

# The Delhi Rent Control Rules, 1959

DELHI

India

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### Rule THE-DELHI-RENT-CONTROL-RULES-1959 of 1959

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The Delhi Rent Control Rules, 1959 Published vide G.S.R. 139, dated the 3rd February, 1959, published in the Gazette of India, Extra., Pt II, Sec. (i), dated 3rd February, 1959. In exercise of the powers, conferred by section 56 of the Delhi Rent Control Act, 1958 (59 of 1958), the Central Government hereby makes the following rules: -

## Chapter I Preliminary

### 1. Short title.

- These rules may be called the Delhi Rent Control Rules, 1959.

### 2. Definitions.

- In these rules, unless the context otherwise requires, (a) "Act" means the Delhi Rent Control Act, 1958; (b) "Form" means form appended to these rules; (c) "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 his principal; (d) "section" means a section of the Act; (e) [ ] [Inserted by G.S.R. 473(E), dated 18th April, 1990 (w.e.f. 8-5-1990).] "valuer" means a graduate in civil engineering, architecture or town planning of a recognised university, or a person who possesses a qualification recognised by the Central Government for recruitment to superior services or posts under the Central Government in the field of civil engineering, architecture or town planning; and (A) he must be a person formerly employed - (a) in a post under Government as a Gazetted Officer; or (b) in a post under any other employer carrying a remuneration of not less than Rs. 2000 per month, and, in either case, must have retired or resigned from such employment after having rendered service for not less than five years as a valuer, architect, or town planner, or in the field of construction of building designing of structures, or development of land; or (c) as a professor,

reader or lecturer in a university, college or any other institution preparing students for a degree in civil engineering, architecture or town planning or has retired or resigned from such employment after having taught for not less than five years any of the subjects of valuation, quantity surveying, building construction, architecture, or town planning; or (B) he must have been in practice as a consulting engineer, surveyor or architect for a period of not less than five years and must have in the opinion of the Rent Controller acquired sufficient experience in any of the following fields: - (a) valuation of building and urban lands; (b) quantity surveying in building construction; (c) architectural or structural designing of building or town planning; or (d) construction of buildings or development of land.]

## **Chapter II**

### **Applications To The Controller**

#### **3. Application under section 9, 13, 14 or 19 (1).**

(1) Every application to the Controller under section 9, section 13, section 14 or sub-section (1) of section 19 shall be in Form A. (2) An application under section 13 shall also give particulars of the sum or consideration paid, the circumstances under which such payment was made and the provisions of the Act, or of the Delhi-Ajmer Rent Control Act, 1952, which has been contravened. (3) An application for permission to re-let premises under sub-section (1) of section 19 shall also state the ground on which the premises are sought to be re-let in whole or in part.

#### **4. Application for re-enter.**

- An application by a tenant under sub-section (2) of section 19 or under sub-section (3) of section 20 for putting him in possession of the premises or part thereof shall be made within six months from the date on which the cause of action for re-entry arises and shall state the grounds on which such possession is claimed.

#### **5. Application for recovery of possession under section 21.**

- An application for recovery of possession under section 21 by the landlord shall be made within six months from the date of expiry of the period of tenancy.

#### **6. Form of other application.**

- An application not hereinbefore specified in these rules shall, so far as may be, be made in Form A and shall state the grounds on which it is made.

## **7. Manner in which applications are to be made.**

- (1) Every application under the Act shall be signed and verified in the manner prescribed under rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his recognised agent to the Controller. (2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent of respondents mentioned therein.

## **8. Appearance before Controller.**

- A party may appear before the Controller either in person or by a recognised agent provided that if the Controller so directs the party shall appear in person.

**8A. [ Form of report of valuation by valuer. [Inserted by G.S.R. 473(E), dated 18th April, 1990 (w.e.f. 8-5-1990).] - (1) The report of valuation by a valuer in respect of the premises shall be in Form F.**

Fees. - (2) The amount of fees to be paid to the valuer shall be such as may be decided by the Rent Controller.]

## **Chapter III**

## **Receipt And Deposit Of Rent**

### **9. Receipt of rent.**

- A receipt required to be given by the landlord or his authorised agent under sub-section (2) of section 26 in respect of rent paid for any premises shall be in Form B.

### **10. Deposit of rent.**

(1) A deposit of rent under section 27 shall be made in cash and shall be accompanied by an application by the tenant in Form C. (2) On such deposit being made, the Controller shall send a copy or copies of the application accompanying the deposit, by registered post with acknowledgement due, at the cost of the applicant, to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

### **11. Payment of the rent deposited.**

- The Controller shall order the amount of rent deposited to be paid to the landlord or persons entitled to the rent either in cash or by cheque.

## **12. Accounting of deposits.**

- Subject to the provisions of section 29, all sums deposited shall be treated as civil court deposits and accounted for and dealt with according to the rules of civil court deposits in force in civil courts in Delhi.

## **Chapter IV**

### **Hotels And Lodging Houses**

## **13. Recovery of possession from the lodger.**

- An application by the manager of a hotel or the owner of a lodging house for a certificate under section 34 shall contain the grounds for the recovery of possession from the lodger of accommodation provided to him and shall be made in writing and accompanied by an affidavit in support of the allegations contained therein.

## **14. Certificate to be sent to the manager.**

- A certificate issued under section 34 by the Controller shall be sent to the manager of the hotel or the owner of the lodging house concerned with a copy thereof to the lodger concerned by registered post with acknowledgement due.

## **15. Display of notice of fair rates.**

- The manager of every hotel or the owner of every lodging house shall display a notice of the fair rates fixed by the Controller and a copy of the relevant provisions of the Act and rules relating thereto in a conspicuous manner in the hotel or lodging house, as the case may be.

## **16. Application to the Controller.**

- Every application to the Controller under Chapter V of the Act including an application for certificate under section 34 shall be in Form,D and shall be delivered to the Controller either in person or through a recognised agent or sent to his office by registered post.

## **Chapter V**

### **Appeal And Transfer Application**

## **17. Form of Appeal.**

(1)Every appeal to the Rent Control Tribunal under section 38 shall be preferred in the form of memorandum signed by the appellant or his recognised agent and presented either in person or

through a recognised agent to the Tribunal or to such officer as it may appoint in this behalf.(2)Every such memorandum shall be accompanied by a copy of the order of the Controller appealed from and shall set forth concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

### **18. Application for transfer of proceedings.**

- An application for transfer of proceedings under sub-section (4) of section 38 shall be accompanied by an affidavit of the allegations contained in the application.

### **19. Appearance before Tribunal.**

- A party may appear before the Rent Control Tribunal either in person or by a recognised agent provided that if the Rent Control Tribunal so directs the party shall appear in person.

## **Chapter VI**

### **Fees**

### **20. Process Fees.**

(1)Process fees for processes under the Act shall be levied as prescribed in the rules made by the Punjab High Court under section 20 of the Court Fees Act, 1870, as to cost of processes in civil court.(2)For the purposes of this rule, the court of the Controller shall be deemed to be a Civil Court of Third Grade and the court of the Rent Control Tribunal shall be deemed to be a Civil Court of Second Grade.

## **Chapter VII**

### **Notices**

### **21. Notice relating to sub-tenancy.**

- A notice of the creation or termination of sub-tenancy required under section 17 shall be in Form E.

### **22. Service of notice, etc.**

- Unless otherwise provided by the Act, any notice or intimation required or authorised by the Act to be served on any person shall be served, -(a)by delivering it to the person; or(b)by forwarding it to the person by registered post with acknowledgement due.

## Chapter VIII

### Miscellaneous

#### 23. Code of Civil Procedure to be generally followed.

- In deciding any question relating to procedure not specifically provided by the Act and these rules the Controller and the Rent Control Tribunal shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908.

#### 24. Registers to be maintained by the Controller and Tribunal.

- The Controller and Rent Control Tribunal shall maintain such of the registers prescribed for use in civil courts in Delhi as may be necessary.

APPENDIX FORM A (See rule 3) Before.....

Controller Name.....

Petitioner Versus Name.....

Respondent Application for \*fixation of standard rent\* increase of standard rent \*eviction of tenant Under section ..... (\*Strike out whatever is inapplicable.)(1) Municipal No. of the premises and the name, if any. (2) Street and municipal ward of division in which the premises are situated. (3) (a) Name and address of the landlord. (b) Name and address of the tenant. (4) Whether the premises are residential or non-residential. (5) In the case of residential premises, the number of persons occupying the same and in the case of non-residential premises, the purpose for which these are used and the number of employees, if any, working therein. (6) Whether any furniture is supplied by the landlord for use in the premises. (7) Details of fittings, if any, provided by the landlord. (8) Details of accommodations available together with particulars as regards ground area, garden and out-houses, if any. (Plan to be attached.) (9) Whether the premises are occupied by a single tenant or by more than one tenant. (10) Amenities available in regard to lighting, water, sanitation and the like. (11) Monthly rent together with details of house-tax, electricity, water and other charges paid by tenant. (12) (a) Date of completion of construction of the premises and the cost thereof. (b) Whether completion report was obtained from the local authority and the date thereof. (13) Rateable value as entered in the last property assessment book of the Delhi Municipal Corporation, New Delhi Municipal Committee or the Delhi Cantonment Board, as the case may be. (14) Date on which the premises were let to the tenant and details of agreement, if any, with the landlord. (Attested copy of the Agreement to be attached.) (15) Whether the rent of the premises had been fixed under the New Delhi House Rent Control Order, 1939, or the Delhi Rent Control Ordinance, 1944, or the Delhi and Ajmer-Merwar Rent Control Act, 1947, or the Delhi and Ajmer Rent Control Act, 1952, and or the Delhi Rent Control Act, 1958; and if so, the amount of such rent and the date from which it took effect. [\*] [Strike out whatever is inapplicable.] (16) Whether there are any sub-tenants and if so, date of such sub-letting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from sub-tenant. [\*\*] [State the exact charges if possible.] (17) Whether any additions or alterations have been made since the rent was fixed as stated under item No. 15; and if so, the date on which such additions or alterations were made, the cost of such additions or alterations and whether they were carried out with the approval

of the tenant or of the Controller.[\*] [Strike out whatever is inapplicable.](18) (a) The ground on which the eviction of the tenant is sought.(b)Whether notice required has been given; and if so, particulars thereof copies of such notice and the tenant's reply, if any, should be furnished.(19)Any other relevant information.(20)Relief claimed.VerificationPlace .....Date  
.....Signature of applicant/ recognised agentFORM B(See rule 9)FORM OF RENT RECEIPT AND COUNTERFOILCounterfoil Serial No .....Name of the landlord.....Address of the Landlord.....Received with thanks from .....a sum of Rs. (in figures).....(in words) .....only as payment of rent at Rs.....per .....for the period .....for the premises.....this day the .....day of the month of .....in the year.....Signature or thumb impression of the landlord or authorised agentThe rent charged includes -(1)Rates, cesses and taxes of the local authority.(2)Electric charges.(3)Water charges.(4).....(5).....It does not include -(1)Rates, cesses and taxes of the local authority.(2)Electric charges.(3)Water charges(4).....(5).....Serial No .....Rent ReceiptName of the landlord.....Address of the Landlord.....Received with thanks from .....a sum of Rs. (in figures)..... (in words) .....only as payment of rent at Rs.....per .....for the period .....for the premises.....this day the .....day of the month of .....in the year.....Signature or thumb impression of the landlord or authorised agentThe rent charged includes(1)Rates, cesses and taxes of the local authority.(2)Electric charges.(3)Water charges.(4).....(5).....It does not include(1)Rates, cesses and taxes of the local authority.(2)Electric charges.(3)Water charges.(4).....(5).....FORM C(See rule 10)(Delhi Rent Control Rules, 1959)APPLICATION FOR DEPOSIT OF RENTBefore..... premises for which the rent is deposited with a description sufficient for identifying the premises.(2)The period for which the rent is deposited and the rate per month.(3)The name and address of the landlord or the person or persons claiming to be entitled to such rent.(4)The reasons and circumstances for which the application for depositing the rent is made.(5)The amount of rent deposited.(6)Whether electricity, water charges, property tax, etc., are included in the rent, and if so, particulars thereof.(7)How the rent was tendered to the landlord whether in person or by postal money-order or cheque, etc., and whether it was refused by him in writing or otherwise.(8)Whether there is bona fide doubt as to the person or persons to whom the rent is payable and, if so, why?(9)Date on which the rent last paid to the landlord and the receipts, if any, obtained from him therefor.(10)Any other relevant information.The statements made above are true to the best of my knowledge and belief and I .....the applicant /recognised agent signed application on the .....day of the month of .....in the year.....Signature of the applicant /recognised agentFORM D(See rule 16)APPLICATION FOR FIXATION OF FAIR RATE/REVISION OF FAIR RATE/CERTIFICATE TO RECOVER POSSESSION OF ACCOMMODATIONBefore..... address, location, etc., of the hotel or lodging house.(2)Rates charged for boarding, lodging and other services.(3)Whether fair rate has already been fixed and, if so, the date on which such rate was

fixed and details of such fair rate.(4)Other relevant information as to why the rates are considered excessive or why revision of rates is required or as to why recover of possession from the lodger is asked for.VerificationPlace .....Date .....Signature of applicant/ recognised agentFORM E(See rule 21)FORM OF NOTICE REGARDING CREATION OR TERMINATION OF SUB-TENANCY

- 1. No. of the premises and name, if any.**
- 2. Street and municipal ward or division in which the premises are situated.**
- 3. Name of the tenant.**
- 4. Name of the sub-tenant.**
- 5. Details of the portion sub-let.**
- 6. Rent payable by the sub-tenant.**
- 7. Purpose for which sub-let residential or non-residential and if latter, the nature of business, etc., and the number of employees if any, working therein.**
- 8. Date of creation/ termination of the sub-tenancy.**
- 9. Any other relevant information.**

Place .....Date .....Signature of tenant/sub-tenantFORM F [Inserted by G.S.R. 473(E), dated 18th April, 1990 (w.e.f. 8-5-1990).][See rule 8A (1) of the Delhi Rent Control Rules, 1959]REPORT OF VALUATION OF PREMISES

## **Part I**

QUESTIONNAIREAll questions to be answered by the valuer. If any particular question does not apply to the premises under valuation he may indicate so. If the space provided is not sufficient, details may be attached on separate sheetsName of valuerGeneral:

- 1. Purpose for which valuation is made:**



**2. Date as on which valuation is made:**

**3. Name of owner/owners:**

(i) Is the premises owner occupied/tenanted/both? (ii) If partly owner occupied, specify portion and extent of area under owner occupation and rented portion.

**4. Brief description of the premises:**

**5. Location, Street, Ward No.**

**6. Survey/Plot No. of land**

Land:

**7. Area of land supported by documentary proof.**

**8. Has any contribution been made towards development or is any demand for such contribution still outstanding?**

**9. Land rate adopted in this valuation:**

(Here valuer shall adopt the rate notified by DDA/DA or Central Government as the case may be, and if no such rate has been notified for the area, the rate notified for the nearest area). Cost of construction:

**10. Year of commencement of construction and year of completion.**

**11. How were the premises constructed/acquired:**

(i) whether constructed through contractor/by employing daily labour of both; (ii) whether purchased in the form of ready built premises.

**12. In case constructed through contract produce copies of the agreements etc.**

**13. In case constructed by employing daily wage labour, give basic rate of materials and labour supported by documentary proof.**

**14. What is the floor space index permissible and percentage actually utilised?**

**15. Furnish technical details of the premises on a separate sheet (The Annexure to this Form may be used).**

**16. Valuation:**

(Here the valuer should discuss in detail approach to valuation of the premises and indicate how the value has been arrived at, supported by necessary calculations).

## **Part II**

I hereby declare that:(a)the information furnished in Part I is true and correct to the best of my knowledge and belief;(b)I have no direct or indirect interest in the property valued;(c)I have personally inspected the property on

.....Date.....Place.....Signature of valuer