

# The Gazette of India

## EXTRAORDINARY

### PART II—Section 3—Sub-section (i)

### PUBLISHED BY AUTHORITY

No. 13.]

NEW DELHI, TUESDAY, FEBRUARY 3, 1959/MAGHA 14, 1880

#### MINISTRY OF HOME AFFAIRS

#### NOTIFICATION

*New Delhi, the 3rd February 1959*

**G.S.R. 139.**—In exercise of the powers conferred by section 56 of the Delhi Rent Control Act, 1958 (59 of 1958), the Central Government hereby makes the following rules:—

#### CHAPTER I

#### PRELIMINARY

1. **Short title.**—These rules may be called the Delhi Rent Control Rules, 1959.
2. **Definitions.**—In these rules, unless the context otherwise requires,—
  - (a) “Act” means the Delhi Rent Control Act, 1958;
  - (b) “form” means a form appended to these rules;
  - (c) “recognised agent” means a person holding a power of attorney authorising him to act on behalf of his principal or an agent empowered by written authority under the hand of his principal;
  - (d) “section” means a section of the Act.

#### CHAPTER II

#### APPLICATIONS TO THE CONTROLLER

3. **Application under Sections 9, 13, 14 or 19(1).**—(1) Every application to the Controller under section 9, section 13, section 14 or sub-section (1) of section 19 shall be in Form ‘A’.

(2) An application under section 13 shall also give particulars of the sum or consideration paid the circumstances under which such payment was made and the provision of the Act or of the Delhi-Ajmer Rent Control Act, 1952, which has been contravened.

(3) An application for permission to re-let premises under sub-section (1) of section 19 shall also state the grounds on which the premises are sought to be re-let in whole or in part.

4. **Application for re-entry.**—An application by a tenant under sub-section (2) of section 19 or under sub-section (3) of section 20 for putting him in possession of the premises or part thereof shall be made within six months from the date on which the cause of action for re-entry arises and shall state the grounds on which such possession is claimed.

5. **Application for recovery of possession under section 21.**—An application for recovery of possession under section 21 by the landlord shall be made within six months from the date of expiry of the period of tenancy.

6. **Form of other application.**—An application not herein before specified in these rules shall, so far as may be, be made in Form ‘A’ and shall state the grounds on which it is made.

**7. Manner in which applications are to be made.**—(1) Every application under the Act shall be signed and verified in the manner prescribed under rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908, and shall be presented by the applicant or his recognised agent to the Controller.

(2) Every such application shall be accompanied by a copy or sufficient number of copies thereof for service on the respondent or respondents mentioned therein.

**8. Appearance before Controller.**—A party may appear before the Controller either in person or by a recognised agent provided that if the Controller so directs the party shall appear in person.

### CHAPTER III

#### RECEIPT AND DEPOSIT OF RENT

**9. Receipt of rent.**—A receipt required to be given by the landlord or his authorised agent under sub-section (2) of section 26 in respect of rent paid for any premises shall be in Form 'B'.

**10. Deposit of rent.**—(1) A deposit of rent under section 27 shall be made in cash and shall be accompanied by an application by the tenant in Form 'C'.

(2) On such deposit being made, the Controller shall send a copy or copies of the application accompanying the deposit, by registered post with acknowledgment due, at the cost of the applicant, to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

**11. Payment of rent deposited.**—The Controller shall order the amount of rent deposited to be paid to the landlord or persons entitled to the rent either in cash or by cheque.

**12. Accounting of deposits.**—Subject to provisions of section 29, all sums deposited shall be treated as Civil Court deposits and accounted for and dealt with according to the rules of Civil Court deposits in force in Civil Courts in Delhi.

### CHAPTER IV

#### HOTELS AND LODGING HOUSES

**13. Recovery of possession from the lodger.**—An application by the manager of a hotel or the owner of a lodging house for a certificate under section 34 shall contain the grounds for the recovery of possession from the lodger of the accommodation provided to him and shall be made in writing and accompanied by an affidavit in support of the allegations contained therein.

**14. Certificate to be sent to the manager.**—A certificate issued under section 34 by the Controller shall be sent to the manager of the hotel or the owner of the lodging house concerned with a copy thereof to the lodger concerned by registered post with acknowledgement due.

**15. Display of notice of fair rates.**—The manager of every hotel or the owner of every lodging house shall display a notice of the fair rates fixed by the Controller and a copy of the relevant provisions of the Act and rules relating thereto in a conspicuous manner in the hotel or the lodging house, as the case may be.

**16. Application to the Controller.**—Every application to the Controller under Chapter V of the Act including an application for certificate under section 34 shall be in form 'D' and shall be delivered to the Controller either in person or through a recognised agent or sent to his office by registered post.

### CHAPTER V

#### APPEAL AND TRANSFER APPLICATIONS

**17. Form of appeal.**—(1) Every appeal to the Rent Control Tribunal under section 38 shall be preferred in the form of a memorandum signed by the appellant or his recognised agent and presented either in person or through a recognised agent to the Tribunal or to such officer as it may appoint in this behalf.

(2) Every such memorandum shall be accompanied by a copy of the order of the Controller appealed from and shall set forth concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

18. **Application for transfer of proceedings.**—An application for transfer of proceedings under sub-section (4) of section 38 shall be accompanied by an affidavit in support of the allegations contained in the application.

19. **Appearance before Tribunal.**—A party may appear before the Rent Control Tribunal either in person or by a recognised agent provided that if the Rent Control Tribunal so directs, the party shall appear in person.

CHAPTER VI

FEES

20. **Process fees.**—(1) Process fees for processes under the Act shall be levied as prescribed in the rules made by the Punjab High Court under section 20 of the Court-fees Act, 1870, as to cost of processes in Civil Courts.

(2) For the purposes of this rule, the Court of the Controller shall be deemed to be a Civil Court of Third Grade and the Court of the Rent Control Tribunal shall be deemed to be a Civil Court of Second Grade.

CHAPTER VII

NOTICES

21. **Notice relating to sub-tenancy.**—A notice of the creation or termination of a sub-tenancy required under section 17 shall be in Form 'E'.

22. **Service of notice, etc.**—Unless otherwise provided by the Act, any notice or intimation required or authorised by the Act to be served on any person shall be served—

- (a) by delivering it to the person; or
- (b) by forwarding it to the person by registered post with acknowledgment due.

CHAPTER VIII

MISCELLANEOUS

23. **Code of Civil Procedure to be generally followed.**—In deciding any question relating to procedure not specifically provided by the Act and these rules, the Controller and the Rent Control Tribunal shall, as far as possible, be guided by the provisions contained in the Code of Civil Procedure, 1908.

24. **Registers to be maintained by the Controller and Tribunal.**—The Controller and the Rent Control Tribunal shall maintain such of the registers prescribed for use in Civil Courts in Delhi as may be necessary.

APPENDIX

FORM 'A'

(See rule 3)

Before..... Controller.

Name ..... *Petitioner.*

*Versus*

Name..... *Respondent.*

Application for fixation of standard rent  
increase of standard rent  
eviction of tenant

Under Section \_\_\_\_\_

(\*Strike out whatever is inapplicable)

- (1) Municipal No. of the premises and the name, if any.
- (2) Street and municipal ward or division in which the premises are situated
- (3) (a) Name and address of the landlord.
- (b) Name and address of the tenant/tenants.

- (4) Whether the premises are residential or non-residential.
- (5) In the case of residential premises, the number of persons occupying the same and in the case of non-residential premises, the purpose for which they are used and the number of employees, if any, working therein.
- (6) Whether any furniture is supplied by the landlord for use in the premises.
- (7) Details of fittings, if any, provided by the landlord.
- (8) Details of accommodation available together with particulars as regards ground area, garden and out-houses, if any. (Plan to be attached).
- (9) Whether the premises are occupied by a single tenant or by more than one tenant.
- (10) Amenities available in regard to lighting, water, sanitation and the like.
- (11) Monthly rent together with details of house-tax, electricity, water and other charges paid by the tenant.
- (12) (a) Date of completion of construction of the premises and the cost thereof
- (b) Whether completion report was obtained from the local authority and the date thereof.
- (13) Rateable value as entered in the last property assessment book of the Delhi Municipal Corporation, New Delhi Municipal Committee or the Delhi Cantonment Board, as the case may be.
- (14) Date on which the premises were let to the tenant and details of agreement, if any, with the landlord. (Attested copy of the agreement to be attached).
- (15) Whether the rent of the premises has been fixed under the New Delhi House Rent Control Order, 1939, or the Delhi Rent Control Ordinance, 1944, or the Delhi and Ajmer Merwara Rent Control Act, 1947, or the Delhi and Ajmer Rent Control, Act, 1952, or the Delhi Rent Control Act, 1958; and if so, the amount of such rent and the date from which it took effect.
- \*(16) Whether there are any sub-tenants and if so, the date of such sub-letting, accommodation sub-let, whether with or without the written consent of the landlord and the rent charged from sub-tenant.
- \*\* (17) Whether any additions or alterations have been made since the rent was fixed as stated under item No. 15; and if so, the date on which such additions or alterations were made, the cost of such additions or alterations and whether they were carried out with the approval of the tenant or of the controller.
- †(18) (a) The grounds on which the eviction of the tenant is sought.
- (b) Whether notice required has been given; and if so, particulars thereof. (Copies of such notice and the tenant's reply, if any, should be furnished.)
- (19) Any other relevant information
- (20) Relief claimed.

(Verification).

Place:

Date:

.....  
(Signature of applicant/recognised agent).

\*This information should be given in applications for eviction due to unauthorised sub-letting.

\*\*This information should be given in applications for increase of rent due to additions or alterations.

†This information should be given in application for eviction of tenants

FORM 'B'  
(See rule 9)

Form of Rent Receipt and Counterfoff

Counterfoff Serial No.  
 Name of the landlord:--  
 Address of the landlord:  
 Received with thanks from  
 a sum of Rs. (in figures) (in words)  
 only as payment of rent at Rs. per for  
 the period for the premises  
 this day the day of the month of in the year

Signature or thumb impression  
of the landlord or authorised agent.

\*The rent charged includes:--

- (1) Rates, cesses and taxes of the local authority.
- \*\* (2) Electric charges.
- \*\* (3) Water charges.
- \*\* (4) .....
- \*\* (5) .....

\*It does not include:--

- (1) Rates, cesses and taxes of the local authority.
- (2) Electricity charges.
- (3) Water charges.
- (4) .....
- (5) .....

\* Strike out whatever is inapplicable.  
 \*\* State the exact charges if possible.

Rent Receipt. Serial No.  
 Name of the landlord:--  
 Address of the landlord:--  
 Received with thanks from  
 a sum of Rs. (in figures) (in words)  
 only as payment of rent at Rs. per for  
 the period for the premises  
 this day the day of the month of in the year

Signature or thumb impression  
of the landlord or authorised agent.

\*The rent charged includes:--

- (1) Rates, cesses and taxes of the local authority.
- \*\* (2) Electric charges.
- \*\* (3) Water charges
- \*\* (4) .....
- \*\* (5) .....

\*It does not include:--

- (1) Rates, cesses and taxes of the local authority.
- (2) Electric charges.
- (3) Water charges.
- (4) .....
- (5) .....

\* Strike out whatever is inapplicable.  
 \*\* State the exact charges if possible

## FORM 'C'

(See rule 10)

*Application for deposit of rent*

Before Controller .....

Name

Petitioner.

Versus

Name

Landlord.

- (1) The premises for which the rent is deposited with a description sufficient for identifying the premises.
- (2) The period for which the rent is deposited and the rate per month.
- (3) The name and address of the landlord or the person or persons claiming to be entitled to such rent.
- (4) The reasons and circumstances for which the application for depositing the rent is made.
- (5) The amount of the rent deposited.
- (6) Whether electricity, water charges, property tax, etc. are included in the rent and if so, particulars thereof.
- (7) How the rent was tendered to the landlord—whether in persons or by postal money-order or by cheque, etc., and whether it was refused by him in writing or otherwise.
- (8) Whether there is a *bona fide* doubt as to the person or persons to whom the rent is payable and if so, why.
- (9) Date on which the rent was last paid to the landlord and the receipt, if any, obtained from him therefor.
- (10) Any other relevant information.

The statements made above are true to the best of my knowledge and belief and I, the applicant/recognised agent signed the application on the ..... day of 19 .....

.....  
Signature of the applicant/  
recognised agent.

## FORM 'D'

(See rule 10)

*Application for fixation of fair rate/revision of fair rate/certificate to recover possession of accommodation.*

Before

Controller.

Name

Applicant.

Versus

Name

Respondent.

- (1) Name, address, location, etc. of the hotel or lodging house.
- (2) Rates charged for boarding, lodging and other services.
- (3) Whether fair rate has already been fixed and if so, the date on which such rate was fixed and details of such fair rate.
- (4) Other relevant information as to why the rates are considered excessive or why revision of rates is required or as to why recovery of possession from the lodge is asked for.

Verification:

Place:

Date:

.....  
Signature of applicant/recognised  
Agent.

## FORM 'E'

(See rule 21)

*Form of notice regarding creation or termination of sub-tenancy*

1. No. of the premises and name, if any.
2. Street and municipal ward or division in which the premises are situated.
3. Name of the tenant.
4. Name of the sub-tenant.
5. Details of the portion sub-let.
6. Rent payable by the sub-tenant.
7. Purpose for which sub-let—residential or non-residential and if latter, the nature of business, etc., and the number of employees, if any, working therein.
8. Date of creation/termination of the sub-tenancy.
9. Any other relevant information.

.....  
Signature of tenant/sub-tenant.

[No. 34/1/59-Delhi.]

HARI SHARMA, Addl. Secy.

