

# THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 1984

No. 34 OF 1984

[26th May, 1984.]

An Act further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short  
title  
and com-  
mence-  
ment.

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1984.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Inser-  
tion of  
new  
section  
7A.

2. After section 7 of the Essential Commodities Act, 1955, the following section shall be inserted, namely:—

10 of 1955

Power  
of Cen-  
tral  
Govern-  
ment to  
recover  
certain  
amounts  
as arrears  
of land  
revenue.

“7A. (1) Where any person, liable to—

(a) pay any amount in pursuance of any order made under section 3, or

(b) deposit any amount to the credit of any Account or Fund constituted by or in pursuance of any order made under that section,

makes any default in paying or depositing the whole or any part of such amount, the amount in respect of which such default has been made shall [whether such order was made before or after the commencement of the Essential Commodities (Amendment) Act, 1984, and whether the liability of such person to pay or deposit such amount arose before or after such commencement] be recoverable by Government together with simple interest due thereon computed at the rate of six per cent. per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue.

(2) The amount recovered under sub-section (1) shall be dealt with in accordance with the order under which the liability to pay or deposit such amount arose.

(3) Notwithstanding anything contained in any other law for the time being in force or any contract to the contrary, no court,

<sup>1</sup> 1st July 1984. Vide Notification No. G.S. R. 485 (E) dated 1-7-1984 Gazette of India Extraordinary 1984 Part-II Section 3 (i)

tribunal or other authority shall grant any injunction or make any order prohibiting or restraining any Government from recovering any amount as an arrear of land revenue in pursuance of the provisions of sub-section (1).

(4) If any order, in pursuance of which any amount has been recovered by Government as an arrear of land revenue under sub-section (1) is declared by a competent court, after giving to the Government a reasonable opportunity of being heard, to be invalid, the Government shall refund the amount so recovered by it to the person from whom it was recovered, together with simple interest due thereon, computed at the rate of six per cent. per annum, from the date of recovery of such amount to the date on which such refund is made.

*Explanation.*—For the purposes of this section, “Government” means the Government by which the concerned order under section 3 was made or where such order was made by an officer or authority subordinate to any Government, that Government.