

## **BOMBAY HOUSING BOARD (PREMISES) EVICTION RULES, 1953**

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## **BOMBAY HOUSING BOARD (PREMISES) EVICTION RULES, 1953**

### BOMBAY HOUSING BOARD (PREMISES) EVICTION RULES, 1953

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

These rules may be called the Bombay Housing Board Premises (Eviction) Rules, 1953.

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

In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Bombay Housing Board Act, 1948:

(b) "Form" means a form appended to these rules:

(c) "Section" means a section of the Act:

(d) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

#### **3. Form of notice. :-**

A notice-

(a) under sub-section (1) of section 53A shall be in Form A;

(aa) under sub-section (1A) of section 53A shall be in form AA;

(b) under sub-section (1) of section 53B shall be in Form B;

(c) under sub-section (2) of section 53B shall be in Form C;

(d) under sub-section (3) of section 53B shall be in Form D;

**4. Mode of service of notice. :-**

A notice under sub-section (1) of section 53A and sub-sections (1) and (2) of section 53B may be served by any officer or servant in the employ of the Board by giving or tendering it to the person to whom it is addressed.

**5. Assessment of damages for unauthorised occupation. :-**

(1) In assessing damages for unauthorised use and occupation of any Board premises the competent authority shall take into consideration the following matters, namely:-

(a) the purpose and the period for which the Board Premises were in authorised occupation:

(b) the nature, size and standard of the accommodation available on such premises;

(c) the economic rent of the premises for the period of unauthorised occupation such rent being calculated in accordance with the formula decided by the State Government from time to time:

(d) any damage done to the premises during the period of unauthorised occupation:

(e) any other matter which in the opinion of the competent authority is relevant for the purpose of assessing the damages.

(2) Before assessing the damages, the competent authority shall give the person in unauthorised occupation an opportunity of being heard.

**6. Procedure In appeals. :-**

(1) Any person preferring an appeal to the State Government under section 53C shall address the appeal to the Secretary to the Government of Gujarat in the Labour and Social welfare Department (hereinafter referred to as the Secretary) in the form of a memorandum in duplicate setting forth concisely the grounds of objection to the order appealed against accompanied by certified copy of such order.

(2) The Secretary shall hear such appeal on behalf of Government.

(3) On the receipt of the appeal, and after receipt of report from

the competent authority, the secretary shall appoint a time and place for the hearing of the appeal and shall give an intimation thereof to competent authority against whose order the appeal was preferred and the appellant who may on the appointed date and at subsequent hearing appear either in person or through the representative duly authorised in writing In this behalf.