

KARNATAKA PROHIBITION (APPEAL) RULES, 1963

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KARNATAKA PROHIBITION (APPEAL) RULES, 1963

In exercise of the powers conferred by Section 124 read with Section 115 of the Karnataka Prohibition Act, 1961 (Karnataka Act 17 of 1962) and in supersession of rules, orders and notifications on the subject made or issued under any enactment repealed by sub-section (1) of Section 129 of the said Act the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in the Karnataka Gazette, dated 21st February, 1963, in Notification No. PHS 171 EPS 62, dated 19th February, 1963, as required by sub-section (3) of Section 124 of the said Act.

1. . :-

These rules may be called the Karnataka Prohibition (Appeal) Rules, 1963.

2. . :-

(1) Every appeal under Section 115 of the Karnataka Prohibition Act, 1961 shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise and intelligible language; and shall bear the signature or mark of the appellant or his duly authorised agent and shall also bear the Court fee stamp of the requisite amount fixed under the Karnataka Court Fees and Suits Valuation Act, 1958.

(2) The petition of appeal shall contain the following particulars.-

(i) The name, father's name, occupation and place of residence or

address of the appellant;

1 [(ii) x x x x x;]

(iii) The date of order appealed against;

(iv) A brief and precise statement of the facts;

(v) The grounds of objection to the order appealed against.

(3) The petition shall be accompanied by the order appealed against in original or an authenticated copy thereof, unless the omission to produce such order or its copy, as the case may be, is explained at the time of the presentation of the petition of appeal to the satisfaction of the Appellate Authority.

1. Clause (ii) omitted by GSR 419, dated 15-9-1967, w.e.f. 21-9-1967

3. . :-

The petition of appeal shall either be presented to the Appellate Authority by the appellant or his agent or be forwarded to such authority by registered post.

4. . :-

(1) If the petition of appeal does not comply with the requirements of Rule 2 and Rule 3, it may summarily be rejected:

Provided that no appeal shall be rejected under this sub-rule unless the appellant is given such opportunity, as the Appellate Authority thinks fit, so as to enable him to comply with the requirements of the said rules.

(2) An appeal may also be rejected on other grounds which shall be reduced to writing by the Appellate Authority:

Provided that before an order rejecting an appeal under this sub-rule is passed, the appellant shall be given a reasonable opportunity of being heard.

5. . :-

(1) If the Appellate Authority does not reject the appeal under Rule 4, it shall fix a date for hearing the appellant or his agent.

(2) The Appellate Authority may at any stage adjourn the hearing of an appeal to any other date.

1 [(3) If on the date fixed for hearing or any other date to which the hearing may be adjourned the appellant does not appear before the said authority either in person or through an agent, the said authority may make such order as it thinks fit on the merits of the appeal.]

1. Sub-rule (3) substituted by GSR 419, dated 15-9-1967, w.e.f. 21-9-1967

6. . :-

Before an Appellate Authority passes any order in appeal, likely to affect any person adversely, it shall send to such person a notice and give him a reasonable opportunity of being heard.

7. . :-

A copy of order passed in appeal shall be supplied free of cost to the appellant or the person affected thereby and another copy shall be sent to the Officer whose order forms the subject-matter of appeal.