SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Source: sooperkanoon.com/act/43831

Essential Commodities Act, 1955

Section 7A - Power of Central Government to Recover Certain Amounts as Arrears of Land Revenue

---

1[7A. Power of Central Government to recover certain amounts as arrears of land revenue

(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 (34 of 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 of2[fifteen per cent.] per annum from the date of such default to the date of recovery of such amount, as an arrear of land revenue3[or as a public demand].

(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, 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 revenue3 [or as a public demand] 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 1[or as a public demand] under subsection (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 of2[fifteen 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.]

---

1. Inserted by Act 34 of 1984, section 2 (w.e.f. 1-7-1984).

2. Substituted by Act 42 of 1986, section 3, for "six per cent." (w.e.f. 8-9-1986).

3. Inserted by Act 42 of 1986, section 2 (w.e.f. 8-9-1986).

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com