

The East Punjab Urban Rent Restriction (Amendment) Act, 2001

CHANDIGARH

India

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Rule

THE-EAST-PUNJAB-URBAN-RENT-RESTRICTION-AMENDMENT-ACT- of 2001

- Published on 9 October 2009
- Commenced on 9 October 2009
- [This is the version of this document from 9 October 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

The East Punjab Urban Rent Restriction (Amendment) Act, 2001Published vide Notification No. G.S.R. 740(E), dated 9th October, 2009Ministry of Home AffairsG.S.R. 740(E). - In exercise of the powers conferred by section 87 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby extends to the Union territory of Chandigarh, the provisions of the East Punjab Urban Rent Restriction Act, 1949, as amended by the East Punjab Urban Rent Restriction (Amendment) Act, 2001 (Punjab Act No. 9 of 2001), as in force in the State of Punjab on the date of publication of this notification, subject to the following modifications in the East Punjab Urban Rent Restriction (Amendment) Act, 2001, namely:-Modifications

1. In sub-section (1) of section 1, after the words, brackets and figures "the East Punjab Urban Rent Restriction (Amendment) Act, 2001", the words "as extended to the Union territory of Chandigarh" shall be inserted.

2. In section 2, after the words and figure "the East Punjab Urban Rent Restriction Act, 1949", the words "as extended to the Union territory of Chandigarh by the East Punjab Urban Rent Restriction (Extension to Chandigarh) Act, 1974" shall be inserted.

3. Section 7 shall be omitted.

The AnnexureThe East Punjab Urban Rent Restriction (Amendment) Act, 2001(Punjab Act No. 9 of 2001)An Act further to amend the East Punjab Urban Rent Restriction Act, 1949.Be it enacted by

the Legislature of the State of Punjab in the Fifty-second Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the East Punjab Urban Rent Restriction (Amendment) Act, 2001. (2) It shall come into force at once.

2. Amendment of section 2 of Punjab Act 3 of 1949.

- In the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as the principal Act), in section 2, after clause (d), the following clause shall be inserted, namely:- "(dd) 'Non-resident Indian' means a person of Indian origin, who is either permanently or temporarily settled outside India in either case-(a) for or on taking up employment outside India; or (b) for carrying on a business or vocation outside India; or (c) for any other purpose, in such circumstances, as would indicate his intention to stay outside India for a uncertain period;"

3. Insertion of new section after section 13-A in Punjab Act 3 of 1949

- In the principal Act, after section 13-A, the following section shall be inserted namely - "13-B. Right to recover immediate possession of residential building or scheduled building and/or non residential building accrue to Non-resident Indian. - (1) Where an owner is a Non-Resident Indian and returns to India and the residential building or scheduled building and/or non-residential building, as the case may be, let out by him or her, is or required for his or her use, or for the use of any one ordinarily living with and dependent on him or her, he or she, may apply to the Controller for immediate possession of such building or buildings, as the case may be: Provided that a right to apply in respect of such a building under this section, shall be available only after a period of five years from the date of becoming the owner of such a building and shall be available only once during the life time of such an owner. (2) Where the owner referred to in sub-section (1), has let out more than one residential building or scheduled building and /or non-residential building, it shall be open to him or her to make an application under that sub-section in respect of only one residential building or one scheduled building and/or one non-residential building, each chosen by him or her. (3) Where an owner recovers possession of a building under this section, he or she shall not transfer it through sale or any other means or let it out before the expiry of a period of five years from the date of taking possession of the said building, failing which, the evicted tenant may apply to the Controller for an order directing that he shall be restored the possession of the said building and the Controller shall make an order accordingly."

4. Amendment of section 18-A of Punjab Act 3 of 1949.

- In the principal Act, in section 18-A-(i) In the heading, for the word, figure and letter "section 13-A" the words, figures and letters "section 13-A or section 13-B" shall be substituted; (ii) for the word, figure and letter "section 13-A", wherever occurring, the words, figures and letters "section 13-A or section 13-B" shall be substituted; (iii) In sub-section (4)-(a) for the words "residential building or

scheduled building", the words and sign "residential building or scheduled building and/or non-residential building" shall be substituted; and(b)after the words "or the widowed daughter-in-law of such specified landlord", the words "or the owner, who is a non-resident Indian" shall be inserted;(iv)in sub-section (5)-(a)after the words "or widowed daughter-in-law of such specified landlord", the words "or the owner, who is a non-resident Indian" shall be inserted; and(b)for the words "residential building or scheduled building" the words and sign "residential building or scheduled building and/or non-residential building", shall be substituted; and(c)in sub-section (8), for the words "residential building or scheduled building", the words and sign "residential building or scheduled building and/or non-residential building, as the case may be" shall be substituted.

5. Amendment of section 19 of Punjab Act 3 of 1949.

- In the principal Act, in section 19, after sub-section (2-A), the following sub-section shall be inserted, namely:-(2-B) The owner, who is a Non-resident Indian and who having evicted a tenant from a residential building or a scheduled building and/or non-residential building in pursuance of an order made under section 13-B, does not occupy it for a continuous period of three months from the date of such eviction, or lets out the whole or any part of such building from which the tenant was evicted to any person, other than the tenant in contravention of the provisions of sub-section (3) of section 13-B, shall be punishable with imprisonment for a term, which may extend to six months or with fine which may be extended to one thousand rupees or both."

6. Amendment of schedule II of Punjab Act 3 of 1949.

- In the principal Act, in Schedule II:-(a)for the word, figure and letter "section 13-A", wherever occurring, the words, figures and letters "section 13-A or section 13-B" shall be substituted; and(b)for the words "residential building or scheduled building", wherever occurring, the words and sign "residential building or scheduled building and/or non-residential building" shall be substituted.

7. Repeal and saving.

(1)The East Punjab Urban Rent Restriction (Amendment) Ordinance, 2000 (Punjab Ordinance No. 10 of 2000), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the principal Act, as amended by this Act.