



Legislative Assembly of Goa

The Goa

Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 2003

(Bill No. 10 of 2003)

AS _____
(To be introduced in the Legislative Assembly of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
MARCH, 2003

The Goa Buildings (Lease, Rent and Eviction)
Control (Amendment) Bill, 2003

(Bill No. 10 of 2003)

A
BILL

further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2003.

(2) It shall come into force at once.

2. *Amendment of section 12.*— In sub-section (2) of section 12 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969),—

(i) in clause (a), the expressions "the 1st day of January, 1965, or" and "whichever is later" shall be omitted;

(ii) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the fair rent once fixed shall automatically stand increased by 2% per annum".

Statement of Objects and Reasons

A Writ Petition bearing No. 186/99 has been filed by one Shri J. C. Rego in the High Court of Bombay, Panaji Bench, challenging the constitutional validity of the proviso to section 12 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969). The matter was examined vis-a-vis the legal position and, accordingly, it has been decided to suitably amend section 12 of the Act, 1968, so as to provide for determination of the fair rent on the basis of the market value as on the date of completion of the building and also provide that the fair rent once fixed shall automatically stand increased by 2-% per annum.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa
6th March, 2003

PANDURANG MADKAIKAR
Minister for Revenue

Assembly Hall,
Porvorim-Goa.
19th March, 2003.

S. A. NARVEKAR
Secretary, Legislature

Annexure

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**Extract of Section 12 of the Goa, Daman and Diu
Building (Lease, Rent and Eviction) control Act, 1968
(Act No. 2 of 1969)**
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Section 12 — Rent Tribunal to determine fair rent.— (1) The Rent Tribunal shall, on application by the landlord or the tenant of a building, fix the fair rent payable per annum for such building after holding such inquiry as may be prescribed.

(2) The fair rent payable per annum shall consist of-

** (a) seven and a half per cent of the market value of the building (including the land on which the building is constructed) as on the 1st day of January, 1965, or the date of the completion of the building, whichever is later; and

(b) fifty per cent of the taxes or cesses levied by the local authority and payable per annum by the landlord in respect of the building including the land on which the building is constructed;

Provided that where the building has been let out for the first time previous to the 1st day of January, 1965, the fair rent shall not exceed the rent payable in respect of such building on that date.

Assembly Hall,
Porvorim-Goa.
19th March, 2003

S. A. NARVEKAR
Secretary, Legislature