

THE PONDICHERRY DEBT RELIEF
RULES, 1976.

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GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

No. 22713/76/C.

Pondicherry , 27th January, 1977.

NOTIFICATION

G. S. R. No. 1.- In exercise of the powers conferred by section 14 of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) as extended to the Union territory of Pondicherry, the Lieutenant - Governor of Pondicherry hereby makes the following rules-

1. **Short title.** - These rules may be called the Pondicherry Debt Relief Rules, 1976.

2. **Definitions.**- In these rules, unless the context otherwise requires, -

(a) " Act " means the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) as extended to the Union territory of Pondicherry ;

(b) " Form " means a form appended to these rules ; and

(c) " Section " means a section of the Act.

3. **Filing of statement under section 5 (1) of the Act.** - The statement referred to in sub-section (1) of section 5 shall be in Form I. It shall be presented in triplicate in person or by authorised agent or be sent by registered post with acknowledgement due to the Tahsildar within one hundred and twenty days from the date on which the Act has been extended to the Union territory of Pondicherry. The Tahsildar shall on receipt of such statement return one copy thereof to the creditor with an endorsement acknowledging the receipt of the same.

4. **Procedure to be followed by the Tahsildar in inquiries under sections 5(3) and 6(2).**-
- (1) The Tahsildar shall for inquiry under sub-section (3) of section 5 or under sub-section (2) of section 6 fix a date and give notice thereof to the creditor, the transferee of the creditor and the debtor.

(2) The notice referred to in sub-rule (1) shall be served on the creditor and the debtor by delivering or tendering it to them or if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such creditor or debtor, or to any adult male member of the family of such creditor or debtor or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the creditor or debtor is known to have last resided or carried on business or personally worked for gain.

(3) On the date fixed for the inquiry the Tahsildar shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally, or in writing. Where evidence is tendered orally, it shall be recorded in writing by the Tahsildar and got signed by the deponent.

(4) The Tahsildar shall, for the purpose of these rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), while trying a suit in respect of the following matters, namely,-

(a) enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of document.

5. **Communication of orders passed by the Tahsildar.**- Every order passed by the Tahsildar under any of the provisions of the Act shall,-

(a) be delivered or tendered to the person concerned ; or

(b) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such person or to any adult male member of the family of such person, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain.

6. **Form of certificate under section 5 (5).**- The certificate referred to in sub-clause (i) of clause (b) of sub-section (5) of section 5 shall be in Form II.

7. **Register of statements received, etc.**- The Tahsildar shall maintain,-

(i) a Register of the statements and applications received under section 5 and section 6 in Form III ; and

(ii) a Register of movable properties produced, recovered or deposited under the Act in Form IV.

8. **Issue of receipt for movable property by Tahsildar.**- The Tahsildar shall, on receipt of the movable property produced or deposited or on the recovery thereof, issue a receipt in Form V to the creditor or the transferee of the creditor, as the case may be, obtain the signature of the creditor, as the case may be, on the duplicate copy thereof.

9. **Form of certificate of redemption.**- The certificate of redemption granted under sub-section (2) of section 6 shall be in Form VI.

10. **Appeals.**- (1) Any person aggrieved by an order made by the Tahsildar under the Act may, within thirty days from the date on which the order was communicated to him, appeal against such order to the Sub/Assistant/Deputy Collector (Revenue) having jurisdiction over the place of business of the creditor (hereinafter in this rule referred to as the appellate authority).

(2). On receipt of an appeal, the appellate authority shall fix a date for the hearing and give notice to the appellant and the respondent, or respondents as the case may be.

(3) The notice referred to in sub-rule (2) shall be served on the appellant and respondent by delivering or tendering it to them or it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such appellant or respondent or to any adult male member of the family of such appellant or respondent or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the appellant or respondent is known to have last resided or carried on business or personally worked for gain.

(4) On the date fixed for the inquiry, the appellate authority shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally or in writing. Where evidence is tendered orally, it shall be recorded in writing by the appellate authority and got signed by the deponent.

(5) The appellate authority shall, for the purpose of these rules, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while hearing an appeal.

FORM - I

(See rule 3 of the Pondicherry Debt Relief Rules, 1976)

Statement to be filed by the creditor under section 5 (1) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

1. Name of the creditor and his ordinary place of business.

2. Licence No. and date, if any.

Serial No.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	Name of the persons who have pledged moveable properties and their full address	Date of advance drawn on pledge	Amount	Pawn Ticket No.	Rate of interest	Principal	Interest	Total	Description	Weight	Value	Estimate of the annual house hold income of the holder	Whether the moveable property is in the possession of any transferee of the creditor and if so, the name and address of the transferee of the creditor.	

Date

Address of the creditor.

Signature of the creditor.

FORM - II

(See rule 6 of the Pondicherry Debt Relief Rules, 1976)

Certificate issued under section 5 (5) (b) (i) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry

CERTIFICATE

This is to certify that the amount due to the (particulars of the institution) in respect of (here enter description of the movable property and particulars relating to the credit) shall be recovered from (creditor particulars) as if it were an arrear of land revenue and paid to (t h e particulars of the institution) on recovery in accordance with section 5 (5) (b) (i) of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) as extended to the Union territory of Pondicherry.

Signature :

Official seal.

Designation :

Address :

FORM - III

[See rule 7 (i) of the Pondicherry Debt Relief Rules, 1976]

Register of statements and applications received by the Tahsildar under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

I. Statements furnished by the creditor -

- | | |
|---|-----|
| 1. Sl. No. | --- |
| 2. Name of the creditor and his full address | --- |
| 3. Date of the receipt of statement from the creditor | --- |
| 4. Names of the debtors | --- |
| 5. Description of the movable property involved. | --- |

6. Amount advanced	---
7. Total amount including interest outstanding as on the date of the commencement of the Act	---
II. Application made by the debtor -	
1. Name of the debtor and his address	---
2. Date of receipt of the application	---
3. Name of the creditor and his address	---
4. Description of the movable property or the mortgaged property	---
5. Amount received	---
6. Total amount including interest outstanding as on the date of commencement of the Act	---
III. Remarks	---

FORM - IV

[See rule 7 (ii) of the Pondicherry Debt Relief Rules, 1976.]

Register of movable property produced, recovered or deposited under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory Pondicherry

Sl. No.	Name of the creditor & the transferee of the creditor	Description of movable property			Name of the debtor	Names of the persons to whom delivered	Date of delivery	Signature of the persons to whom delivered.	Signature & address of the witnesses	In whose presence the movable property was delivered	Remarks if any
		Nature of movable property	If ornaments whether of silver or gold etc.	Weight Value							
(1)	(2)		(3)	(4)	(5)	(6)	(7)	(8)	(9)(i)	(9)(ii)	(10)

FORM - V

(See rule 8 of the Pondicherry Debt Relief Rules, 1976)

Receipt acknowledging the receipt of the movable property from the creditors under the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

I, _____ hereby acknowledge the receipt of the following movable property from.....
.....

Sl. No	Description of the movable property			Name of the debtor	Remarks
	Nature of the movable property.	If ornaments whether of silver or gold, etc.	Weight value.		
(1)		(2)		(3)	(4)

Signature of the creditor or the transferee of the creditor.

Signature of Tahsildar

FORM - VI

(See rule 9 of the Pondicherry Debt Relief Rules, 1976)

Certificate of redemption under section 6 (2) of the Tamil Nadu Debt Relief Act, 1976 as extended to the Union territory of Pondicherry.

Whereas ----- (Debtor) has applied under sub-section (1) of section 6 of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) as extended to the Union territory of Pondicherry for an order releasing the property specified in the schedule from mortgage and for the grant of certificate of redemption.

AND WHEREAS, I, ----- , Tahsildar of ----- , have passed an order under sub-section (2) of section 6 of the said Act releasing the said property from the mortgage.

NOW, THEREFORE, in exercise of the powers conferred on me under sub-section (2) of the said section 6, I hereby issue this Certificate of Redemption in respect of the said property with effect on and from the ----- 197

SCHEDULE

Description of property (1)	Name of the creditor (2)	Details of deed or document evidencing mortgage. (3)
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(a) District
(b) Taluk
(c) Village
(d) Survey No
(e) Local name if any
(f) Classification wet or dry
(g) Extent

Seal

Signature :

Designation :

Address :