

The Haryana Urban (Control of Rent and Eviction) Rules, 1976

HARYANA

India

The Haryana Urban (Control of Rent and Eviction) Rules, 1976

Rule

THE-HARYANA-URBAN-CONTROL-OF-RENT-AND-EVICTION-RULES- of 1976

- Published on 12 November 1976
- Commenced on 12 November 1976
- [This is the version of this document from 12 November 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The Haryana Urban (Control of Rent and Eviction) Rules, 1976Published vide Haryana Notification No. GSR 243/HA11/73/S25/76 dated 12.11.1976Last Updated 27th July, 2019

1. Short title.

- These rules may be called the Haryana Urban (Control of Rent and Eviction) Rules, 1976.

2. Definitions.

- In these rules, unless the context otherwise requires -(a)"Act" means the Urban (Control of Rent and Eviction) Rules, 1973;(b)"recognised agent" means a person holding a power of attorney authorising him to act on behalf of his principal or an agent empowered, by written authority under the hand of the principal.

3. Application for determination of Fair Rent (Section 4).

- An application made under Section 4 of the Act, [for the determination of fair rent] [See Haryana Notification dated 15.1.1985.] shall, in addition to the particulars mentioned in rules 5 and 6, contain the following particulars namely:-(a)date of the tenancy and the rent agreed upon;(b)whether any furniture is supplied by the landlord for use in the building;(c)whether any fittings are affixed to a building or part of a building for more beneficial enjoyment thereof;(d)details of accommodation available together with particulars as regards the ground area, garden and out-houses, if any, appurtenant to the building;(e)amenities available in regard to

lighting, water, sanitation and the like;(f)monthly rent paid by the tenant;(g)rate of rent of similar [building or rented land] [See Haryana Notification dated 15.1.1985.] having similar amenities, if any, in the locality;(h)such other particulars as may be relevant to the relief sought in the application.

4. Application for Eviction (Section 13).

- Application under Section 13 of the Act, shall, besides the particulars mentioned in rules 5 and 6, contain the following particulars, namely :-(a)rent fixed by agreement;(b)whether fair rent has been fixed under the Act and if so, the amount of such fair rent and date from which it took effect;(c)the amount of arrears due and the period of default;(d)in case of a residential building, the number of persons occupying the same and what portion, if any, is occupied by the landlord and his dependents, and the number of members who are residing with him as his dependents;(dd)[in case of non-residential building the extent of residential accommodation which he owns or otherwise is in his occupation in the urban area concerned.] [Added vide Haryana Notification dated 18.1.1985.];(e)in case of non-residential building or rented land, the purpose for which the building or rented land is used and the number of employees, if any, working therein; and(f)such other particulars as may be relevant to the relief sought in the application.

5. Applications (Sections 4 and 13).

(1)In addition to the particulars mentioned in rules 3, 4 and 6 as far as these may be applicable, every application made under this Act, shall contain simple and concise narrative of the facts which the party, by whom or on whose behalf the statement of pleading is made, believes to be material to the case and which he either admits or believes that he will be able to prove.(2)Every application under the Act shall be accompanied by a spare copy of sufficient number of spare copies thereof for service on the respondents mentioned therein.(3)Every application shall be signed and verified in the manner prescribed under the rules 14 and 15 of Order IV of the First Schedule to the Code of Civil Procedure, 1908.

6. Particulars to be Furnished to the Controller (Section 21).

(1)Every landlord and every tenant of a building or rented land shall furnish to the Controller, or any reason authorised by him in that behalf, the following particulars, namely :-(a)name and number of the building or rented land, if any, or its description and boundaries sufficient to identify it;(b)street and municipal ward or division in which the building or rented land is situated;(c)name and address of the landlord if the particulars are furnished by the tenant and name of the tenant, if the particulars are furnished by the landlord;(d)whether the building is a residential, non-residential [-] [See Haryana Notification dated 18.1.1985.] and(e)nature of amenities provided by the landlord to the tenant.(2)Such particulars shall be furnished within a period of sixty days from the commencement of these rules :Provided that when any new tenancy is created the particulars shall be furnished within a period of thirty days of the creation of tenancy.

7. Procedure to be adopted by Controller [Section 23(1)].

(1) When an application under the Act is presented to the Controller, he shall fix the date, time and place at which the enquiry in respect of the application will be held and send a notice along with a copy of the application to each respondent in Form 'A' appended to these rules. (2) The Controller shall give to the parties, a reasonable opportunity to state their case. He shall also record the evidence of the parties and witnesses examined on either side and in doing so and in fixing dates for hearing of parties and their witnesses, in adjourning proceedings, and dismissing application for default or for other sufficient reasons, the Controller shall be guided by the principles of the procedure as laid down in the Code of Civil Procedure.

8. Inspection (Section 23).

- In any application or proceedings pending before the Controller or the appellate authority, as the case may be, if he think fit to do so for the purpose of elucidating any matter in dispute or for determining the fair rent of any building or rented land, inspect, either personally or through a Commissioner, any building or rented land.

9. Appeal. (Section 15)

(1) Every appeal shall be presented in the form of a Memorandum signed by the appellant or his recognised agent to the appellate authority. The memorandum shall be accompanied by a certified copy of the order appealed against and with such number of spare copies of the memorandum for service on the respondents mentioned therein. (2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the order appealed without any argument or narrative, and such grounds shall be numbered consecutively. (3) Where the memorandum of an appeal is not drawn up in the manner hereinbefore prescribed or is not accompanied by a certified copy of the order appealed against, it may be rejected or returned to the appellant or his recognised agent for the purpose of being amended or attaching to it a certified copy of the order appealed against, as the case may be, within a time to be fixed by the appellate authority.

10. Revision.

- (Section 15) - Every application made under sub-section (6) of Section 15 shall be signed by the applicant or his recognised agent presented to the revisional authority or such other officer as may be authorised by him. Such application shall be accompanied by a certified copy of the order of the Rent Controller or the Appellate Authority, as the case may be with a spare copy or such number of spare copies of such application for service on the respondents mentioned therein.

11. Deposit of rent.

- (Section 13) - Rent, interest and costs assessed by the Controller, which are tendered by the tenant under Section 13 of the Act, but refused by the landlord, shall be deposited by the tenant in the court

of the Controller. Such sums deposited shall be treated as Civil Court Deposits and accounted for and dealt with according to the rules of the Civil Deposits in force in Civil Courts.

12. Registers to be maintained by the Controller and Appellate Authority.

- (Section 23) - The Controller and the Appellate Authority shall maintain such of the registers prescribed for use in the Civil Courts as may be necessary.

13. [Repeal and Savings. [Inserted vide Haryana Notification No. GSR81/HA11/73/S2384 dated 30.11.1984.]

(1)The Haryana Rent Restriction Rules, 1972 framed under the East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act 3 of 1949), are hereby repealed :Provided that such repeal shall not affect any proceedings pending or order passed immediately before the commencement of these rules which shall be continued and disposed of or enforced as if the said rules has not been repealed.(2)Notwithstanding such repeal, anything done or any action taken under these rules so repealed which is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules as if the said rules were in force at the time such thing was done or action was taken and shall continue to be in force, unless and until superseded by anything done or any action taken under these rules.]