

The M.P. Accommodation Control Rules, 1966

MADHYA PRADESH

India

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Rule THE-M-P-ACCOMMODATION-CONTROL-RULES-1966 of 1966

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The M.P. Accommodation Control Rules, 1966 Published vide Notification No. 3524-2-A (3) Notification No. 3524-II-A (3). - In exercise of the powers conferred by Section 50 of the Madhya Pradesh Accommodation Control Act, 1961 (No. 41 of 1961) the State Government hereby makes the following rules, namely:

Chapter I Preliminary

1. Short-title.

- These rules may be called The Madhya Pradesh Accommodation Control Rules, 1966.

2. Definitions.

- In these rules, unless the context otherwise requires : (a) "Act" means the Madhya Pradesh Accommodation Control Act, 1961; (b) "authorised agent" means a person holding a power of attorney authorising him to act on behalf of his principal or an agent empowered by written authority under the hand of his principal; (c) "form" means a form appended to these rules; (d) "section" means a Section of the Act.

Chapter II Applications to The Rent Controlling Authority

3. Application under Section 10 (1), sub-Section (1) of Section 17.

- Every application to the Rent Controlling Authority under Section 10 or sub-Section (1) of Section 17 [x x x] [The words 'or to the Court under Section 12' omitted by Notification No. 3608-1403-II-A (3), dated 26-6-70, MP Gazette Part IV (Ga), dated 10-7-1970, p. 334.] shall be in Form A.(2)An application for permission to re-accommodation under sub-Section (1) of Section 17 shall also state the grounds on which the accommodation is sought to be re-let in whole or in part.

4. Application for re-entry.

- An application by a tenant under sub-Section (2) of Section 17 or under sub-Section (3) of Section 18 for putting him in possession of the accommodation or part thereof shall be made within six months from the date on which the cause of action for re-entry arises and shall state the grounds on which such possession is claimed.

5. Application for recovery of possession under Section 19.

- An application for recovery of possession under Section 19 by the landlord shall be made within six months from the date of expiry of the period of tenancy.

6. Form of other application.

- An application not hereinbefore specified in these rules shall, so far as may be, be made in Form A and shall state the grounds on which it is made.

7. Manner in which applications are to be made.

- Every application under the Act shall be signed and verified in the manner prescribed under Rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his authorised agent to the Rent Controlling Authority or to the Collector or the Court, as the case may be.(2)Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the non-applicant or non-applicants mentioned therein.

8. Appearance before Rent Controlling Authority.

- A party may appear before the Rent Controlling Authority or the Collector or the Court either in person or by an authorised agent provided that if any of the said authority so directs the party shall appear in person.

Chapter III

Receipt and Deposit of Rent

9. Receipt of Rent.

- A receipt required to be given by the landlord or his authorised agent under sub-Section (2) of Section 24 in respect of rent paid for any accommodation shall be in Form B.

10. Deposit of Rent.

(1) A deposit of rent under Section 25 shall be made in cash and shall be accompanied by an application by the tenant in Form C. (2) On such deposit being made, the Rent Controlling Authority shall send a copy or copies of the application accompanying the deposit, by registered post to the person or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

11. Payment of rent deposited.

- The Rent Controlling Authority shall order the amount of rent deposited to be paid to the landlord or persons entitled to the rent either in cash or by cheque.

12. Accounting of deposit.

- Subject to the provisions of Section 27 all sums deposited shall be treated as civil Court deposits and accounted for and dealt with according to the rules of civil deposits in force in civil Courts in Madhya Pradesh.

Chapter IV

Fees

13. Process fees.

(1) Process fees for processes under the Act shall be levied as prescribed in the rules by the Madhya Pradesh High Court under Section 20 of the Court Fees Act, 1870, as to cost of processes in civil Courts. (2) For the purpose of this rule, the Court of the Rent Controlling Authority shall be deemed to be civil Court of Third Grade.

Chapter V

Notice

14. Notice relating to sub-tenancy.

- A notice of the creation or termination of a sub-tenancy required under Section 15 shall be in Form D.

15. Service of notice, etc.

- Unless otherwise provided by the Act, any notice or intimation required or authorised by the Act to be served on any person shall be served-(a)by delivering it to the person; or(b)by forwarding it to the person by registered post with acknowledgment due.

Chapter VI Miscellaneous

16. Code of Civil Procedure to be generally followed.

- In deciding any question relating to procedure not specifically provided by the Act and these rules, the Rent Controlling Authority shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908.

17. Registers to be maintained by the Rent Controlling Authority.

- The Rent Controlling Authority shall maintain such of the registers prescribed for use in civil Court as may be necessary.

18. Repeal and saving.

- Any rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed:Provided that anything done or any action taken under the rules so repealed shall, so far as it is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.
Form A(See Rule 3)Before.....Rent Controlling Authority Court

Name..... Applicant

Versus

Name..... Non-applicant

Application for [fixation of standard rent/increase of standard rent/eviction of tenant under Section.....] [Strike out whatever is inapplicable.](1)Municipal No. of accommodation and the name, if any.....(2)Street and Municipal Ward or Village in which the accommodation is situated(3)(a)Name and address of the landlord.....(b)Name and address of the tenant/tenants.....(4)Whether the accommodation is residential or non-residential.(5)In the case of residential accommodation, the number of persons occupying the same and in the case of

non-residential accommodation, the purpose for which used and the number of employees, if any working therein.....(6)Whether any furniture is supplied by the landlord for use in the accommodation.....(7)Details of fittings, if any, provided by the landlord.....(8)Details of accommodation available together with particulars as regards ground area, garden and out-houses if any (Plan to be attached).....(9)Whether the accommodation is occupied by a single tenant or by more than one tenant.....(10)Amenities available in regard to lighting, water, sanitation and the like.....(11)Monthly rent together with details of house-tax, electricity, water and other charges paid by the tenant.....(12)(a)Date of completion of construction of the accommodation and the cost thereof.....(b)Whether completion report was obtained from the local authority and the date thereof.....(13)Date on which the accommodation was let to the tenant and details of agreement, if any, with the landlord (Attested copy of the agreement to be attached).....(14)Whether the rent of the accommodation has been fixed and, if so, the amount of such rent and the date from which it took effect.....(15)[Whether there are any sub-tenants and, if so, the date of such sub-letting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from sub-tenant.....] [This information should be given in application for eviction due to unauthorised sub-letting.](16)[Whether any additions or alterations have been made since the rent was fixed as stated under Item 14, and if so, the date on which such additions or alterations were made, the cost of such additions and alterations and whether they were carried out with the approval of the tenant or of the Rent Controlling Authority] [This information should be given in application for increase of rent due to additions or alterations.](17)[(a) The grounds on which the eviction of the tenant is sought.....] [This information should be given in application for eviction of tenants.](b)Whether notice required has been given, and if so, particulars thereof, (Copies of such notice and the tenant's reply, if any, should be furnished).....(18)Any other relevant information.....(19)Relief

Claimed.....VerificationPlace.....Date.....Signature of applicant/authorised agentForm B(See Rule 9)Form of Rent Receipt and CounterfoilCounterfoil..... Serial No.....Name of the landlord.....Address of the landlord.....Received with thanks from..... a sum of Rs..... (in figures)..... (in words) only as payment of rent at Rs.....for the period.....for the accommodation this day the.....day of the month of..... in the year.....Signature or the thumb impression of the landlord or authorised agent[The rent charges include-] [Strike out which is inapplicable.](1)Rates, cesses and taxes of the local authority.(2)[Electric charges] [State the exact charges if possible.](3)[Water charges] [State the exact charges if possible.](4).....(5).....[It does not include-] [Strike out which is inapplicable.](1)Rates, cesses and taxes of the local authority.(2)[Electric charges.] [State the exact charges if possible.](3)Water charges.(4)[.....] [State the exact charges if possible.](5)[.....] [State the exact charges if possible.]

Rent Receipt..... Serial No.....

Name of the landlord.....

Address of the landlord.....

Received with thanks from..... a sum of..... (in figures).....(in words).....only as payment of rent at Rs.....per for the period..... for the accommodation this day the..... day of the month of..... in the year.....Signature or thumb impression of the landlord or authorised

agent[The rent charges include-] [Strike out whatever is inapplicable.](1)Rates, cesses and taxes of the local authority.(2)[Electric charges.] [Strike out whatever is inapplicable.](3)[Water charges.] [State the exact charges if possible.](4)[.....] [State the exact charges if possible.](5)[.....] [State the exact charges if possible.][it does not include-] [Strike out whatever is inapplicable](1)Rates, cesses and taxes of the local authority.(2)Electric charges.(3)Water charges.(4).....(5).....Form C(See Rule 10)Application for deposit of rentBefore the Rent Controlling Authority.....

Name..... Applicant

Versus

Name..... Landlord

(1)The accommodation for which the rent is deposited with a description sufficient for identifying the accommodation.....(2)The period for which the rent is deposited and the rent per month.....(3)The name and address of the landlord or the person or persons claiming to be entitled to such rent.....(4)The reasons and circumstances for which the application for depositing the rent is made.....(5)The amount of the rent deposited.....(6)Whether electricity, water charges property tax etc. are included in the rent, and if so, particulars thereof.....(7)How the rent was tendered to the landlord, whether in person or by postal money-order or by cheque etc. and whether it was refused by him in writing or otherwise.....(8)Whether there is a bona fide doubt as to the person to persons or to whom the rent is payable, and if so, why.....(9)Date on which the rent was last paid to the landlord and the receipt, if any, obtained from him thereof.....(10)Any other relevant information.....The statements made above are true to the best of my knowledge and belief and I,.....the applicant/authorised agent signed the application on.....day of 20.....Signature of the applicant/authorised agentForm D(See Rule 14)Form of notice regarding creation or termination of sub-tenancy

1. Number of the accommodation and name, if any.....

2. Street and Municipal Ward or Village in which the accommodation is situated.....

3. Name of the tenant.....

4. Name of the sub-tenant.....

5. Details of the portion sub-let.....

6. Rent payable by the sub-tenant.....

7. Purpose for which sub-let, residential or non-residential, and if latter, the nature of the business, etc. and the number of employees, if any, working therein.....

8. Date of creation/termination of the sub-tenancy.....

9. Any other relevant information.....

.....Signature of tenant/sub-tenant