

# **Jodhpur Development Authority Appellate Tribunal Rules, 2017**

RAJASTHAN

India

## **Jodhpur Development Authority Appellate Tribunal Rules, 2017**

### **Rule**

### **JODHPUR-DEVELOPMENT-AUTHORITY-APPELLATE-TRIBUNAL-RUL of 2017**

- Published on 5 September 2017
- Commenced on 5 September 2017
- [This is the version of this document from 5 September 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Jodhpur Development Authority Appellate Tribunal Rules, 2017Published vide Notification No. F. 4(52) UDH/II/2016, dated 5.9.2017-Rajasthan Gazette Extraordinary Part V1(B), dated 7.9.2017No. F. 4(52) UDH/II/2016. - In exercise of the powers conferred by sub-section (1) of section 91 read with sub-section (5) of section 77 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) the State Government hereby makes the following rules, namely:-

### **1. Short title and commencement.**

(1)These rules may be called the Jodhpur Development Authority Appellate Tribunal Rules, 2017.(2)They shall come into force on or from the date of their publication in the Official Gazette.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Jodhpur Development Authority Act, 2009;(b)"Authority" means Jodhpur Development Authority constituted under section 3 of the Act;(c)"Form." means form appended to these rules;(d)"Section" means section of the Act; and(e)"Tribunal" means the Jodhpur Development Authority Appellate Tribunal, constituted under sub-section (1) of section 77 of the Act.(2)Words and expressions used but not defined in these rules shall have the same meaning respectively assigned to them in the Act.

### **3. Procedure for filing appeal.**

(1)Every appeal shall be preferred in the form of a memorandum signed by the appellant and his

Advocate, if any, and presented before to the Tribunal or the such officer as it appoints in this behalf.(2)Every memorandum of appeal shall be accompanied by,-(a)certified copy of the order appealed against or its true copy issued by the Authority;(b)where the appellant, for reasons beyond his control, is not in a position to furnish a duly certified copy of the order appealed against, the appeal shall be accompanied by an affidavit stating the reasons thereof;(c)copy or copies of the documents, photostat or otherwise on which he wished to rely along with a list of documents in Form No. 1;(d)as many copies of memorandum of appeal as there are respondents in the appeal along with notice of appeal; and(e)affidavit in support of the contents of memorandum of appeal and documents.

#### **4. Contents of memorandum of appeal.**

- Every memorandum of appeal shall, -(i)state the name and address of the appellant;(ii)state the name and address of the respondents;(iii)set out concisely and under distinct heads the grounds of appeal without any argument or narrative;(iv)state at the end of memorandum of appeal that no suit, writ petition, appeal or other proceedings have been filed by him or by any other persons within his knowledge concerning the matter in this appeal in any court; and(v)in case, the appellant or any other person within his knowledge has filed any such suit writ petition, appeal or proceedings as mentioned above in any court, brief description of the same shall be given in the memorandum of appeal,

#### **5. Scrutiny of memorandum of appeal.**

- On presentation of memorandum of appeal and before initiating any action on it, the Tribunal or any officer as it appoints in this behalf shall have the scrutiny made on the following points:- (i)whether it bears the signatures of the appellant;(ii)whether it is accompanied by order or its true copy against which the appeal has been filed along with the requisite number of copies of appeal, notice, documents affidavits under clauses (b) (c) and (e) of sub-rule (2) of rule (3);(iii)whether it is within the jurisdiction of the Tribunal;(iv)whether it contains the grounds of appeal;(v)whether the appeal is within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period; and(vi)any other relevant point effecting the admissibility of appeal.

#### **6. Rejection or amendment of memorandum of appeal.**

(1)Where the memorandum of appeal is not drawn up in the manner hereinbefore specified, it may be rejected or be returned to the appellant for the purpose of being amended within a time to be fixed by the Tribunal or be amended then and there.(2)Where the Tribunal rejects any memorandum of appeal, it shall record the reasons for such rejection.(3)Where a memorandum of appeal is amended, the presiding officer of the Tribunal or such officer as it appoints in this behalf, shall sign or initial the amendment

## **7. Registry of memorandum of appeal.**

(1)After the scrutiny of memorandum of appeal under Rule 5 and amended under sub-rule (3) of Rule 6 if any. the officer appointed in this behalf by the Tribunal shall endorse thereon the date of presentation and shall register the appeal in register of appeals.(2)Form of register shall be such as may be specified by the Tribunal.

## **8. Notices to the respondent and production of record.**

(1)As soon as the appeal is admitted, the Tribunal shall order to,-(i)issue notices in Form No. II to the respondents; and(ii)issue notice for production of records in the Form No. III to the appellant or respondents;Explanation. - Notices in the name of the Authority shall be issued to the Secretary of the Authority.(2)All notices required to be given to or served on any person under these rules shall be issued and served as nearly as may be in the same manner as provided for the issuance and service of summons under the provisions of Order V of the Code of Civil Procedure (Central Act No. V of 1908).

## **9. Daily cause list.**

- A cause list shall be prepared in Hindi for each days in Form No. IV of cases fixed for hearing and signed by such officer as may be appointed in this behalf by the Tribunal, same shall be pasted on the notice board of the Tribunal on the previous working day.

## **10. What to Accompany the notices to respondents.**

- Along with the copy of the notices to the respondents, the following documents shall be send to the respondents:-(i)copy of the memorandum of appeal along with copies of documents filed by the appellant; and(ii)copy of the order appealed against which shall be supplied by the appellant;

## **11. Reply of respondent.**

- The respondent shall, on or before the first hearing oi within such time as the Tribunal may permit, from time to time, file reply to the appeal along with copy or copies of the documents on which he rely along with a list of document and affidavits in support of the contents of reply and documents.

## **12. Order or judgment of appeal.**

- The Tribunal, after hearing the parties shall pass the order or judgment in writing and shall be signed with date who pronounced oi delivered it.

### **13. Copy of order or judgment.**

(1) On the application of parties in Form No. V certified copies of the order or judgment passed by the Tribunal shall be supplied to the parties by the Tribunal on payment of fee as specified in Rule 229 of the General Rules (Civil), 1986. Such fees shall be deposited in cash in the Authority. No such fee shall be charged from the Authority and the Government of Rajasthan. (2) The Tribunal shall send a certified copy of an order or judgment passed by it in case appeal to the Secretary of the Authority and one such copy to the officer of the Authority against whose order appeal was filed. (3) Such applications shall be entered into a register in the form specified by the Tribunal. (4) The procedure for issuing copies of orders and judgments of an appellate court specified in Rules 226 to 249 of the General Rules (Civil), 1986 shall be followed mutatis mutandis by the Tribunal.

### **14. Inspection of records.**

(1) A person may apply for inspection of records of the Tribunal. (2) The form of application and fee for the inspection of records shall be same as specified in Rule 208 of the General Rules (Civil), 1986. The fee shall be deposited in the fund of the Authority. No fee shall be charged from the Authority or the State Government. (3) The Tribunal may allow, an application under sub-rule (1), inspection of records on same terms and conditions and in the same manner as specified, for the inspection of records, in Chapter IX of the General Rules (Civil), 1986. (4) Every application under sub-rule (1) shall be entered in a register.

### **15. Preservation, retention and disposal of records.**

- Provisions of Rules 158 to 180 of the General Rules (Civil), 1986 in respect of the preservation, retention and disposal of records relating to appeals shall, so far as may be mutatis mutandis apply.

### **16. Reference to Tribunal.**

(1) Any dispute arising out of any provisions of this Act may be referred to the Tribunal by the Authority. (2) The Authority may draw, up a statement of the facts of the case and the point or points on which dispute has arisen and refer such statement for the decision of Tribunal. (3) Such statement shall be signed by the Secretary of the Authority.

### **17. Review.**

(1) The Tribunal may on an application of the party to the appeal or on its own motion, review its own order or judgment. (2) The Tribunal shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (Central Act No. V of 1908) in respect of hearing and deciding of review applications.

## 18. Procedure regarding matters not covered by rules.

- The Tribunal shall follow such procedure as it may think fit on the matters not provided by and not inconsistent with the Act.

## 19. Repeal and savings.

(1) All notifications circulars, orders issued by the State Government, from time to time, in relation to matters covered by these rules and which are not consistent to these rules, shall stand superseded to the extent of inconsistency as from the date of the commencement of these rules. (2) Any action taken or things done under superseded notification, circular, orders prior to coming into force of these rules shall be deemed to have been taken or done under these rules. Form No. 1 [See Rule 3(2) (c)] Before the Jodhpur Development Authority Appellate Tribunal Jodhpur List of Documents Appeal No. .... Name of Parties: ..... Appellant vs ..... Respondent

S.No. Description of document No. of Papers Original or copy Remarks

Date Signature of Appellate with address Form No. II [See Rule 3(8)(i)] Jodhpur Development Authority Appellate Tribunal Jodhpur Notice to Respondent of the day fixed for the hearing of the appeal

Appellant: Respondent

..... vs. .... Jodhpur Development Authority, Jodhpur & .....

Appeal No. .... /20 ..... against the order No. .... dated ..... /passed by the ..... Jodhpur Development

Authority To, ..... Jodhpur Development Authority, Jodhpur Take notice that an appeal from the order, as shown above has been presented by the appellant and registered in this Tribunal and that the the day of /20 at 11:03 A. M, has been fixed by this Tribunal for the hearing of this appeal, (Copies of Appeal and impugned order enclosed.) If no appearance is made on your behalf by yourself, your pleader, or by someone by law authorised to act for you in this appeal, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this the day of /20 .... Form No. III [See Rule 8(ii)] Requisition For Record

No. .... /T/g ..... Dated .....

..... vs. Jodhpur Development Authority, Jodhpur To, Jodhpur

Development Authority, Jodhpur Kindly transmit to this Tribunal, the record specified below, I have satisfied myself that the production of the original record is actually necessary, The record should reach to this Tribunal before ..... the next date of hearing. Particulars of Record Sent For

## 1. Of what court/Authority

**2. Kind of case,**

**3. No. and year**

**4. Title**

**5. Date of disposal/orders**

**6. Remarks.**

Yours faithfully Jodhpur Development Authority Appellate Tribunal Jodhpur Form No. IV [See Rule 9)] Cause-List

Date Month Year

S.No.	No. & description of case	Name of parties	Name of Lawyers	Purpose	Remarks
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Form No. V [See Rule 13] Before Jodhpur Development Authority Appellate Tribunal Jodhpur Appeal No. Name of Parties:

..... v/s .....

Applicant is Appellant/Respondent/Advocate in this appeal and requests for certified copy/copies of order/Judgment.

S.No.	Description of order/judgment	No. of copies	Purpose of obtaining copies	Urgent of ordinary
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1	2	3	4	5
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Date Signature of Applicant with address