

GUJARAT PANCHAYATS (Recovery of Taxes and other Dues) RULES, 1963

GUJARAT

India

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No. PRR-26/63-H -In exercise of the powers conferred by section 323 of the Gujarat Panchayats, Act, 1961, the Government of 1[Gujarat hereby makes the following rules, namely:-

1. Short titles :-

These rules may be called the Gujarat Panchayats (Recovery of Taxes and other dues) Rules, 1963.

2. Definitions :-

In these rules, unless the context otherwise requires,-(a)"the Act" means the Gujarat Panchayats Act, 1961;(b)"authorised officer" means an officer authorised by the panchayat to execute a warrant under rules 5;(c)"dues" means any tax or fee or any other some due from a Person to the panchayat under the Act or rules thereunder;(d)"Form" means a form appended to these rules;(e)"Section" means a section of the Act.

4. Warrant of distress :-

Where under sub-section (4) of section 192 the panchayat decides to levy, the sum referred to the therein by dis- trained and sale of movable property, a warrant of distress in Form "B" shall be issued.

5. Warrant of distress lo be signed and executed :-

Every such warrant shall be signed either by the Sarpanch or the Up-Sarpanch/The Chairman or the Vice-Chairman/The President or the Vice-Presidents and shall be executed by such officer as the panchayat may authorise in this behalf.

6. Distrain of goods or chattel or defaulter :-

The authorised officer shall distrain, wherever Found, goods or chattel of the person named in the warrant as the defaulter: Provided that-(a)(1) the necessary wearing apparel cooking vessels, and beds and bedding of the defaulter, of his wife and children and such personal ornaments as in accordance with religious usage cannot be parted with by any woman.(2) the tools of artisans.(3) if the defaulter is an agriculturist, his implements of husbandry, seed, grain and such cattle as may be necessary to enable him to earn his livelihood, shall not be distrained;(b) the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant and if any property has been distrained which in the opinion of the person authorised to sign the warrant under rule 5 should have been so distrained it shall forthwith be returned to the person in whose possession it was at the time of distraint.

7. Inventory of goods and chattels distrained and notice for sale :-

The authorised officer shall forthwith make an inventory of the goods and chattels which he has seized under such warrant and shall at the same time give a written notice in form "C" to the person in whose possession it was at the time of seizure, that the said goods and chattels shall be sold if he fails to pay within seven days from the date of the notice, into the office of the panchayat the amount recoverable under the notice together with the cost of recovery: Provided that the authorised officer shall not remove the property distrained but shall keep it with the defaulter on his giving a surety for the amount equal to the property distrained to produce the property distrained whenever required. Provided further that when the property distrained is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be recovered is likely to exceed its value the person by whom the warrant was signed shall at once give notice to the person in whose possession the property was when distrained to the effect that it will be sold at once and shall sell it accordingly, unless the amount specified in the warrant be forthwith paid: Provided also that if after the property is distrained and before it is removed, the sum due by the defaulter together with all costs incidental to the service of writ, warrant and distress of the property are paid, the authorised officer shall remove the distress.

8. Copy of notice for sale to be affixed at Panchayat office :-

A copy of the notice given under rule 7 shall also be affixed at the office of the panchayat.

9. Auction of goods and chattels seized :-

The goods and chattels seized shall, after the expiry of the period named in the notice served under rule, 7 be sold by the panchayat by public auction held at the office of the panchayat: Provided that no servant or office bearer (including Secretary) or the panchayat shall be permitted to bid at such auction.

10. Disposal of surplus sale proceeds :-

The surplus, if any, of the sale proceeds of the distrained goods after satisfying the claims of the panchayat shall be paid to the person in whose possession the goods and chattels were at the time of the distraint.

11. Fee for writ of demand :-

The fee for every writ of demand issued under sub-section (2) of section 192 shall be chargeable at five percent of the total amount demanded.

12. Fees for distress :-

The fee for every distress made under sub-section (4) of section 192 shall be chargeable at the rate of 0.12 np for every amount of Rs.5 or part thereof for which the distress is made.

13. Costs of maintaining live stock :-

The costs of maintaining any livestock seized under sub-section (4) of section 192 shall be chargeable at the following rate, namely.-Rs. Ps. (1) For every elephant 5.00 per day (2) For every camel or buffalo *2.00 per day (3) For every horse, mare, gelding pony, bull, bullock or cow 1.00 per day (4) For every colt, filly, calf, heifer mule or ass 0.50 per day (5) For every ram, ewe, pig, bird, sheep, lamp, goat or kid 0.50 per day Explanation.-For the purposes of this rule a colt or a filly shall be deemed to become horse or mare when it has completed its three years of age and a heifer shall be deemed to become a cow when it bears a calf.* Substituted by GNRDD No. PRR-26(1) 63-H, dated 9th December, 1963.