

Karnataka Rent Control Act, 2001

Chapter VIII - Miscellaneous

(1) Save as otherwise expressly provided in this Act, no Civil Court shall entertain any suit or proceeding in so far as it relates to the fixation of standard rent in relation to any premises to which this Act applies or to any other matter which the Controller is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the Controller under this Act shall be granted by any Civil Court or other authority.

(2) Nothing in sub-section (1) shall be construed as preventing a Civil Court from entertaining any suit or proceeding to decide any question of title to any premises to which this Act applies or any question as to the person or persons who are entitled to receive the rent of such premises.

Section 51 - Proceedings by or against legal representatives

(1) Any application made, appeal preferred, or proceeding taken under this Act by or against any person, may, in the event of his death be continued by or against his legal representative.

(2) Where any application, appeal or other proceeding would have been made, preferred or taken under this Act by or against any person such application, appeal or other proceeding may, in the event of his death, be made, preferred or taken by or against his legal representative.

Section 52 - Landlord and tenant to furnish particulars

Every landlord and every tenant of a building shall be bound to furnish to the Controller or any person authorised by him in that behalf, such particulars in respect of the building as may be prescribed.

Section 53 - Cognizance of offences and Power to prosecute

(1) No Court inferior to that of a Judicial Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) All offences under the Act shall be bailable and non-cognizable.

(3) The Controller or any other officer authorised by the State Government in this behalf may prosecute any person for contravention of any of the provisions of this Act or the rules made thereunder.

Section 54 - Offences and penalties

Without prejudice to any other action that may be taken to enforce the regulation or this Act,-

(i) If any landlord or tenant fails to present copy of the lease agreement for registration as required under clauses (a) or (b) of sub-section (3) of section 4 or fails to file the particulars as required under the proviso thereto, he shall on conviction be punishable with fine upto two thousand rupees or with simple imprisonment for a term upto one month or with both and shall also be liable to fine of rupees five hundred for each day of continuing default till the agreement is presented or as the case may be particulars furnished ;

(ii) If any person contravenes the provisions of section 11, he shall on conviction be punishable with fine which may extend to a sum which exceeds the unlawful charges claimed or received by two thousand five hundred rupees or with simple imprisonment for a term upto one month or with both ;

(iii) Every middleman or Estate agent who.-

(a) fails to register his name in contravention or sub-section (1) of section 20 shall on conviction be punishable with fine upto two thousand rupees or with simple imprisonment for a term upto one month or with both, and shall also be liable to fine of rupees two thousand for each day of continuing default till he complies with the law ;

(b) fails to submit statements as required under sub-section (1) of section 21 shall on conviction be punishable with fine upto one thousand rupees or with simple imprisonment for a term upto one month or both and shall also be liable to fine of rupees two hundred for each day of continuing default till the statement is filed ;

(c) fails to file returns as required under sub-section (2) of section 21 shall on conviction be punishable with a fine upto two thousand rupees or with simple imprisonment for a term upto on minimum with both, and shall also be liable to fine of two hundred rupees for each day of continuing default till the returns are filed ;

(iv) If any tenant sub-lets, assigns or otherwise parts with the possession of, the whole or part of any premises in contravention of the provisions of clause (b) of sub-section (2) of section 27 he shall be punishable with fine which may extend to five thousand rupees, or double the rent received by the tenant for subletting for every month till such time the cause of complaint ceases, whichever is more or with imprisonment for a term upto one month, or with both ;

(v) If any landlord makes a false statement in his affidavit under item (i) of explanation I to clause (r) of sub-section (2) of section 27, he shall on conviction be punishable with fine which may extend to five thousand rupees, or double the rent receivable for a period of three months in case it has been relet, whichever is more, or with imprisonment for a term upto one month or with both ;

(vi) If any landlord claims or receives the payment of any sum as premium or pugree or other consideration in contravention of sub-section (2) of section 32, he shall on conviction be punishable with fine upto three thousand rupees or with simple imprisonment for a term upto one month or with both ;

(vii) If any landlord relets the whole or any part of any premises in contravention of sub-section (1) of section 35, he shall on conviction be punishable with fine which may extend to five thousand rupees, or double the rent the landlord receives after re-letting whichever is more, or imprisonment which may extend upto one month or with both.

Explanation.- For the purpose of this clause and clause (iv) in cases where it is difficult to prove the rent which the landlord or the tenant as the case may be, is receiving after re-letting or sub-letting, the fine may extend to five thousand rupees ;

(viii) If any tenant without reasonable excuse, fails to make re-entry under sub-section (2) of section 36 within three months from the date of the completion of repairs or building or re-building, as the case may be, intimated in writing by the landlord without reasonable excuse, he shall forfeit his right to re-entry and shall on conviction be punishable with fine equivalent to three months rent of the premises ;

(ix) If any landlord or tenant contravenes the provisions of sub-section (1) of section 49, he shall on conviction be punishable with fine equivalent in amount to the rent for three months or with upto one months imprisonment, or with both, and shall also be liable to fine of one hundred rupees for each day of continuing default, commencing on the date of cutting off or withholding essential supply or service till the date the essential supply or service is restored.

(x) if any landlord or tenant fails to furnish particulars as required under section 52 he shall on conviction be punishable with fine upto one thousand rupees or with imprisonment for a term upto one month or with both.

(1) Where an offence under this Act is committed by a company, the company, as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed with the consent or connivance of, or that commission of the offence is attributable to any neglect on the part of any director, manager secretary or other officer such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) Company means any body corporate and includes a firm or other association of individuals ;
and

(b) director in relation to a firm means a partner in the firm.

Section 56 - Controllers to be public servants

All Controllers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Penal Code, 1860 (Central Act 45 of 1860).

Section 57 - Protection of action taken in good faith

(1) No suit, prosecution or other legal proceeding shall lie against any Controller any officer or servant of the State Government or any person acting under his direction or assisting him in respect of anything which is in good faith done or intended to be done in pursuance of this Act or rule or orders made thereunder.

(2) No suit or other legal proceedings shall lie against the State Government 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 of any rule or of order made thereunder.

Section 58 - Controller to recover fines as arrears of land revenue

Any fine imposed by a Controller under this Act shall be paid by the person fined within such time as may be allowed by the Controller and the Controller may, for good and sufficient reason extend the time, and in default of such payment, the amount shall be recoverable as arrears of land revenue under the Karnataka Land Revenue Act, 1964.

Section 59 - Procedure in Appeals

(1) In computing the period specified in this Act for filing appeals, the time taken to obtain certified copies of the order appealed against shall be excluded.

(2) The provisions of section 5 of the Limitation Act, 1963, shall be applicable to appeals under this Act.

(3) On an appeal being preferred under this Act, the Deputy Commissioner or the Assistant Commissioner, as the case may be, may order stay of further proceeding in the matter pending decision on the appeal.

(4) the Deputy Commissioner or the Assistant Commissioner as the case may be, shall send for the records of the case from the controller and after giving the parties an opportunity of being heard and if necessary after making such further enquiry as he thinks fit either himself through the Controller, shall decide the appeal.

Section 60 - All proceedings before the Controller to be judicial proceedings

All proceedings before the Court or the Controller shall be deemed to be judicial proceedings for the purposes of section 193 and 228 of the Penal Code, 1860 (Central Act 45 of 1860).

Section 61 - Decisions which have become final not to be reopened

The Court or the Controller shall summarily reject any application under this Act which raises between the same parties or between parties under whom they or any of them claim, substantially the same issues as have been finally decided in a former proceeding under this Act or under any of the enactments repealed by section 70.

Section 62 - Orders to be pronounced in open Court

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

Section 63 - Finality of Orders

Save as otherwise expressly provided in this Act, every order made by the Court or controller and every order passed in appeal or revision there against under this Act shall be final and shall not be called in question in any suit, application or execution proceeding.

Section 64 - Amendment of Orders

Clerical or arithmetical mistakes in any order passed by a Court, Controller or the revisional or appellate authority under the Act or error arising therein from any accidental slip or omission may, at any time, be corrected by such Court, Controller or the appellate or revisional authority on an application received in this behalf from any of the parties or otherwise.

Section 65 - Costs

Subject to such conditions and limitations, if any, as may be prescribed, the cost of, and incidental to all proceedings before the Court or the Controller shall be in the discretion of the Court or the Controller which or who shall have full power to determine by whom or out of what property and to what extent such costs, are to be paid.

Section 66 - Power to make rules

(1) The State Government may, after previous publication in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of approval of valuers and the procedure to be followed by such valuers under the proviso to sub-section (2) of section 12 ;

- (b) manner of determining the extent of renovation of a building ;
- (c) the form and manner in which and the period within which an application may be made to the Controller ;
- (d) the form and manner in which an application for deposit of rent may be made the particulars which it may contain ;
- (e) the manner in which a Controller may hold enquiry under this Act ;
- (f) the powers of the Civil Court which may be vested in the Controller ;
- (g) the form or manner in which an application for appeal may be made under the Act ;
- (h) the manner in which the Court has refer dispute for negotiated settlement and procedure for disposal of cases so referred ;
- (i) for appointing the Authority for registration and renewal of registration of middleman or estate agents and prescribing his qualifications and terms of appointment ;
- (j) brokerage or commission chargeable by the middleman or estate agents for residential user and the term and manner in which they shall file returns ;
- (k) the manner of service notice under the Act ; and
- (l) any other matter which is required to be provided by rules for in giving effect to the provisions of this Act.

Section 67 - Rules and Notifications to be laid before the State Legislature

Every rule made under this Act and notification issued under section 2 or under section 68, shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is also laid or the session immediately following, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule of notification 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 or notification.

Section 68 - Removal of difficulties

(1) If any doubt or difficulty arise in giving effect to the provisions of this Act, the State Government may by notification, make such provision as appears to it, to be necessary or expedient for removing the doubts or difficulties :

Provided that no order shall be made under this section after expiry of two years from the date of commencement of this Act.

(2) The provisions made by any notification under sub-section (1) shall, subject to the provisions of sections 67 have effect as if enacted in this Act, and any such notification may be made so as to be retrospective to any date not earlier than the date of commencement of this Act-

Section 69 - Transfer of pending cases

On the commencement of this Act,-

(1) all cases pertaining to matters in respect of which the Controller shall have jurisdiction under this Act and pending in the Court under the Karnataka Rent Control Act, 1961 shall stand

transferred to the Controller and the Controller may proceed to hear such cases either de-novo or from the stage it was at the time of such transfer.

(2) all cases pertaining to matters in respect of which the Court shall have jurisdiction under this Act and pending before the Controller under the Karnataka Rent Control Act, 1961 shall stand transferred to the Court and the Court may proceed to hear such cases either de-novo or from the stage, it was at the time of such transfer.

Section 70 - Repeal and Savings

(1) The Karnataka Rent Control Act, 1961 (Karnataka Act 32 of 1961) is hereby repealed.

(2) Notwithstanding such repeal and subject to the provisions of section 69,-

(a) all proceedings in execution of any decree or order passed under the repealed Act, and pending at the commencement of this Act, in any Court shall be continued and disposed off by such Court as if the said enactment had not been repealed ;

(b) all cases and proceedings other than those referred to in clause (a) pending at the commencement of this Act before the Controller, Deputy Commissioner, Divisional Commissioner, Court, District Judge or the High Court or other authority, as the case may be in respect of the premises to which this Act applies shall be continued and disposed off by such Controller, Deputy Commissioner, Divisional Commissioner, Court, District Judge or the High Court or other authority in accordance with the provisions of this Act.

(c) all other cases and proceedings pending in respect of premises to which this Act does not apply shall as from the date of commencement of the Act stand abated.

(3) Except as otherwise provided in section 69 and in sub-section (2) of this section, provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act III of 1899), shall so far as may be applicable in respect of repeal of the said enactment, and sections 8 and 24 of the said Act shall be applicable as if the said enactment had been repealed and re-enacted by this Act.