

Act No. L of 1947

[PASSED BY THE DOMINION LEGISLATURE]

An Act to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947

(Published in the Gazette of India Extraordinary, dated the 31st Dec. 1947.)

WHEREAS it is expedient to amend the Delhi and Ajmer-Merwara Rent Control Act, 1947 (XIX of 1947), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Delhi and Ajmer-Merwara Rent Control (Amendment) Act, 1947.

2. **Amendment of section 1, Act XIX of 1947.**—In clause (a) of sub-section (2) of section 1 of the Delhi and Ajmer-Merwara Rent Control Act, 1947 (hereinafter referred to as the said Act), after the word "premises" the words "situated in the Province of Ajmer-Merwara" shall be inserted.

3. **Amendment of section 2, Act XIX of 1947.**—To clause (c) of section 2 of the said Act the following word and sub-clause shall be added, namely:—

"or

(iii) where the standard rent has been fixed under section 7A, the rent so fixed;"

4. **Amendment of section 7, Act XIX of 1947.**—In sub-section (1) of section 7 of the said Act, after the word "premises" the words, figure and letter "other than premises to which the provisions of section 7A apply," shall be inserted.

5. **Insertion of new section 7A in Act XIX of 1947.**—After section 7 of the said Act the following section shall be inserted, namely:—

"7A. Special provisions relating to newly constructed premises in Delhi.—The provisions set out in the Fourth Schedule shall apply to the fixation of rent and other matters relating to the premises in Delhi (hereinafter referred to as the newly constructed premises) the construction of which was not completed before the commencement of this section.

6. **Insertion of Fourth Schedule in Act XIX of 1947.**—After the Third Schedule to the said Act the following shall be inserted as the Fourth Schedule, namely:—

THE FOURTH SCHEDULE

(See section 7A)

Provisions relating to the fixation of rent and other matters in respect of newly constructed premises in Delhi

1. "Rent Controller" for the purposes of this Schedule means the person appointed by the Central Government as the Rent Controller.

2. If the Rent Controller on a written complaint or otherwise has reason to believe that the rent of any newly constructed premises is excessive, he may, after making such inquiry as he thinks fit, proceed to fix the standard rent thereof.

3. The Rent Controller in fixing the standard rent shall state in writing his reasons therefor.

4. In fixing the standard rent the Rent Controller shall take into consideration all the circumstances of the case including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent.

5. No tenant holding any newly constructed premises under an existing lease or on terms otherwise agreed to between the tenant and the landlord shall be required as a result of fixation of the standard rent to pay a rate of rent higher than that fixed in the lease or otherwise agreed to during the currency of an existing lease or an extension thereof, unless the tenant has agreed to some addition, improvement or alteration being carried out in such premises on the understanding that he would pay higher rent and such higher rent is previously or at any subsequent time approved by the Rent Controller.

6. If at any time after the standard rent of any newly constructed premises has been determined under paragraph 2 it appears to the Rent Controller that subsequent to such determination some addition, improvement or alteration, not included in necessary repairs or repairs usually made to premises in that locality has been made to such premises at the landlord's expense, the Rent Controller may, after making such inquiry as he thinks fit, redetermine the standard rent thereof:

Provided that any increase in the standard rent allowed under this paragraph shall not exceed $7\frac{1}{2}$ per cent. of the cost of the addition, improvement or alteration and shall not be chargeable with effect from any date earlier than the date on which the addition, improvement or alteration was completed.

7. For the purposes of an inquiry under paragraphs 2, 5 and 6, the Rent Controller may—

(a) require the landlord to produce any book of account, document or other information relating to the newly constructed premises.

(b) enter and inspect such premises after due notice, and

(c) authorise any officer subordinate to him to enter and inspect such premises after due notice.

8. The standard rent shall in all cases be fixed by the Rent Controller as for a tenancy of twelve months:

Provided that where any newly constructed premises, the standard rent of which is fixed under this paragraph, is let or re-let for a period of less than twelve months, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months:

Provided further that where such premises were so let or re-let by reason of the tenant being unwilling to take the same for twelve months, the standard rent for such tenancy shall be determined in accordance with the principles laid down in the Third Schedule.

9. If any dispute arises between a landlord and a tenant over the application of paragraph 8, the matter may be referred by either party to the Rent Controller for decision who shall state in writing his reasons therefor.

10. When the standard rent of any newly constructed premises has been determined—

(a) the landlord, or any person acting or purporting to act on behalf of the landlord, shall not claim or receive in consideration of the grant, renewal or continuance of a tenancy of such premises any premium, advance or other like sum in addition to rent or any rent in excess of the standard rent;

(b) any agreement for the payment of rent in excess of the standard rent shall be null and void in respect of such excess only;

(c) any agreement for the payment of any premium, advance or any like sum in addition to rent shall be null and void;

(d) any sum in excess of the standard rent and any premium, advance or any like sum in addition to the rent paid, whether before or after the coming into operation of this paragraph in respect of such premises shall be refunded to the person by whom it was paid or at the option of such person otherwise adjusted.

11. Any person aggrieved by an order of the Rent Controller may, within thirty days from the date on which the order is communicated to him, appeal to the District Judge, Delhi."

7. Repeal of Ordinance XVIII of 1947.—The Delhi and Ajmer-Merwara Rent Control (Amendment) Ordinance, 1947, is hereby repealed.