

The Revision Applications (Procedure) Rules, 1961

UTTAR PRADESH

India

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Rule THE-REVISION-APPLICATIONS-PROCEDURE-RULES-1961 of 1961

- Published on 16 September 1961
- Commenced on 16 September 1961
- [This is the version of this document from 16 September 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The Revision Applications (Procedure) Rules, 1961Published vide Notification No. G.S.R. 1171, dated 16th September, 1961G.S.R. 1171, dated the 16th September, 1961. In exercise of the powers conferred by clause (a) of sub-section (1) of section 28A of the Indian Boilers Act, 1923 (5 of 1923), the Central Government hereby makes the following rules, namely:

1. Short title.

- These rules may be called the Revision Applications (Procedure) Rules, 1961.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Indian Boilers Act, 1923 (5 of 1923);(b)"appellate authority" means the appellate authority constituted by the State Government under the Act;(c)"application" means an application for revision of the order of the appellate authority;(d)"Secretary" means the Secretary to the Government of India in the Ministry concerned with the administration of the Act; and(e)"section" means a section of the Act.

3. Form of Application.

(1)Every application made under sub-section (1) of section 20-A shall be in writing, signed by the applicant and shall be addressed to a Secretary.(2)The application shall contain the full name and address of the applicant and shall be accompanied by a copy of the order of the appellate authority sought to be revised.(3)The application may be presented either personally or sent by registered post to the Secretary within the time specified in sub-section (1) of section 20-A.

4. Fees.

(1) A fee of Rs. 100 (Rupees one hundred only) shall be payable in respect of each application made under these rules. (2) The fees payable under sub-rule (1) shall be paid into the nearest Government Treasury by means of a Challan and shall be credited to the Central Government under the receipt head "XLVI - Misc. Misc."

5. Dismissal of applications in certain cases.

- Where an application is not presented within the time specified in sub-section (1) of section 20-A or where the fee payable in respect of the application has not been paid in advance, the Central Government may dismiss the application.

6. Power to call for records and obtain technical advice.

(1) If an application is not dismissed under rule 5, the Central Government shall call for the relevant records of, and other information pertaining to, the case from the appellate authority against whose order the application has been made. (2) The Central Government may also obtain such technical advice in the matter as it may consider necessary.

7. Date of hearing.

(1) After receipt of the records and the information called for and after considering the observations, if any, made by the appellate authority in respect of the application, as also the technical advice, if any obtained, the Central Government shall fix a date for the hearing of the application. (2) A notice of the date of hearing of the application shall be given to the applicant and may be given to such other person as the Central Government may think it.

8. Hearing of application.

(1) On the date fixed for the hearing of any other date to which the hearing may be adjourned, the Central Government shall hear the applicant and such other persons to whom notice has been given under sub-rule (2) of rule 7. (2) After hearing the persons referred to in sub-rule (1) and perusing the records and other relevant material referred to in sub-rule (1) of rule 7, the Central Government may pass such order on the application as the Central Government thinks fit. (3) Where the application is allowed, the order of the Central Government shall specify the terms and conditions on which any variations from the regulations made under the Act are to be dealt with during the examination of the boiler.

9. Communication of the order.

- The order of the Central Government shall be communicated to the applicant, the appellate authority and the Chief Inspector concerned.

10. Service of notice.

- A notice under these rules may be issued by the Secretary or by any other officer authorised by the Secretary in that behalf and shall be served on the person concerned-(a)by delivering or tendering it to that person or to his duly authorised representative; or(b)by registered post.