

Exercise of Powers and Discharge of Functions of the Chhattisgarh Rent Control Tribunal Rules, 2015

CHHATTISGARH

India

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Rule

EXERCISE-OF-POWERS-AND-DISCHARGE-OF-FUNCTIONS-OF-THE-C of 2015

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Exercise of Powers and Discharge of Functions of the Chhattisgarh Rent Control Tribunal Rules, 2015Published vide Notification No. F 7-76/2014/32, dated 4th June, 2015Last Updated 18th October, 2019Notification No. F 7-76/2014/32 dated the 4th June, 2015. - In exercise of L A J the powers conferred by sub-section (1) of Section 13-A of the Chhattisgarh" Rent Control Act, 2011 (No. 19 of 2012), the State Government, hereby, makes the following rules relating to powers and functions of the Chhattisgarh Rent Control Tribunal, namely :-

1. Short title and commencement.

(1)These rules may be called the Exercise of Powers and Discharge of Functions of the Chhattisgarh Rent Control Tribunal Rules, 2015.(2)These Rules shall come into from the date of its publication in the official gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Chhattisgarh Rent Control Act, 2011 (Act No. 19 of 2012);(b)"Bench" means a bench constituted under these rules;(c)"Chairman" means the Chairnnan of the Chhattisgarh Rent Control Tribunal;(d)"Matter" means reference, appeal, miscellaneous appeal, miscellaneous applications, petition and added or altered of cases;(e)"Member" means a member of the Chhattisgarh Rent Control Tribunal;(f)"Party" means the party in any matter or intervener, if permitted as such;(g)"Petition" means any petition made to the Tribunal under the Act or these rules;(h)"Section" means a section of the

Act;(i)"Tribunal" means the Chhattisgarh Rent Control Tribunal as constituted under of Section 6 of the Act.(2)Words and expressions used herein but not defined in these rules shall have the same meanings as respectively assigned to them under the Act.

3. Power of the Chairman to constitute benches.

- The Chairman may constitute a bench of one or more members to decide any of the matter filed before or referred to the Tribunal and the bench so constituted shall exercise the jurisdiction and the powers vested in the Tribunal.

4. Powers of bench.

- The following matters shall ordinarily be heard at motion or final stage and disposed off by the bench consisting of two or more members, namely :-(i)Appeal against the judgment/order passed by the Rent Controller for eviction and arrears of rent shall be heard and disposed off by the double bench;(ii)Save as otherwise provided by law or by these rules or by special or general order of the Chairman, all matters shall be heard and disposed off by a single bench;(iii)Notwithstanding anything contained in these rules, in the long vacation, a member sitting alone as a Judge may exercise any or all the powers of the Rent Control Tribunal;(iv)(a)A member sitting alone may refer any proceeding pending before him to the Chairman with a recommendation that it should be placed before a bench of more than one Member, where it involves a question of law or difficulty or importance or if he considers that the decision in the proceedings involves reconsideration of a former decision of a member sitting alone.(b)In the proceeding referred to in sub-clause (a), the referring member may, refer a question or may ask that the proceedings be heard and decided by the bench to which it is referred. If he refers question, he shall dispose off the proceedings in accordance with the decision of the Bench on the question referred to it.

5. Difficulty in exercising powers.

- If, at any time, the Chairman or the member is unable to function, for any reason whatsoever, then notwithstanding anything contained in these rules, the Chairman or the member alone, as the case may be, shall have all the powers vested under these rules in a Bench of more than one member.

6. Review.

- An Application for review shall ordinarily be disposed off by the same bench which heard the original matter sought to be reviewed :Provided that, If any member or members of the bench which disposed off the original matter has or have ceased to be member or members of the Tribunal by reason of retirement, transfer or otherwise, then it shall be disposed off by a bench consisting of the same number of members as the bench by which order sought to be reviewed was passed.

7. Distribution of work.

- The Chairman shall have the powers to distribute work amongst the member-judges and shall also have the powers to recall or transfer any case suo-moto or on application for disposal in accordance with law.

8. Question of limitation.

- If the question of limitation arises, the concerning Tribunal shall decide the said question before considering the question of admission.

9. Next date of hearing.

- In a pending matter, bench shall fix the next date of hearing for the parties without leaving it undated and with a direction to list it on its turn.