

The Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973

HIMACHAL PRADESH

India

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Act 22 of 1973

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The Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 Act No 22 of 1973 An Act to provide for the speedy recovery of certain classes of dues. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows: -

1. Short title and Commencement.

(1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973. (2) It extends to the whole of Himachal Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Corporation" means the Himachal Pradesh 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; (b) "financial assistance" means any financial assistance rendered - (i) for the purposes of vocational or technical training; or (ii) for the construction of residential building; or (iii) for providing drinking water kuhl or pipe line; or (iv) for the development of animal husbandry, agriculture or horticulture; or (v) for establishing, expanding, modernising, renovating or running any Village or cottage industry, industrial undertaking or agro-industry; or (vi) for purposes of any other kind of planned development, or (vii) for relief against distress; or (viii) for loan under the National Loon Scholarship Scheme; (c) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) and which is notified as such by the State Government from time to time; (d) "industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining, or the hotel industry, or the transport of passengers or goods, or the generation or

distribution of electricity or any other form of power or the maintenance, repair, testing or servicing of machinery, vehicles, motor boats, trailers or tractors or assembling, repairing or packing of any articles with the aid of fishing or maintenance thereof, or for the development of any contiguous area of land as an industrial estate or providing special industrial growth. Explanation. - The expression "processing of goods" includes any act or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation; (e) "sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government or the Central Government under which the concerned Government either - (i) advances money to the Corporation of the Govt company for the purposes of disbursing loans, advances, grants, or subsidies for the purpose of sale of goods on credit or hire purchase, or (ii) guarantees or agrees guarantee the payment of loan, advances, grant of subsidies or the payment of price of goods sold on credit or his purchase; and (f) "State Government" means the Government of Himachal Pradesh.

3. Recovery of certain dues as arrears of land revenue.

(1) Where any person either as principal or as surety or as guarantor is a party - (a) (i) To any agreement relating to a loan, advance, grant, subsidy, stipend or scholarship given to him under that agreement or relating to credit in respect of, or relating to hire purchase or goods sold by the State Govt, or the corporation by way of financial assistance; or (ii) to any agreement relating to a loan, advance, grant or subsidy given under that agreement or relating to credit in respect of, or relating to hire purchase of goods sold by the Govt, company under the sponsored scheme; or (b) to any agreement relating to a guarantee given by the State Government or a corporation in respect of a loan raised by an industrial undertaking; or (c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue; or (d) to any agreement to sell or distribute goods or any other article supplied by or through the State Govt, and such person - (i) makes any default in the repayment of the loan, advance stipend or scholarship or any instalment or interest thereof; or (ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof; or (iii) having become liable to pay the price of the goods or any other article or interest thereof, fails to pay the same or part thereof; or (iv) otherwise fails to comply with the terms of the agreement. - then, in case of the State Government, such officer as may be authorised in this behalf by the State Government, by notification in the Official Gazette, and in the case of the corporation or the company, the Managing Director thereof, may without prejudice to any other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such person and requesting that such sum together with the costs of the proceedings or any other sum, be recovered as if it were an arrear of land revenue. (2) The Collector on receiving the certificate under sub-section (1) shall proceed to recover the amount stated therein as an arrear of land revenue. (3) Nothing in sub-section (1) shall affect any interest of the State Government, a corporation or a Government company, in any property created by any mortgage, charge, pledge or other encumbrance. (4) Where the property of any person referred to in sub-section (1) is subject to any mortgage, charge or other encumbrance in favour of the State Government, a corporation or a Government company, then in every case of a pledge or hypothecation of goods, or a mortgage, as the case may be, goods, or a mortgage, charge or other

encumbrance on immovable property, such property or, as the case may be, the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person, and if the proceeds of the sale of the property are less than the sum due, proceedings may be taken against the other property of such person. Provided that where the State Government is of the opinion that it is necessary to do so far safe-guarding the recovery of the sum due to it or to the corporation or government company, as the case may be, it may, for reasons to be recorded, direct proceeding to be taken simultaneously for the recovery of the sum due in respect of goods pledged or hypothecated, the immovable property, mortgaged, charged or encumbered and other property of such person.

4. Levy of fees as service charges.

- Levy of fees as service charges. - The State Government may require the Corporation or a Government company, as the case may be, to pay to it a fee as service charges to the extent as the State Govt, may consider appropriate. Provided that the proposed fee shall be published in the official Gazette and the objections shall be invited within thirty days from the date of said publication and further that the State Government shall consider the objections, if any, before levying the fee. Notification Under The Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 Officers Authorised To Issue Certificates For The Recovery of Dues As Arrears of Land Revenue Housing Department Notifications Sim/a-171002. the 13th November, 1975 No. 1-1/75-Housing. - In exercise of the powers conferred upon him under section 3(1) (iv) of the Himachal Pradesh Public Moneys (Recovery of Dues) Act 1973, the Governor, Himachal Pradesh is pleased to authorise the following officers within their respective jurisdictions, to issue requisite certificates for the purpose of recovery of loans including interests referred to therein:-

1. Deputy Commissioners.

2. Sub-Divisional Officers (Civil).

3. Tehsildars.

4. Naib-Tehsildars.

5. Block Development Officers.

(R H P Extra dated 17th November 1975, P 1593).