

GOVERNMENT OF RAJASTHAN
Urban Development and Housing Department

No. : F.4(53)/UDH/Miss/2022

Jaipur Dated : 10 JUL 2023

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 91 read with sub-section (5) of section 77 of the Ajmer Development Authority Act, 2013 (Act No. 39 of 2013), the State Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Ajmer Development Authority Appellate Tribunal Rules, 2023.

(2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Ajmer Development Authority Act, 2013 (Act No 39 of 2013);
- (b) 'Authority' means Ajmer Development Authority established under section 3 of the Act;
- (c) 'From' means from appended to these rules;
- (d) "Section" means section of the Act; and
- (e) 'Tribunal' means the Ajmer Development Authority Appellate Tribunal constituted under sub-section (1) of section 77 of the Act;

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Procedure for filing appeal.- (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant and his Advocate, if any, and presented before to the Tribunal or to such officer as it appointed in this behalf.

(2) Every memorandum of appeal shall be accompanied by,-

- (a) certified copy of the order appealed against or its true copy issued by the Authority;
- (b) where the appellant for reasons beyond his control is not in a position to furnish a duly certified copy of the order appealed against, the appeal shall be accompanied by an affidavit stating the reasons thereof;
- (c) photo copy or copies of the documents or otherwise on which he wished to rely along with a list of documents in Form No. I;
- (d) as many copies of memorandum of appeal as there are respondents in the appeal along with notice of appeal; and
- (e) affidavit in support of the contents of memorandum of appeal and documents.

4. Contents of memorandum of appeal.- Every memorandum of appeal shall,-

- (i) state the name and address of the appellant;
- (ii) state the name and address of the respondents;
- (iii) set out concisely and under distinct heads, the grounds of appeal without any argument or narrative;
- (iv) state at the end of memorandum of appeal, that no suit, writ petition, appeal or other proceedings have been filed by him or by any other person within his knowledge concerning the matter in this appeal in any court; and
- (v) in case, the appellant or any other person within his knowledge has filed any such suit writ petition appeal or proceedings as mentioned above in any court, brief description of the same shall be given in the memorandum of appeal.

5. Scrutiny of memorandum of appeal.- On presentation of memorandum of appeal and before initiating any action on it, the Tribunal or any officer as it appoints in this behalf shall scrutinize on the following points:-

- (i) whether it bears the signatures of the appellant;
- (ii) whether it is accompanied by order or its true copy against which the appeal has been filed along with the requisite number of copies of appeal, notice, documents, affidavits under clause (b), (c), (d) and (e) of sub-rule (2) of rule 3;
- (iii) whether it is within the jurisdiction of the Tribunal;
- (iv) whether it contains the grounds of appeal;
- (v) whether the appeal is within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period; and
- (vi) any other relevant point effecting the admissibility of appeal.

6. Rejection or amendment of memorandum.- (1) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected or be returned to the appellant for the purpose of being amended within a time to be fixed by the Tribunal.

(2) Where the Tribunal rejects any memorandum, it shall record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the presiding Officer of the Tribunal or such officer as he appoints in this behalf, shall sign or initial the amendment.

7. Registry of memorandum of Appeal.- (1) After the scrutiny of memorandum of appeal under rule 5 and amended under sub-rule (3) of rule 6 if any, the officer appointed in this behalf by the Tribunal shall endorse thereon the date of presentation and shall register the appeal in a register of appeals.

(2) Form of register shall be such as may be specified by the Tribunal.

8. Notices to the respondent and production of record.- (1) As soon as the appeal is admitted, the Tribunal shall order to,-

- (i) issue of notices in Form No. II to the respondents; and
- (ii) issue notices for production of records in the Form No. III to the appellant or respondents;

Explanation: Notices in the name of the Authority shall be issued to the Secretary of the Authority.

(2) All notice required to be given or served on any person under these rules shall be issued and served as nearly as may be in the same manner as provided for the issuance and service of summons under the provision of Order V of the Code of Civil Procedure (Central Act No. V of 1908).

9. Daily cause list.- A cause list, shall be prepared in Hindi for each day in Form No. IV of cases fixed for hearing and signed by such officer as may be appointed in this behalf by the Tribunal, same shall be pasted on the notices board of the Tribunal on the previous working day.

10. What to Accompany the notices to respondents.- Along with the notices to the respondents, the following documents shall be sent to the respondents,-

- (i) copy of the memorandum of appeal and copies of documents filed by the appellant; and
- (ii) copy of the order appealed against which shall be supplied by the appellant.

11. Reply of respondent.- The respondent shall, on or before the first hearing or within such time as the Tribunal may permit, from time to time, file reply of the appeal along with copy or copies of the documents on which he rely along with a list of documents and affidavits in support of the contents of reply and documents.

12. Order or judgment of appeal.- The Tribunal after hearing the parties shall pass an order or judgment in writing and shall be signed with date by the Presiding Officers.

13. Copy of order or judgment.- (1) On the application of parties in Form No. V, certified copies of the orders and judgments passed by the Tribunal shall be supplied

to the parties by the Tribunal on payment of fee specifies in General Rules (Civil & Criminal) 2018. Such fees shall be deposited in cash in the Authority. No such fee shall be charged from the Authority and Government of Rajasthan.

(2) Such applications shall be entered into a register in the form specified by the Tribunal.

(3) The Tribunal shall send a certified copy of an order of judgment passed by it in each appeal to the Secretary of the Authority and one such copy to the officer of the Authority against whose order appeal was filed.

(4) The procedure for grant of copies of orders and judgments, the provisions of General Rules (Civil & Criminal) 2018 shall be mutatis mutandis apply.

14. Inspection of records.- (1) A person may apply for inspection of records of the Tribunal.

(2) The form of application and fee for the inspection of records shall be same as specified in the General Rules (Civil & Criminal) 2018. The fee shall be deposited in the fund of the Authority. No. fee shall be charged from the Authority or the State Government.

(3) The Tribunal may allow on application under sub-rule (1) inspection of record, the terms and conditions of inspection shall be same as specified in the General Rules (Civil & Criminal) 2018.

(4) Every application under sub-rule (1) shall be entered in register.

15. Preservation, retention and disposal of records.- For preservation, retention and disposal of record of appeals, the provisions of the General Rules (Civil & Criminal) 2018 shall mutatis mutandis apply.

16. Reference to Tribunal.- (1) Any dispute arising out of any provisions of the Act may be referred to the Tribunal by the Authority.

(2) The Authority may draw up a statement of the facts of the case and the point or points on which dispute has arisen and refer such statement for the decision of Tribunal.

(3) Such statement shall be signed by the Secretary of the Authority.

17. Review.- (1) The Tribunal may on an application of the party to the appeal or on its own motion, review its own order or judgment.

(2) The Tribunal shall have the same powers as are vested in a civil court, in respect of hearing and disposal of review applications, under the Code of Civil Procedure, 1908 (Central Act No. V of 1908).

18. Procedure regarding matters not covered by rules.- The Tribunal shall follow such procedure as it may think fit on the matters not provided by these rules and not inconsistent with the Act.

19. Repeal and saving.- (1) All notification, circulars, orders issued by the State Government, from time to time, in relation to matters covered by these rules, shall stand superseded so far as they are inconsistent to the provisions of these rules from the date of the commencement of these rules.

(2) Any action taken or things done under superseded notification circular, orders so superseded prior to commencements these rules shall be deemed to have been taken or done under these rules.

By order of the Governor,


(Sanchita Bishnoi)

Joint Secretary to the Government.

Copy forwarded to the followings for information and n/a :-

1. Principal Secretary to Hon'ble Chief Minister, Government of Rajasthan, Jaipur.
2. P.S. to Hon'ble Minister for Urban Development Deptt., Jaipur.
3. P.S. to Chief Secretary, Government of Rajasthan, Jaipur.
4. P.S. to Principal Secretary, Urban Development Deptt., Jaipur.
5. P.S. to Principal Secretary to the Government, Law Department, Government of Rajasthan.
6. Joint Secretary I, II & III Urban Development Deptt., Jaipur.
7. Commissioner Jaipur/Jodhpur/Ajmer Development Authority.
8. Chief Town Planner, Rajasthan, Jaipur.
9. All Divisional Commissioner Rajasthan.
10. District Collector, Ajmer, Rajasthan.
11. All Chairman/Secretary, Urban Improvement Trust.
12. Sr. D.S., UDH Department to send online for publication the notification in extra ordinary issue of gazette and uploading in the departmental website.
13. Guard File.

Joint Secretary¹¹ to the Government.

Form No. I
[see rule 3 (2) (c)]

Before the Ajmer Development Authority Appellate Tribunal, Ajmer

List of Documents

Appeal No -----/202-----

Name of Parties:

-----Appellant v/s-----Respondent

| S.No | Description of documents | No. of papers | Original or copy | Remarks |
|------|--------------------------|---------------|------------------|---------|
| | | | | |
| | | | | |

Date

Signature of Appellant with name & address

Form No. II

[see rule 8 (1)(i)]

Ajmer Development Authority Appellate Tribunal Ajmer

Notice to Respondent of the day fixed for the hearing of the appeal

Appellant

Respondent

Ajmer Development Authority

Appeal No..... 202....against the order No.....dated..... /passed by the..... Ajmer Development Authority, Ajmer.

To

..... Ajmer Development Authority, Ajmer

Take Notice that an appeal from the order, as shown above has been presented by the appellant and registered in this Tribunal and that the day of/ 20-at 11.03 A.M. has been fixed by this Tribunal for the hearing of this appeal. (Copies of Appeal and impugned order enclosed).

If no appearance is made on your behalf by yourself, your pleader, or by someone by law authorized to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this the day of /202----

By order

Ajmer Development Authority Appellate Tribunal Ajmer

Form No. III
[see rule 8(1)(ii)]

Requisition for Record

No..... /T/g.....

Dated.....

.....V/s. Ajmer Development Authority, Ajmer

To,

..... Ajmer Development Authority, Ajmer.

Kindly transmit to this Tribunal, the record specified below. I have satisfied myself that the production of the original record is necessary. The record should reach to this Tribunal before.....the next date of hearing.

Particulars of Record Sent for

1. Of what court/Authority.
2. Kind of case.
3. No. and year
4. Title
5. Date of disposal/orders
6. Remarks

By order

Ajmer Development Authority Appellate Tribunal Ajmer

Form No. IV
[see rule 9]
CAUSE-LIST

Date Month Year

| S. No. | No. and description of case | Names of parties | of | Names of Lawyers | of | Purpose | Remarks |
|--------|-----------------------------|------------------|----|------------------|----|---------|---------|
| 1 | 2 | 3 | | 4 | | 5 | 6 |
| | | | | | | | |

Form No. V

[see rule 13]

Appeal No.

Name of Parties

.....V/s.....

Applicant is Appellant/Respondent/Advocate in this appeal and requests for certified copy/copies of order/Judgment.

| S. No. | Description of order/ judgment | No. of copies | Purpose for obtaining copies | Urgent or ordinary |
|--------|--------------------------------|---------------|------------------------------|--------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Date

Signature of applicant with address

By order of the Governor,
()
Joint Secretary to Government.