service shall include acts or commissions attributable to the landlord or the tenant, as the case may be, on account of which the essential supply or service is cut off by a local authority or any other agency.

CHAPTER IV

PROTECTION OF TENANTS AGAINST EVICTION

Protection of
tenants against
eviction

20. (1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court, Tribunal or Rent Authority in favour of the landlord against any tenant, save as provided in sub-section (2).

(2) The Rent Authority may, on an application made to it in the form specified in Schedule XII to this Act make an order for the recovery of possession of any premises on one or more of the following grounds only, namely:-

(a) that the tenant has neither paid nor tendered the whole of the arrears of the rent and other charges payable for three or consecutive months legally recoverable from him within two months of the date on which a notice in the form specified in Schedule VII to this Act, of demand for the arrears of such rent and other charges payable and interest at the rate of fifteen percent, for the period of default has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act 1882:

Provided that a tenant shall not be entitled to the benefit of service of notice by the landlord under this clause where having obtained such benefit once in respect of any premises, he again makes a default in the payment of rent and other charges payable in respect of those premises;

(b) that the tenant has used the premises for a purpose other than that for which they were let;

(c) that the premises were let for use as a residence and,-

(i) neither the tenant nor any member of his family has been residing therein for a period of six months;

Explanation.- For the purposes of this clause and clause (g), "family" means parents, spouse, dependent sons and daughters or such other relatives as are ordinarily living with the tenant and are dependent upon him;

(d) that the premises or any part thereof have become unsafe or unfit for human habitation and are required by the landlord for carrying out repairs or reconstruction which cannot be carried out without the premises being vacated.

Provided that no order for the recovery of possession under this clause, clause (f) clause (g) and clause (h) shall be made unless the Rent Authority is satisfied that the plans and estimates of such repairs or re-construction, as the case may be, have been properly prepared and that the landlord has the necessary means to carry out the said repairs or re-construction:

Provided further that if the landlord proposes to change the use of the premises after re-construction, than, he shall so specify in his application for recovery of possession and, after such re-construction, the landlord shall if it is otherwise permissible under law, utilize the built up area equal to the previous area for the original use to the extent required for the purpose of sub-section (i) of section 30 and the rest for any other use;

- (e) That the premises or any part thereof are required by the landlord for the purpose of immediate demolition ordered by the Government or any local authority or the premises are required by the landlord to carry out any building work at the instance of the Government or local authority in pursuance of any improvement scheme or development scheme and that such building work cannot be carried out without the premises being vacated;
- (f) that the premises or any part thereof are required by the landlord for carrying out any repairs which cannot be carried out without the premises being vacated;
- (g) that the premises are required by the landlord for the purpose of building or re-building or making thereto any substantial addition or alteration including construction on the terrace or on the appurtenant land and that such building or re-building or addition or alteration cannot be carried out without the premises being vacated;
- (h) that the premises consist of not more than two floors and the same are required by the landlord for the purpose of immediate demolition with a view to re-build the same:

Provided that where the building of which such premises or premises Possession in respect of which has been recovered under clause (d), clause (e) clause (f) or clause (g) from a part has been re-built to an extent of less than seventy five per cent, a tenant so

dispossessed shall have a right to re-entry at the new terms of tenancy in a premises in the re-built building equivalent in area to the original premises for which he was a tenant;

- (i) that the tenant, his spouse or a dependent son or daughter ordinarily living with him has, whether before or after the commencement of this Act, built or acquired vacant possession of or been allotted a residence on hire purchase basis:

Provided that the Rent Authority may in appropriate case allow the tenant to vacate the premises within such period as he may permit but not exceeding three months from the date of passing of orders of eviction or one year from the date of getting possession of premises referred to in sub-section (1) above.

- (j) that the premises were let to the tenant for use as a residence by reasons of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment:

Provided that no order for the recovery of possession of any premises shall be made on this ground if the Rent Authority is of the opinion that there is any *bona fide* dispute as to whether the tenant has ceased to be in the service of employment of the landlord;

- (k) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to or such alteration of the premises as has the effect of changing its identity or diminishing its value.

Explanation.- For the purposes of this clause, "substantial damage" shall mean such damage as shall involve an expenditure equivalent to six months' rent or more, of the premises or such less expenditure as the Rent Authority is satisfied, keeping in view, the special nature of damage, justify the same to be treated as substantial damage for carrying out the repairs for such damage:

Provided that no order for the recovery of possession of any premises shall be made on the ground specified in this clause, if the tenant within such time as may be specified in this behalf by the Rent Authority, carries out repairs to the damage caused to the satisfaction of the Rent Authority or pays to the landlord such amount by way of compensation as the Rent Authority may direct;

(i) that the tenant or any person residing with the tenant has been convicted of causing nuisance or annoyance to a person living in the neighbourhood of the premises or has been convicted of using or allowing the use of the premises for an immoral or illegal purpose.

(m) that the tenant has, used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government, while giving him a lease of the land on which the premises are situated ;

Provided that no order for the recovery of possession of any premises shall be made on this ground if the tenant within a such time, as may be specified in this behalf by the Rent Authority, complies with the condition imposed on the landlord by any of the authority referred to this clause;

(n) that the tenant in his reply having,denied the ownership of landlord has failed to prove it or that such denial was not made in a *bona fied* manner;

(o) that the person in occupation of the premises has failed to prove that he is a *bona fied* tenant;

(p) that the tenant after having agreed with or having informed the landlord in writing the date to vacate the premises does not do so on or after the date so agreed or informed;

(q) that the premises let for residential or non-residential purpose are required, whether in the same or after re-construction or re-building, by the landlord for occupation for residential or non-residential purpose for himself or for any member of his family if he is the owner thereof, or for any person for who benefit the premises are held and that the landlord or such person has no other reasonable suitable accommodation;

Provided that where the landlord has acquired the premises by transfer no application for the recovery of possession of such premises shall lie under this clause unless a period of three years elapsed from the date of the acquisition :

Provided further that where an order for the recovery of possession of any premises is made on the ground specified in this clause, the



landlord shall be entitled to obtain possession thereof on the expiration of a period of three months from the date of passing of eviction order.

Explanation. - I. For the purposes of this clause, where the landlord in his application supported by an affidavit submits that the premises are required by him for occupation for himself or for any member of his family dependent on him, the Rent Authority shall presume that the premises are so required.

Explanation. -II. For the purposes of this clause of section 21, section 22, section 23, or section 24, an occupation by the landlord of any part of a building of which any premises let out by him forms a part, shall not disentitle him to recover the possession of such premises.

Explanation. -III. For the purposes of this clause "owner of the premises" includes a person who has been allotted such premises by the Punjab Housing Development Board or any other local authority by way of an agreement of hire purchase lease or sub-lease, even before the full ownership rights accrue to such hire-purchaser, leasee or sub-lessee, as the case may be.

(3) In any proceeding for eviction under clause (d),(e),(f),(g) or (q) of sub-section (2) of this section or section 21 or section 22 or section 23 or section 24, the Rent Authority may allow eviction from only a part of the premises if the landlord is agreeable to the same.

Provided that, in case of such part-eviction, the rent and other charges payable by the tenant shall be decreased in proportion to the part vacated.

(4) No order for the recovery of possession in any proceedings under sub-section (2) shall be binding on any sub-tenant referred to in section 27 who has given notice of his sub-tenancy to the landlord under the provisions of that section, unless the sub-tenant is made a party to the proceedings and the order for eviction is made binding on him.

Right to recovery
immediate
possession of
premises to
accrue to certain
persons.

21. (1) Where a person in occupation of any residential premises allotted to him by the Government or any local authority is required by, or in pursuance of any general or special order made by that Government or authority, to vacate such residential accommodation, or in default to incur certain obligations, on the ground that he or his spouse or his dependent son or daughter as the case may be owns, in the concerned local authority residential

(b) is a dependent or a member of any armed forces who had been killed in action and the premises let out by such members are required for the residential or non-residential use of the family of such member, such person, his spouse or his dependent son or daughter, as the case may be, may, within one year from the date of his release or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is latter, apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where a person is member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter, as the case may be, are required for his own residential or non-residential use after his retirement, he, his spouse or his dependent son or daughter as the case may be, may at any time within a period of one year before the date of his retirement, apply to the Rent authority for recovery of immediate possession of such premises.

(3) Where the person his spouse or his dependent son or daughter referred to in sub-section (1) or sub section (2) has let out more than one premises, it shall be open to him his spouse or his dependent son or daughter, as the case may be, to make an application under the sub-section in respect of one premises, each for residential and non-residential purposes.

Right to recover
immediate
possession of
premises to accrue
to Central and
State Government
employees.

23. (1) Where a person is a retired employee of the Central Government or of a State Government and the premises let out by him, his spouse or his dependent son or daughter are required for his own residential or non-residential use, such employee, his spouse or his dependent son or daughter, as the case may be, may within one year from the date of his retirement or within a period of one year from the date of commencement of this act, whichever is later, apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where a person is an employee of the Central Government or of State Government and has a period of less than one year preceding the date of his retirement and the premises let out by him or his spouse or dependent son or daughter are required by him for his own residential or non-residential

use after his retirement, he, his spouse or his dependent son or daughter, as the case may be, may at any time within a period of one year before the date of retirement apply to the Rent Authority for recovery of immediate possession of such premises.

(3) Where the person, his spouse or his dependent son or daughter referred to in sub-section (1) or in sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under the said sub-sections in respect of one premises such for residential and non-residential purposes.

24. (1) Where the landlord is,-

- (a) a widow and the premises let out by her, or her husband;
- (b) a handicapped person and the premises let out by him.
- (c) a person who is of the age of sixty-five years or more and the premises let out by him or her;
- (d) a person who is a non-resident Indian and returns to India for permanent residence and the premises let out by him or her;
- (e) freedom fighter, his widow or dependent son or daughter and the premises let out by him or her; is required by him or her or for his or her family or for any one ordinarily living with him or her for residential or non-residential use he or she may apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him to make an application under that sub-section in respect of anyone residential and one non-residential premises each chosen by him.

Explanation.-I. For the purposes of this section "handicapped person" shall mean a person who is as if being an assessee entitled for the time being to the benefits of deduction under section 80 U of the Income Tax Act, 1961.

Explanation.-II. The right to recover possession under this section shall be exerciseable only one in respect of each for residential and for non-residential use.

Right to Recover
immediate
possession of
premises to accrue
to widows
handicapped and
old persons.



Payment of rent
during eviction
proceedings.

25. (1) During the proceedings for recovery of possession under section 20, a tenant shall ensure timely payment of rent and other charges at the rate at which these were being paid immediately before the commencement of the proceeding.

(2) if, any proceeding for recovery of possession, there is any dispute as to the amount of rent payable by the tenant, the Rent Authority shall, within fifteen days of the date of the first hearing of the proceeding fix and interim rent and other charges in relation to the premises to be paid or deposited within one month of the date of which the interim rent is fixed for such further time as a Rent Authority may allow in this behalf.

(3) If, in any proceeding for recovery of possession there is any dispute as to the person or persons to whom the rent is payable the Rent Authority may direct the tenant to deposit with the Rent Authority the amount payable by him under sub-section (2) as the case may be, and in such case no person shall be entitled to withdraw the amount in deposit until the Rent Authority decides the dispute and makes an order for payment of the same.

(4) If the Rent Authority is satisfied that any dispute referred to in sub-section (3) has been raised by a tenant for reasons which are false or frivolous, the Rent Authority may order the defence against eviction to be struck out and proceed with the hearing of the application.

(5) If a tenant fails to make payment or deposit as required by this section, the Rent Authority may order the defence against eviction to be struck out and proceed with the hearing of the application.

Restrictions
on-such-letting

26. After the commencement of this Act, no tenant shall without the previous consent in writing of the landlord.-

(a) sub-let the whole of any part of the premises held him as a tenant;
or

(b) transfer or assign his right in the tenancy or any part thereof.

Notice of
creation and
termination of
subtenancy.

27. Where after the commencement of this Act, any premises are sub-let either in whole or in part by the tenant with the prior consent in writing of the landlord the tenant or the sub-tenant to whom the premises are sub-let may in prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month of the date of such sub-letting and also notify the termination of such sub-tenancy in the Form specified in schedule X to this Act.

28. Where an order for eviction in respect of any premises is made under section 20 against a tenant but not against a sub-tenant referred to in section 27 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to have become a tenant holding the premises in his occupation directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Sub-tenant to be tenant in certain cases.

29. (1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (q) of sub-section (2) of section 20 or under sections 21, 22, 23, 24, or 31, the landlord shall not, except with the permission of the Rent Authority obtained in the Form specified in Schedule IX to this Act, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Rent Authority may direct the landlord to put such evicted tenant in possession of the premises:

Recovery of possession for occupation and re-entry.

Provided that where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (q) or sub-section (2) of section 20 for occupation after reconstruction or rebuilding, the period of three years shall be reckoned from the date of completion of re-construction or re-building, as the case may be.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Rent Authority under sub-section (1) or the possession of the such premises is transferred to another person for reasons which do not appear to the Rent Authority to be bonafide, the Rent Authority may, on an application in the form specified in Schedule XI to this Act, made to him in this behalf by such evicted tenant, direct the landlord to put the tenant in possession of the premises on the same terms and conditions if the premises are in the same form or on new terms and conditions, if the premises have been re-constructed or re-built.

30. (1) In making any order on the grounds specified in clause (d), (e), (f), (g) and (h) of sub-section (2) of section 20 the Rent Authority shall fix the new rent and ascertain from the tenant whether he elects to be placed in

Recovery of possession for repair.



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 order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or of building or re-building, as the case may be, and the date before which the landlord shall deliver the possession of the said premises.

(2) If the tenant delivers possession on or before the date specified in the order the landlord shall, on the completion of the work of repairs of building or re-building, place the tenant in occupation of the premises or part thereof before the date specified in sub-section (1) or such extended date as may be specified by the Rent Authority by an order.

(3) If after, the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within three months of the specified date the Rent Authority may, on an application made to him in this behalf by the tenant, within subsequent three months, order the landlord to place the tenant in occupation of the premises on the same terms and conditions and to pay to the tenant such compensation as the Rent Authority thinks fit.

(4) If the tenant has delivered possession on or before the date specified in the order and the landlord fails to place the tenant in occupation of the premises after repairs, building or re-building, as the case may, in accordance with sub-section (2), the Rent Authority may, on an application in the Form specified in Schedule XI to this Act made to him in this behalf by the tenant within three months from the date of completion of work, order the landlord to place the tenant in occupation of the premises on revised terms and conditions and to pay to the tenant such compensation as the Rent Authority thinks fit.

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Recovery of
possession in
case of tenancies
for limited
period.

31. (1) Where a landlord does not require the whole or any part of any premises for a particular period, and after obtaining the permission of the Rent Authority in the Form specified in Schedule XIV to this Act lets the whole of the premises or part thereof as a residence for such period, not being more than five years, as may be agreed to in writing between the landlord and the tenant and the tenant does not, on the expiry of the said period vacate such premises, then, notwithstanding anything contained in section 20 or in any other law, the Rent Authority may, on an application made to him in this behalf by the landlord within such time as may be prescribed, place the landlord in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

(2) The Rent Authority shall not, -

- (i) Grant permission under sub-section (1) in relation to a premises consecutively more than two times except for good and sufficient reasons to be recorded in writing.

Explanation.- The permission granted under sub-section (1) shall not be construed to be consecutive, if a period of five years or more has elapsed after the expiry of the last limited period tenancy;

- (ii) Entertain any application from the tenant calling in question the *bona-fides* of the landlord in letting the premises under this section.

(3) All applications made before the Rent Authority and appeals made before the Tribunal by the tenant shall abate on the expiry of the period for which permission has been granted under sub-section (1).

(4) While making an order under sub-section (1), the Rent Authority may award to the landlord damages for the use of occupation of the premises at double the last rent paid by the tenant together with interest at the rate of fifteen per cent, per annum for the period from the date of such order till the date of actual vacation by the tenant.

32. Where the landlord in respect of any premises is any company or other body corporate or any public institution, then notwithstanding anything contained in section 20 or in any other law, the Rent Authority may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Rent Authority is satisfied that -

- (a) the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment and the premises are required for the use of employees of such landlord; or
- (b) the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or
- (c) any other person is in unauthorised occupation of such premises;
- (d) the premises are required *bona fide* by the landlord for the use of employees of such landlord or, in the case of a public institution, for the furtherance of its activities.

Special provision for recovery of possession in certain cases.



Explanation.- For the purpose of this section, the expression "public institution" includes any educational institution library, hospital and charitable dispensary but does not include any such institution set up by a private trust.

Permission to
construct
additional
structure.

33. (1) The landlord shall have the right to construct further storeys on the roof.

(2) In case the landlord wishes to reconstruct or renovate a building which is more than twenty five years old and for which he has obtained the required sanction from the competent authority for construction, the tenant shall temporarily vacate the building on being served with three months notice. In such case the old tenant shall get the first priority for occupation on revised rent as provided for in this Act. The old tenant shall not be entitled for any other compensation whatsoever.

Special
provisions
regarding vacant
building sites.

34. Notwithstanding anything contained in section 20, where any premises which have been let comprise vacant land upon which it is premissible under the building regulations or municipal bye-laws for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Rent Authority, on any application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the servance of the vacant land from the rest of premises will not cause undue hardship to the tenant, the Rent Authority may--

- (a) Direct such severance;
- (b) place the landlord in possession of the vacant land;
- (c) determine the rent payable by the tenant in respect of the rest of the premises; and
- (d) make such other order as he thinks fit in the circumstances of the case.

Vacant
possession to
landlord.

35. Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reasons whatsoever and any order is made by the Rent Authority under this Act for the recovery of possession of such premises, the order shall subject to the provisions of section 28, be binding on all persons who may be in occupation on the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom.

CHAPTER V

RENT AUTHORITIES

36. (1) The Government may, by notification in the Official Gazettee, appoint as many Rent Authorities as it thinks fit, and define the limits within which, each Rent Authority shall exercise the powers conferred, and perform the duties, imposed, on Rent Authorities by or under this Act in respect of all tenancy matters relating to premises and tenancies covered under clauses (b) to (h) of sub-section (1) of section 3 of this Act.

Appointment of
Rent Authorities
and additional
Rent Authorities.

(2) The Government may also, by notification in the Official Gazettee, appoint as many additional Rent Authorities as it thinks fit, and an additional Rent Authority shall perform such of the functions of the Rent Authority as may subject to the control of the Government be assigned to him in writing by the Rent Authority and in the discharge of these functions, an additional Rent Authority shall have and shall exercise the same powers and discharge the same duties as the Rent Authority.

(3) The qualifications, mode of recruitment, salaries and allowances and other terms and conditions of service, including pension, gratuity and other retirement benefits, of the Rent Authorities and Additional Rent Authorities shall be such as may be prescribed.

37. (1) The Rent Authority may:-

Power of Rent
Authority.

(a) transfer any proceeding pending before him for disposal to any additional Rent Authority, or

(b) withdraw any proceeding pending before any additional Rent Authority and dispose it of itself or transfer the proceeding for disposal to any other additional Rent Authority.

(2) The Rent Authority shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908, when trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed.



and any proceeding before the Rent Authority shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228, and for the purpose of section 196, of the India Penal Code and the Rent Authority shall be deemed to be a Civil Court for the purpose of section 195 but not for the purposes of Chapter XXVI of the Code of the Criminal Procedure, 1973.

(3) For the purposes of holding any inquiry or discharging any duty under this Act, the Rent Authority may;-

- (a) after giving not less than twenty four hours notice in writing enter and inspect or authorise any officer subordinate to him to enter and inspect any premises at any time between sunrise and sunset; as
- (b) by written order, require any person to produce for his inspection all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

(4) The Rent Authority may, if he thinks fit, appoint once or more persons having special knowledge of the matter under consideration as an assessor or assessors to advise him on the proceeding before him.

(5) Any fine imposed by a Rent Authority under this Act shall be paid by the person fined within such time as may be allowed by the Rent Authority and the Rent Authority, for good and sufficient reason, may extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal Procedure, 1973, and the Rent Authority shall be deemed to be a magistrate under the said Code for the purpose of such recovery.

(6) An order made by a Rent Authority or the Tribunal under this Act or an order made by a Controller, or an order passed on appeal, under the East Punjab Urban Rent Restriction Act, 1949 shall be executable by a Rent Authority designated by the Tribunal in this behalf and for this purpose the Rent Authority so designated shall have all the powers of a Civil Court.

Procedure to be followed by Rent Authority.

38. (1) No order which prejudicially affects any person shall be made by the Rent Authority under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Rent Authority.

(2) Subject to any rule made under this Act and other provisions of this Act, the Rent Authority shall, while holding an enquiry in any proceeding before



him follow as far as may be the practice and procedure of a court of small causes, including the recording of evidence.

(3) The Rent Authority shall not ordinarily allow more than three adjournments at the request of a party throughout the proceedings and in case he decides to do so, he shall inform the chairman the reasons therefore and order to pay the other party the reasonable cost.

(4) The Rent Authority shall issue summons in relation to every application under this Act in the form specified in Schedule III to this Act.

(5) The Rent Authority shall, in addition to, and simultaneously with the issue of summons for service on the opposite party, also direct the summons to be served by registered post, acknowledgement due, under certificate of posting addressed to the opposite party or his agent authorised to accept the service at the place where the opposite party or his agent actually and voluntarily resides or carries on business or personally works for gain, and shall also direct affixing of the same on the door of the premises in dispute and get a *manadi* in this behalf. This shall constitute valid service of summons.

(6) (a) An application under section 19 for cutting off essential service shall be dealt with in accordance with the procedure specified in this sub-section.

(b) The Rent Authority shall commence the hearing of the application within seven days of the filing thereof and shall dispose of the same within thirty days of starting of such hearing, failing such commencement of hearing of application within such time, the Rent Authority shall inform the Chairman of the Tribunal the reasons therefor.

(7) (a) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (d) or clause (e) or clause (g) of sub-section (2) of section 20 or under section 21, or under section 22 or under section 23 or under section 24 or under section 31 shall be dealt with in accordance with the procedure specified in this sub-section.

(b) The tenant on whom the summons is duly served in accordance with sub-section (5) in the Form specified in schedule III to this act 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 Rent 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.

(c) The Rent 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.

(d) Where leave is granted to the tenant to contest the application, the Rent Authority shall ordinarily commence the hearing of the application within seven days of the grant of such leave and shall provide day to day hearing and shall dispose of the application within thirty days of starting of such hearing failing such commencement of hearing or disposal of application within such time, the Rent Authority shall inform the Chairman of the Tribunal the reasons therefor.

(e) Where the leave to contest under clause (c) is denied to the tenant he may file an application for review before the Rent Authority within ten days of such denial and the Rent Authority shall endeavour to dispose of such application within seven days of its filing.

(8) Every application made to the Rent Authority shall be heard as expeditiously as possible and subject to the provisions of sub-section (6) and (7), endeavour shall be made to conclude the hearing and to dispose of the application within six months of its being filed.

(9) In all proceedings before him, the Rent Authority shall consider the question of costs and award such costs to or against any party as the Rent Authority considers reasonable.

(10) When the ejectment decree is passed under this Act, the Rent Authority shall in addition pass order for recovery of arrears of rent and other charges alongwith interest at the rate of fifteen per cent per annum, recoverable as arrears of Land Revenue.

Application to
Rent Authority.

38. (A) Every application to the Rent Authority shall be in such Form as is provided in the relevant Schedule to this Act alongwith relevant documents and other required evidence, Fees for various applications and processes shall be the same as applicable to a Rent Controller under the provisions of the Court Fees Act, 1870, as ammended by the State of Punjab.



CHAPTER VI

PUNJAB RENT TRIBUNAL

39. The Government of Punjab shall, by notification in the Official Gazette, establish a Tribunal, to be known as the Punjab Rent Tribunal to exercise the jurisdiction, power and authority conferred on it by or under this Act.

Establishment
of Punjab Rent
Tribunal.

40. (1) The Punjab Rent Tribunal shall consist of a Chairman and such number of other members, being not less than three, as the State Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by the Benches thereof.

Composition of
Tribunal and
Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall consist of one or more members, as the Chairman may decide in accordance with the rules framed under this Act.

(3) Notwithstanding anything contained in sub-section (1), the Chairman may transfer a Member from one Bench to another Bench.

(4) Subject to the other provisions of this Act, the Benches of the Tribunal shall ordinarily sit at Chandigarh or at such other places as the State Government may, by notification in the Official Gazette, specify.

41. (1) A person shall not be qualified for appointment as the Chairman unless he,-

Qualifications
for appointment
as Chairman and
Members.

(a) is, or has been, a Judge of a High Court; or

(b) is, or has been, a Financial Commissioner or Principal Secretary to the Government of Punjab; or

(c) has, for atleast three years, held the office of a Member ; or

(d) is, or has been, a Member of the Punjab Superior Judicial Service and has held for atleast three years the post of District and Session Judge; or

(e) has, for atleast, three years held the post of Secretary in the Law Department of the State Government.

(2) A person shall not be qualified for appointment as Member unless he;



- (a) has, for atleast, fifteen years, held the post of Rent Authority ; or
- (b) is, or has been, a member of the Punjab Superior Judicial Services and has held for atleast five years the post of a District and Sessions Judge or Additional District and Session Judge ; or
- (c) has, for atleast, two years held the post of Secretary in the Law Department of the State Government ; or
- (d) has, for atleast ten years, been a practising advocate:

Provided that there shall not be appointed more than one member of the Tribunal at a time under clause (d) above.

(3) The Chairman and other members of the Tribunal shall be appointed by the State Government.

Term of offices.

42. The Chairman or any other Member shall hold office as such for a term of five years from the date on which he enters upon his office but shall be eligible for re-appointment for another term of five years :

Provided that no Chairman or any other Member shall hold office as such after he has attained ;

- (a) in the case of the Chairman, the age of sixty five year; and
- (b) in the case of any other Member, the age of sixty two years.

Seior-most
Member to act
as Chairman or
discharge his
functions in
certain
circumstances.

43. (1) in the event of occurrence of any vacancy in the office of the Chairman by reason of his death resignation or otherwise, the senior most Member shall act as Chairman until the date on which a new Chairman appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chairman is unable to discharge, his functions owing to his absence, illness or any other cause, the senior most Member shall discharge the functions of the Chairman until the date on which the Chairman resumes his office.

Salaries,
Allowances and
other terms and
conditions of
service of
Chairman and
other Members.

44. The salaries and allowances payable to and the other terms and conditions of service (including pension gratuity and other retirement benefits) of the Chairman and other Members shall be such as may be prescribed.

Provided that the neither the salary and allowances nor the other terms and condtions of service of the Chairman or any other Member shall be varied to his disadvantage after his appointment.



45. (1) The Chairman or any other Member, may by notice in writing under his hand addressed to the state government, resign his office:

Resignation and removal.

Provided that the Chairman or any other Member shall unless he is permitted by State government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office whichever is the earliest.

(2) The Chairman or any other Member shall not be removed from his office except by an order made by the State Government on the ground of proved misbehaviour or incapacity after an inquiry is made by a Judge of the High Court in which such Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman or other member referred to in sub-section (2).

46. On ceasing to hold office,-

Provision as to the holding of offices by Chairman and Member on ceasing to be such Chairman or Member.

(a) The Chairman of the Tribunal shall be ineligible for further employment under the Government of India or under a Government of a State.

(b) a Member, other than a Chairman, of the Tribunal shall subject to the other provisions of this Act, be eligible for appointment as the Chairman or Member of any other Tribunal, but not for any other employment either under the Government of India or under the Government of a State: and

(c) The Chairman or other Member shall not appear, act or plead before the Tribunal.

Explanation.- For the purposes of this section, employment under the Government of India or under the Government of a State includes employment under any local or other authority within the territory of India or under the control of the Government of India or under any Corporation of Society owned or controlled by the Government.

47. The Chairman shall exercise such financial and administrative powers over the Benches as may be prescribed.

Financial and administrative powers of Chairman.

Provided that the Chairman shall have authority to delegate such of his

financial and administrative powers as he may think fit to any other Member of any officer of the Tribunal subject to the condition that such member or officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

Staff of the
Tribunal.

48. (1) The Government of Punjab shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions and provide the Tribunal with such officer and other employees as it may think fit.

(2) The salaries and allowances and conditions of service of the officers and other employees of the Tribunal shall be such as may be prescribed.

(3) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairman.

Distribution of
business among
the benches.

49. The Chairman may make provision as to the distribution of the business of the Tribunal among its Benches.

Jurisdiction
powers and
authority of the
Tribunal.

50. (1) Save as otherwise expressly provided in this Act, the Tribunal Shall exercise, on and from the date with effect from which it is established under section 39, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to-

(a) all appeals from the orders of the Rent Authority under this Act;

(b) any other matter arising from the provisions of this Act; and

(c) review of its own order and decisions.

(2) The Tribunal may, either *suo moto* or on application of any of the parties and after notice to the parties and after hearing such of them as it may desire to be heard, call for records of any case pending before the Rent Authority under this Act, and either it self try the case or give direction for disposal of the case by such Rent Authority.

(3) The Tribunal Shall have power to effect a conciliation between the parties in any case pending before it.

Power to punish
for contempt.

51. The Tribunal shall have, and exercise the same jurisdiction, power and authority in respect of contempt of itself or of Rent Authority under this Act as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Court Act, 1971, shall have effect subject to the modification that,-



- (a) The references therein to a High Court shall be construed as including a reference to the Tribunal;
- (b) in section, 6, 10, 11, 12, 15 and 17 of the said Act, the references therein to subordinate court or court subordinate, shall be construed as including a reference to Rent Authority under this Act ; and
- (c) the references, in section 14 of the said Act, to Chief Justice, Judge or Judges shall be construed as including a reference to Chairman Member of Members.

52. (1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal may make an application to the Tribunal in the form specified in Schedule XIII to this act for the redressal of his grievance.

Application to
Tribunal.

(2) Every application under sub-section (1) shall be in such form and be accompanied by such affidavits, documents or any other evidence and by such fees in respect of the filing of such application and by such other fees for the service of execution of processes under the provisions of the Court Fees, Act 1870, as amended by the Government of Punjab.

(3) On receipt of an application under sub-section (1), the Tribunal shall, if satisfied after such inquiry as sit may deem necessary, that the application is a fit case for adjudication or trial by it, admit such application but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons.

53. (1) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this act and of any rules made by the state Government, the Tribunal shall have power to lay down and regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.

Procedure of
Tribunal.

(2) The Tribunal shall decide every application made to it as expeditiously as possible and on a perusal of documents, affidavits and written representation and after hearing such oral arguments as may be advanced:

Provided that where the Tribunal deems it necessary, for reasons to be recorded in writing, it may allow oral evidence to be adduced.

(3) The Tribunal shall have, for the purposes of discharging its functions



under this Act, the same Powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matter, namely:-

- (a) summoning and enforcing the attendance of any person examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of section 123 and 124 of the Indian Evidence Act, 1872 requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its orders and decisions;
- (g) dismissing an application or appeal for default or deciding its *ex parte*; and
- (h) setting aside any order of dismissal of any application or appeal for default or any order passed by it *ex parte*; and
- (i) for the execution of its orders and decisions of the Rent Authority under this Act, like decree of a civil court without reference to any civil court;

(4) No adjournment shall be granted by the Tribunal without recording the reasons justifying the grant of such adjournment in the case and costs shall be awarded, if a party asked for adjournment for third and subsequent times.

54. (1) Any person aggrieved by an order passed or a decision made by the Rent Authority may within thirty days from the date of such order of decision, prefer an appeal in writing to the Tribunal in the prescribed form and accompanied by a certified copy of the order or decision appealed against ;

Provided that an appeal may be admitted after the expiry of the said period of thirty days, if the appellant satisfied the Tribunal that he had sufficient cause for not preferring the appeal within the specified period.

(2) In computing the aforesaid period of thirty days, the time taken in obtaining a certified copy of the order or decision appealed against shall be excluded.

(3) An appeal shall lie to the Tribunal from every order or decision of

Appeal to the
Tribunal.



Rent Authority made under this Act both on question of law and facts:

Provided that no appeal shall lie an order of decision of Rent Authority made under section 11, section 12, section 21 or section 33 of this Act.

(4) On receipt of an appeal under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary, that the appeal is a fit case for adjudication by it, admit such appeal, but if the Tribunal is not so satisfied, it may summarily reject the appeal after recording its reason.

(5) The Tribunal shall endeavour to dispose of an appeal against the order or decision of the Rent Authority under clause (d) clause (e), or clause (q) of sub-section (2) of section 20 of sections 21,22,23,24 or 31 within one month of filing of such appeal.

55. Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction of stay or in any other manner) shall be made on, or in any proceeding relating to, an application or appeal unless,-

(a) Copies of such application or appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or appeal is preferred ; and

(b) as opportunity is given to such party to be heard in the matter:

Provided that the Tribunal may dispense with the requirements of clause (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant or the appellant, as the case may be, which cannot be adequately compensated in money, but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

56. A person making an application or preferring an appeal to the Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

57. On the application of any other parties and after notice to the parties, and after hearing such of them as he may desire to be heard,,or on his own motion without such notice, the Chairman may transfer any case pending

Conditions as to making of interim orders.

Right of applicant to take assistance of legal practitioner.

Power of Chairman to transfer case from one Bench to another.



before one Bench, for disposal, to any other Bench.

Decision to be
by majority.

58. The decisions of a Bench consisting of more than one Member on any point shall, where there is majority, be according to the opinion of the majority, and where there is no majority and the Members are equally divided in their opinion, they shall draw up a statement of the case setting forth the point or points on which they differ and make a reference to the Chairman and on receipt of such reference, the Chairman may arrange for the hearing of such point or points by one or more of the other Members (including if he did not preside over such Bench, himself) and such point or points shall be decided according to the opinion by the majority of the members who have heard the case, including those who had first heard it.

Exclusion of
jurisdiction of
Courts except
Supreme Court

59. On and from the date from which any jurisdiction, powers and authority become exercisable under this Act by the Tribunal in relation to any matter, no court (except the Supreme Court) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such matter.

Transfer of
pending cases.

60. On the commencement of this Act, all cases pertaining to the matters in respect of which the Tribunal shall have jurisdiction under this Act including the cases under the Transfer of Property Act 1882 in respect of premises and tenancies covered under clauses (b) to (h) of sub-section (1) of section 3 and pending in the High Court shall stand transferred to the Tribunal and the Tribunal may proceed with the matter either *de novo* or from the stage it was so transferred.

Proceedings before
the Tribunal to be
judicial
proceedings.

61. All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of section 193, 219 and 228 of the Indian Penal Code, 1860.

Members and
Staff of the
Tribunal to be
public Servants.

62. The Chairman and other Members and the officers and other employees provided under section 48 of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Protection of
action taken in
good faith.

63. No suit, prosecution or other legal proceeding shall lie against the Government or against the Chairman or other Members of the Tribunal, or any other person authorised by such Chairman or other Members, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.



64. (1) No court other than the Tribunal shall try any offence punishable under this Act.

Criminal
jurisdiction of
the Tribunal.

(2) The Tribunal shall not take cognizance of an offence punishable under this Act, unless the complaint in respect of offence has been made within three months from the date of the commission of the offence.

(3) Every complaint referred to in sub-section (2) shall set forth the facts which constitute the offence alleged, the nature of such other particulars as are reasonably sufficient to summon the accused and to give him notice of the offence alleged to have been committed and to notify the public prosecutor to conduct the prosecution.

(4) The Tribunal shall observe the same procedure for the trial of offences under this Act as the High Court would observe if it were trying the case under section 474 of the Code of Criminal Procedure, 1973 and for that purpose the Tribunal shall be deemed to be High Court under the said Code.

65. Clerical or arithmetical mistakes in any order passed by Tribunal or Rent Authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Tribunal or, as the case may be, the Rent Authority on an application received in this behalf from any of the parties or otherwise.

Amendment of
Orders.

66. Save as otherwise expressly provided in this Act, every order made by the Rent Authority or an order passed on appeal under this Act shall be final and shall not be called in question, in any original suit, application or execution proceeding.

Finality of
Orders.

CHAPTER VII PENALTIES

67. (1) In the case where the tenant applies for fixation of standard rent under section II for the premises and standard rent of which had been fixed in a previous tenancy under the East Punjab Urban Rent Restriction Act, 1949 the landlord shall, on a request from the tenant intimate in writing to such tenant the standard rent so fixed and in case the landlord fails to do so, he shall be punishable with fine or one thousand rupees or double the standard rent, fixed in the previous tenancy, whichever is more.

Penalties.

(2) If any landlord or tenant contravenes the provisions of sub-section (1) of section 19, he shall be punishable with fine equivalent in amount to the rent for three months or with one month's imprisonment or with both, and shall

also be liable to find of one hundred rupees for each day commencing on the date of cutting off or withholding essential supply or service till the date the essential supply or service is restored.

(3) If any tenant sublet, assigns or otherwise parts with the possession of the whole or part of any premises in contravention of the provisions of section 26, he shall be punishable with fine which may extend to five thousand rupees, or double the rent received by the tenant for sub letting for every month till such time the cause of complaint cases, whichever is more or with imprisonment for a term of one month.

(4) if any landlord make a false statement in his affidavit under Explanation I to clause (g) of sub-section (2) of section 20, he shall be punishable with fine which may extend to five thousand rupees or double the rent receivable for a period of three years in case it has been re-let, whichever is more.

(5) If any landlord re-lets or transfer the whole or any part of any premises in contravention of sub-section (1) of section 29, he shall be punishable with fine which may extend to five thousand rupees, or double the rent the landlord receives after re-letting whichever is more, or imprisonment which may extend to one month.

Explanation.—For the purpose of this sub-section and sub section (3), in case where it is difficult to prove the rent which the landlord or the tenant, as the case may be, is receiving after re-letting or sub-letting, the fine may extend to five thousand rupees.

(6) If, after the tenant has delivered possession, the landlord fails to commence the work of repairs or building or re-building, as the case may be, within three months of the specified date under sub-section (3) of section 30, he shall be punishable with fine equivalent to rent for three months.

(7) If a landlord contravenes the provisions of sub-section (2) of section 30, he shall be punishable with fine which may extend to six months's rent of the premises.

(8) If a tenant fails to make re-entry under sub-section (2) of section 30 within three months from the date of the completion of repairs of building or re-building, as the case may be, intimated in writing by the landlord, without reasonable excuse, he shall forfeit his right to re-entry and shall be punishable with fine equivalent to three month's rent of the premises.



CHAPATER VIII
MISCELLANEOUS

68. Save as otherwise expressly provided in this Act, no civil court shall entertain and suit or proceedings insofar as it relates to any other matter to which this Act applies or to any other matter which the Rent Authority is empowered by or under this Act to decide and no injunction in respect of any action taken or to be taken by the Rent Authority or the Tribunal under this Act shall be granted by any civil court or other authority.

Jurisdiction of civil courts barred in respect of certain matters.

69. All Rent Authorities and Additional Rent Authorities appointed under this Act shall be deemed to be public servants within the meaning in section 21 of the Indian Penal Code, 1860.

Rent Authorities to be public servants.

70. No suit, prosecution or other legal proceeding shall lie against any Rent Authority or Additional Rent Authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of action taken in good faith.

71. Where any decree or order for the recovery of possession of any premises to which the East Punjab Urban Rent Restriction Act, 1949 applies is sought to be executed on the cesser of operation of the said Act in relation to those premises, the Rent Authority executing the decree or order may, on the application of the person against whom the decree or order has been passed or otherwise, reopen the case and if it is satisfied that the decree or order could not have been passed if this Act had been in force on the date of the decree or order, the Rent authority may, having regard to the provisions of this Act, set aside the decree or order or pass such other order in relation thereto as he thinks fit.

Special provision regarding decrees affected by the East Punjab Urban Rent Restriction Act, 1949.

72. On the commencement of this Act, all cases pertaining to the matters in respect of which the Rent Authority shall have jurisdiction under this Act and pending before the Rent Controller under the East Punjab Urban Rent Restriction Act, 1949 or any other Court shall stand transferred to the Rent Authority and the Rent Authority shall proceed with the matter either *de novo* or from the stage it was transferred.

Transfer of pending cases to Rent Authority.

73. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty :

Power of Government to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.



(2) Every order made under this section, shall as soon as may be, after it is made, be laid before the Vidhan Sabha.

Power of
Government to
fram rule.

74. (1) The State Government may, by notification in the Official Gazette make Rules for purpose of carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Vidhan Sabha, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be no effect as the case may be, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and
Savings.

75. (1) "The East Punjab Urban Rent Restriction Act, 1949" along with its emendments shall stands repealed consequent upon the commencement of this Act:

Provided that such repeal shall not affect.-

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

(b) any obligation or liability accrued or incurred under the Act so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed under the Act so repealed.

(2) Notwithstanding such repeal and subject to the provisions of section 60 and section 72 all cases and other proceedings under the said Act pending, at the commence of this Act, shall be continued and disposed of in accordance with the provisions of this Act.

