

Government of Rajasthan
Urban Development and Housing Department

19/07/2018

No. F.2(19)/UDH/2017

Jaipur, Date:

NOTIFICATION

In exercise of the powers conferred by sections 83-A and 95 of the Jaipur Development Authority Act, 1982 (Act No.25 of 1982), sections 70 and 91 of the Jodhpur Development Authority Act, 2009 (Act No.2 of 2009), sections 78 and 91 of the Ajmer Development Authority Act, 2013 (Act No.39 of 2013) and all others powers enabling it in this behalf, the State Government hereby makes the following rules, namely:-

1. Short title, extent and commencement.- (1) These rules may be called the Rajasthan Settlement Committees for Development Authorities Rules, 2018.

(2) They shall extend to the urban areas for which a Development Authority has been constituted in the State of Rajasthan.

(3) They shall come into force at once.

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

- (i) "Act" means the Jaipur Development Authority Act, 1982 (Act No.25 of 1982), the Jodhpur Development Authority Act, 2009 (Act No.2 of 2009) and the Ajmer Development Authority Act, 2013 (Act No.39 of 2013), as the case may be;
- (ii) "Chairman" means a Chairman of the Settlement Committee constituted under rule 3 of these rules;
- (iii) "Committee" means a Settlement Committee constituted under rule 3 of these rules;
- (iv) "Development Authority" means Jaipur Development Authority established under the Jaipur Development Authority Act, 1982 (Act No.25 of 1982), Jodhpur Development Authority established under the Jodhpur Development Authority Act, 2009 (Act No.2 of 2009) or Ajmer Development Authority established under the Ajmer Development Authority Act, 2013 (Act No.39 of 2013), as the case may be;
- (v) "Form" means a form appended to these rules;
- (vi) "Government" means the Government of Rajasthan;

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

3. Constitution of Settlement Committee.- (1) There shall be one Settlement Committee for every Development Authority.

(2) The Committee for the Jaipur Development Authority shall consist of the following members, namely :-

- (i) Jaipur Development Commissioner - Chairman ;
- (ii) Secretary of the Jaipur Development Authority - Member Secretary
- (iii) Director, Finance of the Jaipur Development Authority - Member;
- (iv) Director, Town Planning of the Jaipur Development Authority - Member.

(3) The Committee for the Jodhpur Development Authority or the Ajmer Development Authority, as the case may be, shall consist of the following members, namely :-

- (i) Chairman of the Development Authority concerned - Chairman;
- (ii) Commissioner of the Development Authority concerned - Member;
- (iii) Secretary of the Development Authority concerned - Member Secretary;
- (iv) Director, Finance of the Development Authority concerned - Member;
- (v) Director, Town Planning of the Development Authority concerned - Member.

4. Powers of the Committee.- (1) Settlement Committee may resolve the disputes between the Development Authority and any other person.

(2) The Committee may, taking into consideration of merit of the each case, compromise or withdraw any dispute pending in any legal proceeding in a court of law.

(3) The Committee for a Development Authority constituted under sub-rule (2) or (3) of rule 3, as the case may be, may resolve the dispute relating to a property of which the approximate cost, based on prevailing reserve price, is not more than rupees one crore. The Committee, considering the merits of the case, may relax or waive the interest or penalty or fee or any other dues for an amount upto rupees five lakhs.

(4) The decision given by Settlement Committee shall be binding on the Development Authority.

5. Application for Settlement.- (1) Any person desirous for settlement of a dispute may submit an application in Form-1 to the Chairman or Member-Secretary of the Committee.

(2) The application in Form-1 shall be made along with a copy of receipt in proof of the payment of application fee amounting to rupees one thousand. The amount of application fee shall be deposited in the office of the Development Authority.

(3) The amount deposited as application fee under sub-rule (2) shall not be refundable.

(4) The application in Form-1 shall contain full details and address of the applicant, full facts of the case and relief sought for. Self attested copies of necessary documents relied upon by the applicant and referred to in the application shall also be enclosed with the application.

(5) All applications received under sub-rule (1) shall be entered in a register.

(6) For the cases pending in the court, in which the Development Authority is a party, efforts shall be made by the Development Authority to settle the matters out of the court. For this purpose the persons should be informed, from time to time by the Development Authority.

(7) The Member-Secretary of the Committee shall, within fifteen days of the receipt of the application, obtain a factual report of the case along with file concerned from the office of the Development Authority. Thereafter the Member-Secretary shall prepare the agenda duly approved by the Chairman on the file and convene the meeting of the Committee on a date fixed by the Chairman.

6. Meetings of the Settlement Committee and procedure.- (1) As far as possible intimation along with agenda of the meeting shall be sent four days before the meeting to the members of the Committee. The applicant, other persons concerned and officers shall also be informed, as far as possible, four days before the meeting.

(2) In special circumstances any matter, not included in the agenda items already prepared, may be taken for discussion in the meeting with prior permission of the Chairman. However, details and facts of such matters, which are not included in the agenda items, shall be made available to the members by the officers concerned of the Development Authority.

(3) The Member-Secretary of the Committee shall issue notices to the all the members of the Committee for the meeting so fixed under sub-rule (7) of rule 5 along with agenda notes.

(4) The applicant and any other person which is the party in the case shall necessarily be invited in the meeting to present his case.

(5) The meeting of the Committee shall be presided over by the Chairman. The meeting shall be held in the office of the Development Authority.

(6) The Chairman, if he deems fit, may invite an official or non-official expert for the purpose of assisting the Committee in the course of such meeting. Non-official expert shall be paid for his services in accordance with the instructions of the State Government issued from time to time.

(7) The Committee, if deems necessary, may call record of the Development Authority and direct any officer of the Development Authority to be present in the meeting or to submit report on any issue relating to the case in dispute.

(8) Any person who is party in the case may attend and present his case in the meeting of the Committee, but he can not be represented by any other person or pleader or advocate. However, in special circumstances the Chairman may permit such person to represent his case through an authorized person or an advocate in the meeting of the Committee.

(9) The Committee shall meet at least once in a month. The meeting can be held more than once in a month if required.

(10) The cases shall be disposed of by the Committee within a month from the receipt of the application and copy of the decision of the Committee shall be endorsed to the State Government.

(11) The Chairman of the Committee, if deems necessary, may direct to record the statement or evidence of persons which are party in the case. The Chairman may also direct to take affidavits of such persons in appropriate cases.

7. Minutes of the meetings.- (1) Decisions taken during the meeting of the Committee shall be reduced in writing under the signature of the Chairman and members present in the meeting.

(2) The minutes of the Committee shall be recorded and prepared by the Member-Secretary and after approval of the Chairman the minutes shall be circulated to all concerned. Names of members present in the meeting shall be mentioned in the minutes and in a register maintained for the purpose.

8. Quorum for the meeting.- (1) The quorum for the meeting of the Committee shall be of three members inclusive of Chairman. The decision shall be taken by consensus of all. In case of disagreement by a member the matter shall be deemed as rejected by the Committee.

(2) In absence of the quorum the meeting of the Committee shall be adjourned and thereafter the meeting shall be convened on the next date fixed by the Chairman.

9. Implementation of the decision of the Committee and procedure.- (1) Any amount ordered by the Committee to be deposited by person concerned shall be deposited in the fund of the Development Authority.

(2) Decision of the Committee shall not be implemented unless the applicant deposits the dues or any fee, penalty, original dues, interest etc. within the stipulated time in the manner specified and in accordance with procedure specified under the decision of the Committee.

(3) The Committee may resolve any dispute, which is pending in a court between the Development Authority and other persons, out of court in accordance with the procedure laid down in these rules. For this purpose it will not be necessary to withdraw the case, in advance, by the Development Authority or the other person, as the case may be, from the court concerned. However, the decisions of the Committee shall not be complied with, in the matters pending in the court, unless the case is withdrawn by the person concerned or the Development Authority, as the case may be, from the court.



(4) The decision of the Committee can not be reviewed or revised and direction contrary to such decision can not be given at any level in the Development Authority.

(5) Decisions of the Committee, normally, should be implemented within thirty days from the date of decision.

(6) The Member-Secretary shall ensure for compliance of the decision of the Committee. After end of every month the Member-Secretary shall submit a monthly report to the State Government and to the Chairman of the Committee giving details of the decisions of the Committee and status of compliance in every case.

(7) If the compliance of the decisions of the Committee can not be made within stipulated period of thirty days, the reasons therefore shall be intimated to the Chairman who shall extend the period for compliance of such decision.

(8) Officials who willfully delay or create obstructions in the implementation of decision of the Committee shall be liable for the disciplinary action.

(9) The Development Authority shall also submit appropriate application in the court through its counsels in view of the compromise arrived through settlement in the case and due procedure for withdrawal of the case from the court shall be adopted (except those cases which are directly related with any Department of the State Government).

10. Removal of doubts,- If any doubt arises, relating to interpretation, scope or application of these rules, decision of the State Government shall be final.

11. Repeal and savings.- (1) All notifications, circulars, orders issued by the State Government, from time to time in relation to matters covered by these rules are hereby repealed.

(2) Any action taken or things done under the notification, circular, order repealed under sub-rule (1) shall be deemed to have been taken or done under these rules.



FORM-1
[see rule 5(1)]

APPLICATION FOR SETTLEMENT

To

The Chairman/Member-Secretary,
Settlement Committee,

.....

(Name of Development Authority)

.....

Sir,

I/We hereby apply for the settlement to resolve the dispute as detailed below:

(1) Details of the applicant :-

- (a) Name:
- (b) Father's Name:
- (c) Occupation:
- (d) Permanent address:
- (e) Photograph:
- (f) Contact details -- Phone No., -----
Mobile No. -----
E-mail, -----

(2) The particulars and facts of the case are as under:-

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.....

(3) Application fee has been deposited in the Development Authority by way of a demand draft/bankers cheque dated _____ drawn on _____ bearing number _____ for an amount of Rs. _____/- or through online payment as the case may be.....(give details of online payment such as transaction number, date etc.):

(4) Any other information the applicant may like to furnish.

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.....



(5) Relief (s) sought :-

In view of facts and details mentioned above, the applicant requests for the following relief –

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.....
.....

(6) Grounds of relief and the provisions of law relied upon :-

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.....
.....

(7) I/we enclose the self attested copies of the following documents, namely:-

- (i)
- (ii)
- (iii)

(8) I/We solemnly affirm and declare that the particulars given in herein are correct to my /our knowledge and belief.

Signature of the applicant(s)

Verification

I _____ (full name in block letters) son/daughter/wife of _____
aged _____ R/o _____ the applicant do hereby verify that the contents of
paragraphs 1 to 8 above are true in my best of knowledge and belief and that I have not
suppressed any material fact(s).

Signature of the applicant(s)

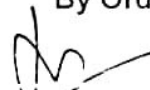
Place:

Date:

*Instructions: Every application shall be fairly and legibly type-written, in double spacing on one side
of standard petition paper and duly paginated and indexed.*



By Order of the Governor,



(Rajendra Singh Shekhawat)
Joint Secretary to the Government,

Copy for kind information & necessary action to:-

1. P.S. to Principal secretary, Hon. Chief Minister, Rajasthan, Jaipur.
2. S.A. to Hon'ble Minister, Industries Department, Jaipur.
3. S.A. to Hon'ble Minister, UDH Department, Jaipur.
4. S.A. to Hon'ble Minister, Revenue Department, Jaipur.
5. P.S. to Chief Secretary, Govt. of Rajasthan, Jaipur.
6. P.S. to Additional Chief Secretary, Deptt. of Urban Development & Housing Govt. of Rajasthan, Jaipur.
7. P.S. to Additional Chief Secretary, Industries Department, Jaipur.
8. P.S. to Principal Secretary, Finance Department, Jaipur.
9. P.S. to Principal Secretary, Local Self Govt. Rajasthan, Jaipur.
10. P.S. to Principal Secretary, Revenue Department, Jaipur.
11. Joint Secretary-I, II, & III, UDH Department, Rajasthan, Jaipur.
12. Superintendent, Govt. Central Press Jaipur for publication the notification in extra ordinary issue of gazette immediately. A copy of the gazette notification may kindly sent to this deptt.
13. Chief Town Planner, Rajasthan, Jaipur.
14. Director, Local Bodies, Rajasthan, Jaipur.
15. Secretary, Jaipur/Jodhpur/Ajmer Development Authority.
16. Secretary, Urban Improvement Trust, All.
17. Sr. D.S., UDH Department for uploading in the departmental website.
18. DLR, UDH Department, Jaipur.
19. Guard File.

By Order of the Governor,



(Rajendra Singh Shekhawat)
Joint Secretary to the Government