

# **The Haryana Requisitioning and Acquisition of Moveable Property Rules, 1979**

HARYANA

India

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### **Rule**

### **THE-HARYANA-REQUISITIONING-AND-ACQUISITION-OF-MOVEABLE of 1979**

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

- These rules may be called the Haryana Requisitioning and Acquisition of Moveable Property Rules, 1979.

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

- In these rules :-(a)"Act" means the Haryana Requisition and Acquisition of Moveable Property Act 1975;(b)"form" means a form appended to these rules.

#### **3. Order of requisition.**

[Section 3] - An order of requisition under sub-section (1) of Section 3 shall be issued in form 'A'.

#### **4. Procedure to be followed in releasing property.**

[Section 4] - (1) For the purpose of sub-section (2) of Section 4, the competent authority may, if it considers it necessary so to do, make or cause to be made by an officer empowered in this behalf by

it, an enquiry to obtain information in respect of the following matters namely :-(i)the name and address of the person from whom the movable property was requisitioned;(ii)the name and address of the person in possession of the movable property at the time it was requisitioned;(iii)whether there is any objection to the movable property being derequisitioned in favour of the owner from whom the movable property was requisitioned;(iv)the condition of the movable property at the time of requisition and whether the movable property is in as good condition as it was, when possession thereof was taken subject to change caused by reasonable wear and tear or irresistible forces.(v)the estimated cost of restoration; and(vi)any other matter that the competent authority may consider necessary for the purpose of specifying the person to whom possession of the movable property may be given.(2)An order under sub-section (2) of Section 4 shall be issued in form 'B'(3)A notice under sub-section (4) of Section 4 shall be in form 'C'.

## **5. Acquisition of requisitioned property.**

[Section 5] - A notice under sub-section (1) of Section 5 calling upon the owner or any other person interested in a requisitioned movable property to show cause why the movable property should not be acquired, shall be in form 'D' and a notice of actual acquisition shall be in form 'E'.

## **6. Payment of amount for requisitioned property.**

[Section 6] - (1) The amount payable in respect of requisitioned movable property including vehicles and vessels, shall be the sum total of :-(i)interest on the cost at which the owner had purchased the movable property calculated six monthly at the rate of [six per cent] [Substituted for 'four per cent' by Haryana Notification No. GSR 52 HA9/75S.118/amd(1)80 dated 9.5.1980.] per annum;(ii)the amount representing depreciation of the movable property during the period of its requisition calculated six monthly at the rate of thirty per cent per annum;(iii)an amount for the loss of the use of the movable property or of any profits that might have been earned but for the requisition at [six per cent] [Substituted for 'four per cent' by Haryana Notification No. GSR 52 HA9/75S.118/amd(1)80 dated 9.5.1980.] per annum of the cost referred to in (i) above as reduced by depreciation at the rate of thirty per cent per annum as referred to in (ii) above.(2)The amount so arrived at shall be payable six monthly by a bank draft.[7. Payment of amount. [Section 8] - The amount so determined by the competent authority for requisitioning or acquisition of movable property shall be paid to person or persons entitled thereto within a period of six months from the date of requisition or acquisition by means of a bank draft.] [Substituted by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.][Provided that if the payment is not made within the stipulated period, the authority shall be liable to pay penal interest @ 12 per cent per annum on the amount so due.] [Added by Haryana Notification No. GSR 52 HA9/75S.118/amd(1)80 dated 9.5.1980.]

## **8. Appeal.**

[Section 11] - (1) An appeal under Section 11 shall be addressed to the Secretary to Government, Haryana, Administration of Justice Department.(2)Every appeal shall contain the grounds of appeal and shall be accompanied by a copy of the order against which the appeal is preferred.

## 9. Summoning of persons and witnesses and production of documents.

[Section 12] - An order under Section 12 summoning and enforcing the attendance of any person and examining him on oath or requiring the discovery and production of any documents shall be issued in from 'F'. An order requisitioning, public record from any Court or office shall be issued in form 'G' while an order issuing commissions for examinations of witness shall be in form 'H'. Form 'A' (See Rule 3) Order Whereas I, \_\_\_\_\_ being a competent authority under the Haryana Requisitioning and Acquisition of Movable Property Act, 1975 (Haryana Act 9 of 1975), am of opinion that it is necessary/expedient so do for the maintenance/improvement of service and supply essential to the life of community or for providing immediate relief to persons affected by floods, riots, or strikes or for the efficient conduct of elections or for \_\_\_\_\_ purpose being a public purpose; Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Haryana Requisitioning and Acquisition of Movable Property Act, 1975, I \_\_\_\_\_ (name and designation) being the competent authority hereby requisition the movable property described in the schedule.

## Schedule

Signature \_\_\_\_\_ Designation \_\_\_\_\_ Dated \_\_\_\_\_ (Seal) [ ] [Word '(seal)' added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.] Form 'B' [See Section 4(2) and Rule 4] Order Whereas the movable property specified in the schedule hereto annexed was requisitioned by the order of the \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ with effect from the \_\_\_\_\_; And whereas, I, \_\_\_\_\_ being the competent authority has now decided that the said property shall be released from requisition with effect from \_\_\_\_\_. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 4 of this Act I, \_\_\_\_\_, being the competent authority hereby specify Mr./Messrs \_\_\_\_\_ as the person/persons being successor-in-interest to whom the possession of the said property shall be given.

## Schedule 2

Dated \_\_\_\_\_ To \_\_\_\_\_ (Seal) [ ] [words '(seal)' added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.] Signature \_\_\_\_\_ Designation \_\_\_\_\_ Form 'C' [See Section 4(2) and Rule 4] Notice Whereas the movable property specified in the Schedule thereto annexed was requisitioned by the order of the \_\_\_\_\_ No. \_\_\_\_\_ dated \_\_\_\_\_ with effect from \_\_\_\_\_ And whereas, I, \_\_\_\_\_, being the competent authority has decided that the said property shall be released from requisition; And whereas, in exercise of the powers conferred by sub-section (2) of Section 4 of the Haryana Requisitioning and Acquisition of Moveable Property Act, 1975, I \_\_\_\_\_ (Name) \_\_\_\_\_ (Designation) being the competent authority under the said Act have specified Shri \_\_\_\_\_ as the person to whom possession of the said property (full particulars) shall be given; And whereas the said Shri \_\_\_\_\_ (Full particulars) cannot be found and has an agent or other person empowered to accept delivery thereof on his behalf; Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 4 of the said Act, I,

\_\_\_\_\_ (Name) \_\_\_\_\_ (Designation) do hereby declare that the said property is released from requisition.

### Schedule 3

Dated \_\_\_\_\_ Signature \_\_\_\_\_ Designation \_\_\_\_\_ (Seal)[] [Word '(seal)' added by Legislative Supplement Part III, dated 19th November, 1985.] Form 'D' (See Rule 5) Notice Whereas I, \_\_\_\_\_, being the competent authority under Haryana Requisitioning and Acquisition of Movable Property Act 1975 (Haryana Act 9 of 1975), am of the opinion that the movable property described in the Schedule hereto annexed which is subject to requisition should be acquired for the purpose, namely \_\_\_\_\_ a purpose referred to in Section 3 of the Act; Now, therefore, in exercise of the powers conferred by proviso to sub-section (1) of Section 5 of the said Act, I \_\_\_\_\_ (Names) (Designation) being to the competent authority under the said Act, hereby call upon \_\_\_\_\_ being the owner of the property \_\_\_\_\_ to show cause being person interested in the said property within a period of fifteen days of the date of this notice upon him why the said property should not be acquired.

### Schedule 4

Dated \_\_\_\_\_ To \_\_\_\_\_ Signature \_\_\_\_\_ Designation \_\_\_\_\_ (Seal)[] [Added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.] Form 'E' (See Rule 5) Notice Whereas notice under proviso to sub-section (1) of Section 5 of the Haryana Requisitioning and Acquisition of Moveable Property Act, 1975, was issued by \_\_\_\_\_ (Name) \_\_\_\_\_ (Designation) being the competent authority under the said Act to Shri \_\_\_\_\_ calling upon him to show cause within the period specified therein why the Moveable Property described in the Schedule appended thereto should not be acquired; And whereas the said period has expired and no cause has been shown against the said notice the cause shown against the said notice has been considered and the parties have been given an opportunity of being heard; Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 5 of the said Act, I, \_\_\_\_\_ (Name) \_\_\_\_\_ (Designation) being the competent authority under the said Act, having been satisfied that it is necessary so to do, do hereby acquire the said property.

### Schedule 5

Dated \_\_\_\_\_ Signature \_\_\_\_\_ Designation \_\_\_\_\_ (Seal)[] [Words '(seal)' added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.] Form 'F' (See Rule 9) Summons to Witnesses Case No. \_\_\_\_\_ of 1979 In the office of \_\_\_\_\_ Proposed requisition/acquisition in respect of \_\_\_\_\_ To \_\_\_\_\_ Whereas your attendance is required to give evidence/produce the documents described in the list enclosed in the case, you are hereby required (personally) to appear before the undersigned on the \_\_\_\_\_ day of 19 \_\_\_\_\_ at \_\_\_\_\_ O'clock in the forenoon/afternoon and to bring along with you or to send to this office the said documents. In case you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908. Given under my hand and the seal of this office this \_\_\_\_\_ day of

\_\_\_\_\_ 19 Competent Authority (Seal)[] [Words '(seal)' added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.] Form 'G' (See Rule 9) Requisition for Public Record To Please arrange to send per brearer/through your clerk on \_\_\_\_\_ the public record(s) mentioned below for my examination in connection with the proposed requisitioning/acquisitioning in respect of \_\_\_\_\_ Given under my hand and seal of this office, this \_\_\_\_\_ day of \_\_\_\_\_ 19. Competent Authority Details of Record (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_ (4) \_\_\_\_\_ Form 'H' (See Rule 9) Form of Commission In the matter of \_\_\_\_\_. It is ordered as follows :-

**1. A Commission may issue direction to \_\_\_\_\_ of \_\_\_\_\_ for examination upon interrogatories or viva voce before the aforesaid Commission of the following witnesses :-**

(1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

**2. In the event of any witness on his examination, cross-examination or re-examination, producing any book, document, letter, paper or writing and refusing for good cause to be stated in his deposition, to part with the original thereof, then a copy thereof, or extract thereof certified by the Commissioner to be a true and correct copy or extract shall be annexed to the witness's deposition.**

**3. Each witness to be examined under the commission shall be examined on oath, affirmation or otherwise in accordance with his religion by or before the said Commissioner.**

**4. The depositions to be taken under and by virtue of the said Commission shall be subscribed by the witness or witnesses and by the Commissioner.**

**5. The interrogatories, cross-interrogatories and deposition, together with any documents referred to therein or certified copies thereof or extracts therefrom shall be sent to the competent authority on or before the day of \_\_\_\_\_ or such other day as may be ordered by registered post.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19. Competent Authority (Seal)[] [Words '(seal)' added by Haryana Notification No. GSR 87/HA9/75/S.18/85 dated 19th November, 1985.]