

TRIPURA BUILDINGS (LEASE AND RENT CONTROL) ACT, 1975

5 of 1975

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CONTENTS

1. Short title, extent, application and commencement
2. Definitions
- 3 . Constitution of Rent Control Courts and appointments of Accommodation Controllers
4. Notice of vacancy
5. Determination of fair rent
6. Increase or reduction of fair rent in what cases admissible
7. Increase of rent in certain cases
8. Revision of fair rent
9. Landlord not to claim or receive anything in excess of fair rent or agreed rent
10. Right of tenant paying rent or advance to obtain receipt
11. Right of tenant to deposit rent in certain cases
12. Eviction of tenants
13. Payment or deposit of rent during the pendency of proceedings for eviction
14. Landlord not to interfere with amenities enjoyed by the tenant
15. Execution of orders
16. Decision which have become final not to be re-opened
17. Orders of Rent Control Court to be pronounced in open Court
18. Failure by landlord to make necessary repairs
19. Supply of electricity to the building without the permission of the landlord
20. Appeal
21. Costs
22. Revision
23. Order under the Act to be binding on sub-tenants
24. Proceedings by or against legal representative
25. Summons, etc
26. Time within which proceedings have to be disposed of
27. Exemptions
28. Executive Authorities of local bodies to furnish certified extracts from property tax or house tax assessment books
29. Landlord and tenant to furnish particulars
30. Inspectors
31. Penalties

- 32. Fixation of fair rent suo moto by court
- 33. Power to make rules
- 34. Protection of action taken in good faith

SCHEDULE 1 :- Municipal limits of Agartala Town

**TRIPURA BUILDINGS (LEASE AND RENT CONTROL) ACT,
1975**

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An Act to regulate the-leasing of buildings and to control the rent of such buildings in the State of Tripura Be it enacted by the Legislative Assembly of Tripura in the Twenty-sixth Year of the Republic of India as follows

1. Short title, extent, application and commencement :-

(1) This Act may be called the Tripura Buildings (Lease and Rent Control) Act, 1975.

(2) It extends to the whole of the State of Tripura.

(4) It shall be deemed to have come into force on and from the first day of January, 1975.

2. Definitions :-

In this Act, unless the context otherwise requires

(a) "Accommodation Controller" means any person appointed to perform the functions of an Accommodation Controller under this Act;

(c) "family" means in relation to a person, the wife or husband of such person, his or her children, grand children, parents, brothers and any other relative dependent on him and in the case of a joint Hindu family, any member of such family;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Rent Control Court" means the Rent Control Court constituted under S.3;

(g) "Schedule" means a schedule appended to this Act;

(h) "tenant" means any person by whom or on whose account or behalf the rent of any premises is, or but for a special contract would be, payable and includes any person continuing in possession

after the termination of his tenancy or in the event of such person's death, such of his heirs as were ordinarily residing with him at the time of his death but shall not include any person against whom any decree or order for eviction has been made by a civil court of competent jurisdiction;

(i) "town "means an area within the limits of a municipality or such other area as may be specified by the State Government for this purpose by a notification in the official Gazette;

(j) "unconscionable rent" means any rent which is more than double the maximum of the fair rent that could be fixed for a building under S. 5;

(k) "village" means a village as defined in Cl. (w) of S. 2 of the Tripura Land Revenue and Land Reforms Act, 1960.

3. Constitution of Rent Control Courts and appointments of Accommodation Controllers :-

(1) The State Government may, by notification in the official Gazette, appoint a person who is or is qualified to be appointed, as Munsiff to be the Rent Control Court for such local areas as may be specified therein.

(2) The State Government may, by notification in the official Gazette, appoint any officer not below the rank of a Sub-Deputy Collector to be the Accommodation Controller for any area to which this Act applies.

(3) The Accommodation Controller shall exercise his powers and perform his functions subject to such general directions as the State Government may issue.

4. Notice of vacancy :-

(3) If, within fifteen days of the receipt by the Accommodation Controller of a notice under sub-S. (1) or sub-S. (2), the Accommodation Controller does not intimate to the landlord in writing that the building is required for the purpose of the State Government or Central Government or of any public institution or for the occupation of any officer of such Government, or local Authority, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

(4) The landlord shall not let the building to a tenant or occupy it

himself, before the expiry of the period specified in sub-S. (3) unless in the mean time he has received intimation that the building is not required for the purposes or for occupation by any of the persons specified in that sub-section.

5. Determination of fair rent :-

(1) The Rent Control Court shall, on application of the tenant or landlord of a building fix the fair rent for such building after holding such enquiry as it thinks fit.

(3) If there is no property tax or house tax fixed for the building or if it is not based on a rental basis or if the building is situated in an area which is not within a municipality, Panchayat or any other local Authority, the fair rent shall be fixed after taking into consideration the prevailing rates of rent in the locality for similar accommodation in similar circumstances during the twelve months preceding the letting.

(4) In case the allotment of the building is made by the Accommodation Controller, he may, provisionally fix the fair rent for the building and the Rent Control Court may, on application by an aggrieved party modify the fair rent so fixed.

(5) The Rent Control Court shall intimate the fair rent of the building fixed to the local Authority within whose jurisdiction the building, in respect of which the fair rent has been fixed, is situated. The local Authority on receipt of such intimation shall make a record of the fair rent fixed in the register kept for the purpose and shall make the register available for inspection in such places and in such manner as may be prescribed. The register so prepared shall be kept up-to-date so as to contain full particulars in regard to the rent fixed in respect of a building by the Rent Control Court and also the subsequent variation thereto made by the said Court.

6. Increase or reduction of fair rent in what cases admissible :-

(2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the reduction in the fair rent as so fixed, and any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Rent Control Court.

7. Increase of rent in certain cases :-

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-S. (1), shall be decided by the Rent Control Court.

8. Revision of fair rent :-

(1) The fair rent may be revised only if there has been an increase or decrease in the market value of the premises.

(3) The rent of the premises payable for a year shall not be increased or decreased by revision by more than two-and-a-half per centum per annum of the difference between the market value of the premises on the date of the application under sub-S. (2) and the date of the last fixation of the fair rent or the commencement of this Act, as the case may be.

9. Landlord not to claim or receive anything in excess of fair rent or agreed rent :-

(3) Any stipulation in contravention of sub-S. (1) or sub-S. (2) shall be null and void.

10. Right of tenant paying rent or advance to obtain receipt :-

(1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt in the prescribed form for the amount paid, duly signed by the landlord or his authorised agent.

(3) If the landlord specifies a bank as aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may subsequently become due in respect of the building.

(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited in accordance with the provisions of sub-S. (2).

11. Right of tenant to deposit rent in certain cases :-

(1) Where the address of the landlord or his authorised agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building together with such fee as may be prescribed for the service of the notice referred to in sub-S. (2) of S. 10 before such authority and in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building together with the fee prescribed as aforesaid, before the same authority and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.

(2) The rent so deposited may, subject to such conditions as may be imposed by the Rent Control Court, be withdrawn by the landlord or his authorised agent, on application to the Rent Control Court.

(3) Where any bonafide doubt or dispute arises as to the person who is entitled to receive the rent for any building, the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Rent Control Court the circumstances under which such deposit was made by him, and may continue to deposit any rent which may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by a settlement between the parties or until the Rent Control Court makes an order under Cl. (b) of sub-S. (4), as the case maybe.

12. Eviction of tenants :-

(5) A landlord who wants to renovate the building may apply to the Rent Control Court for an order directing the tenant to permit the landlord to enter and carry out the renovation within a time to be fixed by the Rent Control Court and the Rent Control Court may issue such orders, as it deems fit, and the tenant shall be bound to abide by the orders of the Rent Control Court.

(6) A tenant whose building has been renovated under sub-S. (5) shall be liable to pay enhanced rent so as to assure the landlord a rent equal to the rent for a similar building with similar amenities in the locality.

(7) Where the landlord of a building is a religious, charitable, educational or other public institutions, it may, if the building is needed for the use of the institution, apply to the Rent Control

Court, for an order directing the tenant to put the institution in possession of the building.

(8) A landlord, who is occupying only a part of a building, may apply to the Rent Control Court for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for his personal use.

(9) Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply to the Rent Control Court before the expiry of such period.

(12) Where a landlord who has obtained possession of a building in pursuance of an order under sub-S. (3), does not occupy it without reasonable cause within one month of the date of obtaining possession, or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Rent Control Court for an order directing that he shall be restored to possession of the building, and the Rent Control Court shall make an order accordingly notwithstanding anything contained in S. 4.

(14) Where this Rent Control Court is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Rent Control Court may direct that compensation not exceeding fifty rupees be paid by such landlord to the tenant.

(15) Where an application made under sub-S. (2), (3), (4), (5), (7), or sub-S. (8) for evicting a tenant has been rejected by the Rent Control Court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in the above said sub-sections.

(16) Notwithstanding anything contained in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the landlord shall, except with the previous written consent of the landlord, be entitled to apply for the eviction of a tenant.

13. Payment or deposit of rent during the pendency of proceedings for eviction :-

(1) No tenant against whom an application for eviction has been made by a landlord under S. 12 shall be entitled to contest the application before the Rent Control Court under that section, or to prefer an appeal under S. 20 against any order made by the Rent Control Court on the application, unless he has paid or pays to the landlord, or deposit with the Rent Control Court or the appellate authority, as the case may be, all arrears of rent admitted by the tenant to be due in respect of the building up to the date of payment or deposit, and continues to pay or to deposit, any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Rent Control Court or the appellate authority, as the case may be.

(3) If any tenant fails to pay or to deposit the rent as aforesaid, the Rent Control Court or the appellate authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(4) When any deposit is made under sub-S. (1), the Rent Control Court or the appellate authority, as the case may be, shall cause notice of the deposit to be served on the landlord in the prescribed manner, and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the landlord on application made by him to the Rent Control Court or the appellate authority in that behalf.

14. Landlord not to interfere with amenities enjoyed by the tenant :-

(1) No landlord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Rent Control Court complaining of such contravention.

(4) If the Rent Control Court on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient causes, it shall make an order directing the landlord to restore such amenities and for the purpose of enforcement of such orders, the Rent Control Court may exercise all the powers of a Civil Court in executing a decree for injunction or for specific performance.

15. Execution of orders :-

Every order made under S. 12 or S. 13 or S. 14 or S. 21 and every order passed on appeal under S. 20 or on revision under S. 22 shall, after the expiry of the time allowed there by be executed by the Munsif having original jurisdiction over the area in which the building is situated as if it were a decree passed by him:

Provided that an order passed in execution under this section shall not be subject to an appeal but shall be subject to revision by the Court to which appeals ordinarily lie against the decision of the said Munsiff.

16. Decision which have become final not to be re-opened :-

The Rent Control Court shall summarily reject any application under sub-S. (2), (3), (4), (5), (7) or sub-S. (8) of S. 12 which raises between the same parties or between parties under whom they or any of them claim substantial the same issues as have been finally decided or purports to have been finally decided in a former proceeding under this Act or under the corresponding provisions of any law in force prior to the commencement of this Act or the corresponding provisions of any law repealed or superseded by such law.

17. Orders of Rent Control Court to be pronounced in open Court :-

Every order passed by a Rent Control Court under this Act shall be pronounced in open Rent Control Court on the date on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

18. Failure by landlord to make necessary repairs :-

(2) No appeal shall lie from the order of the Rent Control Court passed under sub-S. (1) which shall be final.

19. Supply of electricity to the building without the permission of the landlord :-

(1) If a landlord refuses or withholds his consent to the supply of electricity to a tenant, the tenant desiring to get such supply from licensee as defined in Cl. (b) of S. 2 of the Indian Electricity Act, 1910 may apply to the Rent Control Court setting out the scheme for such supply.

(2) On receipt of such application the Rent Control Court may after giving the landlord and the owner of the building, if he be not the landlord, an opportunity of being heard, permit the tenant to get the supply in accordance with the scheme set out in the tenant's application or in accordance with any modified scheme.

(3) On such permission being given, notwithstanding anything contained in any other law for the time being in force the owner shall be deemed to have given the requisite consent under sub-S. (2) of S. 12 of the Indian Electricity Act, 1910 and the licensee shall not be liable to the owner for trespass for steps taken for supply of electricity according to the said permission.

20. Appeal :-

21. Costs :-

Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Rent Control Court or the appellate authority referred to in S. 20 shall be in the discretion of the Rent Control Court or the appellate authority which shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Explanation. The appellate authority may set aside or vary any order passed by the Rent Control Court in regard to the costs of and incident to the proceedings before it,

22. Revision :-

(1) In cases where the appellate authority empowered under S. 20 is a Subordinate Judge, the District Judge, and in other cases the High Court may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceedings taken under this Act by such authority for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceedings, and may pass such order in reference thereto as it thinks fit.

(2) The costs of, and incident to, all proceedings before the High Court or District Judge under sub-S. (1) shall be in its or his discretion.

23. Order under the Act to be binding on sub-tenants :-

Any order for the eviction of a tenant passed under this Act shall be

binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not;

provided that such order was not obtained by fraud or collusion. In cases where sub-letting is allowed under the original agreement of tenancy the sub-tenant shall be made a party to the proceedings if he had given notice of the sub-tenancy to the landlord.

24. Proceedings by or against legal representative :-

The provisions of S. 146 and Order XXII of the Code of Civil Procedure, 1908 (5 of 1908) shall, as far as possible, be applicable to the proceedings under this Act.

25. Summons, etc :-

(2) The Accommodation Controller, the Rent Control Court or the appellate authority may summon and examine suo moto any person whose evidence appears to it to be material; and it shall be deemed to be a civil court within the meaning of Ss. 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

26. Time within which proceedings have to be disposed of :-

The Rent Control Court, as far as may be practicable, pass final orders in any proceeding before it within four months from the date of appearance of the parties thereto.

27. Exemptions :-

(1) Notwithstanding anything contained in this Act the State Government may, in public interest or for any other sufficient cause, by notification in the official Gazette, exempt any building or class of buildings from all or any of the provisions of this Act.

28. Executive Authorities of local bodies to furnish certified extracts from property tax or house tax assessment books :-

(a) The executive authority or a municipality or Panchayat shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the State Government, by notification in the official Gazette, grant to the applicant a certified copy of the extract from the property tax or house tax assessment book of the municipality or Panchayat, as the case may be, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application.

(b) Such certified copy shall be received as evidence of the facts stated therein in proceedings under this Act.

29. Landlord and tenant to furnish particulars :-

Every landlord and every tenant of a building shall be bound to furnish to the Accommodation Controller, the Rent Control Court or any person authorised by it in that behalf, such particulars in respect of the building as may be prescribed by rules made under this Act.

30. Inspectors :-

(1) The State Government may, by notification in the official Gazette, appoint such officers as it thinks fit to be Inspectors for the purpose of enforcing the penal provisions of this Act and may assign to them such local limits as it thinks fit.

(2) For the purpose of any investigation or enquiry under the Act the Inspector may enter any premises with such assistance as he thinks necessary.

31. Penalties :-

(1) If any person contravenes any of the provisions of sub-Ss. (1), (2), (4), (5) and (6) of S. 4, Cl. (a) of sub-S. (1) and Cl. (b) of sub-S. (2) of S. 9, sub-S. (1) of S. 14, sub-S. (1) of S. 18 and S. 29, he shall be punishable with fine which may extend to one thousand rupees and in default to simple imprisonment which may extend to one month.

(2) If any landlord receives unconscionable rent in respect of any building he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend two thousand rupees or with both.

32. Fixation of fair rent suo moto by court :-

(1) If during the course of a proceeding under this Act, it is disclosed that a landlord was receiving a rent in excess of the rent that may be fixed under S. 5, the court before which/the complaint was filed shall, after the close of the proceedings before it, forward to the Rent Control Court the relevant extracts of the proceedings for the purpose of fixing the fair rent.

(2) The Rent Control Court, on receipt of such-extracts of proceedings, shall issue notice to the concerned landlord and tenant

and after giving them an opportunity of being heard fix the fair rent of the building and the fair rent so fixed shall be deemed to be fair rent as determined under S. 5.

33. Power to make rules :-

(1) The State Government may make rules to carry out the purposes of this Act.

(g) the officers or classes of officers who may be appointed as Inspectors.

(3) In making a rule under this section, the State Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the official Gazette.

(6) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. Protection of action taken in good faith :-

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

(2) No suit or other legal proceeding shall lie against the Government, any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or

direction made or issued thereunder.

SCHEDULE 1

Municipal limits of Agartala Town