

BOMBAY LAND REQUISITION (DETERMINATION OF COMPENSATION) RULES, 1949

CONTENTS

1. 1
2. 1
3. 1
4. 1
5. 1
- 5A. 1
- 5B. 1
6. No appeal shall be under sub-section (3) of section 8
7. 1

BOMBAY LAND REQUISITION (DETERMINATION OF COMPENSATION) RULES, 1949

In exercise of the powers conferred by section 19 of the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948), the Government of Bombay is pleased to make the following rules, namely:-

1. . :-

These rules may be called the Bombay Land Requisition (Determination of Compensation) Rules, 1949.

2. . :-

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

(a) "Act" means the Bombay Land Requisition Act, 1948 :

(b) "Compensation Officer" means an officer authorized by the State Government in respect of any area for the purposes of sub-section (1) of section 8 or sub-section (2) of section 9 of the Act.

3. . :-

When any land is requisitioned or is continued to be subject to requisition under the Act, or when upon release from requisition the land has been deteriorated due to cause other than reasonable wear and tear or irresistible force, any person having an interest in such land may make an application to the Compensation Officer in Form A hereto annexed for claiming Compensation in respect of

such land.

4. . :-

The Compensation Officer shall, on receipt of an application under rule 3, scrutinize the claim in detail and if having regard to the facts set out in the application and the provisions of the Act, he is of opinion that the claim made out in the application is reasonable and may be accepted, he may make an order accordingly subject to the condition that the applicant executes an agreement in Form B hereto annexed.

(2) If the Compensation Officer is of opinion that the claim made out in the application is not reasonable, he shall fix the date, time and place for inquiring into the claim and shall give notice of the same to the applicant with an intimation to produce any documentary or other evidence in support of his claim.

(3) After hearing the applicant, and after taking into consideration the evidence, if any, produced by the applicant the Compensation Officer shall determine the amount of compensation according to the provisions of the Act and shall decide the dispute, if any, as to the apportionment of the amount of compensation or any part thereof or as to the persons to whom the same or any part thereof is payable. After determining the compensation and deciding the dispute, if any, the Compensation Officer shall make an order accordingly.

(4) A copy of the Order under sub-rule (1) or (3) shall be sent to the applicant.

5. . :-

(1) Where the amount of compensation determined under these rules is in respect of matters other than rent the Compensation Officer shall make an order assessing such amount and shall direct the same to be paid to the person in whose favour the order has been made under rule 4 within such reasonable time as the Compensation Officer may in each case specify in such order.

(2) Where the amount of compensation determined under these rules is in respect of rent only, the State Government may direct the tenant to pay the amount of rent direct to the person in whose favour the order has been made under rule 4.

5A. . :-

Notwithstanding anything contained in these rules, where the amount of compensation payable as rent in respect of any premises referred to in column 1 below which were let on or before the first day of September, 1940, is determined under the Act before the 31st day of March, 1954, the Compensation Officer may by a general order direct that the amount of Rent Compensation Officer may by a general order direct that the amount of rent so determined in respect of such premises (hereinafter referred to as the rent shall, with effect from the 1st day of April, 1954, be increased by an addition to the rent at the rates specified against such premises in column 2 below:

5B. . :-

1

(1) Where the amount of compensation payable as rent in respect of any premises has been determined under sub-section 8 of the Act including any increase by an addition to rent made in pursuance of an order under rule 5A or rule 5B, and subsequent to the determination of such rent the owner of such premises is required after 31st March, 1961 to pay to a local authority in respect of such premises any additional amount by way of rate, cess or tax, imposed, levied, or increased, as the case may be, for the purposes of such local authority, then, notwithstanding anything contained in these rules, the compensation Officer may, on any application made to him by the owner of such premises, by order direct, after making an inquiry as prescribed in rule 4. that the amount of compensation fixed as rent in respect of such premises shall be increased by an amount equal to the additional amount payable by the owner by way of rate, cess or tax so imposed, levied, or increased, as the case may be

(2) The increase in the amount of compensation under sub-rule (1) shall be effective from the date of the coming into force of this rule, if the application under sub-rule (1) is made by the owner of the premises concerned within thirty days of the coming into force of this rule, and in any other case from the date of such application.

1. Inserted by Notfn. dt. [3-3-66].

6. No appeal shall be under sub-section (3) of section 8 :-

(1) if the total amount of compensation, assessed under these rules and payable in lump sum. does not exceed-

(a) Rs. 250, in arrears within the limits of Municipality, or Municipal Corporation; or

(b) Rs. 150, elsewhere;

(2) in cases where such amount is to be paid periodically every month, if the amount equivalent to five months' compensation does not exceed

(a) Rs. 250, in areas within the limits of a Municipal area, or Municipal Corporation;

(b) Rs. 150, elsewhere.

7.7 :-

(1) The amount of court-fee payable on a memorandum of appeal under sub-section (3) of section 8 of the Act shall be at the rate of 5 per centum on the amount computed according to the difference between the amount awarded and the amount claimed by the appellant.

(2) The memorandum of appeal under clause (b) of sub-section (2) of section 9 shall bear a court fee of rupees five.