

The Punjab Public Moneys (Recovery of Dues) Act, 1983

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India

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Act 1 of 1985

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The Punjab Public Moneys (Recovery of Dues) Act, 1983 Punjab Act No. 1 of 1985[16th April, 1998]The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 11th March 1985, and was published in the Punjab Gazette, (Extra.), Legislative Supplement, Part I.An Act to provide for speedy recovery of certain dues of the State Government or the Punjab Financial Corporation or any other Corporation notified by the State Government in this behalf or a Government Company or a Banking Company.Be it enacted by the Legislature of the State of Punjab in the Thirty-fourth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Punjab Public Moneys (Recovery of Dues) Act, 1983.

2. Definition.

- In this Act, unless the context otherwise requires, -(a)'Banking company' means -(i)a banking company as defined in the Banking Regulation Act, 1949;(ii)the State Bank of India constituted under the State Bank of India Act, 1955;(iii)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;(iv)the Agricultural Finance Corporation Limited, a company incorporated under the Indian Companies Act, 1956;(v)the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963;(vi)a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;(vii)a regional rural bank constituted under the Regional Rural Banks Act, 1976; or(viii)a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.(b)"Collector" means a Collector of the district and includes any person appointed by the State Government to perform the functions of a Collector under this Act;(c)"Corporation" means the Punjab Financial Corporation established under the

State Financial Corporations Act, 1951 and includes any other corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification specify;(d)"Financial Assistance" means any financial Assistance -(i)for establishing, expanding, modernising, renovating, or running any industrial undertaking; or(ii)for purposes of vocational training; or(iii)for development of agriculture, horticulture, animal husbandry or agro-industry; or(iv)for purposes of any other planned development; or(v)for relief against distress;(e)"Government Company" means a Government company as defined in section 617 of the Companies Act, 1956;(f)"Industrial Concern" has the meaning assigned to this expression in the State Financial Corporations Act, 1951;(g)"Industrial Undertaking" includes an undertaking for the manufacture, preservation, storage or processing of goods, or for mining, or hotel keeping, or transportation of passengers or goods, or generation or distribution of electricity or any other form of power or development of any contiguous area of land as an industrial estate;Explanation. - The expression "processing of goods" includes any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation;(h)"State-sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government under which it -(i)advances money to a Corporation or a Government Company for the purpose of disbursing loans, advances or grants or for the purpose of sale of goods on credit or hire-purchase; or(ii)guarantees or agrees to guarantee the repayment of a loan advance or grant or the payment of the price of goods sold on credit or hire- purchase.

3. Recovery of certain as arrears of land revenue.

(1)Where any person is a party-(a)to any agreement, relating to a loan, advance or grant given, or relating to credit in respect of, or relating to hire-purchase of goods sold by the State Government, a banking company, a Corporation or a Government company, as the case may be, under a State sponsored scheme; or(b)to any agreement relating to a guarantee given by the State Government, a banking company, a Corporation or a Government company in respect of a loan raised by an Industrial Concern; or(c)to any agreement providing that any money payable thereunder to the State Government shall be recoverable as an arrear of land revenue;and such person -(i)makes any default in repayment of the loan or advance or any instalment thereof; or(ii)having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or any portion thereof; or(iii)otherwise fails to comply with the terms of the agreement;then in the case of the State Government, such officer as may be authorised in that behalf by the State Government by notification, and in the case of a banking company, a Corporation or a Government Company, the Managing Director thereof, by whatever name called, may send a certificate to the Collector mentioning the sum due from such person and requesting that such sum together with costs of the proceedings be recovered as if it were an arrear of land revenue.(2)A certificate sent under sub-section (1) shall be conclusive proof of the matter stated therein and the Collector on receiving such certificate shall proceed to recover the amount stated therein as an arrear of land revenue.(3)Where the property of any person referred to in sub-section (1) is subject to any mortgage, charge, pledge or other encumbrance in favour of the State Government, a banking Company a Corporation or a Government company, as the case may be, then -(a)in every case of a pledge of goods, proceedings shall first be taken for the sale of goods so pledged and if the proceeds of such sale are less than the sum due, then proceedings shall be taken for recovery of the balance

:Provided that where the State Government is of opinion that it is necessary so to do for safeguarding the recovery of the sum due to it, a banking company, a Corporation or a Government company as the case may be, it may for reasons to be recorded in writing direct proceedings to be taken for recovery of the sum due before or at the same time as the proceedings are taken for sale of the goods pledged;(b)in every case of a mortgage, charge or other encumbrance on immovable property, such property or, as the case may be, the interest therein of the person referred to in sub-section (1) shall first be sold in proceedings for recovery of the sum due from that person and any other proceedings may be taken only if the Collector certifies that there is no prospect of realisation of the sum due through the first mentioned process within a reasonable time.

4. Bar of suits.

- No suit for the recovery of any sum recoverable under section 3 shall lie in a civil court against any person referred to in sub- section (1) of that section and the provisions of this Act shall have effect notwithstanding anything in any other law for the time being in force.

5. Collection charges.

- A banking company, a Corporation or a Government company availing the services of the Collector under section 3 shall pay collection charges to the Government at such rates as may from time to time be notified by the State Government in the Official Gazette.

6. Saving.

- Nothing in section 3 shall -(a)affect any interest of the State Government, a banking company, a Corporation or a Government company in any property created by any mortgage, charge, pledge or other encumbrance; or(b)bar suit or affect any other right or remedy against any person other than a person referred to in that section, in respect of a contract of indemnity or guarantee entered in relation to an agreement referred to in that section or in respect of any interest referred to in clause (a).