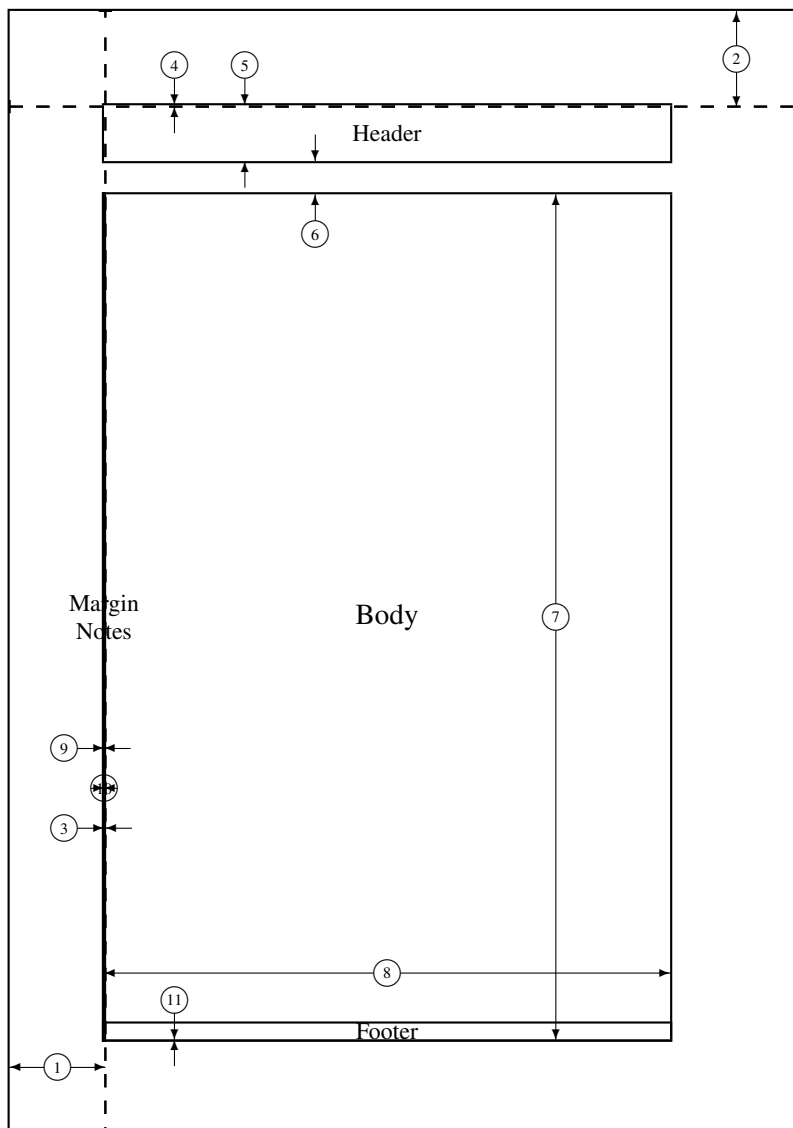


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Government of Maharashtra
Law and Judiciary Department

Maharashtra Act No. XVIII of 2000

Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1999

(As modified up to 21st May 2013)

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**BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL,
BOMBAY LAND REQUISITION AND BOMBAY GOVERNMENT
PREMISES (EVICTION) (AMENDMENT) ACT, 1999**

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MAHARASHTRA ACT NO. XVIII OF 2000¹

[BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL, BOMBAY LAND REQUISITION AND BOMBAY GOVERNMENT PREMISES (EVICTION) (AMENDMENT) ACT, 1999]

(This Act received the assent of the President on the 8th March 2000; assent was first published in the Maharashtra Government Gazette, Part-IV, on the 10th March 2000.)

An Act to unify, consolidate and amend the law relating to the control of rent and repairs of certain premises and of eviction and for encouraging the construction of new houses by assuring a fair return on the investment by landlords and to provide for the matters connected with the purposes aforesaid.

WHEREAS it is expedient to unify, consolidate and amend the laws prevailing in the different parts of the State relating to the control of rents and repairs of certain premises and of eviction and for encouraging the construction of new houses by assuring a fair return and to provide for the matters connected with the purposes aforesaid; It is hereby enacted in the Fiftieth Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

1 Short title, extent and commencement

- (1) This Act may be called the Maharashtra Rent Control Act, 1999.
- (2) It shall extend to the whole of the State of Maharashtra. Short title, extent and commencement.
- (3) It shall come into force on such date² as the State Government may, by notification in the Official Gazette, appoint.

2 Application

- (1) This Act shall, in the first instance, apply to premises let for the purposes of residence, education, business, trade or storage in the areas specified in Schedule I and Schedule II.
- (2) Notwithstanding anything contained in sub-section (1), it shall also apply to the premises or as the case may be, houses let out in the areas to which the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947³ or the Central Provinces and Berar Letting of Houses and Rent Control Order, 1949 issued under the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946⁴ and Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954⁵ were extended and applied before the date of commencement of

¹ For Statement of Objects and Reasons, see. Maharashtra Government Gazette, Part-V-A, pages 347 to 349.

² 31st March 2000, vide, G. N., H & SAD., No. MEA. 2000/CR-14/Bhanika, dated the 30th March 2000, published in Maharashtra Government Gazette, 2000, Part-IV-B, Extra No. 84, p. 297

³ Bom. LVII of 1947

⁴ C.P. and Berar Act XI of 1946.

⁵ Hyd. Act No. XX of 1954

this Act and such premises or houses continue to be so let on that date in such areas which are specified in Schedule I to this Act, notwithstanding that the area ceases to be of the description therein specified.

- (3) It shall also apply to the premises let for the purposes specified in sub-section (1) in such of the cities or towns as specified in Schedule II.
- (4) Notwithstanding anything contained hereinabove, the State Government may, by notification in the Official Gazette, direct that—
 - (a) this Act shall not apply to any of the areas specified in Schedule I or Schedule II or that it shall not apply to any one or all purposes specified in sub-section (1);
 - (b) this Act shall apply to any premises let for any or all purposes specified in sub-section (1) in the areas other than those specified in Schedule I and Schedule II.

3 Exemption

- (1) This Act shall not apply—
 - (a) to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy, licence or other like relationship created by a grant from or a licence given by the Government in respect of premises requisitioned or taken on lease or on licence by the Government, including any premises taken on behalf of the Government on the basis of tenancy or of licence or other like relationship by or in the name of any officer subordinate to the Government authorised in this behalf; but it shall apply in respect of premises let, or given on licence, to the Government or a local authority or taken on behalf of the Government on such basis by, or in the name of, such officer;
 - (b) to any premises let or sub-let to banks, or any Public Sector Undertakings or any Corporation established by or under any Central or State Act, or foreign missions, international agencies, multinational companies, and private limited companies and public limited companies having a paid up share capital of rupees one crore or more.

Explanation: For the purpose of this clause the expression “bank” means,—

- (i) the State Bank of India constituted under the State Bank of India Act, 1955;¹
- (ii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;²
- (iii) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970³ or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980,⁴ or

¹ 23 of 1955

² 38 of 1959

³ 5 of 1970

⁴ 4 of 1980

(iv) any other bank, being a scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934.¹

(2) The State Government may direct that all or any of the provisions of this Act shall, subject to such conditions and terms as it may specify, not apply—

- (a) to premises used for public purpose of a charitable nature or to any class of premises used for such purpose;
- (b) to premises held by a public trust for a religious or charitable purpose and let at a nominal or concessional rent;
- (c) to premises held by a public trust for a religious or charitable purpose and administered by a local authority; or
- (d) to premises belonging to or vested in an university established by any law for the time being in force:

provided that, before issuing any direction under this sub-section, the State Government shall ensure that the tenancy rights of the existing tenants are not adversely affected.

(3) The expression “premises belonging to the Government or a local authority” in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgement, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease, licence or other grant, although having regard to the provisions of such agreement, lease, licence or grant, the building so erected may belong or continue to belong to the Government or the local authority, as the case may be, and such person shall be entitled to create a tenancy in respect of such building or a part thereof.

4 Definitions

(1) “Government allottee”,—

- (a) in relation to any premises requisitioned or continued under requisition which are allotted by the State Government for any non-residential purpose to any Department or office of the State Government or Central Government or any public sector undertaking or corporation owned or controlled fully or partly by the State Government or any Co-operative Society registered under the Maharashtra Co-operative Societies Act, 1960² or any foreign consulate, by Land Requisition and Bombay Government Premises (Eviction) (Amendment) whatever name called and on the 7 th December 1996, being the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Act, 1996, were in their occupation or possession, means the principal officer-in- charge of such office or department or public sector undertaking or corporation or society or consulate; and

¹ 2 of 1934

² Mah. XXIV of 1961

- (b) in relation to any premises requisitioned or continued under requisition which were allotted by the State Government for residential purpose to any person and on the 7th December 1996, being the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996,¹ such person or his legal heir was in occupation or possession of such premises for his or such legal heir's own residence, means such person or legal heir ;
- (2) "standard rent" in relation to any premises means,—
- (a) where the standard rent is fixed by the Court or, as the case may be, the Controller under the Bombay Rent Restriction Act, 1939, or the Bombay Rents, Hotel Rates and Lodging House Rates (Control) Act, 1944 or the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, or the Central Provinces and Berar Letting of Houses and Rent Control Order, 1949 issued under the Central Provinces and Berar Regulation of Letting of Accommodation Act, 1946 or the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954, such rent plus an increase of 5 per cent. in the rent so fixed; or
- (b) where the standard rent or fair rent is not so fixed, then subject to the provisions of section 5,—
- (i) the rent at which the premises were let on the 1st day of October 1987; or
- (ii) where the premises were not let on the 1st day of October 1987, or the rent at which they were last let before that day, plus an increase of 5 per cent. in the rent of the premises let before the 1st day of October 1987, or
- (c) in any of the cases specified in section 5, the rent fixed by the Court;

CHAPTER II

PROVISIONS REGARDING FIXATION OF STANDARD RENT AND PERMITTED INCREASE

5 Court may fix stanard rent and permitted increases in certain cases

- (1) Subject to the provisions 9 in any of the following cases, the court may, upon an application made to it for the purpose or in any suit or proceedings, fix the standard rent at such amount as, having regard to the provisions of this Act and the circumstances of the case, the court, deems just,—
- (a) where the court is satisfied that there is no sufficient evidence to ascertain the rent at which the premises were let in any one of the cases mentioned in paragraphs (i) and (ii) of sub-clause (b) of clause (2) of section 4 ; or
- (b) where by reasons of the premises having been let at one time as a whole or in parts and at another time, in parts or as a whole, or for any other reasons; or (c) where any

¹ Mah. XVI of 1997

premises have been or are let rent-free or at a nominal rent or for some consideration in addition to rent; or (d) where there is any dispute between the landlord and the tenant regarding the amount of standard rent.

6 State Government or Government allottee to become tenant of premises requisitioned or continued under requisition

- (1) On the 7th December 1996, that is the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control, Bombay Land Requisition and Bombay Government Premises (Eviction) (Amendment) Act, 1996¹ (hereinafter in this section referred to as “the said date”),—
- (a) the State Government, in respect of the premises requisitioned or continued under requisition and allotted to a Government allottee referred to in sub-clause (a) of clause (1) of section 4; and
 - (b) the Government allottee, in respect of the premises requisitioned or continued under requisition and allotted to him as referred to in sub-clause (b) of clause (2) of section 4, shall, notwithstanding anything contained in this Act or in the ² Bombay Land Requisition Act, 1948, or in any other law for the time being in force or in any contract, or in any judgment,

¹ Mah. XVI of 1997

² The short title of this Act was amended as the *Maharashtra Land Requisition Act*, by Mah. 24 of 2012, Sch. entry 32, w.e.f. 1-5-1960.