# The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972

Act U.P. Act No. 13 of 1972. 53 sections, repealed. Bare Act with the official footnotes.

Source: India Code, Government of Uttarakhand (Department of Urban Development), as updated to 15 July 2026. This is the official text as held in Law Maker's Bare Acts library, checked against the official file; for use in court or an exam hall, check the Gazette or India Code copy.

Official file: https://indiacode.gov.in/server/api/core/bitstreams/aaae7f9b-6ee2-41aa-b962-5189872f8101/content

Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/uttar-pradesh-urban-buildings-regulation-of-letting-rent-and-eviction-act-1972

**Repealed in Uttar Pradesh by section 46(1) of the Uttar Pradesh Regulation of Urban Premises Tenancy Act, 2021 (U.P. Act No. 16 of 2021), deemed in force from January 11, 2021, which provides that this Act "is hereby repealed", while section 46(2) keeps cases pending under it at that commencement to be decided under this Act.**

## Contents

Chapter I Preliminary (Sections 1 to 3)
CHAPTER II Regulation of Rent (Sections 4 to 10)
Chapter III Regulation of Letting (Sections 11 to 19)
CHAPTER IV Regulation of Eviction (Sections 20 to 24)
CHAPTER IV-A Summary Trial of Certain Applications (Sections 24-A to 24-C)
CHAPTER V Regulation of other Rights and Obligations of Landlord and Tenant (Sections 25 to 30)
CHAPTER VI Penalties and Procedure (Sections 31 to 35)
Chapter VII Miscellaneous and Transitional Provisions (Sections 36 to 44)
Schedules (1): see the end of this PDF

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on January 18, 1972, and by the Uttar Pradesh Legislative Council on January 21, 1972]

[Received the assent of the President on March 8, 1972 under Article 201 of the constitution of India and was published in the Uttar Pradesh Gazette, Extraordinary, dated March 13, 1972.]

AN ACT

to provide, in the interest of the general public, for the regulation of letting and rent of, and the eviction of tenants from, certain classes of buildings situated in urban areas, and for matters connected therewith.

It is hereby enacted in the Twenty-third year of the Republic of India as follows:--

## Chapter I Preliminary

### Section 1. Short title, extent, application and commencement

(1) This Act may be called the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall apply to-

(a) every city as defined in the Uttar Pradesh Nagar Mahapalika, Adhiniyam, 1959;

(b) every municipality as defined in the United Provinces Municipalities Act, 1916;

(c) every notified area, constituted under the United Provinces Municipalities Act, 1916; and

(d) every town area, constituted under the United Provinces Town Areas Act, 1914:

Provided that the State Government, if it is satisfied that it is necessary or expedient so to do in the interest of the general public, residing in any other local area, may by notification in the Gazette declare that this Act or any part thereof shall apply to such area, and thereupon this Act or part shall apply to such area :

Provided further that the State Government, if it is satisfied that it is necessary or expedient so to do in the interest of general public, may by notification in Gazette-

(i) cancel or amend any notification issued under the preceding proviso; or

(ii) declare that the Act or any part thereof, as the case may be, shall cease to apply to any such city, municipality, notified area town area or other local area as may be specified, and thereupon this Act or part shall cease to apply to that city, municipality, notified area town area or other local area, and may in the like manner cancel or amend such declaration.

(4) It shall come into force on such date[1] as the State Government may me by notification in the Gazette appoint,

[1] July 15, 1972 (vide. Notification no. 3409/XXIX-E-59-72 dated June 27,1972

## Section 2. Exemptions from operation of Act

(1) Nothing in this Act shall apply to [the following; namely -:][1]

[(a) any building of which the Government or a local authority or a public sector corporation [or a Cantonment Board][2] is the landlord; or ][3]

(b) any building belonging to or vested in a recognized educational institutions, [***][4] ; or

[(bb) any building belonging to or vested in a public charitable or public religious institution;

(bbb) any building belonging to or vested in a waqf including a waqf-alal-aulad;][5]

(c) any building used or intended to be used as a factory with in the meaning of the Factories Act, 1948 [where the plant of such factory is leased out along with the building][6] ; or

(d) any building used or intended to be used for any other industrial purpose (that is to say, for the purpose of manufacture, preservation or processing of any goods) or as a cinema or theatre, where the plant and apparatus installed for such purpose in the building is leased out along with the building:

Provided that nothing in this clause shall apply in relation to any shop or other building, situated within the precincts of the cinema or theatre, the tenancy in respect of which has been created separately from the tenancy in respect of the cinema or theatre; or

(e) any building used or intended to be used as a place of public entertainment or amusement (including any sports- stadium, but not including a cinema or theatre), or any building appurtenant thereto; or

(f) any building built and held [***][7] by a society registered under the Societies Registration Act, 1860, or by a co-operative society, company or firm, and intended solely for its own occupation or for the occupation of any of its officers or servants, whether on rent or free of rent, or as a guest house, by whatever name called, for the occupation of persons having dealing with it in the ordinary course of business.

[***][8]

[(g) any building, whose monthly rent exceeds two thousand rupees;

(h) any building of which a Mission of a foreign country or any international agency is the tenant;][9]

(2) [Except as provided in sub-section (5) of section 12, sub-section (1-A) if section 21, sub-section (2) of section 24, section 24-A, 24-B, 24-C or sub-section (3) of section 29, nothing in this Act shall apply to a building during a period of ten years from the date on which its construction is completed :][10]

[Provided that where any building is constructed substantially out of funds obtained by way of loan or advance from the State Government or the Life Insurance Corporation of India or a bank or a co-operative society or the Uttar Pradesh Avas Evam Vikas Parishakd, and the period of repayment of such loan or advance exceeds the aforesaid period of ten years then the reference in this sub-section to the period of ten years shall be deemed to be a reference to the period of fifteen years or the period ending with the date of actual repayment of such loan or advance (including interest), whichever is shorter:][11]

[Provided further that where construction of a building is completed on or after April 26, 1985 then the reference in this sub-section to the period of ten years shall be deemed to be a reference to a period of [forty years][12] from the date on which its construction is completed.][13]

Explanation- [(1)][14] - [For the purposes of this section][15] --

(a) the construction of a building shall be deemed to have been completed for the date on which the completion thereof is reported to or otherwise recorded by the local authority having jurisdiction, and in the case of a building subject to assessment, the date on which the first assessment thereof comes into effect and where the said dates are different, the earliest of the said dates, and in the absence of any such report, record or assessment, the date on which it is actually occupied (not including occupation merely for the purposes of supervising the construction or guarding the building under construction) for the first time :

Provided that there may be different dates of completion of construction in respect of different parts of a building which are either designed as separate units or are occupied separately by the land lord and one or more tenants or

by different tenants ;

(b) "construction" includes any new construction in place of an existing building which has been wholly or substantially demolished ;

(c) where such substantial addition is made to an existing building that the existing building becomes only a minor part thereof the whole of the building including the existing building shall be deemed to be constructed on the date of completion of the said addition.

[Explanation-II-- The expression 'bank' means -

(i) a banking company, as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary Bank. as defined in the State Bank if India (Subsidiary Banks) Act; 1959;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(v) a Financing Bank or Central Bank (as defined in the Uttar Pradesh Co-operative Societies Act, 1965), not being a Land Development Bank; and

(vi) an other financial institution notified by the State Government in the Gazette as a bank for the purpose of this Act.

Explanation-III-- A building shall be deemed to be constructed substantially out of funds obtained from sources mentioned in the proviso, if the funds obtained from one or more of such sources account for more than one-half of the cost of construction.][16]

(3) [***][17]

[1] Subs. by section 2(a)(i) of U.P. Act No. 17 of 1985.
[2] Subs. by section 2(a)(i) of U.P. Act No. 5, 1995.
[3] Subs. by section 2 (a)(ii) ibid.
[4] Omitted by section 2(a)(ii) ibid.
[5] Insertion by section 2(a)(iii) ibid.
[6] Ins. by Section 5 of President's Act 19, 1973 which Was re-enacted with modifications by U. P. Act No. 30 of 1974
[7] Omitted by section 2(a)(i)(b)(ii) of U.P. Act No. 28, 1976.
[8] Omitted by section 2(a)(i) of U.P. Act No. 17 of 1985
[9] Added by section 2(a)(iv) of U.P. Act No. 5, 1995.
[10] Subs. by section 2 (b) (i) of U.P. Act No. 28, 1976.
[11] Added by section 2 (b)(ii) ibid.
[12] Subs. by section 2 of U.P. Act No. 11, 1988.
[13] Added by section 2(b)(i).
[14] Re-numbered by section 2(b)(iii) ibid.
[15] Subs. by section 2 (b)(ii) ibid.
[16] Added by section 2 (b) (iii) of U.P. Act No. 28, 1976.
[17] Omitted by section 2 (b) of U.P. Act No. 5, 1995.

## Section 2-A. Special provisions for short term licnece

(1) Notwithstanding anything contained in this Act, a person occupying a building as owner or as tenant or in any other capacity (hereinafter in this section referred to as licensor) may permit any other person (hereinafter in this section referred to as license) to occupy for purely temporary residential accommodation for a period not exceeding three months without any order of allotment under section 16:

Provided that intimation of the grant of such licence shall be given jointly by the licensor and the licensee to the District Magistrate within one month from the date of occupation of the building or part by the licensee:

Provided further that the District Magistrate may by order extend the maximum period of such temporary occupation up to 6 months in the aggregate (including the original period of occupation) :

Provided also that similar licence shall not be granted again to any other person in respect of the same building or part within a period of one year from the date of vacation of the building or part by the last licensee.

(2) Such licensee shall not be deemed to be a tenant for purposes of section 20, notwithstanding that he pays or is liable to pay rent for such occupation.

(3) Such licensor shall not be deemed to have ceased to occupy such building or part within the meaning of section 12 merely on the ground of having granted such licence.

(4) The District Magistrate shall not make an allotment under section 16 in respect of the building or part vacated by the licensee except with the consent of the landlord.

(5) If the licensee omits or refuses to vacate the building or part after the expiry of the period of licence the licensor may make an application to the prescribed authority for his eviction and the prescribed authority shall thereupon order his eviction, and its order shall be final:

Provided that no order shall be made under this sub-section except after giving to the parties concerned a reasonable opportunity of being heard.

(6) The provisions of section 23 shall apply to an order made under sub-section (5) as if it were an order made under section 21 or under section 22.

## Section 2-B. Constitution of Rent Control Tribunals

(1) The State Government may, by a notified order, constitute one or more Tribunals (to be called Rent Control Tribunals) in each district and may likewise cancel or amend such order.

(2) Where a Tribunal has been constituted in a district under sub-section (1), the State Government may, by a notified order, confer all or any of the posers of the District Magistrate or the prescribed authority under this Act on such Tribunal. and thereupon, such Tribunal shall, notwithstanding anything contained in any other provision of this Act, be deemed to be the District Magistrate or the prescribed authority, as the case may be, for the purposes of this Act and all cases pending with the District Magistrate or with the prescribed authority, as the case may be, immediately before the constitution of such Tribunal shall stand transferred to the Tribunal and any further proceedings before the Tribunal shall continue from the stage at which a case is so transferred, and the cases shall be disposed of by the Tribunal.][1]

[1] Added by section 3 of U.P. Act No. 28, 1976.

## Section 3. Definitions

In this Act, unless the context otherwise requires -

(a) "tenant", in relation to a building, means a person by whom its rent is payable, and on the tenant's death --

[(1) in the case of a residential building, such only of his heirs as normally resided with him in the building at the time of his death;

(2) in the case of a non-residential building, his heirs;][1]

[Explanation- An occupant of a room in a hotel or a lodging house shall not be deemed to be a tenant;][2]

(b) "house tax" means the tax mentioned in section 128(1) (i) of the United Provinces Municipalities Act, 1916, or section 173 (1) (a) of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, or, as the case may be, section 14(1) (e) of the United Provinces Town Areas Act, 1914;

(c) "District Magistrate" includes an officer authorized by the District Magistrate to exercise, perform and discharge all or any of his powers, functions and duties under this Act, and different officers may be so authorized in respect of different areas of cases or classes of cases, and the District Magistrate may recall any case from any such officer and either dispose of it himself or transfer it to any other such officer for disposal :

[Provided that nothing in this clause shall be construed to empower the District Magistrate to delegate his power to make or authorize the making of a complaint under section 33; ][3]

(d) "prescribed", except in clause (e), means prescribed by rules made under this Act;

[(e) "prescribed authority" means a Civil Judicial Officer or Judicial Magistrate authorized by the District Judge to exercise, perform and discharge all or any of the powers, functions and duties of the prescribed authority under this Act, and different officers may be so authorized in respect of different areas or cases, or classes of case, and the District Judge may recall any case from any such officer and may transfer it for disposal to any other such officer;][4]

(f) "assessment", in relation to a building, means the assessment or proportionate assessment, as the case may be, of the letting value thereof by the local authority having jurisdiction and "assessed" shall be construed accordingly;

(g) "family", in relation to a landlord or tenant of a building, means his or her-

(i) spouse,

(ii) male lineal descendants,

(iii ) such parents, grand parents and any unmarried or widowed or divorced or judicially separated daughter or daughter of a male lineal descendant, as may have been normally residing with him or her,

and includes, a relation to a landlord, any female having a legal right of residence in that building ;

(h) "the old Act", means the United Provinces (Temporary) Control of Rent and Eviction Act, 1947;

(i) "building", means a residential or non-residential roofed structure and includes-

(i) any land (including any garden), garages and out- houses, appurtenant to such building;

(ii) any furniture supplied by the landlord for use in such building;

(iii) any fittings and fixtures affixed to such building for the more beneficial enjoyment thereof;

(j) "landlord", in relation to a building, means n, person D whom its rent is or if' the building were let, would be, payable and includes, except in clause (o), the agent or attorney, of such person;

(k) "standard rent", subject to the provisions of section 6,8,and 10, means-

(i) in the case of a building governed by the old Act and let out at the time of the commencement of this Act-

(a) where there is both an agreed rent payable therefor at such commencement as well as a reasonable annual rent which in this Act has the same meaning as in section 2(f) of the old Act, reproduced in the Schedule the agreed rent or the reasonable annual rent plus 25 per cent thereon, whichever is greater;

(b) where there is no agreed rent, but there is a rea-sonable annual rent, the reasonable rent plus 25 per cent thereon;

(c) where there is neither agreed rent nor reasonable annual rent, the rent as determined under section 9 ;

(ii) in any other case, the assessed letting value, for the time being in force, and in the absence of assessment, the rent determined under section 9;

(l) "State Government" means the Government of Uttar Pradesh;

(m) "local authority" means a Nagar Mahapalika, municipal board, notified area committee or town area committee [a Zila Parishad, a Development Authority established under the Uttar Pradesh Urban Planning and Development Act, 1973, or the Uttar Pradesh Avas Evam Vikas Parishad established under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965][5] ;

[(n) "improvement" in relation to a building, means any addition to it or alteration thereof or the provision of any new amenity to the tenant, and includes all repairs made in any year the cost whereof exceeds the amount of two month's rent thereof ;

(o) "public building" means any building belonging to or taken on lease or requisitioned by or on behalf of the Central Government or a State Government (including the Government of any other State) and includes any building belonging to or taken or lease by or on behalf of any local authority or any public sector corporation;

(p) "public sector corporation" means any corporation owned or controlled by the Government and includes any company as defined in section 3 of the Companies Act, 1956 in which not less than fifty per cent of the paid up share capital is held by the Government;

(q) "recognized educational institution" means [any University established by law in India, or][6] any institution recognized under the Intermediate Education Act, 1921 or the Uttar Pradesh Basic Education Act, 1972 or recognized or affiliated under the Uttar Pradesh State Universities Act, 1973;

(r) "charitable institution" means any establishment, undertaking organization or association formed for a charitable purpose and includes a specific endowment;

Explanation- For the purposes of this clause, the words 'charitable purpose includes relief of poverty, education, medical relief and advancement of any other object of utility or welfare to the general public or any section thereof, not being an object of an exclusively religious nature;

(s) "religious institution" means a temple, math, mosque, church, gurudwara or any other place of public worship [***][7] .][8]

[1] Subs. by section 8 of U. P, Act No 37 of 1972 and be deemed always to have been substituted.

[2] Added by section 4(i) ibid.

[3] Subs. by section 2(i) of U. P. Act no. 19 of 1974.

[4] Subs. by section 4 (ii) of U.P. Act No. 28, 1976.

[5] Subs. by section 4 (iii) of U.P. Act No. 28, 1976.

[6] Added by section 3 of U. P. Act No. 17 of 1985.

[7] Omitted by section 3 of U.P. Act No. 5 of 1995.

[8] Subs. by section 4 (iv) of U.P. Act No. 28, 1976.

## CHAPTER II Regulation of Rent

### Section 4. Prohibition of premium, and rent payable generally

(1) No landlord shall take or receive for admitting a tenant to any building any premium or additional payment over and above the rent payable therefor, nor shall a tenant take or receive any premium for admitting a sub-tenant or any other person.

(2) Except as provided in sections 5, 6, 7, [8, 9-A and 10][1], the rent pay-able for any building shall be such as may be agreed upon between the landlord and the tenant, and in the absence of any agreement, the standard rent,

[1] Subs. by section 4 of U. P. Act No. 17 of 1985.

### Section 5. Rent payable in case of old building

In the case of a tenancy continuing from before the commencement of this Act, in respect of a building to which the old Act was applicable the landlord may, by notice in writing, given within three months from the commencement of this Act, enhance the rent payable therefor to an amount not exceeding the standard rent, and the rent so enhanced shall be payable from the commencement of this Act.

### Section 6. Effect of improvement on rent

Notwithstanding anything contained in section 4 or section 5, but subject to the provisions of section 8, where the landlord has, after the commencement of this Act, either with the consent of the tenant or in pursuance of any requirement of law, made any improvement in a building, he may by notice in writing to the tenant given within three months from the date of completion of the improvement enhance the monthly rent of the building by an amount not exceeding one per cent of the actual cost of such improvement, with effect from the said date, and thereupon the standard rent of that building shall stand enhanced accordingly.

### Section 7. Liability to pay taxes

Subject to any contract in writing to the contrary, but notwithstanding anything contained [1][in section 149 of the Uttar Pradesh Municipalities Act, 1916] the tenant shall be liable to pay to the landlord in addition to and as part of the rent, the following taxes or proportionate part thereof, if any, payable in respect of the building or part under his tenancy, namely:

(a) the water tax;

(b) twenty-five per cent of every such enhancement in house tax made after this commencement of this Act, or such portion thereof, as is not occasioned on account of the increase in the assessment of the building as a result of the enhancement of rent under the provisions of section 5 :

Provided that nothing in this section shall apply in relation to a tenant the rate of rent payable by who for the time being (excluding any enhancement of rent under provisions of section 5) does not exceed twenty-five rupees per month.

[1] Subs. by section 11 UP Act no 17 of 1999.

### Section 8. Disputes regarding amount of standard rent, etc

(1) Where a dispute arises with regard to the amount of the standard rent or to the amount of enhancement in rent permissible under section 5 or section 6 or to the date with effect from which such enhancement shall take effect, or to the amount of taxes payable by the tenant under section 7, or to the amount of proportionate rent payable by the tenant after a part of the building or any land appurtenant thereto is released under section 16 or section 21, or to the amount of rent payable by the original tenant for the new building allotted to him under sub-section (2) of section 24, the District Magistrate shall, on an application being made in that behalf by order [determine such dispute][1].

(2) Where the assessment of a building occupied by a tenant is lower them the agreed rent payable therefor, the District Magistrate, on an application of the tenant or of his own motion may, after giving to the landlord an opportunity of being heard, direct the local authority concerned to enhance the assessment in accordance with the agreed rent with effect from the elate from which the agreed rent has such payable or the date of commencement of this Act, whichever is later, and thereupon, notwithstanding anything contained in the law relating to that local authority, the assessment shall be corrected accordingly.

(3) Every order under sub-section (1) or sub-section (2) shall, subject to the result of any appeal preferred under section 10, be final.

[1] Subs, by section 6 of President. Act No. 19 of 1973 which was re-enacted with modification by U. P. Act No. 30 of 1974.

## Section 9. Determination of standard rent

(1) In the case of a building to which the old Act was applicable and which is let out at the time of the commencement or this Act in respect of which there is neither ally reasonable annual rout nor any agreed rent or in any other case where there is neither any agreed rent nor any assessment in force, the District Magistrate shall, on an application being made in that behalf, determine the standard rent.

(2) In determining the standard rent, the District Magistrate may consider-

(a) the respective market value of the building and of its side immediately before the date of commencement of this Act or the date of letting, whichever is later (hereinafter in this section referred to as the said date) ;

(b) the cost of construction, maintenance and repairs of the building;

(c) the prevailing rents for similar buildings in the locality immediately before the said date;

(d) the amenities provided in the building;

(e) the latest assessment, if any, of the building;

(f) any other relevant fact which appears in the circumstance of the ease to he material.

[(2-A) Subject to the provisions of sub-section (2), the District Magistrate shall ordinarily consider ten per centum per annum on the market values of the building (including its site) on the said date to be the annual standard rent thereof and the monthly standard rent, shall be equal to one-twelfth of the annual standard rent so calculated.][1]

(3) Every order made under sub-section (1) shall, subject to the result of any appeal preferred under section 10, be final.

[1] Added by section 5 of U.P. Act No. 28, 1976.

## Section 9-A. Revision of rent of commercial buildings let out by public religious institutions

(1) Where any building belonging to a public charitable or public religious institution has been let out to a tenant for the purposes of a shop or commercial establishment, then notwithstanding anything contained in this Chapter or in any contract or lease, the landlord of such building may apply to the District Magistrate for revision of the monthly rent payable therefor and such rent shall be revised to a sum equivalent to one-twelfth of ten per centum of the market value of the building under tenancy:

Provided that the rent revised under this sub-section shall not exceed double the rent payable on the date of the application by the landlord under this sub-section.

(2) The rent revised under sub-section (1) shall be payable by the tenant from the commencement of the month of tenancy next following the date of the application.

(3) Where the rent of any building has been revised in accordance with sub-section (1), then the landlord shall not be entitled to move a fresh application under the said sub-section within a period of five years from the date of the final order.

Explanation- In this section, the expressions 'shop' and 'commercial establishment' shall have the meaning assigned to them in the Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962, as amended from time to time.][1]

[1] Added by section 6 of U.P. Act No. 28, 1976.

## Section 10. Appeal against order under sections [8, 9 and 9-A][1]

(1) Any person aggrieved by an order of the District Magistrate under section 8 or section 9 [or section 9-A][2] may, within thirty days from the date of the order, prefer an appeal against it to the District Judged and the District Judge may either dispose it of himself or assign it for disposal to any Additional District Judge under his administrative control, and may recall it from any such officer, or transfer it to any other such officer.

(2) The appellate authority may confirm, vary or rescind the order, or remand the case to the District Magistrate for rehearing, and may also take any additional evidence, and pending its decision, stay the operation of the order under appeal on such terms, if any, as it thinks fit.

(3) No further appeal or revision shall lie against any order passed by the appellate authority under this section, and its order shall be final.

[1] Subs. by section 5(a) of U. P. Act No. 17 of 1985.

[2] Subs. by section 5 (b) ibid.

# Chapter III Regulation of Letting

## Section 11. Prohibition of letting without allotment order

Save as hereinafter provided, no person shall let any buildings except in pursuance of an allotment order issued under section 16.

## Section 12. Deemed vacancy of building in certain cases

(1) A land lord or tenant of a building shall be deemed to have ceased to occupy the building or' part thereof if-

(a) he has substantially removed his effects therefrom, or

(b) he has allowed if to he occupied by any person who is not a member of his family, or

(c) in the case of a residential building, he as well as members of his family have taken up residence, not being temporary residence, elsewhere.

(2) In the case of a non-residential building, where a tenant carrying on business in the building admits a person who is not a member of his family as a partner or a now partner , as the case may be, the tenant shall be deemed to have ceased to occupy the building.

(3) In the case of a residential building if the tenant or any member of his family builds or otherwise acquires in a vacant state or gets vacated a residential building in the same city, municipality, notified area or town area in which the building under tenancy is situate, he shall be deemed to have ceased to occupy the building under his tenancy:

Provided that if the tenant or any member of his family had built any such residential building before the date of commencement of this Act, then such tenant shall be deemed to have ceased to occupy the building under his tenancy upon the expiration of a period of one year from the said date.

[Explanation- For the purposes of this sub-section :--

(a) a person shall be deemed to have otherwise acquired a building,, if he is occupying a public building for residential purposes as a tenant, allottee or licensee;

(b) the expression 'any member of family' in relation to a tenant, shall not include a person who has neither been normally residing with nor is wholly dependent on such tenant.][1]

[(3-A) If the tenant of a residential building holding a transferable post under ay Government or local authority or a public sector corporation or under any other employer has been transferred to some other city, municipality, notified area or town are, then such tenant shall be deemed to have ceased to occupy such building with effect from the thirtieth day of June following the date of such transfer or from the date of allotment to him of any residential accommodation (whether any accommodation be allotted under this Act or any official accommodation is provided by the employer) in the city, municipality, notified area or town area to which he has been so transferred, whichever is later.

(3-B) If the tenant of a residential building is engaged in ay profession, trade, calling or employment in ay city, municipality notified area or town area in which the said building is situate and such engagement ceases for any reason whatsoever and he is landlord of nay other building in any other city, municipality, notified are or town area, then such tenant shall be deemed to have ceased to occupy the first mentioned building with effect from the date on which he obtains vacant possession of he last mentioned building whether as a result of proceedings under section 21 or otherwise.][2]

(4) Any building or part which a landlord or tenant has ceased to occupy within the meaning of sub-section (1), or sub-section (2), or [sub-section (3) sub-section (3-A) or sub-section (3-B)][3] shall, for the purposes of this chapter, be deemed to be vacant.

[(5) A tenant or, as the case may be, a member of his family, referred to in sub-section (3) shall have a right, as landlord of any residential building referred to in the said sub-section which may have been let out by him before the commencement of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Act, 1976 to apply under clause (a) of sub-section (1) of section 21 for the eviction of his tenant from such building, notwithstanding that such building is one to which the remaining provisions of this Act do not apply.][4]

[1] Added by section 7(i) of U. P. Act No. 28 of 1976.

[2] Added by section 7 (ii) ibid.

[3] Substituted by section 7(iii) of U. P. Act No. 28 of 1976.

[4] Added by section 7 (iv) ibid.

### Section 13. Restrictions on occupation of building without allotment or release

Where a landlord or tenant ceases to occupy a building or pan thereof, no person shall occupy it in any capacity on his behalf, or otherwise than under an order of allotment or release under section 16, and if a person so purports to occupy it, he shall, without prejudice to the provisions of section 31, be deemed to be an unauthorized occupant of such building or part.

### Section 14. Regularization of occupation of existing tenants

Notwithstanding anything contained in this Act or any other law for the time being in force, any licensee (within the meaning of section 2-A) or a tenant in occupation of a building with the consent of the immediately before the commencement of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) (Amendment) Act, 1976, not being a person against whom any suit or proceeding for eviction is pending before any court or authority on the date of such commencement shall be deemed to be in authorized licensee or tenant of such building.][1]

[1] Subs. by section 8 ibid.

### Section 15. Obligation to intimate vacancy to District magistrate

(1) Every landlord, shall on a building falling vacant by his ceasing to occupy it or by the tenant vacating it or by release from requisition or in any other manner whatsoever, give notice of the vacancy in writing to the District Magistrate not later than seven days after the occurrence of such vacancy, and such notice may at the option of the landlord be given before the occurrence of the vacancy..

(2) Every tenant so vacating a building shall give notice thereof in writing to the District Magistrate and also to the landlord not less than fifteen days before the vacancy.

(3) The notice under sub-section (1) or sub-section (2) shall contain such particulars as may be prescribed.

(4) The District Magistrate, on being satisfied on an application made to him in that behalf that there was sufficient cause for the landlord or the tenant not to give notice under sub-section (1) or sub-section (2) within time, may condone such delay.

### Section 16. Allotment and release of vacant building

(1) Subject to the provisions of this Act, the District magistrate may by order-

(a) require the landlord to let any building which is or has fallen vacant or is about to fall vacant, or a part of such building but not appurtenant land alone, to any person specified in the order (to be called an allotment order); or

(b) release the whole or any part of such building, or any land appurtenant thereto, in favour of the landlord (to be called a release order) :

[Provided that in the case of a vacancy referred to in sub-section (4) of section 12, the District Magistrate shall give an opportunity to the landlord or the tenant, as the case may be of showing that the said section is not attracted to his case before making an order under clause (a).][1]

(2) No release order under clause (b) of sub-section (1) shall be made unless the District Magistrate is satisfied that the building or any part thereof or any land appurtenant thereto is bona fide required, either in its existing form or after demolition and new construction, by the land lord for occupation by himself or any member of his family, or any person for whose benefit it is held by him, either for residential purposes or for purposes of any profession, trade, calling or where the landlord is the trustee of a public charitable trust, for the objects of the trust, or that the building or any part thereof is in a dilapidated condition and is required for purposes of demolition and new construction, or that any land appurtenant to it is required by him for constructing one or more new buildings or for dividing it into several plots with a view to the sale thereof for purposes of construction of new buildings :

Provided that no application under this sub-section shall be entertained for the purposes of a charitable trust the objects of which provide for discrimination in respect of its beneficiaries on the ground of religion caste or place of birth.

(3) The allotment order shall specify--

(a) whether the building shall be used by the tenant for residential or non-residential purposes ;

(b) in the case of business purposes, the names of proprietors or partners of the business;

(c) the date, which shall not be earlier than seven days after the date of the order, by which the landlord shall deliver possession to the allottee ;

(d) such other particulars as may be prescribed.

(4) Where the allottee or the landlord has not been able to obtain possession of the building, allotted to him or, as the

case may be, released in his favour, or any part thereof, [***][2] the District Magistrate, on an application of the allottee or the landlord, as the case may be, may by order evict or cause to be evicted any person named in the order as well as every other person claiming under him or found in occupation, and may for that purpose use or cause to be used such force as may be necessary and put or cause to be put the allottee or the land-lord in possession of the building or part.

(5) (a) Where the landlord or any other person claiming to be a lawful occupant of the building or any part thereof comprised in the allotment or release order satisfies the District Magistrate that such order was not made in accordance with clause (a) or clause (b), as the case may be, of sub-section (1), the District Magistrate may review the order:

Provided that no application under this clause shall be entertained later than seven days after the eviction of such person.

(b) Where the District Magistrate on review under this sub-section sets aside or modifies his order of allotment or release, he shall put or cause to be put the applicant, if already evicted, back into possession of the building, and may for that purpose use or cause to be used such force all may be necessary.

(6) If the District Magistrate finds an application given under sub-section (5) to be false or frivolous, he shall by order award to the allottee or the landlord, as the case may be, against the applicant special costs which shall not exceed five hundred rupees.

(7) Every order under this section shall, [subject to any order made under section 18][3] he final.

(8) The allottee shall, [subject to the provisions of sub-sections (5) and 9 and section 18][4], be deemed to become tenant of the building from the date of allotment or, where he is unable to obtain possession by reason of a stay order or of any other person having occupied or continued to occupy the building, from the date on which he obtains possession.

[(9) The District Magistrate shall, while making an order under clause (a) of sub-section (1) also require the allottee to pay to the landlord an advance, equivalent to-

(a) where the building is situated in a hill municipality, one half of the yearly presumptive rent; and

(b) in any other case, one month's presumptive rent and on his failure to make or offer the payment within a week thereof, rescind the allotment order.

Explanation- In this sub-section the expression "presumptive rent" means an amount of rent which the District Magistrate Prima facie considers reasonable having regard to the provisions of sub-section (2) and (2-A) of section 9:

Provided that such amount shall not be less than the amount of rent which was payable by the last tenant, if any.

(10) Nothing in sub-section (9) shall be construed to require the District Magistrate to take any evidence or hold any formal inquiry before fixing the presumptive rent of the building allotted and the amount mentioned in the allotment order as presumptive rent shall be subject to any agreement in writing between the parties or to any subsequent determination of standard rent after formal inquiry under section 9:

Provided that until the presumptive rent is so revised by agreement or by an order under section 9, the tenant shall continue to be liable to pay rent according to the presumptive rent specified in the allotment order, so however, that any subsequent order under section 9 shall relate back to the date of commencement of the tenancy.][5]

[1] Added by section 9 (i) of U. P. Act No. 28 of 1976.
[2] Omitted by section 9 (ii) ibid.
[3] Substituted by section 9 (iii) of U. P. Act No. 28 of 1976.
[4] Subs. by section 9 (iv) ibid.
[5] Subs. by section 9 (v) ibid

## Section 17. Conditions of making allotment order

(1) Where the District Magistrate receives an intimation, under sub-section (1) of section 15, of the vacancy or expected vacancy of a building any allotment order in respect of that building shall be made and communicated to the landlord within twenty-one days from the date of receipt of such intimation, and where no such order is so made or communicated within the said period, the landlord may intimate to the District Magistrate the name of a person of his choice and thereupon the District Magistrate shall allot the building in favour, of the person so nominated unless for special and adequate reason to be recorded he allots it to any other person within ten days from the receipt of intimation of such nomination :

Provided that where the landlord had made an application under clause (b) of sub-section (1) of section 16, for the release of the whole or any part of the building or land appurtenant thereto in his favour, the said period of twenty-one

days shall be computed from the date of decision on that application or where an application for review or an appeal is filed against such decision, from the date of decision on such application or appeal.

(2) Where a part of a building is in the occupation of the landlord for residential purposes or is released in his favour under clause (b) of sub-section (1) of section 16 for residential purposes, the allotment of the remaining part thereof under clause (a) of the said sub-section (1) shall be made in favour of a person nominated by the landlord.

[Explanation- Where a building in the occupation of the landlord for residential purposes adjoins (whether horizontally or vertically) the building sought to be allotted, and -

(a) there is a common entrance to or a common passage for both the buildings; or

(b) the two buildings share the sanitary conveniences or other amenities (not including electric connection);

then notwithstanding that the two buildings are independently fit for then notwithstanding that the two buildings are independently for residential purposes, they shall be deemed to be part of each other for the purposes of this sub-section.][1]

[1] Substituted by section 10 of U. P. Act No. 28 of 1976.

## Section 18. Appeal against order of allotment or release

(1) No appeal shall lie from any order under section 16 or section 19, whether made before or after the commencement of this section, but any person aggrieved by a final order under any of the said sections may, within fifteen days from the date of the order, prefer a revision to the District Judge on any one or more of the following grounds, namely :--

(a) that the District Magistrate has exercised a jurisdiction not vested in him by law;

(b) that the District Magistrate has failed to exercise a jurisdiction vested in him by law;

(c) that the District Magistrate acted in the exercise of his jurisdiction illegally or with material irregularity.

(2) The revising authority may confirm or rescind the final order made under sub-section (1) or may remand the case to the District Magistrate for rehearing and pending the revision, may stay the operation of such order on such terms, if any, as it thinks fit would have occupied but for such order or such part thereof as has been varied or rescinded, and may for that purpose use or cause to be used such force as may be necessary.

Explanation- The power to rescind the final order under this sub-section shall not include the power to pass an allotment order or to direct the passing of an allotment order in favour of a person different from the allottee mentioned in the order under revision.

(3) Where an order under section 16 or section 19 is rescinded, the District Magistrate shall on an application being made to him on that behalf, place the parties back in the position which they would have occupied but for such order or such part thereof as has been rescinded and may for that purpose use or cause to be used such force as may be necessary.][1]

[1] Substituted by section 11 of U. P. Act No. 28 of 1976.

## Section 19. Re-allotment in the event of land lord abusing the release order

Where a building or part thereof is released in favour of the landlord under section 16, or an [revision under section 18,][1] on the ground that it was required by the landlord for occupation by himself or any member of his family or any person for whose benefit it was held by him, or for the objects of the trust of which he was trustee, or on the ground that it was required for purposes of demolition and new construction, and the landlord either puts or causes to be put into occupation any person different from the person for whose occupation, according to the landlords representation, it was required, or permits any such person to occupy it, or otherwise puts it to any use other than the one for which it was released or as the case may be, omits to occupy it within one month or such extended period as the District Magistrate may for sufficient cause allow from the date of his obtaining possession or in the case of a building which was proposed to be occupied after some construction or reconstruction, from the date of completion thereof, the District Magistrate, or as the case may be, the District Judge, on an application being made in that behalf within three months from the date of such act or omission, may after giving to the landlord an opportunity of being heard, revoke the order of release in whole or in part, and on such order being made, the District magistrate may treat the building or part as vacant and allot it as such.

[1] Subs. by section 12 ibid.

## CHAPTER IV Regulation of Eviction

### Section 20. Bar of suit for eviction of tenant except on specified grounds

(1) Save as provided in sub-section (2) [* * *][1] no suit shall be instituted for the eviction of a tenant from a building, notwithstanding the determination of his tenancy by efflux of time or on the expiration of a notice to quit or in any other manner:

Provided that nothing in this sub-section shall bar a suit for the eviction of a tenant on the determination of his tenancy by efflux of time where the tenancy for a fixed term was entered into by or in pursuance of a compromise or adjustment arrived at with reference to a suit, appeal, revision or execution proceeding, which is either recorded in court or otherwise reduced to writing and signed by the tenant.

(2) A suit for the eviction of a tenant from a building after the determination of his tenancy may be instituted on one or more of the following grounds, namely:-

(a) that the tenant is on arrears of rent for not less than four months, and has failed to pay the same to the landlord within one month from the date of service upon him of a notice of demand:

Provided that in relation to a tenant who is a member of the armed forces of the Union and in whose favour the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 has issued a certificate that he is serving under special conditions within the meaning of section 3 of that Act or where he has died by enemy action while so serving, then in relation to his heirs, the words "four months" in this clause shall be deemed to have been substituted by the 'words "one year" ;

(b) that the tenant has wilfully caused or permitted to be caused substantial damage to the building ;

(c) that the tenant has without the permission in writing of the landlord made or permitted to be made any such construction or structural alteration in the building as is likely to diminish its value or utility or to disfigure it ;

(d) that the tenant [has without the consent in writing of the landlord used it for a purpose other than the purpose for which he was admitted to the tenancy of the building or otherwise done ay act which is inconsistent with such use][2] or has been convicted under any law for the time being in force of an offence of using the building or allowing it to be used for illegal or immoral purposes ;

(e) that the tenant has sub-let, in contravention of the provisions of section 25, or as the case may be, of the old Act, the whole or any part of the building;

(f) that the tenant has renounced his character as such or denied the title of the landlord, and the latter has not waived his right of re-entry or condoned the conduct of the tenant;

(g) that the tenant 'was allowed to occupy the building as part of his contract of employment under the landlord, and his employment has ceased.

(3) [* * * *][3]

(4) In any suit for eviction on the ground mentioned in clause (a) of sub-section (2), if at the first hearing of the suit the tenant unconditionally pays or [tenders to the landlord or deposits in Court][4] the entire amount of rent and damages for use and occupation of the building due from him (such damages for use and occupation being calculated at the same rate as rent) together with interest thereon at the rate of nine per cent per annum and the landlord's costs of the suit in respect thereof, after deducting there from any amount already deposited by the tenant under sub-section (1) of section 30, the court may, in lieu of passing a decree for eviction on that ground, pass an order relieving the tenant against his liability for eviction on that ground :

Provided that nothing in this sub-section, shall apply in relation to a tenant who or any member of whose family has built or has otherwise acquired in a vacant state, or has got vacated after acquisition, any residential building in the same city, municipality, notified area or town area.

[Explanation- For the purposes of this sub-section -

(a) the expression 'first hearing' means the first date for any step or proceeding mentioned in the summons served on the defendant;

(b) the expression 'cost of the suit' includes one-half of the amount of counsel's fee taxable for a contested suit.][5]

(5) Nothing in this section shall affect the power of the court to pass a decree on the basis of an agreement, compromise or satisfaction recorded under rule 3 of Order XXIII of the First Schedule to the Code of Civil Procedure, 1908.

[(6) Any amount deposited by the tenant under sub-section (4) or under rule 5 of order XV of the First Schedule to the Code of Civil Procedure, 1908 shall be paid to the landlord forthwith on his application without prejudice to the parties

pleadings and subject to the ultimate decision in the suits.][6]

[1] Omitted by section 8 of UP Act No 37, 1972.
[2] Substituted by section 13 (a) of U. P. Act No. 28 of 1976.
[3] Omitted by section 8 of UP Act No 37, 1972.
[4] Subs. by section 13(b) (i) ibid.
[5] Added by section 13(b)(ii) of UP Act No 28 of 1976.
[6] Added by section 13(c) ibid.

## Section 21. Proceedings for release of building under occupation of tenant

(1) The prescribed authority may, on an application of the landlord in that behalf, order the eviction of a tenant from the building under tenancy or any specified part thereof if it is satisfied that any of the following grounds exists; namely: --

(a) that the building is bona fide required either in its existing form or after demolition and new construction by the landlord for occupation by himself or any member of his family, or any person for whose benefit it is held by him, either for residential purposes or for purposes of any profession, trade or calling, or where the landlord is the trustee of a public charitable trust, for the objects of the trust ;

(b) that the building is in a dilapidated condition and is required for purposes of demolition and new construction :

Provided that where the building was in the occupation of a tenant since before its purchase by the landlord, such purchase being made after the commencement of this Act, no application shall be entertained on the grounds mentioned in clause (a), unless a period of three years has elapsed since the date of such purchase and the landlord has given a notice in that behalf to the tenant not less than six months before such application, and such notice may be given even before the expiration of the aforesaid period of three years :

Provided further that if any application under clause (a) is made in respect of [any building let out exclusively for non-residential purposes][1], the prescribed authority while making the order of eviction shall, after considering all relevant facts of the case, award against the landlord to the tenant [an amount not exceeding two years rent][2] as compensation and may, subject to rules, impose such other conditions as he thinks fit :

Provided also that no application under clause (a) shall be entertained-

(i) for the purposes of a charitable trust, the objects of which provide for discrimination in respect of its beneficiaries on the ground of religion, castes or place of birth ;

(ii) in the case of any residential building, for occupation for business purposes ;

(iii) in the case of any residential building, against any tenant who is a member of the armed forces of the Union and in whose favour the prescribed authority under the Indian Soldiers (Litigation) Act, 1925 has issued a certificate that he is serving under special conditions within the meaning of section 3 of that Act, or where he has died by enemy action while so serving then against his heirs :

[Provided also that the prescribed authority shall, except in cases provided for in the Explanation, take into account the likely hardship to the tenant from the grant of the application as against the likely hardship to the landlord from the refusal of the application and for that purpose shall have regard to such factors as may be prescribed.][3]

Explanation-- In the case of a residential building :

(i) where the tenant or [who has been normally residing with or is wholly dependent on him][4] has built or has otherwise acquired in a vacant state or has got vacated after acquisition a residential building in the same city, municipality, notified area or town area, no objection by the tenant against an application under this sub-section shall be entertained;

[Note-- For the purposes of this clause a person shall be deemed to have otherwise acquired a building, if he is occupying a public building for residential purposes as a tenant, allottee or licensee.][5]

(ii) [***][6]

[(iii) where the landlord of any building is -

(1) a serving or retired Indian Soldier as defined in the Indian Soldiers) litigation, Act, 1925 and such building was let out at any time before his retirement; or

(2) a widow of such a soldier and such building was let out at any time before the retirement or death of her husband, whichever, occurred earlier;

and such landlord needs such building for occupation by himself or the members of his family for residential purposes, then his representation that he needs the building for residential purposes for himself or the members of

his family shall be deemed sufficient for the purposes of clause (a) and where such landlord owns more than one building this provision shall apply in respect of one building only;][7]

(iv) [***][8]

[(1-A) Notwithstanding anything contained in section 2, the prescribed authority shall, on the application of a landlord in the behalf, order the eviction of a tenant from any building under tenancy, if it is satisfied that the landlord of such building was in occupation of a public building for residential purposes which he had to vacate on account of the cessation of his employment:

Provided that an application under this sub-section may also be given by a landlord in occupation of such public building at any time within a period of one year before the expected date of cessation of his employment, but the order of eviction on such application shall take effect only on the date of his actual cessation.][9]

(2) The prescribed authority may on an application of the land- lord in that behalf order the eviction of a tenant from any surplus land appurtenant to the building under tenancy if it is satisfied that the land is required for constructing one or more new buildings, or for dividing it into several plots with a view to the sale thereof for purposes of construction of new buildings, and in either case, that the competent authority under any law for the time being in force has approved a plan for the said purpose.

Explanation-- Where the appurtenant land including passage exceeds double the covered area of the building, the excess area shall be deemed to be surplus land.

[(3) No order shall be made under sub-section (1) or sub-section (1-A) or sub-section (2), except after giving to the parties concerned a reasonable opportunity of being heard :

Provided that where the tenant being a servant of Government or of any local authority or any public sector corporation does not contest the application, then a reasonable opportunity of being heard shall be given to the District Magistrate, who shall have the right to oppose the application.][10]

(4) An order under [sub-section (1) or sub-section (1-A) or sub-section (2)][11] maybe made notwithstanding that the tenancy has not been determined :

Provided that no such order shall be made in the case of a tenancy created for a fixed term by a registered lease before the expiry of such term.

(5) On an order being made under [sub-section (1) or sub-section (1-A) or sub-section (2)][12], the building or part or appurtenant land, as the case may be, shall stand released in favour of the landlord :

Provided that on the occurrence of any of the circumstances mentioned in section 24, any building or part thereof (but not appurtenant land alone) released as above, shall, without prejudice to the provisions of section 24, be deemed to become again subject to allotment in accordance with Chapter III.

(6) On the expiration of a period of thirty days from an order under [sub-section (1) or sub-section (1-A) or sub-section (2)][13], the tenancy of the tenant shall stand determined in its entirety or, as the case may be, in respect of any part of appurtenant land released in favour of the landlord, and in the latter case, the rent payable for the remainder of the building under tenancy shall be such as may be agreed upon between the parties and in the absence of such agreement as may be determined under section 8.

[(7) Where during the pendency of an application under clause (a) of sub-section (1), the landlord dies, his legal representatives shall be entitled to prosecute such application further on the basis of their own need in substitution of the need of the deceased.

(8) Nothing in clause (a) of sub-section (1) shall apply to a building let out to the State Government or to a local authority or to a public sector corporation or to a recognized educational institution unless the Prescribe Authority is satisfied that the landlord is a person to whom clause (ii) or clause (iv) of the Explanation to sub-section (1) is applicable:

Provided that in the case of such a building the District Magistrate may, on the application of the landlord, enhance the monthly rent payable therefor to a sum equivalent to one-twelfth of ten per cent of the market value of the building under tenancy, and the rent so enhanced shall be payable from the commencement of the month of tenancy following the date of the application:

Provided further that a similar application for further enhancement may be made after the expiration of a period of five years from the date of the last order of enhancement.][14]

[1] Subs. by section 14 (i)(a)(1) ibid.

[2] Subs. by section 14 (i)(a)(2) ibid.

[3] Added by section 14(i)(b) of UP Act No 28 of 1976.

[4] Subs. by section 14(i)(c) ibid.

[5] Subs. by section 14 (i)(c)(1) ibid.
[6] Omitted by section 14 (i)(c)(2) ibid.
[7] Subs. by section 6 of U.P. Act No. 17 of 1985.
[8] Omitted by section 14(i)(c)(2) of UP Act No 28 of 1976.
[9] Added by section 14(ii) ibid.
[10] Subs. by section 14 (iii) ibid.
[11] Subs. by section 14 (iv) ibid.
[12] Subs. by section 14 (v) ibid.
[13] Substituted by section 14(vi) of UP Act No 28 of 1976.
[14] Added by section 14 (vii) ibid.

### Section 22. Appeal

Any person aggrieved by an order under section 21 or section 24 may within thirty days from the date of the order prefer an appeal against it to the District Judge, and in other respects, the provisions of [section 10][1] shall mutatis mutandis apply in relation to such appeal.

[1] Subs. by section 15 ibid.

### Section 23. Enforcement of eviction order

(1) The prescribed authority may use or cause to be used such force as may be necessary for evicting any tenant against whom an order is made under section 21 or on appeal under section 22, as the case may be, or against any other person found in actual occupation, and for putting the landlord into possession.

(2) Every order of the prescribed authority in proceedings under this section shall be final.

### Section 24. Option of reentry by tenant

(1) Where a building is released in favour of the landlord and the tenant is evicted under section 21 or on appeal under section 22, and the landlord either puts or causes to be rut into occupation thereof any person different from the person for whose occupation according to the landlord's representation, the building was required, or permits any such person to occupy it, or otherwise puts it to any use other than the one for which it was released, or as the case may be, omits to occupy it within one month of such extended period as the prescribed authority may for sufficient cause allow from the date of his obtaining possession or, in the case a building which was proposed to be occupied after some construction or reconstruction, from the date of completion thereof, or in the case of a building which was proposed to be demolished, omits to demolish it within two months or such extended period the prescribed authority may for sufficient cause allow from the date of his obtaining possession, then the prescribed authority or, as the case maybe, the District Judge, may, on an application in that behalf within three months from the date of such act or omission, order the landlord to place the evicted tenant in occupation of the building on the original terms and conditions, and on such order being made, the landlord and any person who may be in occupation thereof shall give vacant possession of the building to the said tenant, failing which, the prescribed authority shall put him into possession and may for that purpose use or cause to be used such force as may be necessary.

(2) Where the landlord after obtaining a release order under clause (b) of sub-section (1) of section 21 demolishes a building and constructs it new building or buildings on its site, then the District Magistrate may, on an application being made in that behalf by the original tenant within such time as may be prescribed, allot to him the new building or such one of them as the District Magistrate after considering his requirements thinks fit, and thereupon that tenant shall be liable to pay as rent for such building an amount equivalent to one per cent per month of the cost of construction thereof (including the cost of demolition of the old building but not including the value of the land) and the building shall, subject to the tenant's liability to pay rent as aforesaid, be subject to the provisions of this Act, and where the tenant makes no such application or refuses or fails to take that building on lease within the time allowed by the District Magistrate, or subsequently ceases to occupy it or otherwise vacates it, that building shall also be exempt from the operation of this Act for the period or the remaining period, as the case may be specified in sub-section (2) of section 2.

## CHAPTER IV-A Summary Trial of Certain Applications

### Section 24-A.

The provisions of this Chapter or any rule made thereunder shall have effect notwithstanding anything inconsistent herewith 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.

### Section 24-B.

(1) Where a landlord who, being a person in occupation of any residential public building is required, by or in pursuance of any general or special order made by the Government or other authority concerned, to vacate such building, or in default, to incur certain obligations, on the ground that the owns, in the same city, municipality, notified are or town area residential building either in his own name or in the name of any member of his family, there shall accrue, on and from the date of such order, to such landlord, a right to recover immediately possession of any building let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning, in the same city, municipality, notified area or town area, two or more dwelling houses, whether in his own name or in the name of any member of his family, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenent or any person claiming through or under him and no claim for such compensation shall be entertained by any court tribunal or other authority:

Provided that where the landlord had received -

(a) any rent in advance from the tenant, he shall within a period of ninety days from the date of recovery of possession of the building by him, refund to the tenant such amount as represents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment form the tenant, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount so received, as the unexpired portion of the contract or agreement, or lease bears to the total period of contract or agreement or lease:

Provided further 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 twelve per cent per annum on the amount which he has omitted or failed to refund.

### Section 24-C.

(1) Every application by a landlord for the recovery of possession of any building on the ground specified in section 24-B shall be made to the District Magistrate and be dealt with in accordance with the procedure specified in this section.

(2) The District Magistrate shall issue summons, in relation to every application referred to in sub-section (1) in the form prescribed.

(3) (a) The District Magistrate shall, in addition to and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post, acknowledgment due, addressed to the tenant or his agent empowered to accept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstance of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain;

(b) when an acknowledgment purporting to be signed by the tenant or his agent is received by the District Magistrate or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article the District Magistrate may declare that there has been a valid service of summons.

(4) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) shall not contest the prayer for eviction from the premises unless he files an affidavit staging the grounds on which he seeks to contest the application for eviction and obtain leave from the District Magistrate 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 applications 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.

(5) The District Magistrate 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 on the ground specified in section 24-B.

(6) Where leave is granted to the tenant to contest the applications, the District Magistrate shall commence the hearing of the application as early as practicable.

(7) No appeals or second appeal shall lie against an order for the recovery of possession of any premises made by the District Magistrate in accordance with the procedure specified in this section :

Provided that the District Judge, for the purpose of satisfying himself that an order made by the District Magistrate under this section is according to law, call for the records of the case and pass such order in respect thereto as he thinks fit.

(8) Where no application has been made to the District Judge on revision, the District Magistrate may exercise the posers of review in accordance with the provisions of order XLVII of the First Schedule to the Code of Civil Procedure, 1908.][1]

[1] Chapter IV-A added by section 16 of U.P. Act No 28 of 1976.

## CHAPTER V Regulation of other Rights and Obligations of Landlord and Tenant

### Section 25. Prohibition of sub-letting

(1) No tenant shall subject the whole of the building under his tenancy.

(2) The tenant may with the permission in, writing of the landlord and of the District Magistrate, sub-let a part of the building.

Explanation-For the purposes of this section-

(i) where the tenant ceases, within the meaning of clause (b) of sub-section (1) or sub-section (2) of section 12, to occupy the building or any part thereof he shall be deemed to have sub-let that building or part ;

(ii) lodging a person in a hotel or a lodging house shall not amount to sub-letting.

### Section 26. Certain obligations of the landlord and tenant

(1) No landlord shall without lawful authority or excuse cut off, withholds or reduces any of the amenities enjoyed by the tenant.

(2) The landlord shall be bound to keep the building under tenancy wind-proof and water-proof and, subject to any contract in writing to the contrary, carry out periodical white-washing and repairs.

(3) Subject to any contract in writing to the contrary, no tenant shall, whether during the continuance of the tenancy or after its determination, demolish and improvement effected by him in the building or remove any material used in such improvement, other than any fixtures of a movable nature.

[Explanation- The expression 'material used in such improvement' includes the writing of an electrical fitting or a pipe pertaining to any water connections.][1]

(4) The landlord shall give to the tenant a receipt for rent payable to and received by him.

[1] Added by section 17 of UP Act No 28 of 1976.

### Section 27. Enforcement of landlord's obligation regarding amenities

(1) The prescribed authority may, on an application of the tenant, serve upon the landlord a notice requiring him, within such period, not exceeding one week, as may be specified m the notice to restore any amenity alleged to have been cut-off, withheld or reduced in contravention of sub-section (1) of section 26 or to show cause why an order under this section be not passed against him.

(2) If the landlord fails to restore the amenity within the said period, or to show sufficient cause, the prescribed authority may by order permit the tenant, have the amenity restored at his cost, and there-upon the tenant shall be entitled to recover such cost as may be incurred by him in pursuance of the order, by deduction from the rent payable to the landlord, after furnishing to him the account of the expenditure, and nothing in section 6 shall be deemed to apply to such cost.

### Section 28. Enforcement of landlord's obligation regarding repairs etc

(1) If the landlord fails to carry out white-washing or repairs as required by sub-section (2) of section 26, the tenant may, by notice in writing, call upon him to carry out the same within one month from the date of service of such notice.

(2) Where the cost of the requisite white-washing or repairs is likely to exceed the amount of [two months rent][1] in a year, then the tenant in his notice shall also intimate to the landlord his willingness to pay enhanced rent in accordance with the provisions of section 6.

[***][2]

(3) If the landlord fails to comply with the notice, the tenant may himself carry out the white-washing or repairs at a cost not exceeding [two month's rent][3] in a year and deduct the amount from the rent, and in any such case he shall furnish the account of the expenditure incurred to the landlord.

(4) Where the tenant claims that the building requires whit-washing or repairs to such extent that the cost thereof is likely to exceed the amount of [two month's rent][4]in a year, hereinafter in this section referred to as "major repairs", and the landlord either declines his responsibility to carry out the same or fails to comply with the notice, the tenant may apply to the prescribed authority for an order under sub-section (5).

(5) The prescribed authority on receiving an application under sub-section (4) may, after giving an opportunity of hearing to the parties-

(a) either reject the application; or

(b) require the landlord to carry out the requisite major re-pairs within such period as may be specified in the order, and on his failure to do so, permit the tenant to carry out those repairs at a cost not exceeding such amount (which shall not be more than the amount of two years rent) and within such period as may be specified in the order.

(6) Where in pursuance of an order under sub-section (5) any major repairs are carried out by the tenant, he shall furnish an account of the expenditure to the prescribed authority, which shall certify the amount recoverable by the tenant, and thereupon such amount, unless paid or otherwise adjusted by the landlord, may be deducted by the tenant from the rent in monthly installments not exceeding twenty-five per cent of one month's rent, and in any such case, the enhancement of rent under section 6 shall come into effect only from the month following the month in which the cost is fully recovered by the tenant.

(7) No appeal or revision shall lie from any order of the prescribed authority under sub-section (5) or sub-section (6), which shall be final.

[1] Substituted by section 18 (i) (a) ibid.
[2] Omitted by section 18 (i) (b) ibid.
[3] Subs. by section 18 (ii) ibid.
[4] Subs. by section 18 (iii) ibid.

## Section 28-A. Alteration and improvement not to be made by sub-tenant

Nothing in section 6 or clause (c) of sub-section (2) of section 20, or sub-section (3) of section 26 shall be construed to confer on any sub-tenant a right to make any alteration or improvement in ay building otherwise than in accordance with the terms of the tenancy.

## Section 28-B. Tenancy right to get water connection and sanitary fittings installed

Notwithstanding anything contained in any law for the time being in force relating to a local authority, the tenant (including a sub-tenant) shall have the right to get water connection, electric connection and sanitary fittings installed in the building under his tenancy at his own cost, and the provisions of sub-section (3) of section 26 shall apply in relation to every such installation.][1]

[1] Added by section 19 of UP Act No 28 of 1976.

## Section 29. Special protection to tenants of buildings destroyed by collective disturbances, etc

(1) Where in consequence of the commission of mischief or any other offence in the course of collective disturbances, any building under tenancy is wholly or partly destroyed the tenant shall have the right to re-erect it wholly or partly as the case may be, at his own expenses within a period of six months from such injury:

Provided that if such injury was occasioned by the wrongful ad or default of the tenant he shall not be entitled to avail himself of the benefit of this provision.

(2) Where in consequence of fire, tempest, flood or excessive rain-fall, any building under tenancy is wholly or partly destroyed the tenant shall have the right to re-erect or repair it wholly or partly, as the case may be, at his own expense after giving a notice in Writing to the landlord within a period of one month from such injury:

Provided that the tenant shall not be entitled to avail himself of the benefit of this provision---

(a) if such injury was occasioned by his own wrongful act of default; or

(b) in respect of any re-erection or repair made before he had given a notice as aforesaid to the landlord or before the expiration of a period of fifteen days after such notice, or if the landlord in the meantime makes an application under section 21; before the disposal of such application; or

(c) in respect of any re-erection or repair made after the expiration of a period of six months from such injury of if the land-lord has made any application as aforesaid from the disposal thereof.

(3) Where the tenant, before the commencement of this Act, has made any re-erection or repair in exercise of his rights under section 19 of the old Act, or after the commencement of this Act makes any re- erection in the exercise of his right under sub-section (1) or sub-section (2),-

(a) the property so re-erected or repaired shall be comprised in the tenancy;

(b) the tenant shall not be entitled, whether during the tenancy or after its determination, to demolish the property or parts so erected or repaired or to remove any material used therein other than any fixtures of a movable nature;

(c) Notwithstanding, anything contained in sub-section(2) of section 2, the provisions of this Act shall apply to the building so re-erected :

Provided that no application shall be maintain the under section 21 in respect of any such building on the ground mentioned in clause (b) of sub-section- (1) thereof within a period of three years from the completion of such re-erection.

## Section 29-A. Protection against eviction to certain classes of tenants of land on which building exists

(1) For the purposes of this section, the expressions 'tenant' and 'landlord' shall have the meanings respectively assigned to them in clauses (a) and (j) of section 3 with the substitution of the work 'land' for the word 'building'.

(2) This section applies only to land let out, either before or after the commencement of his section, where the tenant, with the landlord's consent has erected any permanent structure and incurred expenses in execution thereof.

(3) Subject to the provisions hereinafter contained in this section, the provisions of section 20 shall apply in relation to any land referred to in sub-section (2), as they apply in relation to any building.

(4) The tenant of any land to which this section applies shall be liable to pay to the landlord such rent as may be mutually agreed upon between the parties, and tin the absence of agreement, the rent determined in accordance with sub-section (5).

(5) The District Magistrate shall on the application of the landlord or the tenant determine the annual rent payable in respect of such land at the rate of ten per cent per annum of the prevailing market value of the land and such rent shall be payable, except as provided in sub-section (6) from the date of expiration of the term for which the land was let or from the commencement of his section, whichever is later.

(6) (a) In any suit or appeal or other proceeding pending immediately before the date of commencement of this section, no decree for eviction of a tenant from any land to which this section applies, shall be passed or executed except on one or more of the grounds mentioned in sub-section (2) of section 20, provided the tenant, within a period of three months from the commencement of his section by an application to the court, unconditionally offers to pay to the landlord, the enhanced rent of the land for the entire period in suit and onwards at he rate of ten per cent per annum of the prevailing market value of the land together with costs of the suit (including costs of any appeal or of any execution or other proceedings);

(b) In every such case, the enhanced rent shall, notwithstanding anything contained in sub-section (5), be determined by the court seized of the case at any stage;

(c) Upon payment against a receipt duly signed by the plaintiff or decree-holder or his counsel or deposit in court of such enhanced rent with costs as aforesaid being made by the tenant within such time as the court may fix in this behalf, the court shall dismiss the suit, or as the case may be, discharge the decree for eviction, and the tenancy thereafter, shall continue annually on the basis of the rent so enhanced;

(d) If the tenant fails to pay the said amount with the time so fixed (including any extended time, if any, that the court may fix or for sufficient cause allow) the court shall proceed further in the case as if the foregoing provisions of this section were not in force.

(7) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in any contract or instrument or in any other law for the time being in force.

Explanation- For the purposes of sub-section (6) where a case has been decided against a tenant by one court and the limitation for an appeal therefrom has not expired on the date immediately before the commencement of his section, this section shall apply as it applies to pending proceedings, and the tenant may apply to that court for a review of the judgment in accordance with the provisions of this section.][1]

[1] Section 29-A added by section 20 of UP Act No 28 of 1976.

## Section 30. Deposit of rent in court in certain circumstances

(1) If any person claiming to be a tenant of a building tenders any amount as rent in respect of the building to its alleged landlord and the alleged landlord refuses to accept the same then the former may deposit such amount in the prescribed manner and continue to deposit any rent which he alleges to be due for any subsequent period in respect of such building until the landlord in the meantime signifies by notice in writing to the tenant his willingness to accept

it.

(2) Where any bona fide doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any building, the tenant may likewise deposit the rent stating the circumstances under which such deposit is made and may, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties, continue to deposit the rent that may subsequently become due in respect of such building.

(3) The deposit referred to in sub-section (1), or sub-section (2) shall be made in the Court of the Munsif having jurisdiction.

(4) On any deposit being made under sub-section (1), the Court shall cause a notice of the deposit to be served on the alleged landlord, and the amount of deposit may be with drawn by that person on application made by him to the Court in that behalf.

(5) On a deposit being made under sub-section (2), the Court shall cause notice of the deposit to be served on the person or persons concerned and hold the amount of the deposit for the benefit of the person who may be found entitled to it by any competent Court or by a settlement between the parties, and the same shall be payable to such person.

(6) In respect of a deposit made as aforesaid, it shall be deemed that the person depositing it has paid it on the date of such deposit to the person in whose favour it is deposited in the case referred to in sub-section (1) or to the landlord in the case referred to in sub-section (2).

## CHAPTER VI Penalties and Procedure

### Section 31. Penalties

(1) Any person who contravenes any of the provisions of this Act or any order made thereunder or attempts or abets such contravention, shall be punished on conviction with imprison men of either description for a term which may extend to six months or with fine which may extend to five thou and rupees or with both.

[(2) Whoever demolishes any building under tenancy or any part thereof without lawful excuse shall be punished, on conviction, with imprisonment of either description for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.][1]

(3) Where a person has been convicted for contravention of sub- section (1) of section 4, the Court convicting him may direct that out of the fine, if any, imposed and realized from the person so convicted, an amount not exceeding the amount paid as premium of additional payment over and above the rent for admission as a tenant or sub-tenant to any building may be paid to the tenant or sub-tenant by whom such payment was made;

Provided that any amount so paid to the tenant shall be taken into account in awarding compensation or restitution to him in any subsequent claim.

[1] Substituted by section 21 of UP Act No 28 of 1976.

### Section 32. Offences by companies

(1) If the person committing an offence under this Act is a company the company as well as every person in charge of and res-ponsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding, anything contained in sub-section (2), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any managing agent, secretaries and treasurers, director, manager, or other officer of the company, such managing agent, secretaries and treasurers, director, manager or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation-- For the purpose of this section-

(a) "company" means anybody corporate, and includes a firm or other association of individuals ; and

(b) "Director", in relation to a. firm, means a partner in the firm.

## Section 33. Cognizance of offence

(1) No prosecution for an offence punishable under this act shall be instituted except on a complaint authorized by the District Magistrate:

Provided that where the District Magistrate has improperly or illegally declined to authorize the making of a complaint, the Commissioner may, of his own motion or on application made in this behalf, direct him so to do.

(2) No court inferior to that of a magistrate of the first class shall try any such offence.

## Section 34. Powers of various authorities and procedure to be followed by them

(1) The District Magistrate, the prescribed authority or any [appellate or revising authority][1] shall for the purposes of holding any inquiry or hearing any appeal under this Act have the same powers as are vested in the 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) receiving evidence on affidavits;

(c) inspecting a building or its locality or issuing commission for the examination of witnesses or documents or local investigation ;

(d) requiring the discovery and production of documents;

(e) awarding, subject to any rules made in that behalf, cost a or special costs to any party or requiring security for costs from any party;

(f) recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith ;

(g) any other matter which may be prescribed.

(2) The District Magistrate, the prescribed authority or [appellate or revising authority][2], while holding an inquiry or hearing [an appeal or revision][3] under this Act, shall be deemed to be a Civil Court within the meaning of [sections 345 and 346 of the Code of Criminal Procedure, 1973][4] and any proceeding before him or it to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(3) Where any costs or other sum of money awarded under his Act by the District Magistrate or the prescribed authority or [the appellate or revisional authority][5] remains unpaid he or it may issue a certificate of recovery in respect thereof in the prescribed form, and any person in whose favour such certificate is issued may apply to the Court of Small Causes having jurisdiction under the Provincial Small Cause Courts Act, 1887, fur recovery of the amount specified in the certificate. Such court shall thereupon execute the certificate or cause the same to be executed in the same manner and by the same procedure as if it were a decree for payment of money made by itself in a suit.

(4) Where any party to any proceeding for the determination of standard rent of or for eviction from a, building dies during the pendency of the proceeding, such proceeding may be continued after bringing on the record :

(a) in the case of the landlord or tenant, his heirs or legal representatives ;

(b) in the case of an un-authorized occupant, any person claiming under him or found in occupation of the building.

(5) Where any person has been evicted from a building in pursuance of any order of the District Magistrate or the prescribed authority or made on appeal under this Act, the District Magistrate or the prescribed authority, as the case may be, may after service or publication of a notice in that behalf on such persons and in such manner as may be prescribed, remove or cause to be removed or dispose of, in such manner as may be Prescribed, any specific property remaining on such building.

(6) Affidavits to be filed in any proceeding under this Act shall be made in the same manner and conform to the same requirements as affidavits filed under the Code of Civil Procedure, 1908, and may be verified by any officer or other person appointed by the High Court under clause (b) or by an officer appointed by any other court under clause (c) of section 139 of the said Code.

(7) The District Magistrate, the prescribed authority or [the appellate or revisional authority][6] shall record reasons for every order made under this Act.

(8) For the purposes of any proceedings under this Act and for purposes connected therewith the said authorities shall have such other powers and [shall follow such procedure, principles of proof rules of limitation and guiding principles as may be prescribed.][2]

[1] Substituted by section 22(a) of UP Act No 28 of 1976.

[2] Substituted deemed always to have been substituted by section 8 of U. P. Act No. 37 of 1972.

[3] Substituted by section 22 (b) (i) of U.P. Act No. 28 of 1976.

[4] Subs. by section 22 (b) (ii) ibid.

[5] Subs. by section 22 (c) ibid.
[6] Subs. by section 22 (d) ibid.

### Section 35. Application of sections 4, 5 and 12 of Limitation Act, 1963

The provisions of sections 4, 5 and 12 of the Limitation Act 1963 shall mutatis mutandis apply to all proceedings under this Act.

## Chapter VII Miscellaneous and Transitional Provisions

### Section 36. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported or intended to be done in pursuance of the provisions of this Act or any rule or order made thereunder.

### Section 37. Finality and presumption

(1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, unless the contrary is proved, presume that such order was so made by that authority.

### Section 38. Act to override T.P Act and civil Procedure Code

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Transfer of Property Act, 1882, or in the Code of Civil Procedure, 1908.

### Section 39. Pending suits for eviction relating to buildings brought under regulation for the first time

In any suit for eviction of a tenant from any building to which the old Act did not apply, pending On the date of commencement of this Act, where the tenant within one month from such date of commencement or from the date of his knowledge of the pendency of the suit, whichever be later, deposits in the court, before which the suit is pending, the entire amount of rent and damages for use and occupation (such damages for use and occupation being calculated at the same rate as rent) together with interest thereon at the rate of nine per cent per annum and the landlords full cost of the suit, no decree for eviction shall be passed except on any of the grounds mentioned in the proviso to sub-section (1) or in clauses (b) to (g) of sub-section (2) of section 20 and the parties shall be entitled to make necessary amendment in their pleadings and to adduce additional evidence where necessary :

Provided that a tenant the rent payable by whom does not exceed twenty-five rupees per month need not deposit any interest as afore- aid.

[* * *][1]

[1] Omitted and be deemed always to have boon omitted by section 8 of U. P. Act No. 37 of 1972.

### Section 40. Pending appeals or revisions in suits for eviction relating to buildings brought under regulation for the first time

Where an appeal or revision arising out of a suit for eviction of a tenant from any building to which the old Act did not apply is pending on the date of commencement of this Act, it shall be disposed of in accordance with the provisions of section 39, which shall mutatis mutandis apply.

### Section 41. Power to make rules

The State Government may by notification in the Gazette make rules to carry out the purposes of this Act, including any rules prescribing fees in respect of any proceeding under this Act.

### Section 42. Laying of rules etc. Before legislature

All notifications issued under the provisos to sub-section (3) of section I and under sub-section (3) of section 2, and all rules made under this Act shall, as soon as may be, after they are issued or made, be laid before each House of the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

## Section 43. Repeal and saving

(1) The United Provinces (Temporary) Control of Rent arid Eviction Act, 1947, is hereby repealed.

(2) Notwithstanding such repeal -

(a) any application or proceeding pending immediately be-

fore the commencement of this Act before the District Magistrate under section 3 of the old Act shall stand transferred to the prescribed authority having jurisdiction and shall be deemed to be an application or proceeding under section 21 of this Act and shall be disposed of in accordance with the provisions of this Act;

(b) any application or proceeding pending immediately before the commencement of this Act before the District Magistrate under section 7 of the old Act Or under rule 6 of the Control of Rent and Eviction Rules, 1949, made under section 17 of the old Act shall be disposed of by him in accordance with the provisions of sections 16 and 17 of this Act;

(c) any proceeding under section 3-A or section 5-A of the old Act pending immediately before the commencement of this Act before the District Magistrate shall be disposed of by the District Magistrate, and any proceeding under section 7-D thereof so pending shall stand transferred for disposal to the prescribed authority, and the decision of the District Magistrate or the prescribed authority shall be deemed to be a decision under section 8, section 9 or section 27, as the case may be, and in the first and second mentioned eases, be subject to appeal accordingly;

(d) the provisions of section 39 shall mutatis mutandis to every proceeding under section 7-B of the old Act pending on the date of commencement of this Act in respect of a building in the same manner as it applies to the buildings to which the old Act was not applicable [1][and subject thereto, such proceedings shall be continued and concluded [in accordance with the old Act which shall, for that purpose, be deemed to continue to be in force][2].]

(e) any proceeding pending immediately before the commencement of this Act in the court of Munsif under section 7-C of the old Act shall be continued and concluded [in accordance with the old Act which shall, for that purpose, be deemed to continue to be in force;][3]

(f) any proceeding pending immediately before the commencement of this Act in the court of Munsif under section 7-E of the old Act shall be deemed to be a proceeding under section 28 of this Act and shall stand transferred for disposal to the prescribed authority;

(g) any suit for fixation of rent pending immediately before the commencement of this Act in the court of Munsif or Civil Judge under sub-section (4) of section 5 of the old Act shall be decided by that court aid the rate of rent in respect of the period prior to the commencement of this Act shall be fixed in accordance with the old Act and in respect of any sub-sequent period, be fixed in accordance with this Act;

(h) any court or authority before which any suit or other proceeding relating to the recovery or determination or fixation of rent of, or eviction from, any building is pending immediately before the commencement of this Act may, on an application being made to it within sixty days from such commencement, grant leave to any party to amend its pleading in consequence of the provisions of this Act.

(i) any order passed by the District magistrate before the commencement of this Act, granting or refusing to grant permission under section 3 of the old Act, against which no revision has been filed shall---

(1) if such order was made more than thirty days before the commencement of this Act, be final;

(2) in any other case, be subject to an appeal to the District Judge, which may be filed within sixty days from the commencement of this Act, and decision of the District Judge, shall be final;

(j) any order passed by the District Magistrate, permitting refusing to permit the landlord to occupy a building under rule 6 of the Control of Rent and Eviction Rules, 1949, made under section 17 of the old Act, against which no revision has been filed, shall----

(1) if such order was made more than thirty days before the commencement of this Act, be final;

(2) in any other case, be subject to an appeal to the District Judge which may be filed within sixty days from the commencement of this Act, and the decision of the District -Judge shall be final ;

(k) any order passed by the District Magistrate, before the commencement of this Act under sub-section (2) of section 7 or under section 7-A of the old Act against which no revision has been filed shall-

(1) if such order was made more than thirty days before the commencement of this Act, be final;

(2) in any other case, be subject to an appeal to the District Judge, which may he filed within sixty days from the commencement of this Act, and the decision of the District Judge shall be final;

(l) any order passed by the District Magistrate granting or refusing to grant permission under section 3 of the old Act and confirmed, modified or reversed by the Commissioner under sub-section (3) of that section and in respect

of which no revision has been filed to the State Government under section 7-F of the old Act before the commencement of this Act, shall be final;

(m) any revision relating to the grant of permission under section 3 of the old Act pending immediately before the commencement of this Act before the Commissioner shall stand transferred to the District Judge, and his decision shall be final;

(n) any revision pending immediately before the commencement of this Act before the Commissioner under sub-section (4) of section 7-A of the old Act shall be decided by him, and his order thereon shall be final;

(o) any revision under section 7-F of the old Act pending immediately, before the commencement of this Act before the State Government against any order of the Commissioner passed under sub-section (3) of section 3 or sub-section (4) of section 7-A of the old Act shall be disposed of by the Stale Government [and its decision shah be final.][4]

(p) any revision under section 7-F of the old Art pending immediately before the commencement of this Act before the State Government against an order of the District Magistrate passed under section 7-A of the old Act against which no revision has been filed before the Commissioner or against an order under sub-section (2) of section 7 of the old Act or an order permitting or refusing to permit the landlord to occupy a building under rule 6 of the Control of Rent and Eviction Rules, 1949, made under section 17 of the old Act, [shall be disposed of by the State Government and its decision shall be final][4] ;

[(pp) the provisions of section 34 shall mutatis mutandis apply to every revision referred to in the foregoing clauses;][5]

(q) the provisions of section 18 shall mutatis mutandis apply in relation to all appeals filed before the District Judge, under clause (i), clause (j) or clause (k) and all revisions transferred to him under clause (m) [***][6]

(r) any suit for the eviction of a tenant instituted with the permission referred to in section 3 of the old Act or any proceeding arising out of such limit, pending immediately before [the commencement of the Uttar Pradesh Civil Laws Amendment Act, 1972][7] may be continued and concluded [in accordance with the old Act which shall, for that purpose, be deemed to continue to be in force;][8]

[***][9]

[(rr) where any permission referred to in section 3 of the old Act has been obtained on any ground specified in sub-section (1) or sub-section (2) of section 21, and has become final, either before the commencement of this Act, or in accordance with the provisions of this sub-section, after the commencement of this Act, [whether or not a suit for the eviction of the tenant has been instituted,][10] the landlord may apply to the prescribed authority for his eviction under section 21, and thereupon the prescribed authority shall order the eviction of the tenant from the building under tenancy, and it shall not be necessary for the prescribed authority to satisfy itself afresh as to the existence of any ground as aforesaid, and such order shall be final and shall not be open to appeal under section 22][11]:

[Provided that no application under this clause shall be maintainable on the basis of a permission granted under section 3 of the old Act, where such permission became final more than three years before the commencement of this Act:

Provided further that in computing the period of three years the time during which the applicant has been prosecuting with due diligence any civil proceeding whether in court of first instance or appeal or revision shall be excluded.][12]

(s) any suit for the eviction of a tenant instituted on any ground mentioned in sub-section (1) of section 3 of the old Act, or any proceeding out of such suit (including any proceeding for the execution of a decree passed on the basis of any agreement, compromise or satisfaction), pending immediately before the commencement of this Act, may be continued and concluded [in accordance with the old Act which shall, for that purpose, be deemed to continue to be in force;][13]

(t) any decision of the District Magistrate, the prescribed authority, the District Judge, the Commissioner or the State Government under the foregoing clauses may be enforced, whenever necessary, in like manner as if it were an order of the competent authority under the corresponding provisions of this Act.

[1] Inserted and be deemed always to have been inserted by section 8 of U. P. Act No. 37 of 1972.

[2] Substituted by section 23 (i) of U.P. Act No. 28 of 1976.

[3] Substituted by section 23 (ii) of U.P. Act No. 28 of 1976.

[4] Substituted and be deemed to have been substituted by section 8 of U. P. Act No. 37 of 1972.

[5] Added by section 23 (iii) of U.P. Act No. 28 of 1976.

[6] Omitted by section 7(i) of president's Act No. 19 of 1973 which was reenacted with modifications by U. P. Act No. 30 of 1974.

[7] Subs. by section 7(ii) of U.P. Act No. 19, 1973.
[8] Subs. by section 23 (iv) of U.P. Act No. 28, 1976.
[9] Omit. by section 8 0f U.P. Act No. 37 of 1972.
[10] Subs. by section 23(v)(1) ibid.
[11] Inserted and be deemed always to have been inserted by section 8 ibid. 1972
[12] Subs. by section 23(v)(2) ibid.
[13] Subs. by section 23(vi) ibid.

### Section 44. Amendment of U.P. act No. 1 of 1966

In section 68 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1966, including the marginal heading thereof, for the words, and figures The U. P. (Temporary) Control of Rent and Eviction Act, 1947," the words and figures "The Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972," shall be substituted and the proviso thereto shall be omitted.

## Schedules

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

SCHEDULE (official file, page 37)

Prepared by Law Maker (lawmaker.in), operated by Bitola Industries Pvt Ltd, from the official text. Free judiciary mock tests, past papers, landmark judgments and the old and new criminal laws side by side: https://www.lawmaker.in