

# **The Maharashtra Khadi and Village Industries Tribunal (Procedure) Rules, 1968**

MAHARASHTRA

India

## **The Maharashtra Khadi and Village Industries Tribunal (Procedure) Rules, 1968**

### **Rule**

### **THE-MAHARASHTRA-KHADI-AND-VILLAGE-INDUSTRIES-TRIBUNAL- of 1968**

- Published on 4 March 1968
- Commenced on 4 March 1968
- [This is the version of this document from 4 March 1968.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Khadi and Village Industries Tribunal (Procedure) Rules, 1968Published vide Notification No. G.N., I. & L.D., No. KVB. 4262/36268-IND-2, dated 4th March, 1968 (M.G., Part 4B, p. 333)In exercise of the powers conferred by clause (p) of sub-section (2) of section 29 of the Bombay Khadi and Village Industries Act, 1960 (Bombay XIX of 1960), and all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, namely

#### **1. Short title.**

- These rules may be called the Maharashtra Khadi and Village Industries Tribunal (Procedure) Rules, 1968.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Bombay Khadi and Village Industries Act, 1960;(b)"Chief Executive Officer " means the Chief Executive Officer appointed under section 7;(c)"Section" means a section of the Act;(d)"Tribunal" means Tribunal appointed under section 26-A.

#### **3. Notice of recovery of money due as arrear of land revenue.**

(1)Where any sum is payable to the Board under any agreement express or implied or otherwise howsoever, the Board may cause a notice to be served on the person liable to pay the sum directing

him to pay it within a period of one month from the date of the receipt of the notice.(2)Where the person on whom a notice is served under sub-rule (1), disputes his liability to pay the sum stated in the notice, he may, within thirty days of the receipt of the notice, make a representation to that effect to the Board.(3)If, within the period referred to in sub-rule (2), the person on whom a notice is served under sub-rule (1) neither pays the sum nor makes any representation to the Board disputing the claim under sub-rule (2), the Board may refer the claim along with the certificate of the Chief Executive Officer indicating therein the sum due to the Board, to the Collector under sub-section (1) of section 26-A of the Act and thereupon subject to the provision of sub-section (2) of section 26-A, the Collector shall recover the sum due as an arrear of land revenue.(4)If in the course of proceedings taken against a person for recovery of any sum required to be recovered under sub-rule (3) such person denies his liability to pay the sum or any part thereof the Collector before whom the proceedings are pending, shall forthwith send a notice of such denial to the Board.

#### **4. Request for constitution of Tribunal under sub-section (2) of section 26-A and for reference of questions as to denial of liability to such Tribunal.**

(1)On receipt of a representation under sub-rule (2) or a notice under sub-section (4) of rule 3, the Board shall forward a copy of such representation or notice, as the case may be, to the State Government with a request that a Tribunal may be constituted for determining the question as to denial of liability to pay to the Board, made in such representation or referred to in such, notice.(2)On receipt of a request from the Board under sub-rule (1) the State Government may constitute a Tribunal in accordance with the provisions of sub-section (2) of section 26-A and refer the question mentioned in such request to the Tribunal for decision.(3)The Tribunal shall follow, as far as possible the procedure, as far as it is applicable, laid down in the Code of Civil Procedure, 1908.

#### **5. Notice to parties to appear before Tribunal.**

(1)After the question is referred to the Tribunal for decision as provided in sub-rule (2) of rule 4 a notice shall be served on the person concerned and the Board calling upon them to appear before the Tribunal on the date specified in the notice. The notice shall also state that if the party concerned does not appear before the Tribunal either in person or through its authorised agent on the dates specified in the notice or any subsequent date to which hearing may be adjourned, the Tribunal shall hear and decide the question ex parte.(2)(a)The notices issued to any party by or under the authority of the Tribunal under sub-rule (1) shall be served by any of the following methods, namely :-(i)by personal delivery of a copy of the notice to the addressee or his agent, after taking his signature on the original in token of receipt, or(ii)by registered post (with acknowledgement due).An acknowledgement containing signature of the addressee or his agent or an endorsement by the Postal Authorities to the effect that the notice was refused by the addressee shall, unless the contrary is proved be deemed to be sufficient to hold that the notice was duly served.(b)Where the Tribunal is satisfied that the addressee is evading service or that it is not possible to serve the notice in the ordinary way, it may direct that a copy of the notice shall be affixed on its notice Board and another copy on the outer door or some other conspicuous part of his present or last known residence and at a conspicuous place in the village or town where he last resided or carried on business or by

publishing the notice in a newspaper which has circulation in the locality.(c)Where the Tribunal directs service of notice otherwise than by post, it may be sent for service to the Tahsildar or Naib-Tahsildar of the Taluka, within whose jurisdiction the party to be served with the notice resides. The Tahsildar or Naib-Tahsildar shall have the notice served through the village officers and return it to the Tribunal with an endorsement stating the time, where and the manner in which, the notice was served and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the notice.

## **6.**

The Tribunal so constituted shall, after making such inquiry as it may deem fit and after giving to the person denying the liability to pay and the Board a reasonable opportunity of being heard and after considering such evidence as may be produced by such person and the Board, decide the question whether, and if so. what sum is payable by such person to the Board.

## **7. Supply of certified copies of decision to the Board and parties concerned.**

- A certified copy of the decision of the Tribunal shall,-(a)where it is in respect of representation made under sub-rule (2) of the rule 3, be forwarded to the Board and if the decision declares any sum as payable to the Board, the Board may take action for having the sum recovered as an arrear of land revenue;(b)where it is in respect of denial of liability, referred to in a notice under sub-rule (4) of rule 3, be forwarded to the Collector, by whom such notice was issued, for disposal of the proceedings concerned in accordance with the decision of the Tribunal in the matter.