The Punjab Rent Act, 1995

Act Punjab Act No. 13 of 2012. 58 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
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[Received the assent of the President of India on the 26th March, 1998 and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, dated the 10th October, 2012.]

An Act to provide for the regulation of rents, repairs and maintenance and eviction relating to premises and matters connected therewith in the Stateof Punjab.

BE it enacted by the Legislature of the State of Punjab in the Forty-sixth Year of the Republic of India, as follows:-

Section 1. Short title, extent, application and commencement

(1) This Act may be called the Punjab Rent Act, 1995.

(2) It extends to all urban areas of Punjab, but nothing herein contained shall be deemed to affect the regulation of house accommodation in any cantonment area.

(3) It shall be applicable to all the residential and non-residential buildings.

(4) It shall come into force[1] on such date as the State Government may specify in this behalf in the Official Gazette.

[1] This Act has come into force w.e.f. 30.11.2013.

CHAPTER-I PRELIMINARY

Section 2. Definitions

In this Act, unless the context otherwise requires,-

[1][(a) "Appellate Authority" means the Appellate Authority appointed under sub-section (1) of section 50 of this Act;]

[2][(b) ***];

(c) "Landlord" means a person who, for the time being is receiving or is entitled to receive the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(d) "Lawful increase" means an increase in the rent permitted under the provisions of this Act;

[3][(e) ***];

(f) "non-residential premises" means premises being used solely for the purpose of business or trade;

Provided that the residence in the premises only for the purpose of guarding it shall not be deemed to convert a "non-residential premises" to a "residential premises";

(g) "Premises" means any building or part of a building which is or is intended to be let separately, for use a residence or for non- residential use or for any other purpose, and includes, -

(i) the garden ground and out-houses, if any, appertaining to such building or part of building but does not include

the upper side of roof (Terrace);

(ii) any fittings to such building or part of the building for the more beneficial enjoyment thereof;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Rent Authority" means an authority appointed under sub-section (1) of Section 36 and includes an additional Rent Authority appointed under sub-section (2) of that section;

(j) "residential premises" means any building which is not non- residential premises;

[4][(k) ***];

(l) "SCF" means a Shop-cum-Flat but the shop and flat will be treated as two separate premises i.e. shop as Non-residential or commercial building and flat as residential building. In case of composite rent agreement the rent for residential premises will be treated equal to one-third of total rent;

(m) "tenant" means any person by whom or on whose account or behalf the rent of any premises is or, but for special contract, would be payable, and include, -

(i) a sub-tenant;

(ii) any person continuing in possession after the termination of his tenancy, but does not include-

(I) any person against whom an order or decree for eviction has been made, except where such decree or order for eviction is liable to be re- opened;

(II) any person to whom a licence as defined in section 52 of the Indian Easements Act, 1882, has been granted;

[5][(n) ***];

(o) "urban area" means any area administered by a Municipal Corporation, Municipal Council, Nagar Panchayat, or a Cantonment Board or any area declared by the State Government, by notification in the Official Gazette, to be urban for the purposes of this Act.

[1] Substituted by Punjab Act No. 23 of 2014, Section 2
[2] Omitted by Punjab Act No. 23 of 2014, Section 2
[3] Omitted by Punjab Act No. 23 of 2014, Section 2
[4] Omitted by Punjab Act No. 33 of 2013, Section 2
[5] Omitted by Punjab Act No. 23 of 2014, Section 2

Section 3. Premises exempted from the operation of the Act

[1][(1) Nothing in this Act shall apply,-

(a) to any premises let out before the commencement of this Act;

(b) to any premises belonging to or let out to the State Government or the Government of India or a local authority;

(c) to any premises constructed on or after the commencement of this Act, for a period of fifteen years from the date of completion of construction;

Explanation I. - The expression "date of completion of construction" shall mean the date of completion as intimated to the concerned authority or of assessment to property tax, whichever is earlier, and, where the premises has been constructed in stages, the date on which the initial building was completed and an intimation thereof was sent to the concerned authority or was assessed to property tax, whichever is earlier.

Explanation II. - The expression "premises constructed" shall include-

(i) re-building of more than seventy-five per cent of an existing building; and

(ii) additional construction to an existing building;

(d) to any premises let out to citizens of a foreign country or an embassy, High commission, legation or commission of a foreign State or such international organization, as may be specified by the State Government, by notification in the Official Gazette;

(e) to any premises belonging to such religious, charitable or educational trust or class of trusts, as may be specified by the State Government, by notification in the Official Gazette;

(f) to any premises let out by a hire-purchaser, lessee or sub-lessee (by whatever name called), who has been allotted such premises by the Punjab Urban Development Authority or any other local authority by way of an agreement of hire-purchase, lease or sub-lease, even before the full ownership rights accrue to such hire-purchaser, lessee or sub-lessee, as the case may be.

(2) For non-residential premises, contract renting shall be admissible during the subsisting period of contract. Such premises shall be governed by the conditions of the contract and litigation under any other law shall not be permissible. A landlord violating the conditions laid down in the contract and agreed to by the parties shall not be

entitled for rent for the period of violation and if the tenant violates the conditions, he shall be liable to pay double the rent for the period, in question, in addition to immediate dispossession through the Rent Authority.]

[1] Substituted by Punjab Act No. 33 of 2013, Section 3

Section 4. Registration of tenancy agreement

(1) Notwithstanding anything contained in section 107 of the Transfer of Property Act, 1882, no person shall, after the commencement of this Act, let or take on rent any premises except by an agreement in writing.

[1][(2) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), every agreement referred to in sub-section (1) shall be in the Form specified in Schedule I appended to this Act and shall be registered under and in accordance with the provisions of the Registration Act 1908 by the authority specified thereunder, on payment of registration fee of rupee one thousand.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 3

Section 5. Inheritability of tenancy

(1) In the event of death of a tenant, the right of tenancy shall devolve for a period of ten years from the date of his death to his successors in the following orders, namely:-

(a) Spouse;

(b) Son or daughter or where there are both son and daughter both of them;

(c) Parents; and

(d) Daughter-in-law, being the widow of his pre-deceased son:

Provided that the successor has ordinarily been living in the premises with the deceased tenant as a member of his family upto the date of his death and was dependent on the deceased tenant:

Provided further that a right to tenancy shall not devolve upon a successor in case such successor or his spouse or any of his dependent son or daughter is owning or occupying a residential premises in the same urban area.

(2) If a person, being a successor specified in sub-section (1), was ordinarily living in the premises with the deceased tenant but was not dependent on him on the date of his death, or he or his spouse or any of his dependent son or daughter is owning or occupying a residential premises in the same urban area, such successor shall acquire a right to continue in possession as a tenant for a limited period of one year from the date of death of the tenant and, on the expiry of that period, or on his death, whichever is earlier, the right of such successor to continue in possession of the premises shall become extinguished.

Explanation.- For the removal of doubts, it is hereby declared that -

(a) where, by reason of sub-section (2), the right of any successor to continue in possession of the premises become extinguished, such extinguishment shall not affect the right of any other successor of the same category to continue in possession of the premises but if there is no other successor of the same category, the right to continue in possession of the premises, shall not, on such extinguishment, pass on to any other successor specified in any lower category or categories, as the case may be.

(b) the right of every successor, referred to in sub-section (1) to continue in possession of the premises shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs.

(3) Nothing in sub-section (1) or sub-section (2) shall apply to a non-residential premises and the vacant possession of such premises shall be delivered to the landlord within one year,-

(i) of the death of the tenant, in case the tenant is an individual;

(ii) of the dissolution of the firm, in case the tenant is a firm;

Explanation.- If all the partners of the firm as on the date of hiring the premises leave the firm, it shall be deemed that the firm stands dissolved.

(iii) of the winding up of the company, in case the tenant is a "company", as defined in the Companies Act, 1956.

(iv) of the dissolution of the corporate body other than a company in case the tenant is such a corporate body.

CHAPTER II RENT

Section 6. Payable Rent

[1][The Rent payable in relation to the premises shall be agreed rent between the landlord and the tenant:

Provided that the agreed rent shall be increased by five per cent of the last rent for two years and thethird year increase shall be based upon the increase in the Consumer Price index over the corresponding three years.

Example.- If the Consumer Price Index increases by eighteen per cent in three years, the rent for the fourth year shall be the rent for the first year multiplied by one point eighteen. This cycle shall continue.]

[1] Substituted by Punjab Act No. 33 of 2013, Section 5

Section 7. [***]

[1][****]

[1] Omitted by Punjab Act No. 33 of 2013, Section 6

Section 8. Other charges payable

(1) A tenant shall be liable to pay the landlord, besides the rent, the following charges, namely:-

(a) maintenance charges at the rate of ten per cent of the rent; and

(b) without prejudice to the liability of the landlord to pay the property tax to the local authority, the pro rata property tax in relation to the premises.

Explanation. - For the purpose of calculating the monthly charges payable by the tenant to the landlord towards the property tax, the amount paid or payable as tax for the immediately preceding year or the estimated tax payable shall form the basis.

(2) The landlord shall be entitled to recover from the tenant the amount paid by him towards charges for electricity or water consumed or other charges levied by a local or other authority which is ordinarily payable by the tenant.

Section 9. Revision of rent in certain cases

[1][(1) Where a landlord has, at any time, with or without the approval of the tenant, incurred expenditure for any improvement, addition or structural alteration in the premises not being expenditure on decoration or tenantable repairs necessary or usual for such premises, and the cost of that improvement, addition or alteration has not been taken into account in determining the rent of the premises, the landlord may lawfully increase the rent per year by an amount not exceeding ten per cent of such cost.]

(2) Where, after the rent of a premises has been fixed under this Act, or agreed upon, as the case may be, there has been a decrease, diminution or deterioration of accommodation in such premises, the tenant may claim reduction in the rent.

[1] Substituted by Punjab Act No. 33 of 2013, Section 7

Section 10. Notice of revision of rent

(1) Where a landlord intends to revise the rent of any premises under sub-section (1) of section 9, he shall give to the tenant a notice in Form as specified in Schedule V to this Act, of his intention to make the revision and, in so far as such revision is lawful under this Act, it shall be due and recoverable from the date of improvement, addition or structural alteration.

(2) Every notice under sub-section (1) shall be in writing signed by or on behalf of the landlord and given in the manner provided in section 106 of the Transfer of Property Act, 1882.

[1][(3) ***]

[1] Omitted by Punjab Act No. 33 of 2013, Section 8

Section 11 & 12. [***]

[1][****]

[1] Omitted by Punjab Act No. 33 of 2013, Section 9

Section 13. Receipt to be given for rent paid

(1) Every tenant shall pay rent and other charges payable to the landlord within the time fixed by contract or in the absence of such stipulation, by the fifteenth day of the month next following the month for which it is payable and where any default occurs in the payment of rent or other charges, the tenant shall be liable to pay simple interest at the rate of fifteen per cent per annum from the date on which such payment of rent and other charges payable is due to the date on which it is paid.

(2) Every tenant who makes payment of rent or other charges payable or advance towards such rent or other charges to his landlord in cash shall be entitled, to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent:

Provided that it shall be open to the tenant to remit the rent to his landlord by postal money order.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant the receipt referred to in

sub-section (2), the Rent Authority may, on an application made to him in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent to pay to the tenant, by way of damages, such sum not exceeding double the amount of rent or other charges paid by the tenant and the costs of the application and shall also grant a certificate to the tenant in respect of the rent or other charges paid.

(4) If the landlord supplies the particulars of his bank account the tenant shall deposit the rent and other charges payable in such bank account as and when due.

Section 14. Deposit of rent

(1) Where the landlord does not accept any rent and other charges payable tendered by the tenant within the time and the manner referred to in section 13 or refuses or neglects to deliver a receipt referred to therein or where there is a bona fide doubt as to the person or persons to whom the rent and other charges are payable, the tenant may deposit such rent and other charges payable with the Rent Authority according to the provisions of sub-section (2) below.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:-

(a) the premises for which the rent and other charges payable are deposited with a description sufficient for identifying the premises;

(b) the period for which the rent and other charges payable are deposited;

(c) the name and address of the landlord or the person or persons claiming to be entitled to such rent and other charges payable; and

(d) the reasons and circumstances for which the application for depositing the rent and other charges payable is made.

(3) If an application is made for the withdrawal of any deposit of rent and other charges payable, the Rent Authority shall, if satisfied that the applicant is the person entitled to receive the rent and other charges deposited, order the amount of the rent and other charges to be paid to him:

Provided that no order for payment of any deposit of rent and other charges payable shall be made by the Rent Authority under this sub-section without giving all the persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent and other charges payable, an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent and other charges payable being decided by a court of competent jurisdiction.

(4) If at the time of filing the application under sub-section (3) but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent and other charges payable complains or complain to the Rent Authority that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent and other charges payable are untrue, the Rent Authority, after giving the tenant an opportunity of being heard, may levy, on the tenant a fine which may extend to an amount equal to two months' rent and if the Rent Authority is satisfied that the said statements were materially untrue it may order that a sum out of the fine realised be paid to the landlord as compensation.

(5) The Rent Authority may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount to two months' rent and if the Rent Authority is satisfied that the landlord without any reasonable cause, refused to accept rent and other charges payable though tendered to him within the time referred to in section 13 it may further order that a portion of the fine realised be paid to the tenant as compensation.

Section 15. Time limit for making deposit and consequences of incorrect particulars in application for deposit

(1) No rent and other charges deposited under section 14 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time referred to in section 13 for payment of the rent and other charges payable and intimation to that effect with full particulars has been sent to the landlord. Non-intimation to the landlord shall render the deposit 'INVALID'.

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent and other charges payable unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the premises from the tenant.

(3) If the rent and other charges payable are deposited within the time specified in sub-section (1) and do not cease

to be a valid deposit for the reasons specified in sub-section (2), the deposit shall constitute payment of rent and other charges payable to the landlord, as if the amount deposited has been validly tendered.

Section 16. Saving as to acceptance of rent and other charges payable and forfeiture in deposit

(1) The withdrawal of rent and other charges payable deposited under section 14 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent and other charges payable for the period of default, the amount due or of any other facts stated in the tenant's application for depositing the rent and other charges payable under the said section.

(2) Any rent and other charges payable in deposit which are not withdrawn by the landlord or by the person or persons entitled to receive such rent and other charges payable shall be forfeited to Government by an order made by the Rent Authority, if they are not withdrawn before the expiration of five years from the date of receiving the intimation of deposit.

(3) Before passing an order of forfeiture, the Rent Authority shall give notice to the landlord or the person or persons entitled to receive the rent and other charges in deposit by registered post at the last known address of such landlord or person or persons and shall also publish the notice in his office and in any local newspaper.

CHAPTER III REPAIRS OF PREMISES

Section 17. Duties of landlord

(1) Subject to the contract in writing to the contrary every landlord shall be bound to keep the premises in good and tenantable repairs in relation to matters falling under Part A of Schedule II to this Act.

Explanation. - The expression "Good and tenantable repairs" under this section and section 18 shall mean such repairs as shall keep the premises in the same condition in which it was let out except for the normal wear and tear.

(2) Where any repairs, in relation to a matter falling under Part A of Schedule II to this Act without which the premises are not habitable or useable except with undue inconvenience are to be made and the landlord neglects or fails to make them within a period of three months after notice in writing, the tenant may apply to the Rent Authority for permission to make such repairs himself and may submit to the Rent Authority an estimate of the cost of such repairs and, thereupon the Rent Authority may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as it may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case except the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable from rent in any year shall not exceed one-half of the rent payable by the tenant for that year and any amount remaining not recovered in that year shall be deducted or recovered from rent in the subsequent years at the rate of not more than twenty-five per cent of the rent for a month:

Provided further that where there are more than one premises owned by a landlord in a building, the tenants thereof may jointly carry out the repairs and share the expenses proportionately.

(3) Nothing in sub-section (2) shall apply to a premises which, -

(a) at the time of letting out was not habitable or useable except with undue inconvenience and the tenant had agreed to take the same in that condition;

(b) after being let out was caused to be not habitable or useable except with undue inconvenience by the tenant.

Section 18. Duties of tenant

(1) Every tenant shall be bound to keep the premises in good and tenantable repairs in relation to the matters falling under Part B of Schedule II to this Act.

(2) Where any repairs, in relation to a matter falling under Part B of Schedule II to this Act without which the premises are not habitable or useable except with undue inconvenience, are to be made and the tenant neglects or fails to make them within a period of sixty days after notice in writing, the landlord may apply to the Rent Authority for permission to make such repairs himself and may submit to the Rent Authority an estimate of the cost of such repairs, and, thereupon, the Rent Authority may, after giving the tenant an opportunity of being heard and after considering such estimate of the cost and making such enquiries as he may consider necessary, by an order in writing, permit the landlord to make such repairs at such cost as may be specified in the order, and it shall thereafter be lawful for the landlord to make such repairs himself and to recover the cost of such repairs, which shall in no case exceed the amount so specified, from the tenant.

(3) The landlord or a person authorised by him shall have the right to enter and inspect the premises after notice to the tenant in the Form specified in Schedule VI to this Act.

(4)The tenant shall make good all damages caused to premises by his negligence within ninety days of being informed in writing to do so by the landlord failing which the landlord may apply to the Rent Authority for permission to make good the said damages and the Rent Authority shall decide the matter in the manner provided in sub-section (2).

(5) The tenant shall hand over the possession of the premises on termination of tenancy in the same condition, except for the normal wear and tear, as it was when it was handed over to him at the beginning of such tenancy and in a case where certain damages have been caused, not being damages caused by war, act of God or disturbances, the tenant shall make good the damages caused to the premises failing which the landlord may apply to the Rent Authority for permission to make good the said damages and the Rent Authority shall decide the matter in the manner provided in sub-section (2).

(6) The tenant shall not, whether during the subsistence of tenancy or thereafter, demolish any improvement or alteration, carried out by him in the premises or remove any material used in such improvement or alteration, other than any fixture of a removable nature, without the permission of the landlord failing which such demolition or alteration shall be deemed to be a damage caused by such tenant under sub-section (4) and shall be dealt with accordingly.

Section 19. Cutting off or withholding essential supply or service

(1) No landlord or tenant either by himself or through any person purporting to act on his behalf shall, without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant or landlord, as the case may be, in respect of the premises let to him, or, under his own occupation.

(2) If a landlord or a tenant contravenes the provisions of sub-section (1), the tenant or the landlord, as the case may be, may make an application to Rent Authority complaining of such contravention.

(3) If the Rent Authority is satisfied that the essential supply or service was wilfully cut off or withheld, it may pass an order directing the restoration of the amenities immediately pending the inquiry referred to in sub-section (4):

Provided that interim order may be passed under this sub-section without giving notice to the landlord or the tenant, as the case may be.

(4) If the Rent Authority on inquiry finds that the essential supply or service enjoyed by the tenant or landlord was cut off or withheld by the landlord or the tenant, as the case may be, wilfully and without just and sufficient cause, he shall make an order directing the restoration of such supply or service.

(5) The Rent Authority shall complete an enquiry under sub-section (4) within a period of thirty days of filing of an application for enquiry unless the Rent Authority, for reasons to be recorded in writing, decides that it is not possible to complete the enquiry within such period.

(6) The Rent Authority may, in his discretion, direct that compensation not exceeding one thousand rupees be paid to,-

(a) the landlord or the tenant, as the case may be, by the complainant if the application under sub-section (2) was made frivolously or vexatiously;

(b) the complainant, if the landlord or the tenant, as the case may be, had cut off or withheld the supply or service without just and sufficient cause.

Explanation. - In this section the expression "essential supply or service" shall include supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation. - For the purposes of this section, withholding any essential supply or service shall include acts or commissions attributable to the landlord or the tenant, as the case may be, on account of which the essential supply or service is cut off by a local authority or any other agency.

CHAPTER IV PROTECTION OF TENANTS AGAINST EVICTION

Section 20. Protection of tenants against eviction

(1) Notwithstanding anything to the contrary contained in any other law or contract, no order or decree for the recovery of possession of any premises shall be made by any court[1][***] or Rent Authority in favour of the landlord against any tenant, save as provided in sub-section (2).

(2) The Rent Authority may, on an application made to it in the form specified in Schedule XII to this Act make an order for the recovery of possession of any premises on one or more of the following grounds only, namely:-

(a) that the tenant has neither paid nor tendered the whole of the arrears of the rent and other charges payable for three or more consecutive months legally recoverable from him within two months of the date on which a notice in the Form specified in Schedule VII to this Act, of demand for the arrears of such rent and other charges payable and interest at the rate of fifteen per cent, for the period of default has been served on him by the landlord in the manner provided in section 106 of the Transfer of Property Act, 1882:

Provided that a tenant shall not be entitled to the benefit of service of notice by the landlord under this clause where having obtained such benefit once in respect of any premises, he again makes a default in the payment of rent and other charges payable in respect of those premises;

(b) that the tenant has used the premises for a purpose other than that for which they were let;

(c) that the premises were let for use as a residence and, -

(i) neither the tenant nor any member of his family has been residing therein for a period of six months;

Explanation.- For the purposes of this clause and clause (q), "family" means parents, spouse, dependent sons and daughters or such other relatives as are ordinarily living with the tenant and are dependent upon him;

(d) that the premises or any part thereof have become unsafe or unfit for human habitation and are required by the landlord for carrying out repairs or reconstruction which cannot be carried out without the premises being vacated:

Provided that no order for the recovery of possession under this clause, clause (f), clause (g) and clause (h) shall be made unless the Rent authority is satisfied that the plans and estimates of such repairs or re-construction, as the case may be, have been properly prepared and that the landlord has the necessary means to carry out the said repairs or re-construction:

Provided further that if the landlord proposes to change the use of the premises after re-construction, than, he shall so specify in his application for recovery of possession and, after such re-construction, the landlord shall if it is otherwise permissible under law, utilize the built up area equal to the previous area for the original use to the extent required for the purpose of sub-section (i) of section 30 and the rest for any other use;

(e) that the premises or any part thereof are required by the landlord for the purpose of immediate demolition ordered by the Government or any local authority or the premises are required by the landlord to carry out any building work at the instance of the Government or local authority in pursuance of any improvement scheme or development scheme and that such building work cannot be carried out without the premises being vacated;

(f) that the premises or any part thereof are required by the landlord for carrying out any repairs which cannot be carried out without the premises being vacated;

(g) that the premises are required by the landlord for the purpose of building or re-building or making thereto any substantial addition or alteration including construction on the terrace or on the appurtenant land and that such building or re-building or addition or alteration cannot be carried out without the premises being vacated;

(h) that the premises consist of not more than two floors and the same are required by the landlord for the purpose of immediate demolition with a view to re-build the same:

Provided that where the building of which such premise or premises possession in respect of which has been recovered under clause (d), clause (e), clause (f) or clause (g) forms a part has been re-built to an extent of less than seventy-five per cent, a tenant so dispossessed shall have a right to re-entry at the new terms of tenancy in a premises in the re-built building equivalent in area to the original premises for which he was a tenant;

(i) that the tenant, his spouse or a dependent son or daughter ordinarily living with him has,[2][***] built or acquired vacant possession of or been allotted a residence on hire-purchase basis:

Provided that the Rent Authority may in appropriate case allow the tenant to vacate the premises within such period as he may permit but not exceeding three months from the date of passing of orders of eviction or one year from the date of getting possession of premises referred to in sub- section (1) above.

(j) that the premises were let to the tenant for use as a residence by reasons of his being in the service or employment of the landlord, and that the tenant has ceased,[3][***] to be in such service or employment:

Provided that no order for the recovery of possession of any premises shall be made on this ground if the Rent Authority is of the opinion that there is any bona fide dispute as to whether the tenant has ceased to be in the service or employment of the landlord;

(k) that the tenant has, [4][***]caused or permitted to be caused substantial damage to or such alteration of the premises as has the effect of changing its identity or diminishing its value.

Explanation.- For the purposes of this clause, "substantial damage" shall mean such damage as shall involve an expenditure equivalent to six months' rent or more, of the premises or such less expenditure as the Rent Authority is

satisfied, keeping in view, the special nature of damage, justify the same to be treated as substantial damage for carrying out the repairs for such damage:

Provided that no order for the recovery of possession of any premises shall be made on the ground specified in this clause, if the tenant, within such time as may be specified in this behalf by the Rent Authority, carries out repairs to the damage caused to the satisfaction of the Rent Authority or pays to the landlord such amount by way of compensation as the Rent Authority may direct;

(l) that the tenant or any person residing with the tenant has been convicted of causing nuisance or annoyance to a person living in the neighbourhood of the premises or has been convicted of using or allowing the use of the premises for an immoral or illegal purpose;

(m) that the tenant has, used or dealt with the premises in a manner contrary to any condition imposed on the landlord by the Government, while giving him a lease of the land on which the premises are situated:

Provided that no order for the recovery of possession of any premises shall be made on this ground if the tenant, within such time, as may be specified in this behalf by the Rent Authority, complies with the condition imposed on the landlord by any of the authority referred to in this clause;

(n) that the tenant in his reply having denied the ownership of landlord has failed to prove it or that such denial was not made in a bona fide manner;

(o) that the person in occupation of the premises has failed to prove that he is a bona fide tenant;

(p) that the tenant after having agreed with or having informed the landlord in writing the date to vacate the premises does not do so on or after the date so agreed or informed;

(q) that the premises let for residential or non-residential purposes are required, whether in the same form or after re-construction or re- building, by the landlord for occupation for residential or non-residential purpose for himself or for any member of his family if he is the owner thereof, or for any person for whose benefit the premises are held and that the landlord or such person has no other reasonable suitable accommodation:

Provided that where the landlord has acquired the premises by transfer no application for the recovery of possession of such premises shall lie under this clause unless a period of three years has elapsed from the date of the acquisition:

Provided further that where an order for the recovery of possession of any premises is made on the ground specified in this clause, the landlord shall be entitled to obtain possession thereof on the expiration of a period of three months from the date of passing of eviction order.

Explanation I.- For the purposes of this clause, where the landlord in his application supported by an affidavit submits that the premises are required by him for occupation for himself or for any member of his family dependent on him, the Rent Authority shall presume that the premises are so required.

Explanation II.- For the purposes of this clause of section 21, section 22, section 23 or section 24, an occupation by the landlord of any part of a building of which any premises let out by him forms a part, shall not disentitle him to recover the possession of such premises.

Explanation III.- For the purposes of this clause "owner of the premises" includes a person who has been allotted such premises by the Punjab Housing Development Board or any other local authority by way of an agreement of hire-purchase, lease or sub-lease, even before the full ownership rights accrue to such hire-purchaser, lessee or sub-lessee, as the case may be.

(3) In any proceedings for eviction under clause (d), (e), (f), (g) or (q) of sub-section (2) of this section or section 21 or section 22 or section 23 or section 24, the Rent Authority may allow eviction from only a part of the premises if the landlord is agreeable to the same:

Provided that, in case of such part-eviction, the rent and other charges payable by the tenant shall be decreased in proportion to the part vacated.

(4) No order for the recovery of possession in any proceedings under sub- section (2) shall be binding on any sub-tenant referred to in section 27 who has given notice of his sub-tenancy to the landlord under the provisions of that section, unless the sub-tenant is made a party to the proceedings and the order for eviction is made binding on him.

[1] Omitted by Punjab Act No. 23 of 2014, Section 4
[2] Omitted by Punjab Act No. 33 of 2013, Section 10
[3] Omitted by Punjab Act No. 33 of 2013, Section 10
[4] Omitted by Punjab Act No. 33 of 2013, Section 10

Section 21. Right to recover immediate possession of premises to accrue to certain persons

(1) Where a person in occupation of any residential premises allotted to him by the Government or any local authority is required by, or in pursuance of, any general or special order made by that Government or authority, to vacate such residential accommodation, or in default to incur certain obligations, on the ground that he or his spouse or his dependent son or daughter, as the case may be, owns, in the concerned local authority residential accommodation, there shall accrue, on and from the date of such order, to such person, his spouse or his dependent son or daughter as the case may be, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediate possession of any premises let out by him, his spouse or his dependent son or daughter, as the case may be:

Provided that nothing in this section shall be construed as conferring a right on such person, his spouse or his dependent son or daughter, as the case may be, owning in the concerned local authority two or more dwelling houses, to recover the possession of more than one dwelling house and it shall be lawful for such person, his spouse or his dependent son or daughter, as the case may be, to indicate the dwelling house possession of which he intends to recover.

Explanation.- For the purpose of this sub-section, sections 22, 23 and 24 immediate possession shall mean possession recoverable on the expiry of sixty days from the date of order of eviction.

(2) Where a landlord exercises the rights of recovery conferred on him by sub-section (1) or sections 22, 23 or 24 and he had received,-

(a) any advance from the tenant, he shall, on the date of recovery of possession of the premises by him, refund to the tenant such amount:

Provided that, if any default is made in making any refund as aforesaid the landlord shall be liable to pay simple interest at the rate of fifteen per cent per annum on the amount which he has failed to refund:

Provided further that it shall be permissible for the landlord to set off any amount which he is lawfully entitled to recover from tenant against the refund due to the tenant.

Section 22. Right to recover immediate possession of premises to accrue to members of armed forces

(1) Where a person-

(a) is a released or retired person from any armed forces and the premises let out by him, his spouse or his dependent son or daughter, as the case may be, are required for his own residential or non-residential use;

(b) is a dependent or a member of any armed forces who had been killed in action and the premises let out by such member are required for the residential or non-residential use of the family of such member, such person, his spouse or his dependent son or daughter, as the case may be, may, within one year from the date of his release or retirement from such armed forces or, as the case may be, the date of death of such member, or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where a person is a member of any of the armed forces and has a period of less than one year preceding the date of his retirement and the premises let out by him, his spouse or his dependent son or daughter, as the case may be, are required for his own residential or non-residential use after his retirement, he, his spouse or his dependent son or daughter, as the case may be, may at any time within a period of one year before the date of his retirement, apply to the Rent Authority for recovery of immediate possession of such premises.

(3) Where the person, his spouse or his dependent son or daughter referred to in sub-section (1) or sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under the said sub-sections in respect of one premises, each for residential and non-residential purposes.

Section 23. Right to recover immediate possession of premises to accrue to Central and State Government employees

(1) Where a person is a retired employee of the Central Government or of a State Government and the premises let out by him, his spouse or his dependent son or daughter are required for his own residential or non-residential use, such employee, his spouse or his dependent son or daughter, as the case may be, may within one year from the date of his retirement or within a period of one year from the date of commencement of this Act, whichever is later, apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where a person is an employee of the Central Government or of a State Government and has a period of less than one year preceding the date of his retirement and the premises let out by him or his spouse or dependent son or daughter are required by him for his own residential or non-residential use after his retirement, he, his spouse or his dependent son or daughter, as the case may be, may at any time within a period of one year before the date of retirement apply to the Rent Authority for recovery of immediate possession of such premises.

(3) Where the person, his spouse or his dependent son or daughter referred to in sub-section (1) or in sub-section (2) has let out more than one premises, it shall be open to him, his spouse or his dependent son or daughter, as the case may be, to make an application under the said sub-sections in respect of one premises for such residential and non-residential purposes.

Section 24. Right to recover immediate possession of premises to accrue to widows, handicapped persons, old persons, freedom fighters and non-resident Indians

[1][(1) Where the landlord is, -

(a) a widow and the premises let out by her, or her husband; or

(b) a handicapped person and the premises let out by him or her; or

(c) a person who is of the age of sixty-five years or more and the premises let out by him or her; or

(d) a freedom fighter, his widow or dependent son or daughter and the premises let out by him or her;

is required by him or her for his or her family or for any one ordinarily living with him or her for residential or non-residential use, he or she may apply to the Rent Authority for recovery of immediate possession of such premises.

(2) Where the landlord referred to in sub-section (1) has let out more than one premises, it shall be open to him or her to make an application under that sub-section in respect of any one residential and one non-residential premises each chosen by him.

Explanation I. - For the purposes of this section "handicapped person" shall mean a person who is, as being an assessee, entitled for the time being to the benefits of deduction under section 80U of the Income Tax Act, 1961.

Explanation II. - The right to recover possession under this section shall be exercisable only once in respect of each for residential and for non-residential use.

(3) Where an owner is a non-resident Indian and returns to India for permanent residence, he or she may apply to the Rent Authority for recovery of immediate possession of residential or/and non-residential premises let out by him or her on or prior to the commencement of this Act, which are required for his or her use, or for the use of any one ordinarily living with and dependent on him or her.

Explanation. - "non-resident Indian" means a person of Indian origin, who is either permanently or temporarily settled outside India, in either case-

(i) for or on taking up employment outside India; or

(ii) for carrying on a business or vocation outside India; or

(iii) for any other purpose, in such circumstances, as would indicate his intention to stay outside India for an uncertain period.]

[1] Substituted by Punjab Act No. 33 of 2013, Section 11

Section 25. Payment of rent during eviction proceedings

(1) During the proceedings for recovery of possession under section 20, a tenant shall ensure timely payment of rent and other charges at the rate at which these were being paid immediately before the commencement of the proceeding.

(2) If,any proceeding for recovery of possession, there is any dispute as to the amount of rent payable by the tenant, the Rent Authority shall, within fifteen days of the date of the first hearing of the proceeding, fix an interim rent and other charges in relation to the premises to be paid or deposited within one month of the date on which the interim rent is fixed for such further time as the Rent Authority may allow in this behalf.

(3) If, in any proceeding for recovery of possession there is any dispute as to the person or persons to whom the rent is payable the Rent Authority may direct the tenant to deposit with the Rent Authority the amount payable by him under sub-section (2) as the case may be, and in such a case, no person shall be entitled to withdraw the amount in deposit until the Rent Authority decides the dispute and makes an order for payment of the same.

(4) If the Rent Authority is satisfied that any dispute referred to in sub- section (3) has been raised by a tenant for reasons which are false or frivolous, the Rent Authority may order the defence against eviction to be struck out and

proceed with the hearing of the application.

(5) If a tenant fails to make payment or deposit as required by this section, the Rent Authority may order the defence against eviction to be struck out and proceed with the hearing of the application.

Section 26. Restrictions on sub-letting

[1][Without the previous consent, in writing, of the landlord, no tenant shall, -

(a) sub-let the whole or any part of the premises held as a tenant; or

(b) transfer of assign his right in the tenancy or any part thereof.]

[1] Substituted by Punjab Act No. 33 of 2013, Section 12

Section 27. Notice of creation and termination of sub-tenancy

Where after the commencement of this Act, any premises are sub-let either in whole or in part by the tenant with the prior consent in writing of the landlord the tenant or the sub-tenant to whom the premises are sub-let may, in prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month of the date of such sub-letting and also notify the termination of such sub-tenancy in the Form specified in Schedule X to this Act.

Section 28. Sub-tenant to be tenant in certain cases

Where an order for eviction in respect of any premises is made under section 20 against a tenant but not against a sub-tenant referred to in section 27 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to have become a tenant holding the premises in his occupation directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Section 29. Recovery of possession for occupation and re-entry

(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (q) of sub-section (2) of section 20 or under sections 21, 22, 23, 24 or 31, the landlord shall not, except with the permission of the Rent Authority obtained in the Form specified in Schedule IX to this Act, re- let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Rent Authority may direct the landlord to put such evicted tenant in possession of the premises:

Provided that where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (q) of sub-section (2) of section 20 for occupation after reconstruction or re building, the period of three years shall be reckoned from the date of completion of re- construction or re-building, as the case may be.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Rent Authority under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the Rent Authority to be bona fide, the Rent Authority may, on an application in the form specified in Schedule XI to this Act, made to him in this behalf by such evicted tenant, direct the landlord to put the tenant in possession of the premises on the same terms and conditions if the premises are in the same form or on new terms and conditions, if the premises have been re-constructed or re-built.

Section 30. Recovery of possession for repair

(1) In making any order on the grounds specified in clause (d), (e), (f), (g) and (h) of sub-section (2) of section 20 the Rent Authority shall fix the new rent and ascertain from the tenant whether he elects to be placed in occupation of the premises or part thereof from which he is to be evicted and if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or of building or re-building, as the case may be, and the date before which the landlord shall deliver the possession of the said premises.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs of building or re-building, place the tenant in occupation of the premises or part thereof before the date specified in sub-section (1) or such extended date as may be specified by the Rent Authority by an order.

(3) If after, the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within three months of the specified date the Rent Authority may, on an application made to him in this behalf by the tenant, within subsequent three months, order the landlord to

place the tenant in occupation of the premises on the same terms and conditions and to pay to the tenant such compensation as the Rent Authority thinks fit.

(4) If the tenant has delivered possession on or before the date specified in the order and the landlord fails to place the tenant in occupation of the premises after repairs, building or re-building, as the case may, in accordance with sub-section (2), the Rent Authority may, on an application in the Form specified in Schedule XI to this Act made to him in this behalf by the tenant within three months from the date of completion of work, order the landlord to place the tenant in occupation of the premises on revised terms and conditions and to pay to the tenant such compensation as the Rent Authority thinks fit.

Section 31. Recovery of possession in case of tenancies for limited period

(1) Where a landlord does not require the whole or any part of any premises for a particular period, and after obtaining the permission of the Rent Authority in the Form specified in Schedule XIV to this Act lets the whole of the premises or part thereof as a residence for such period, not being more than five years, as may be agreed to in writing between the landlord and the tenant, and the tenant does not, on the expiry of the said period vacate such premises, then, notwithstanding anything contained in section 20 or in any other law, the Rent Authority may, on an application made to him in this behalf by the landlord within such time as may be prescribed, place the landlord in vacant possession of the premises or part thereof by evicting the tenant and every other person who may be in occupation of such premises.

(2) The Rent Authority shall not,

(i) grant permission under sub-section (1) in relation to a premises consecutively more than two times except for good and sufficient reasons to be recorded in writing.

Explanation. - The permission granted under sub-section (1) shall not be construed to be consecutive, if a period of five years or more has elapsed after the expiry of the last limited period tenancy;

(ii) entertain any application from the tenant calling in question the bona fides of the landlord in letting the premises under this section.

(3) All applications made before the Rent Authority and appeals made before the [1][Appellate Authority] by the tenant shall abate on the expiry of the period for which permission has been granted under sub-section (1).

(4) While making an order under sub-section (1), the Rent Authority may award to the landlord damages for the use or occupation of the premises at double the last rent paid by the tenant together with interest at the rate of fifteen per cent, per annum for the period from the date of such order till the date of actual vacation by the tenant.

[1] Substituted for word "Tribunal" by Punjab Act No. 23 of 2014, Section 5

Section 32. Special provision for recovery of possession in certain cases

Where the landlord in respect of any premises is any company or other body corporate or any public institution, then notwithstanding anything contained in section 20 or in any other law, the Rent Authority may, on an application made to him in this behalf by such landlord, place the landlord in vacant possession of such premises by evicting the tenant and every other person who may be in occupation thereof, if the Rent Authority is satisfied that-

(a) the tenant to whom such premises were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment and the premises are required for the use of employees of such landlord; or

(b) the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such premises; or

(c) any other person is in unauthorised occupation of such premises;

(d) the premises are required bona fide by the landlord for the use of employees of such landlord or, in the case of a public institution, for the furtherance of its activities.

Explanation.- For the purpose of this section, the expression "public institution" includes any educational institution, library, hospital and charitable dispensary but does not include any such institution set up by a private trust.

Section 33. Permission to construct additional structure

(1) The landlord shall have the right to construct further storeys on the roof.

(2) In case the landlord wishes to reconstruct or renovate a building which is more than twenty-five years old and for which he has obtained the required sanction from the competent authority for construction, the tenant shall temporarily vacate the building on being served with three months' notice. In such a case the old tenant shall get the first priority for occupation on revised rent as provided for in this Act. The old tenant shall not be entitled for any other

compensation whatsoever.

Section 34. Special provisions regarding vacant building sites

Notwithstanding anything contained in section 20, where any premises which have been let comprise vacant land upon which it is permissible under the building regulations or municipal bye-laws for the time being in force, to erect any building, whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Rent Authority, on an application made to him in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the premises will not cause undue hardship to the tenant, the Rent Authority may-

(a) direct such severance;

(b) place the landlord in possession of the vacant land;

(c) determine the rent payable by the tenant in respect of the rest of the premises; and

(d) make such other order as he thinks fit in the circumstances of the case.

Section 35. Vacant possession to landlord

Notwithstanding anything contained in any other law, where the interest of a tenant in any premises is determined for any reason whatsoever and any order is made by the Rent Authority under this Act for the recovery of possession of such premises, the order shall subject to the provisions of Section 28, be binding on all persons who may be in occupation of the premises and vacant possession thereof shall be given to the landlord by evicting all such persons therefrom.

CHAPTER V RENT AUTHORITIES

Section 36. Appointment of Rent Authorities and Additional Rent Authorities

[1][(1) The State Government may, by notification in the Official Gazette, appoint as many Rent Authorities as it thinks fit and define the limits within which each Rent Authority shall exercise the powers conferred and perform the duties imposed upon it by or under this Act.]

(2) The [2][State Government]may also, by notification in the Official Gazette, appoint as many additional Rent Authorities as it thinks fit, and an additional Rent Authority shall perform such of the functions of the Rent Authority as may subject to the control of the [3][State Government]be assigned to him in writing by the Rent Authority and in the discharge of these functions, an Additional Rent Authority shall have and shall exercise the same powers and discharge the same duties as the Rent Authority.

[4][(3) ***]

[1] Substituted by Punjab Act No. 33 of 2013, Section 13
[2] Substituted for word "Government" by Punjab Act No. 33 of 2013, Section 13
[3] Substituted for word "Government" by Punjab Act No. 33 of 2013, Section 13
[4] Omitted by Punjab Act No. 23 of 2014, Section 6

Section 37. Power of Rent Authority

(1) The Rent Authority may,-

(a) transfer any proceeding pending before him for disposal to any additional Rent Authority, or

(b) withdraw any proceeding pending before any additional Rent Authority and dispose it of itself or transfer the proceeding for disposal to any other additional Rent Authority.

(2) The Rent Authority shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed,

and any proceeding before the Rent Authority shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228, and for the purpose of section 196, of the Indian Penal Code and the Rent Authority shall be deemed to be a Civil Court for the purpose of section 195 but not for the purposes of Chapter XXVI of the Code of the Criminal Procedure, 1973.

(3) For the purposes of holding any inquiry or discharging any duty under this Act, the Rent Authority may,-

(a) after giving not less than twenty-four hours' notice in writing enter and inspect or authorise any officer subordinate to him to enter and inspect any premises at any time between sunrise and sunset; or

(b) by written order, require any person to produce for his inspection all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

(4) The Rent Authority may, if he thinks fit, appoint one or more persons having special knowledge of the matter under consideration as an assessor or assessors to advise him on the proceeding before him.

(5) Any fine imposed by a Rent Authority under this Act shall be paid by the person fined within such time as may be allowed by the Rent Authority and the Rent Authority, for good and sufficient reason, may extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the Code of Criminal procedure, 1973, and the Rent Authority shall be deemed to be a magistrate under the said Code for the purposes of such recovery.

[1][(6) An order made by a Rent Authority under this Act, or an order passed in appeal, shall be executable by a Rent Authority designated by the Appellate Authority in this behalf and for this purpose the Rent Authority so designated shall have all the powers of a Civil Court.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 7

Section 38. Procedure to be followed by Rent Authority

(1) No order which prejudicially affects any person shall be made by the Rent Authority under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Rent Authority.

(2) Subject to any rule made under this Act and the other provisions of this Act, the Rent Authority shall, while holding an inquiry in any proceeding before him, follow as far as may be the practice and procedure of a court of small causes, including the recording of evidence.

(3) The Rent Authority shall not ordinarily allow more than three adjournments at the request of a party throughout the proceedings and in case he decides to do so, he shall inform the chairman the reasons therefore and order to pay the other party the reasonable cost.

(4) The Rent Authority shall issue summons in relation to every application under this Act in the form specified in Schedule III to this Act.

(5) The Rent Authority shall, in addition to, and simultaneously with the issue of summons for service on the opposite party, also direct the summons to be served by registered post, acknowledgement due, under certificate of posting addressed to the opposite party or his agent authorised to accept the service at the place where the opposite party or his agent actually and voluntarily resides or carries on business or personally works for gain, and shall also direct affixing of the same on the door of the premises in dispute and gets a manadi in this behalf. This shall constitute valid service of summons.

(6) (a) An application under section 19 for cutting off essential services shall be dealt with in accordance with the procedure specified in this sub- section.

(b) The Rent Authority shall commence the hearing of the application within seven days of the filing thereof and shall dispose of the same within thirty days of starting of such hearing, failing such commencement of hearing of application within such time, the Rent Authority shall inform the [1][Appellate Authority]the reasons therefore.

(7) (a) Every application by a landlord for the recovery of possession of any premises on the ground specified in clause (d) or clause (e) or clause (g) of sub-section (2) of section 20 or under section 21, or under section 22 or under section 23 or under section 24 or under section 31 shall be dealt with in accordance with the procedure specified in this sub-section.

(b) The tenant on whom the summons is duly served in accordance with sub- section (5) in the Form specified in Schedule III to this Act shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Rent Authority as hereinafter provided; and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(c) The Rent Authority shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the premises.

(d) Where leave is granted to the tenant to contest the application, the Rent Authority shall ordinarily commence the hearing of the application within seven days of the grant of such leave and shall provide day to day hearing and shall dispose of the application within thirty days of starting of such hearing failing such commencement of hearing or disposal of application within such time, the Rent Authority shall inform the [2][Appellate Authority]the reasons therefore.

(e) Where the leave to contest under clause (c) is denied to the tenant he may file an application for review before the Rent Authority within ten days of such denial and the Rent Authority shall endeavour to dispose of such application within seven days of its filing.

(8) Every application made to the Rent Authority shall be heard as expeditiously as possible and, subject to the provisions of sub-section (6) and (7), endeavour shall be made to conclude the hearing and to dispose of the application within six months of its being filed.

(9) In all proceedings before him, the Rent Authority shall consider the question of costs and award such costs to or against any party as the Rent Authority considers reasonable.

(10) When the ejectment decree is passed under this Act, the Rent Authority shall in addition pass order for recovery of arrears of rent and other charges along with interest at the rate of fifteen per cent per annum, recoverable as arrears of Land Revenue.

[1] Substituted for words "Chairman of the Tribunal" by Punjab Act No. 23 of 2014, Section 8
[2] Substituted for words "Chairman of the Tribunal" by Punjab Act No. 23 of 2014, Section 8

Section 38-A. Application to Rent Authority

Every application to the Rent Authority shall be in such Forms as provided in the relevant Schedule to this Act alongwith relevant documents and other required evidence, fees for various applications and processes shall be the same as applicable to a Rent Controller under the provisions of the Court Fees Act, 1870, as amended by the State of Punjab.

CHAPTER VI [APPELLATE AUTHORITY]

Section 39 to 49. [***]

[1][****]

[1] Omitted by Punjab Act No. 23 of 2014, Section 10

Section 50. Jurisdiction, powers and authority of the Appellate Authority

[1][(1) Save as otherwise expressly provided in this Act, the State Government may, by a general or special order, by notification confer on such officers and authorities, as it may think fit, the powers of Appellate Authority in relation to,-

(a) all appeals against the orders of the Rent Authority under this Act;

(b) any other matter, except the registration of agreements referred to in sub-section (2) of section 4 of this Act, arising from the provisions of this Act; and

(c) review of its own orders and decisions.

(2) The Appellate Authority may, either suo moto or on application of any of the parties and after notice to the parties and after hearing such of them as it may desire to be heard, call for records of any case pending before the Rent Authority under this Act, and either itself try the case or give direction for disposal of the case to such Rent Authority.

(3) Any person aggrieved by an order passed or a decision made by a Rent Authority may, within thirty days from the date of such order or decision, prefer an appeal, in writing, to the Appellate Authority in the prescribed form and accompanied by certified copy of the order or decision appealed against:

Provided that an appeal may be entertained after the expiry of the said period of thirty days, if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within the specified period.

(4) In computing the aforesaid period of thirty days, the time taken in obtaining certified copy of the order or decision to be appealed against shall be excluded.

(5) An appeal shall lie to the Appellate Authority from every order or decision of Rent Authority made under this Act both on question of law and facts:

Provided that no appeal shall lie against an order or decision of the Rent Authority made under section 21 or section 33 of this Act.

(6) On receipt of an appeal under sub-section (3), the Appellate Authority shall, if satisfied, after such inquiry as it may deem necessary that the appeal is a fit case for adjudication by it, entertain such appeal, but if the Appellate

Authority is not so satisfied, it may summarily reject the appeal after recording its reason.

(7) The Appellate Authority shall endeavour to dispose of an appeal against the order or decision of the Rent Authority under clause (d), clause (e), or clause (q) of sub-section (2) of section 20 of sections 21, 22, 23, 24 or 31 within one month of filing of such appeal.

(8) The Appellate Authority shall have the power to effect conciliation between the parties in any case pending before it.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 11

Section 51. [***]

[1][***]

[1] Omitted by Punjab Act No. 23 of 2014, Section 12

Section 52. Application to the Appellate Authority

[1][(1) Subject to the other provisions of this Act, a person, aggrieved by any order pertaining to any matter within the jurisdiction of the Appellate Authority, may make an application to the Appellate Authority in the form specified in Schedule XIII appended to this Act for the redressal of his grievance.

(2) Every application under sub-section (1) shall be in such form and be accompanied by such affidavits, documents or any other evidence and by such fees in respect of the filing of such applications and by such other fees for the service or execution of processes under the provisions of the Court Fees Act 1870, as amended by the State Government from time to time.

(3) On receipt of an application under sub-section (1), the Appellate Authority shall, if satisfied after such inquiry as it may deem necessary that the application is a fit case for adjudication or trial by it, entertain such application but where the Appellate Authority is not so satisfied, it may summarily reject the application after recording its reasons.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 13

Section 53. [***]

[1][***]

[1] Omitted by Punjab Act No. 23 of 2014, Section 14

Section 54. Conditions as to making of Interim order

[1][Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay) shall be made on, or in any proceeding relating to, an application or appeal unless,-

(a) copies of such application or appeal and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or appeal is preferred; and

(b) an opportunity is given to such party to be heard in the matter:

Provided that the Appellate Authority may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure, if it is satisfied, for reasons to be recorded, in writing, that it is necessary so to do for preventing any loss being caused to the applicant or the appellant, as the case may be, which cannot be adequately compensated in money, but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period or the Appellate Authority has continued the operation of the interim order.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 15

Section 55. Appearance before the Appellate Authority

[1][A person making an application or preferring an appeal to the Appellate Authority under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Appellate Authority.]

[1] Substituted by Punjab Act No. 23 of 2014, Section 15

Section 56 to 59. [***]

[1][***]

[1] Omitted by Punjab Act No. 23 of 2014, Section 16

Section 60. [***]

[1][***]

[1] Omitted by Punjab Act No. 33 of 2013, Section 20

Section 61 to 64. [***]

[1][*****]

[1] Omitted by Punjab Act No. 23 of 2014, Section 16

Section 65. Amendment of orders

Clerical or arithmetical mistakes in any order passed by the [1][Appellate Authority] or Rent Authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the [1][Appellate Authority] or, as the case may be, the Rent Authority on an application received in this behalf from any of the parties or otherwise.

[1] Substituted for word "Tribunal" by Punjab Act No. 23 of 2014, Section 17

Section 66. Finality of Orders

Save as otherwise expressly provided in this Act, every order made by the Rent Authority or an order passed on appeal under this Act shall be final and shall not be called in question, in any original suit, application or execution proceeding.

CHAPTER VII PENALTIES

Section 67. Penalties

[1][(1) ***]

(2) If any landlord or tenant contravenes the provisions of subsection (1) of section 19, he shall be punishable with fine equivalent in amount to the rent for three months or with one month's imprisonment or with both, and shall also be liable to fine of [2][five hundred rupees] for each day commencing on the date of cutting off or withholding essential supply or service till the date the essential supply or service is restored.

(3) If any tenant sublets, assigns or otherwise parts with the possession of the whole or part of any premises in contravention of the provisions of section 26, he shall be punishable with fine which may extend to [3][ten thousand rupees], or double the rent received by the tenant for sub-letting for every month till such time the cause of complaint ceases, whichever is more or with imprisonment for a term of one month.

(4) If any landlord makes a false statement in his affidavit under Explanation I to clause (q) of sub-section (2) of section 20, he shall be punishable with fine which may extend to [4][ten thousand rupees], or double the rent receivable for a period of three years in case it has been re-let, whichever is more.

(5) If any landlord re-lets or transfers the whole or any part of any premises in contravention of sub-section (1) of section 29, he shall be punishable with fine which may extend to [5][ten thousand rupees], or double the rent the landlord receives after re-letting whichever is more, or imprisonment which may extend to one month.

Explanation - For the purposes of this sub-section and sub- section (3), in cases where it is difficult to prove the rent which the landlord or the tenant, as the case may be, is receiving after re-letting or sub-letting, the fine may extend to five thousand rupees.

(6) If, after the tenant has delivered possession, the landlord fails to commence the work of repairs of building or re-building, as the case may be, within three months of the specified date under sub-section (3) of section 30, he shall be punishable with fine equivalent to rent for three months.

(7) If a landlord contravenes the provisions of sub-section (2) of section 30, he shall be punishable with fine which may extend to six months' rent of the premises.

(8) If a tenant fails to make re-entry under sub-section (2) of section 30 within three months from the date of the completion of repairs or building or re-building, as the case may be, intimated in writing by the landlord, without reasonable excuse, he shall forfeit his right to re-entry and shall be punishable with fine equivalent to three months' rent of the premises.

[1] Omitted by Punjab Act No. 33 of 2013, Section 21
[2] Substituted for words 'one hundred rupees' by Punjab Act No. 33 of 2013, Section 21
[3] Substituted for words 'five thousand rupees' by Punjab Act No. 33 of 2013, Section 21
[4] Substituted for words 'five thousand rupees' by Punjab Act No. 33 of 2013, Section 21
[5] Substituted for words 'five thousand rupees' by Punjab Act No. 33 of 2013, Section 21

CHAPTER VIII MISCELLANEOUS

Section 68. Jurisdiction of civil courts barred in respect of certain matters

Save as otherwise expressly provided in this Act, no civil court shall entertain any suit or proceedings insofar as it relates to any other matter to which this Act applies or to any other matter which the Rent Authority is empowered by or under this Act to decide and no injunction in respect of any action taken or to be taken by the Rent Authority or the [1][Appellate Authority] under this Act shall be granted by any civil court or other authority.

[1] Substituted for word "Tribunal" by Punjab Act No. 23 of 2014, Section 18

Section 69. Rent Authorities to be public servants

All Rent Authorities and Additional Rent Authorities appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Section 70. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any Rent Authority or Additional Rent Authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Section 71 & 72. [***]

[1][****]

[1] Omitted by Punjab Act No. 33 of 2013, Section 22

Section 73. Power of Government to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section, shall as soon as may be, after it is made, be laid before the Vidhan Sabha.

Section 74. Power of Government to frame rules

(1) The State Government may, by notification in the Official Gazette make Rules for the purpose of carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Vidhan Sabha, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, the House agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 75. Repeal and Savings

[1][(1) On the commencement of this Act, the East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act No. III of 1949), is hereby repealed:

Provided that such repeal shall not affect,-

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed under the Act so repealed; and

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability penalty, forfeiture,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

(2) Notwithstanding the repeal of the East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act No. III of 1949), under sub-section (1), all cases and other proceedings in respect of the premises, other than owned by a non-resident Indian, let out prior to the commencement of this Act shall be governed and disposed of in accordance with the provisions of the Act so repealed.]

[1] Substituted by Punjab Act No. 33 of 2013, Section 23

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

SCHEDULE I Form of Agreement (official file, page 59)
SCHEDULE II Repairs & Responsibility (official file, page 61)
SCHEDULE III Form of Summons (official file, page 62)
[SCHEDULE IV] (official file, page 63)
SCHEDULE V Form of notice for Enhancement of rent (official file, page 63)
SCHEDULE VI Form of notice for inspection (official file, page 64)
SCHEDULE VII Form of Notice for payment of arrears (official file, page 65)
[SCHEDULE VIII] (official file, page 65)
SCHEDULE IX Form of application for re-letting under section 29 (official file, page 66)
SCHEDULE X Form of notice under section 27 (official file, page 67)
SCHEDULE XI Form of application for re-entry under sub-section (2) of section 29 and sub-section (4) of section 30 (official file, page 68)
SCHEDULE XII Form of application for Eviction under sub-section (2) of section 20 (official file, page 69)
SCHEDULE XIII [Form of application for appeal to the Appellate Authority under section 52.] (official file, page 71)
SCHEDULE XIV Form of application for permission for limited period tenancy under section 31 (official file, page 72)
[SCHEDULE XV] (official file, page 72)

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