

## **Goa Tourist Places (Protection And Maintenance) Appeal Rules, 2001**

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## **Goa Tourist Places (Protection And Maintenance) Appeal Rules, 2001**

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

(1) These rules may be called the Goa Tourist Places (Protection and Maintenance) Appeal Rules, 2001.

(2) They shall come into force at once.

### **2. Definition :-**

In these rules, unless the context otherwise requires,-

(a) "Act" means the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001);

(b) "Competent Authority" means the authority appointed by the Government under section 4 of Act;

(c) "Government" means the Government of Goa;

(d) "section" means a section of the Act;

(e) words and expression used but not defined in these rules shall have the same meaning respectively as assigned to them in the Act.

### **3. Form and content of an appeal :-**

(1) Every appeal against the order of the competent authority made under the Act, shall be in the form of memorandum.

(2) The memorandum of an appeal shall be drawn up in duplicate by the appellant or his representative and after being signed either by the appellant or a person duly authorised by him in that behalf, filed before or sent by a registered post to the Government.

(3) The memorandum of appeal shall contain the following particulars, namely:-

(i) the name and address of the appellant;

(ii) date of order of the competent authority;

(iii) clear statement of facts;

(iv) contain grounds of an appeal;

(v) the relief prayed for, precisely and in brief.

(4) The memorandum of an appeal shall be signed and verified by the appellant or by a representative duly authorised by him in writing in that behalf in the following form, namely:-

"I ..... appellant/representative appointed by the appellant named in the above memorandum of appeal do hereby declare that what is stated herein is true to my knowledge and belief".

(5) Every such memorandum of appeal shall bear a fee of Rupees one thousand only and the same shall be paid by way of challan or stamp affixed to the memorandum. The memorandum of appeal shall be accompanied by either the order in original against which it is made or duly certified copy thereof unless omission to produce such order or copy is explained at the time of the presentation of the appeal to the satisfaction of the Government.

(6) The Respondent in the appeal shall be entitled to file a reply and if such a reply is filed, the appellant may file a rejoinder.

#### **4. Summary rejection of appeal :-**

The appeal may be summarily rejected by the Government if the appellant, after being given the opportunity in this behalf, fails to comply with any of the requirements of these Rules.

#### **5. Fixing the date for hearing of appeal :-**

If the Government does not reject the appeal summarily, it shall fix a date for hearing and notify the same to the parties. Fifteen days notice shall be given to the parties in advance of the date of hearing by registered A/D letter or served personally at the address given in the memorandum of appeal.

#### **6. Hearing of an appeal :-**

(1) If the Government so desires, it may depute any assessor to inspect and submit a report after making such inquiries as directed, but no recommendation of the assessor shall be binding on the Government.

(2) The Government may for sufficient reasons adjourn at any stage, hearing of an ap-peat to a different date.

## **7. Dismissal of an appeal for non appearance :-**

If on the date and at the time fixed for hearing or at any other date or at any other times to which the hearing may be adjourned, the appellant or his representative does not appear before the Government either in person or through an agent, the Government may dismiss the appeal or may decide it *ex parte* as it may think fit.

## **8. Procedure for disposal of an appeal :-**

(1) The Government may, after giving the appellant an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against. Such order shall be passed by the Government within sixty days from the date of filing of the appeal.

(2) The Government shall send a copy of every order passed by it to the parties to the appeal.

(3) The Government shall not in any appeal pending before it against any order under the Act, make an interim order or injunction against the competent authority unless an opportunity of being heard is given to the competent authority:

Provided that the Government may without giving an opportunity as aforesaid, make an interim order as an exceptional measure, if it is satisfied for reasons to be recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filing appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall if it is not vacated earlier cease to have effect on the expiry of a period of fifteen days from the date on which it is made unless before the expiry of that period, the Government confirms or modifies that order after giving to the Respondent opportunity of being heard.

(4) An order of the Government made under these Rules may be executed or caused to be executed by it in whose favour the order has been made. The decision of the Government in the appeal shall be final and binding on the parties thereof