

## **Delhi Rent Control Rules, 1959**

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### **Delhi Rent Control Rules, 1959**

In exercise of the powers, conferred by section 56 of the Delhi Rent Control Act, 1958 (59 of 1958), the Central Government hereby makes the following rules :

#### CHAPTER 1

#### PRELIMINARY

##### **1. Short title :-**

These rules may be called the Delhi Rent Control Rules, 1959.

##### **2. Definitions :-**

In these rules, unless the context otherwise requires:

- (a) "Act" means the Delhi Rent Control Act, 1958;
- (b) "form" means form appended to these rules;
- (c) "recognised 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;
- (d) "section" means a section of the Act.

##### **1**

[(e) "valuer" means a graduate in civil engineering, architecture or town planning of a recognised university, or a person who possesses a qualification recognised by the Central Government for recruitment to superior services or posts under the Central Government in the field of civil engineering, architecture or town planning; and

(A) he must be a person formerly employed

(a) in a post under Government as a Gazetted Officer; or

(b) in a post under any other employer carrying a remuneration of not less than Rs. 2000 per month, and, in either case, must have retired or resigned from such employment after having rendered service for not less than five years as a valuer, architect, or town planner, or in the field of construction of building designing of structures, or development of land; or

(c) as a professor, reader or lecturer in a university, college or any other institution preparing students for a degree in civil engineering, architecture or town planning or has retired or resigned from such employment after having taught for not less than five years any of the subjects of valuation, quantity surveying, building construction, architecture, or town planning; or

(B) he must have been in practice as a consulting engineer, surveyor or architect for a period of not less than five years and must have in the opinion of the Rent Controller acquired sufficient experience in any of the following fields:

(a) valuation of building and urban lands;

(b) quantity surveying in building construction;

(c) architectural or structural designing of building or town planning; or

(d) construction of buildings or development of land.]

1. Ins. by G.S.R. 473 (E), dated 18th April, 1990 (w.e.f. 8-5-1990).

## CHAPTER 2

### APPLICATIONS TO THE CONTROLLERS

#### **3. Application under Sections 9, 13, 14 or 19(1) :-**

(1) Every application to the Controller under Section 9, Section 13, Section 14 or subsection (1) of Section 19 shall be in Form 'A'.

(2) An application under Section 13 shall also give particulars of the sum or consideration paid, the circumstances under which such payment was made and the provisions of the Act, or of the Delhi Ajmer Rent Control Act, 1952, which has been contravened.

(3) An application for permission to re-let premises under subsection (1) of Section 19 shall also state the ground on which the premises are sought to be re-let in whole or in part.

#### **4. Applkation for re entry :-**

An application by a tenant under sub-section (2) of Section 19 or under sub-section (3) of Section 20 for putting him in possession of the premises 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 21**

:-

An application for recovery of possession under Section 21 by the landlord shall be made within six months from the date of expiry of the period of tenancy.

## **6. Form of other applications :-**

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

## **7. Manner in which applications are to be made :-**

(1) 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 recognised agent to the Controller.

(2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent or respondents mentioned therein.

## **8. Appearance before Controller :-**

A party may appear before the Controller either in person or by a recognised agent provided that if the Controller so directs the party shall appear in person.

## **8A. Form of report of valuation by valuer :-**

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(1) The report of valuation by a valuer in respect of the premises shall be in Form 'F'

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Fees. (2) The amount of fees to be paid to the valuer shall be such as may be decided by the Rent Controller.]

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1. Ins. by C.S.R. 473 (E). dated 18 April. 1990 (w.e.f. 8-5-1990).

## **CHAPTER 3**

### **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 26 in respect of rent paid

for any premises shall be in Form 'B'.

**10. Deposit of rent :-**

(1) A deposit of rent under Section 27 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 Controller shall send a copy or copies of the application accompanying the deposit, by registered post with acknowledgement due, at the cost of the applicant, to the landlord or persons claiming to be entitled to the rent with an endorsement or the date of the deposit.

**11. Payment of rent deposited :-**

The Controller 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 sums deposited :-**

Subject to provisions of Section 29, all sums deposited shall be treated as Civil Court deposits and accounted for and dealt with according to the rules of Civil Court deposits in force in Civil Courts in Delhi.

**CHAPTER 4**

**HOTELS AND LODGING HOUSES**

**13. Recovery of possession from the lodger :-**

An application by the manager of a hotel or the owner of a lodging house for a certificate under Section 34 shall contain the grounds for the recovery of possession from the lodger of accommodation provided to him and shall be made in writing and accompanied by an affidavit in support of the allegations contained therein.

**14. Certificate to be sent to the manager :-**

A certificate issued under Section 34 by the Controller shall be sent to the manager of the hotel or the owner of the lodging house concerned with a copy thereof to the lodger concerned by registered post with acknowledgement due.

**15. Display of notice of fair rates :-**

The manager of every hotel or the owner of every lodging house shall display a notice of the fair rates fixed by the Controller and a copy of the relevant provisions of the Act and rules relating thereto in a conspicuous manner in the hotel or lodging house, as the case may be.

## **16. Application to the Controller :-**

Every application to the Controller under Chapter V of the Act including an application for certificate under Section 34 shall be in form 'D' and shall be delivered to the Controller either in person or through a recognised agent or sent to his office by registered post.

### CHAPTER 5

#### APPEAL AND TRANSFER APPLICATION

## **17. Form of Appeal :-**

(1) Every appeal to the Rent Control Tribunal under Section 38 shall be preferred in the form of a memorandum signed by the appellant or his recognised agent and presented either in person or through a recognised agent to the Tribunal or to such officer as it may appoint in this behalf.

(2) Every such memorandum shall be accompanied by a copy of the order of the Controller appealed from and shall set forth concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative, and such grounds shall be numbered consecutively.

## **18. Application for transfer of proceedings :-**

An application for transfer of proceedings under sub-section (4) of Section 38 shall be accompanied by an affidavit in support of the allegations contained in the application.

## **19. Appearance before Tribunal :-**

A party may appear before the Rent Control Tribunal either in person or by a recognised agent provided that if the Rent Control Tribunal so directs the party shall appear in person.

### CHAPTER 6

#### FEES

## **20. Process Fees :-**

(1) Process fees for processes under the Act shall be levied as prescribed in the rules made by the Punjab High Court under Section 20 of the Court Fees Act, 1870, as to cost of processes in Civil Court.

(2) For the purposes of this rule, the Court of the Controller shall be deemed to be a Civil Court of Third Grade and the Court of the Rent Control Tribunal shall be deemed to be a Civil Court of Second Grade.

CHAPTER 7  
NOTICES

**21. Notice relating to sub tenancy :-**

A notice of the creation or termination of sub-tenancy required under Section 17 shall be in Form 'E'.

**22. 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 acknowledgement due.

CHAPTER 8  
MISCELLANEOUS

**23. 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 Controller and the Rent Control Tribunal shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908.

**24. Registers to be maintained by the Controller and Tribunal :-**

The Controller and Rent Control Tribunal shall maintain such of the registers prescribed for use in Civil Courts in Delhi as may be necessary.