

The U.P. Regulation of Cold Storages (Tribunal) Rules, 1978

UTTAR PRADESH

India

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Rule

THE-U-P-REGULATION-OF-COLD-STORAGES-TRIBUNAL-RULES-1978 of 1978

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The U.P. Regulation of Cold Storages (Tribunal) Rules, 1978Published vide Notification U.P. Gazette (Extraordinary), dated 24.8.1979

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Regulation of Cold Storages (Tribunal) Rules, 1978.(2)They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires,-(a)'Act' means the Uttar Pradesh Regulation of Cold Storages Act, 1976;(b)'Form' means a form appended to these rules;(c)'Member' means a member of the Tribunal constituted in accordance with the provisions in Section 35 of the Act;(d)'Section' means a section of the Act;(e)Words and expressions used in these rules but not herein defined shall have the meanings assigned to them in the Act.

3. Place and seat of the Tribunal.

- [(a) The headquarters of the Tribunal shall be at Lucknow.(b)The Tribunal may hold its sittings at Lucknow or at any other district headquarters of Uttar Pradesh.]

4. Administrative Member.

(a)The Secretary to Government in Agriculture Department or his nominee, who shall not be an officer below the rank of Joint Secretary, shall act as Administrative Member.(b)Interim arrangement in the absence of Chairman. - If the Chairman is absent, the Administrative Member shall act as Chairman.

5. Temporary absence of a member.

- If a member of the Tribunal is absent at any hearing, the remaining members shall proceed with the case and pass orders.

6. Filing of appeals.

(1)The memorandum of every appeal under Section 36 of the Act shall be in quadruplicate (3 copies of 3 members of the Tribunal and one copy for para-wise comments by the Licensing Officer in accordance with Rule 8), and shall be accompanied by the following documents:(a)Copy of the order or decision of the Licensing Officer against which the appeal is preferred.(b)An affidavit in support of every allegation which is not supported by the documents or certified or attested copies of such document.(2)The memorandum of appeal may be delivered personally or sent by registered post to the Registrar of the Tribunal.

7. Better particulars and production of documents.

- The Tribunal may, at any stage of its proceeding require the appellant to submit further or better particulars of his appeal and to produce the original documents a copy whereof has earlier been filed by him.

8. Notice to the parties.

- The Tribunal shall give reasonable notice to the parties in respect of the date fixed for final hearing of the appeal.

9. Availability of copy of memorandum of appeal and other connected papers.

- A copy of the memorandum of appeal shall be made available by the Tribunal to the Licensing Officer for his para-wise comments. Similarly a copy of para-wise comments of Licensing Officer, submitted to the Tribunal in quadruplicate, shall be made available to the appellant for affidavit in reply (if any) and then, a date for final hearing shall be fixed.

10. Appearance of pleader.

- No pleader shall be allowed, except in special cases and with the permission of the Tribunal to appear on behalf of any party to the appeal. In case any party is granted such permission, the other party also shall be at liberty to engage a pleader.

11. Communication of document by Tribunal.

- The Tribunal shall deliver a copy of its final order or decision in each appeal free of charge to the parties.

12. Return of documents.

- Where an appeal has been finally disposed of, the party may apply to the Tribunal for the document filed by him.

13. Registers to be maintained by the Tribunal.

- The Tribunal shall maintain the following registers, namely: (a) Register of appeals in Form 1. (b) Register of Returned Documents in Form 2. (c) Register of fees realised in Form 3. (d) Register of Records consigned in Form 4. (e) Any other Register which the Tribunal thinks fit or which the State Government directs the Tribunal to maintain. Note. - All appeals presented to the Tribunal shall immediately be registered in. the Register of appeals.

14.

The fees payable in respect of proceedings before the Tribunal shall be paid in the manner provided for payment of court-fee under the Court Fees Act, 1870 and the fee shall be as under; (1) For appeal against the order of the Licensing Officer under subsection (1) of Section 25 of the Act the fee shall be- When the amount or value of the subject matter:-

(1) Does not exceed rupees one thousand	..	Rupees fifteen
(2) Exceeds rupees one thousand but does not exceed rupees two thousand five hundred	..	Rupees fifty
(3) Exceeds rupees two thousand five hundred but does not exceed rupees five thousand	..	Rupees one hundred
(4) Exceeds rupees five thousand	..	Rupees two hundred

(2) For appeal against order under other section of the Act the amount of fee shall be Rs. 25. Form 1 [See Rule 13 (a)] Register of Appeals

Sl.	Date of	Name and	Name of	Under	Substance of	Date of	Nature	Remarks
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No.	receipt of appeal	address of appellant	respondent	what section	relief claimed	decision	of decision	
1	2	3	4	5	6	7	8	9

Form 2[See Rule 13 (b)]Register of Returned Documents

Sl. No.	Name of applicant	Case in which documents were filed	Date of application	Description of documents returned	date when returned	Signature of recipient	Remarks
1	2	3	4	5	6	7	8

Form 3[See Rule 13(c)]Register of fees realised

Sl. No.	Description of the case (appeal) No. and names of parties)	Date of receipt of fee	Fee realised	Remarks
1	2	3	4	5

Form 4[See Rule 13(d)]Register of Records consigned

Sl. No.	Appeal No. and names of the parties	Date of Judgment	Description of record	Date of consignment	Remarks
1	2	3	4	5	6

[Substituted by U.P. Regulation of Cold Storages (Tribunal) (Amendment) Rules, 1984, vide Notification No. 4191 (ii)/XII-4-411(13)-76, dated 31.8.1984.]