

The Jaipur Development Authority Appellate Tribunal Rules, 1988

RAJASTHAN

India

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Rule

THE-JAIPUR-DEVELOPMENT-AUTHORITY-APPELLATE-TRIBUNAL-RULES of 1988

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The Jaipur Development Authority Appellate Tribunal Rules, 1988Published vide Notification No. F. 9(1) UDH/Gr. 3/88, G.S.R. 145, dated 10-3-1989; published in Rajasthan Gazette Part 4 (Ga)(1), dated 5-11-1992, page 332In exercise of the powers conferred by sub-section (1) of Section 95 read with sub-section (5) of Section 83 of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982) the Government of Rajasthan hereby makes the following rules, namely:-

1. Title.

- These rules may be called the 'Jaipur Development Authority Appellate Tribunal Rules, 1988'.

2. Commencement.

- These rules shall come into force from the date of their publication in the official Gazette.

3. Definitions.

(1)In these rules, unless the context otherwise requires,-(i)'Act' means the Jaipur Development Authority Act, 1982;(ii)'Authority' means Jaipur Development Authority constituted under Section 3 of the Act;(iii)'Tribunal' means the Jaipur Development Authority Appellate Tribunal constituted under sub-section (1) of section 83 of the Act;(2)Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

4. Procedure for filing appeal.

- (i) Form of appeal. - Every appeal shall be preferred in the form of a memorandum signed by the appellant and his Advocate, if any, and presented to the Tribunal or to such officer as it appoints in this behalf. (ii) Every memorandum of appeal shall be accompanied by- (a) the order appealed against or its true copy issued by the Authority; (b) where the appellant for reasons beyond his control is not in a position to furnish a duly certified copy of the order appealed against, the appeal shall be accompanied by an affidavit stating the reasons thereof; (c) copy or copies of the documents photostat or otherwise on which he wished to rely along with a list of documents in Form No. (1); (d) as many copies of memorandum of appeal as there are respondents in the appeal along with notice of appeal; (e) Affidavit in support of the contents of memorandum of appeal and documents.

5. Contents of memorandum of appeal.

- (i) The memorandum shall state the name and address of the appellant; (ii) state the name and address of the respondents; (iii) set out concisely and under distinct heads, the grounds of appeal without any argument or narrative; (iv) the appellant shall state at the end of memorandum of appeal, that no suit, writ petition, appeal or other proceedings have been filed by him or by any other person within his knowledge concerning the matter in this appeal in any court; and (v) in case, the appellant or any other person within his knowledge has filed any such suit or proceedings as mentioned above in any court, brief description of the same shall be given in the memorandum of appeal.

6.

On presentation of memorandum of appeal and before initiating any action on it, the Tribunal or any officer as it appoints in this behalf shall have the scrutiny made on the following points:- (i) whether it bears the signatures of the appellant; (ii) whether it is accompanied by order or its true copy against which the appeal has been filed along with the requisite number of copies of appeal, notice, documents, affidavits under sub-rule (ii) (b), (c), (d), (e) of rule 4; (iii) whether it is within the jurisdiction of the Tribunal; (iv) whether it contains the grounds of appeal; (v) whether the appeal is within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period; and (vi) any other relevant point affecting the admissibility of appeal.

7. Rejection or amendment of memorandum.

- (i) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected or be returned to the appellant for the purpose of being amended within a time to be fixed by the Tribunal or be amended then and there; (ii) where the Tribunal rejects any memorandum, it shall record the reasons for such rejection; and (iii) where a memorandum of appeal is amended, the Presiding Officer of the Tribunal or such officer as he appoints in this behalf, shall sign or initial the amendment.

8. Registry of memorandum of Appeal.

- Where a memorandum of appeal is presented, the officer appointed in this behalf by the Tribunal shall endorse thereon the date of presentation, and shall register the appeal in a register of appeals. Note. - Form of register shall be such as may be specified by the Tribunal.

9. Summoning of respondent and production of record.

- On the admission of an appeal, the Tribunal shall order the-(i) issue of notices in form No. (2) to the respondents; Explanation. - Notices in the name of the Authority shall be issued to the Secretary of the Authority; and (ii) may issue notice for production of records in the form No. (3) to the appellant or respondents; Explanation. - Notices in the name of the Authority shall be issued to the Secretary of the Authority.

10. What to Accompany the notices to respondents.

- Along with the copy of the notices to the respondents, the following documents shall be sent to the respondents:-(i) copy of the memorandum of appeal along with copies of documents filed by the appellant; (ii) copy of the order appealed against which shall be supplied by the appellant.

11. Reply of respondent.

- The respondent shall, at or before the first hearing or within such time as the Tribunal may permit from time to time, file reply of the appeal along with copy or copies of the documents photostat or otherwise on which he wished to rely along with a list of documents and as many copies of the reply as there are appellants and affidavits in support of the contents of reply and documents.

12. Copies.

- (i) On the application of parties in form No. 4, certified copies of the orders and judgments passed by the Tribunal shall be supplied to the parties by the Tribunal on payment of fee as prescribed in rule 224 of the General Rules (Civil), 1952. Such fees shall be deposited in cash in the Authority. No such fee shall be charged from the Authority and Government of Rajasthan; (ii) the Tribunal shall send a certified copy of an order of judgment passed by it in each appeal to the Secretary of the Authority and one such copy to the officer of the Authority against whose order appeal was filed; and (iii) such applications shall be entered into a register in the form specified by the Tribunal.

13. Form of reference and its procedure.

- (i) Any dispute arising out of any provisions of this Act may be referred to the Tribunal by the J.D.A./Secretary; (ii) the Authority may draw up a statement of the facts of the case and the point or points on which dispute has arisen and refer such statement for the decision of Tribunal; and (iii) such statement shall be signed by the Secretary of the Authority.

14.

The Tribunal, after giving an opportunity of hearing to the parties, shall decide the point or points of dispute, so referred and shall transmit a copy of its judgment to the Authority.

15. Daily cause list.

- A cause list, in the prescribed form No. 5 of cases fixed for hearing on any day, prepared in Hindi and signed by such officer as may be appointed in this behalf by the Tribunal, shall be pasted on the previous working day in some conspicuous place in Tribunal house.

16. Review.

- (i) The Tribunal may on an application of the party to the appeal or on its own motion, review its own order or judgment; (ii) the Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of hearing and deciding of review applications.

17. Procedure regarding matters not covered by rules.

- The Tribunal shall follow such procedure as it may think fit on the matters not provided by and not inconsistent with the Act. Form No. I Before the Jaipur Development Authority Appellate Tribunal, Jaipur

Appeal No /199....

Name of Parties:.....Appellant v/s.....Respondent

S. No. Description of documents No. of papers Original or copy Remarks

1	2	3	4	5

Signature, appellant/Respondent Form No. II Jaipur Development Authority Appellate Tribunal
Jaipur Notice to Respondent of the day fixed for the hearing of the appeal

Appellant: Respondent

..... V/s. J.D.A &.....

Appeal No..... 199 against the order No dated..... /passed by the.....J.D.A.,

Jaipur. To.....Jaipur Development Authority, Jaipur Take Notice that an appeal from the order, as shown above has been presented by the appellant and registered in this Tribunal and that the.....the day of.....199-at 11.00 A.M. has been fixed by this Tribunal for the hearing of this appeal. (Copies of Appeal and impugned order enclosed). If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this..... the day of..... 199... Form No. III Requisition for Record

No..... /T/8.....

Dated.....

.....V/s. J.D.A., Jaipur

To.....Jaipur Development Authority, Jaipur. Kindly transmit to this Tribunal, the record specified below. I have satisfied myself that the production of the original record is actually necessary. The record should reach to this Tribunal before.....the next date of hearing. Particulars of Record Sent for

1. Of what court/Authority.

2. Kind of case.

3. No. and year

4. Title

5. Date of disposal/orders

6. Remarks

Yours faithfully, J.D.A. Appellate Tribunal, Jaipur Form No. IV Before Jaipur Development Authority Appellate Tribunal, Jaipur Appeal No. Name of Parties.....V/s.....Applicant is Appellant/Respondent/Advocate in this appeal and requests for certified copy/copies of order/Judgment.

S. No.	Description of order/ judgment	No. of copies	Purpose for obtaining copies	Urgent or ordinary
1	2	3	4	5

Date Signature of applicant with address

Form No. V Cause-List

Date Month Year

S. No.	No. and description of case	Names of parties	Names of Lawyers	Purpose	Remarks
1	2	3	4	5	6