

# **The U.P. Avas Evam Vikas Parishad (Assessment and Payment of Betterment Fees) Rules, 1967**

UTTAR PRADESH

India

## **The U.P. Avas Evam Vikas Parishad (Assessment and Payment of Betterment Fees) Rules, 1967**

### **Rule**

### **THE-U-P-AVAS-EVAM-VIKAS-PARISHAD-ASSESSMENT-AND-PAYMENT of 1967**

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### **062.**

In exercise of the powers under clauses (o), (p), and (r) of sub-section (2) of section 94 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 (U.P. Act No. I of 1966) the Governor of Uttar Pradesh is pleased to make the following rules regarding assessment and payment of betterment fees.

### **1. Short title and commencement.**

(1) These rules may be called the U.P. Avas Evam Vikas Parishad (Assessment and Payment of Betterment Fees) Rules, 1967. (2) They shall come into force with effect from the date of their publication in the official Gazette.

### **2. Definition.**

- In these rules unless there is anything repugnant to the subject or context - "Act" means the U.P. Avas Evam Vikas Parishad Adhiniyam, 1965.

**3.**

Where a resolution has been passed by the Board under sub-section (i) of section 51 of the Act, such resolution shall also declare the date on which, for the purpose of determining the amount of the betterment fee, the execution of the scheme shall be deemed to have been completed.

**4.**

The amount of betterment fee leviable in each case shall be determined in accordance with the provisions of section 50 of the Act after following the procedure prescribed in these rules, by Housing Commissioner or by such officer of the Board to whom the powers and functions under sections 51, 52, 53 and 54 of the Act may be delegated by the Board.

**5.**

On a date being fixed under Rule 3 and an Officer being appointed under Rule 4 the Board shall in consultation with such officer give to every person on whom a notice has been served under section 29 or to the successor-in-interest of such person, as the case may be a notice which shall state - (a) the date declared by the Board under Rule 3 as aforesaid, (b) the time, being some time not less than twenty one days after the service of the notice, and place at which the assessment of such betterment fee will be considered by such officer and every person upon whom such notice is served shall be entitled to be heard either in person or by a duly authorized representative when the matter is taken into consideration by such officer.

**6.**

After hearing such person or if such person fails to appear after the expiry of the period within which such person is required to appear such officer shall proceed to pass the order of assessment of betterment fee.

**7.**

When such officer has determined the amount of betterment fee, the Board shall serve on the assessee a copy of the order of the assessment.

**8.**

(1) Every appeal filed under sub-section (4) of section 51 shall specify the ground or grounds on which the levy or assessment of the betterment fee is questioned and shall contain a concise statement of the material facts on which the appellant relies. (2) The Tribunal shall, as soon as may be, cause a copy of the appeal to be served on the Board and the officer determining the amount of betterment fee. (3) The Board shall furnish to the Tribunal, on demand, the following information in writing: (a) the situation and extent of the land regarding which the betterment fee is to be

determined;(b)the names of the persons by whom betterment fee is payable,(c)the amount of betterment fee payable by each person, and(d)a brief statement on the basis of assessment of the amount of betterment fee.

## **9.**

The Tribunal shall then fix a date and time for hearing the appeal and give intimation in writing of such hearing to the appellant, the Board and the officer determining the amount of betterment fee.

## **10.**

(1)The appellant may on appointed date and on subsequent hearings appear either in person or through a representative duly authorized by him in writing in this behalf.(2)The Board or the said officer or a duly authorized representative of both the Board and the officer may likewise attend hearings of the appeal,

## **11.**

(1)In making inquiries under sub-section (5) of Section 51 the Tribunal shall have and exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of -(a)proof of facts by affidavits,(b)summoning and enforcing the attendance of any person and examining him on oath,(c)compelling the production of documents, and(d)issuing commissions for the examination of witnesses.(2)The Tribunal may whenever it considers necessary inspect any property which is the subject-matter of appeal preferred before it.

## **12.**

(1)The Tribunal after hearings have been concluded shall pronounce its award on the day fixed for the purpose and shall communicate the substance thereof to each appellant.Explanation. - The award may be in parts dealing with different appellants or different sets of appellants whose objections involve substantially the same question for determination.(2)The award shall specify the betterment fee regarding each property and appointment, if any, of such fee between the owner of the property and any other person having an interest therein and shall state briefly, the ground on which the decision of the Tribunal is based.(3)The award shall also state the amount of costs incurred on the proceedings and by whom and in what proportion they are to be paid.

## **13.**

(1)The award shall be dated and signed by the Tribunal and when once signed shall not afterwards be altered or added to.(2)The Tribunal shall as far as possible decide the appeal within six months from the date of its filing and where it is not possible to do so in any particular case, the reasons therefor shall be recorded by the Tribunal.

**14.**

(1)As soon as may be, but not later than one month after the making of the order, the Tribunal shall send the order to the Board.(2)Any appellant may on application and payment of the fees prescribed by Board's Regulations obtain a copy of the order from the Board.

**15.**

Where at any time before the date fixed in the demand notice served under the proviso to sub-section (1) of Section 52, the assessee pays the entire amount of the betterment fee or of the balance then due he shall be allowed a rebate of six paise per rupee.

**16.**

Where an instalment of betterment fee is not paid by the date fixed under sub-section (1) of Section 52 interest at the rate of six per cent per annum upon the amount outstanding shall be payable by the assessee from that date.

**17.**

The period of grace, within which any unpaid instalment of interest due under an agreement executed in pursuance of sub-section (1) of Section 58 may be paid shall be fourteen days.