

The Tripura Buildings (Lease and Rent Control) Rules, 1979

Along with 1st Amendment dt. 14-11-1986



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GOVERNMENT OF TRIPURA
LOCAL SELF GOVERNMENT DEPARTMENT
NO.F.14(1)-LSG/76

Dated, Agartala, the 10th January, 1980.

NOTIFICATION

WHEREAS the draft of the Tripura Buildings (Lease and Rent Control) Rules, 1979 was published as required by Sub-section (4) of Section 33 of the Tripura Buildings (Lease and Rent Control) Act, 1975 in the Tripura Gazette, Extraordinary ISSUE (No. 163) dated the 18th October, 1979 A.D. with the Notification of the Government of Tripura in the Local self Government Department No.F.14(1)-LSG/76, dated the 13th September, 1979 inviting objections and suggestions from all persons in respect of the said draft Rules before the expiry of 30 days from the date of publication of that Notification in the Official Gazette ;

AND WHEREAS the said Gazette was available to the public on the 18th October, 1979 ;

AND WHEREAS no objection and suggestion have been received from the public on the said draft ;

NOW, THEREFORE, in exercise of the powers conferred by section 33 of the said Act, the Government of Tripura hereby makes the following Rules, namely :-

TRIPURA BUILDINGS (LEASE AND RENT CONTROL)
RULES, 1979.

1. (1) These rules may be called the Tripura Buildings (Lease and Rent Control) Rules, 1979 ;



Barcode

- (2) They shall be deemed to have come into force with effect from 10th January 1980.
2. In these rules, unless the context, otherwise requires,
 - (1) The 'Act' means the Tripura Buildings (Lease and Rent Control) Act, 1975 (5 of 1975).
 - (2) "Section" means a section of the Act.
3.
 - (1) Every notice under sub-section (1), (2) or clause (a) of sub-section (6) of section 4 shall contain the particulars prescribed in rule 12 so far as they may be applicable and shall be presented to the Accommodation Controller in person at any time during office hours on working day or sent to him by registered post, acknowledgement due.
 - (2) The intimation under sub-section (3) of section (4) or sub-section (13) of section 12 shall be served on the person concerned personally or sent to him by registered post, acknowledgement due.
4. The receipt given under sub-section (1) of section 10 may be in any form which shall contain the following particulars, namely :-
 - (1) Name of the tenant from whom or on whose behalf the rent or advance is received;
 - (2) Amount of rent or advance received ;
 - (3) In the case of rent, the rate at which and the period for which the rent is received ;
 - (4) The particulars of the buildings (Door number, Ward number, etc.) in respect of which the rent or advance is paid ;
 - (5) The name and address of the land lord by whom or on whose behalf the receipt is given.
5.
 - (1) A tenant desirous of making payment of rent or advance under sub-section (1) of section 10 of the Act shall make

payments and obtained receipt in form B or C as the case may be, as prescribed in the schedule appended to these rules.

- (2) A tenant desires of making payment of rent under sub-section (2) or (3) of section 10 of the Act shall retain the money order receipt or the Bank receipt as the case may be with him.
 - (3) Payment for deposits of rent under sub-section (1) or (3) of section 11 or during pendency of proceeding for eviction shall be made in that Rent Control Court or Appellate Authority, as the case may be, with the fees as prescribed under rule 8.
 - (4) The money order receipt or the Bank receipt shall be delivered in the office of the Rent Control Court or the Appellate Authority, as the case may be, and delivery of such receipt shall be acknowledged by issuing a letter.
 - (5) Every Rent Control Court and every Appellate Authority shall cause proper accounts to be maintained in their office for rents deposited under section 11 or 13.
6. (1) Any person who is entitled and who desires to receive the rent deposited under sub-sections (1), (3) of section 11 or sub-section (1) of section 13, shall present an application for the purpose to the Rent Control Court or the Appellate Authority, as the case may be supported by an affidavit showing how he is entitled to receive the rent deposited.

Provided that no affidavit in support of the application shall be required in the case of any order passed by the Rent Control Court or the Appellate Authority, as the case may be, under clause (b) of sub-section (4) of section 11 or by a competent court under sub-section (5) of section 11 and a copy thereof is attached to the application.

- (2) On receipt of the application under sub-rule (1) the Rent Control Court or the Appellate Authority, as the case may be, shall, if it is satisfied, pass an order directing the payment

to the applicant of the rent specified in the application.

- (3) On production of the order passed under sub-rule (2) directing the payment of rent to the applicant, the Rent Control Court or the Appellate Authority, as the case may be, shall after obtaining a stamp receipt from the application, arrange for the payment of the rent by issuing a cheque in the name of the applicant on the Bank in which the rent has been deposited. The applicant shall also acknowledge the receipt of the cheque by putting his signature or through his agent.
 - (4) Every Rent Control Court and every Appellate Authority shall cause proper account to be maintained in their Office for the payments made out of the rents deposited under section 11 or 13.
7. (1) Every application under the Act shall, in addition to the particulars necessary to support it, contain also the particulars prescribed in Rule 12 so far as they may be applicable and every application for eviction under section 12 shall also state the grounds on which the application is made.
- (2) Every application under the Act shall be accompanied by a spare copy or sufficient number spare copies thereof for service on the respondent or respondents mentioned therein.
- (3) Every application shall be signed by the applicant or his Counsel and to be presented to the Rent Control Court by the applicant himself personally or by his recognized agent or by Counsel at any time during office hours on a working day. No document or proceeding which is sent by post or telegraph shall be received by or filed before the Rent Control Court.
- (4) Every application under this Act shall have court fee stamps affixed thereon in each case at the rate shown below :-
- | | | |
|------------------------------|----|----------|
| (1) Accommodation Controller | :- | Rs. 1.00 |
| (2) [Rent Control Court] | :- | Rs. 2.00 |
| (3) Appellate Authority | :- | Rs. 3.00 |

1. Substituted by the Tripura Building (Lease and Rent Control) Amendment Rules, 1986, w.e.f. 14.11.1986.

8. In respect of every application filed under this Act, the applicant or applicants, as the case may be, and in respect of every appeal preferred under the Act, the appellant or appellants as the case may be, shall pay for the service of all notices and orders issued whether in the first instance or subsequently fees in the shape of court fee stamp of the value specified below:-

For each notice or order –	Rs.	P.
(a) to a single applicant, respondent or appellant	1	00
(b) to every additional applicant, respondent or appellant residing with in the same town or village if the notice or order is to be served at the same time.	Rs. 0.	N. P. 50

9. (1) Any person affected by any order passed by the Accommodation Controller, Rent Control Court or the Appellate Authority shall be entitled to be furnished with a copy thereof and any other connected document duly certified by the Accommodation Controller, Rent Control Court or the Appellate Authority, as the case may, on application, provided that a certified copy of the document applied for shall be furnished on ordinary white paper supplied by the applicant.
- (2) The application under sub-rule (1) shall state the nature of the applicant's interest, if any, in the subject matter of the document, the purpose for which a copy is required and if the same is required for the purpose of a intended or pending proceeding, the nature of the said proceeding and relevancy of the document to the case of the applicant.
- (3) Copying fee shall be at the same rate as prevalent in civil courts ;
- (4) The cost of copying maps, plans, genealogical trees, tabular statements or other work requiring skilled labour shall be fixed by the Accommodation Controller, Rent Control Court or Appellate Authority, as the case may be and the same shall be deposited in cash within the specified date.

10. Every application for making the legal representative or, as the case may be, the legal representatives of a deceased person party to a proceeding under the Act shall be preferred within 15 days from the date of the death of the person concerned.
11. (1) Every summons issued under the Act shall be in writing, shall be authenticated by the seal, if any of the Officer by whom it is issued and shall be signed by such officer or by any person authorized by him in writing in that behalf.
- (2) It shall require the person summoned to appear before the said officer at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or produce a document or for both purposes, and any particular document the production of which is required shall be described in the summons with reasonable accuracy.
- (3) Any person may be summoned to produce document without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same;
- (4) The service of summons, notice or order under the Act, on any person shall be effected in any of the following ways :-
- (a) by giving or tendering it to such person ; or
 - (b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family ; or
 - (c) if the address of such person is known to the Accommodation Controller, Rent Control Court or the Appellate Authority by sending it to him by registered post ; or
 - (d) if none of means aforesaid is possible, by affixing in such conspicuous part of his last known place of abode or business;

- (5) Where the Serving Officer delivers or tenders a copy of the summons to the respondent personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy, if so, delivered as an acknowledgement of service endorsed on the original summons.
 - (6) The Serving Officer shall, in all cases in which the summons has been served under sub-rule (5), endorse or annex or cause to be endorsed or annexed on or the original summons a return stating the time when and the manner in which the summons was served, the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summon.
 - (7) The Accommodation Controller, the Rent Control Court or the Appellate Authority, as the case may be, shall have power to administer oaths, to require the attendance of all party concerned and all witnesses and also may require the production of all books and documents relating to the matter in dispute.
 - (8) The Accommodation Controller or the Rent Control Court deciding the dispute shall record a brief note of the evidence of the parties and witness who attend, and upon the evidence so recorded, and after consideration of any documentary evidence produced by the parties a decision shall be given in accordance with law, equity and good conscience by the Accommodation Controller or Rent Control Court. The decision given shall be reduced to writing. In the absence of any aparty duly summoned to attend, the dispute may be decided experte.
12. The particulars to be furnished under section 29 shall be the following:-
- (1) Door number of the building and name, if any.
 - (2) Street and Municipal Ward in which the building is situated.
 - (3) Name and address of the landlord if the particulars are furnished by the tenant and name of the tenant if the

particulars are furnished by the landlord.

- (4) Whether the building is residential or non-residential.
 - (5) Whether any furniture is supplied by the landlord for use in the building.
 - (6) Details of accommodation available together with particulars as regards the ground area, garden and out-houses, if any, appurtenant to the building.
 - (7) If the building is not occupied by the landlords, whether it is occupied by a single tenant or by more than one tenant.
 - (8) Amenities available in regard to lighting, water, sanitation and the like.
 - (9) Monthly rent paid by the tenant.
 - (10) Rental value as entered in the property tax assessment of the Agartala Municipality.
 - (11) Whether fair rent has been fixed under Act and if so, the amount of such fair rent of the date from which it took effect.
 - (12) In the case of a residential building the number of persons occupying the same and in the case of a non-residential building the purpose for which the building is used and the number of employees, if any working therein.
13. (1) When an application under the Act is presented to the Accommodation Controller, or the Rent Control Court, he shall fix the date on which and the place at which the enquiry in respect of the application will be held and send notice thereof to the applicant or applicants and the respondent or respondents mentioned in the application and shall also send a copy of the application along with the notice to the respondent or respondents
- (2) The Accommodation Controller shall give to the parties a reasonable opportunity to state their case. He shall also recorded a brief note of the evidence of the parties and

witness, if any examine on either side and upon the evidence so recorded and after consideration of any documentary evidence which may be produced by the parties, pass orders on the application.

- (3) In any case in which an order is passed ex-parte against a tenant or a land lord he may within 15 days from the date of receipt of the order apply to the Accommodation Controller or the Rent Control Court, as the case may be, by whom the order was passed for an order to set it aside and if he satisfies the Accommodation Controller that the summons was not duly served or that he was prevented by any sufficient cause from appearing whin the application was called on for hearing, the Accommodation Controller shall make an order setting aside the order passed against the tenant or landlord as the case may be and shall appoint a day for proceeding with the application :

Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

- 14.** An Appellate Authority may transfer a case from the file of one Rent Control Court to that of another Rent Control Court within his jurisdiction-
- (i) If the Rent Control Court on whose file the case is pending is personally interested in it and reports the matter to the Appellate Authority, or
 - (ii) If, on an application for transfer by any party in the case, the Appellate Authority is satisfied that there are sufficient grounds for the transfer.
- 15.** (1) Every appeal against an order either of the Accommodation Controller or the Rent Control Court shall in addition to the grounds of appeal specify the date on which the order was received by the appellant. The memorandum of appeal shall be signed by the appellant or his counsel and presented to the Appellate Authority or to such officer as he appoints in this behalf by the appellant himself personally or by his



recognized agent or by counsel at any time during office hour on a working day. The appeal shall be accompanied by a copy of the order of the Accommodation Controller on the Rent Control Court as the case may be against which the appeal is made.

- (2) Every appeal under the Act shall be accompanied by a spare or sufficient number of spare copies thereof for service on the respondent or respondents mentioned therein.
16. (1) When an appeal under the Act is preferred, the Appellate Authority shall fix a day for hearing the appeal and send notice thereof to the appellant or appellants and the respondents mentioned in the appeal and shall also send a copy of the appeal along with notice to the respondent or respondents.
- (2) The appellate Authority after hearing the appeal may decide the appeal finally according to law of equity and good conscience or may make further enquiry, The final decision given shall be reduced in to writing. In the absence of any party duly summoned to attend, the appeal maybe decided experte.
 - (3) If the Appellate Authority decides to make further enquiry he may take additional evidence or require such evidence to be taken by the Accommodation Controller or Rent Control Court, as the case may be.
 - (4) In any case in which an order is passed experte against a tenant or a land lord, he may within 15 days from the date of receipt of the order apply to the Appellate Authority by whom the order was passed for an order to set it aside, and if he satisfies the Appellate Authority that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing the Appellate Authority shall make an order setting aside the order passed against the tenant or land lord as the case may be, and shall appoint a day for proceeding with the appeal. Provided that no order shall be set aside on any such application as aforesaid unless notice thereof has been served

on the opposite party.

17. In cases falling under section 6 of the Act or in any other case under the Act, the Rent Control Court or the Appellate Authority concerned may, if thinks fit to do so, personally inspect the building concerned.
18. In cases falling under section 4, the Accommodation Controller may, if he thinks fit to do so, personally inspect the building concerned and may call for any particulars in respect of the said building from the land lord or tenant or occupant or any previous tenant or occupant thereof.
19. Any appearance, application or act in any proceeding before the Accommodation Controller, the Rent Control Court or the Appellate Authorities may be made or done by the party in person or by his recognized agent or by counsel.
20. If any person contravenes any of the provision of this Rules he shall be punishable with fine which may extend to Rs. 2,000/-
21. The following shall be order of priority among the persons to whom building should be allotted by the Accommodation Controller under clause (f) of sub section (2) of section 33.
 - (1) For purpose of the State Government.
 - (2) For purpose of the Central Government.
 - (3) For purpose of the local bodies,
 - (4) For purpose of the Public Institution run by private persons or concerns,
 - (5) For the occupation of officers of the State and Central Government according to the priority of application, preference being given to those belonging to service declared an essential.
 - (6) For officers of the Local Bodies according to priority of application and the status of the officers,

- (7) For non-official having regard to the importance of their service to society on the following order of priority provided they do not own building of their own within their respective jurisdiction :-
- (a) M.P.s and M.L.A.s
 - (b) Medical Practitioner.
 - (c) Teachers of other member of the private colleges, Polytechnic and other Institution.
 - (d) Employees of Banks, Factories and other Farms.
22. The Agartala Municipality shall maintain in its office a Register of fair rent fixed in respect of buildings situated in the municipal area of Agartala on receipt of information of fixation of fair rent from the Rent Control Court. The Register shall be in the form prescribed in the form "A" in the schedule annexed to this Rules and shall be kept upto date and open for information during working days.
23. The following class of officers shall be the inspectors for the purpose of clause (g) sub section (2) of section 33 of the Act.
- (1) Revenue Inspectors under the Revenue Department.

**SCHEDULE
FORMS
FORM A.
(RULE- 22)**

Form of Register of Fair Rent fixed.

- (1) Name of the Municipality.
- (2) door number of the building and name, if any.
- (3) Street and Municipal Ward in which the buildings is located
- (4) Name and address of the landlord.
- (5) Whether the building is residential or non-residential.
- (6) Original rent prior to fixation of fair rent.
- (7) Rent fixed by the Rent Control Court.
- (8) Date of fixation of Fair Rent (Number and date of Court order also to be noted).
- (9) Subsequent variation in the rent if any and orders thereof.

**FORM B
(RULE- 5)**

Form of receipt of rent for rented accommodation.

Name of the tenants.	Name of the landlord.	Particulars of Accommodation Rented.	Rate of rent to be paid per month.	Amount of rent paid/Deposited for the month of..... 200.....
1	2	3	4	5

Signature of tenant/or his agent

Signature of landlord or his agent.



FORM C
(RULE- 5)

Form of receipt of advance of rent.

Name of the tenants.	Name of the landlord.	Particulars of accommodation for which advance paid.	Rate of rent to be paid per month	Amount of rent paid/deposited for the month of..... 200.....
1	2	3	4	5

Signature of the payee of
advanceSignature of the landlord or his
agent.

TRIPURA



GAZETTE

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Kartika 23, 1908 S. E.

Part - I — Order and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

Government of Tripura
Local Self Government Department

No. F. 14(3)-LSG/76 Dated, Agartala, the 27th October, 1986.

NOTIFICATION

The Tripura Building (Lease and Rent Control) Amendment Rules,
1986.

In exercise of the powers conferred by Section 33 of the Tripura Building (Lease and Rent Control) Act, 1975, the Governor is pleased to make the following rule to amend the Tripura Building (Lease and Rent Control) Rules, 1979 namely :-

1. Short title and commencement

- (1) These rules may be called the Tripura Building (Lease and Rent Control) Amendment Rules, 1986.
- (2) They shall come into force with effect from the date of publication in the Official Gazette.

2. Amendment of Sub-rule (4) of Rule 7.

In sub-rule (4) of Rule 7 of the Tripura Building (Lease and Rent Control) Rules, 1979, for the words "Rent Controller" the words "Rent Control Court" shall be substituted.

By Order of the Governor,
R. B. Bhushan
Secretary to the Govt.
of Tripura

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In exercise of the powers conferred by Section 33 of the Tripura Building (Lease and Rent Control) Act, 1975, the Governor is pleased to make the following rule to amend the Tripura Building (Lease and Rent Control) Rules, 1979 namely :-

- | | |
|--|---|
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By Order of the Governor,
R.B. Bhusan
Secretary to the Govt.
of Tripura.