

## **Haryana Public Moneys (Recovery Of Dues) Act, 1979**

**24 of 1979**

**[24 October 1979]**

### CONTENTS

1. Short Title
2. Definitions
3. Recovery Of Certain Dues As Arrears Of Land Revenue
4. Savings

## **Haryana Public Moneys (Recovery Of Dues) Act, 1979**

**24 of 1979**

**[24 October 1979]**

AN ACT to provide for the speedy recovery of certain classes of dues. Be it enacted by the Legislature of the State of Haryana in the Thirtieth Year of the Republic of India as follows:-- 1. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 21st September, 1979, page 1698.

### **1. Short Title :-**

This Act may be called the Haryana Public Moneys (Recovery of Dues) Act, 1979.

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

In this Act, unless the context otherwise requires,--

- (a) "Collector" means a Collector of the district and includes any person appointed by the State Government to perform the functions of a Collector under this Act;
- (b) "Corporation" means the Haryana Financial Corporation established under the State Financial Corporations Act, 1951 and includes any other Corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification, specify;
- (c) "defaulter" means a person who either as principal or as surety,

is a party--

(i) to any agreement relating to a loan, advance or grant given under that agreement or relating to credit in respect of, or relating to hire-purchase of, goods sold by the State Government or the Corporation, by way of financial assistance; or

(ii) to any agreement relating to a loan, advance or grant given relating to hire purchase of, goods sold by a Government company under the State sponsored scheme; or

(in) to any agreement relating to a guarantee given by the State Government or a Corporation in respect of a loan raised by an industrial concern; or

(iv) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue,

and such person makes any default in repayment of the loan or advance or any instalment thereof or, having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or portion or any instalment thereof or otherwise fails to comply with the terms of the agreement;

(d) "financial assistance" means any financial assistance--

(i) for establishing, expanding, modernising, renovating or running any industrial undertaking; or

(ii) for the purposes of vocational training; or

(iii) for the development of agriculture, horticulture, animal husbandry or agro-industry; or

(iv) for the purposes of any other kind of planned development; or

(v) for relief against distress;

(e) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956;

(f) "industrial concern" has the meaning assigned to it in the State Financial Corporations Act, 1951, as amended from time to time;

(g) "industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining, or the hotel industry, or the transport of passengers or goods, or the generation or distribution of electricity or any other form of power, or for the development of any contiguous area of land as an industrial estate.

Explanation. The expression "processing of goods" includes any act or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation;

(h) "State sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government under which the State Government either--

(i) advances money to a Government company for the purposes of disbursing loans, advances or grants or for the purposes of sale of goods on credit or hire-purchase; or

(ii) guarantees or agrees to guarantee the repayment of a loan, advance or grant or the payment of the price of goods sold on credit or hire-purchase.

### **3. Recovery Of Certain Dues As Arrears Of Land Revenue :-**

(1) Where any sum is recoverable from a defaulter--

(a) by the State Government, such officer as it may, by notification, appoint in this behalf;

(b) by a Corporation or a Government company, the Managing Director thereof, shall determine the sum due from the defaulter.

(2) The Officer or the Managing Director, as the case may be, referred to in sub-section (1), shall send a certificate to the Collector mentioning the sum due from the defaulter and requesting that such sum together with the cost of proceedings be recovered as if it were an arrear of land revenue.

(3) A certificate sent under sub-section (2) shall be conclusive proof of the matters stated therein and the Collector, on receipt of such certificate, shall proceed to recover the amount stated therein as an arrear of land revenue.

(4) No civil court shall have jurisdiction--

(a) to entertain or adjudicate upon any case; or

(b) to adjudicate upon or proceed with any pending case; relating to the recovery of any sum due as aforesaid from the defaulter. The proceedings relating to the recovery of the sums due from the defaulters, pending at the commencement of this Act in any civil court, shall abate.

### **4. Savings :-**

(1) Nothing in section 3 shall affect any interest of State Government, a Corporation or a Government company, in any property created by any mortgage, charge, pledge, or other encumbrance.

(2) Where the property of any person referred to in section 3 is subject to any mortgage, charge, pledge or other encumbrance in favour of the State Government, a Corporation or a Government

company, then in every case of a pledge or hypothecation of goods or a mortgage, charge or other encumbrance on immovable property such property or, as the case may be, the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person, and if the proceeds of the sale of the aforesaid property are less than the sum due, proceedings may be taken against the other property of the defaulter:

Provided that where the State Government is of the opinion that it is necessary so to do for safeguarding the recovery of the sum due to it or to the Corporation or Government company, as the case may be, it may, for reasons to be recorded, direct proceedings to be taken simultaneously for the recovery of the sum due in respect of the goods pledged or hypothecated, the immovable property mortgaged, charged or encumbered and other property of the defaulter.