

Panaji, 17th December, 2009 (Agrahayana 26, 1931)

SERIES I No. 38

OFFICIAL GOVERNMENT OF GOA GAZETTE

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GOVERNMENT OF GOA

Department of Civil Supplies & Consumer Affairs

Notification

DCS/ENF/Rice(SD)/23/08/308

Order bearing No. S.O. 2878(E) dated 11th November, 2009 issued by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India published in part II-Section 3(ii) of the Gazette of India (Extraordinary) dated 11th November, 2009 notifying the Rice (Stock Declaration by Companies or Firms or Individuals) Order, 2009 is hereby republished for general information of the public.

Sunil Masurkar, Director of Civil Supplies & Consumer Affairs ex officio Joint Secretary.

Panaji, 1st December, 2009.

MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

Order

New Delhi, the 11th November, 2009

S.O. 2878(E).— In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. *Short title, extent, commencement and application.*— (1) This order may be called the Rice (Stock Declaration by Companies or Firms or Individuals) Order, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

(4) It shall not apply to any paddy or rice purchased by or on behalf of the Food Corporation of India.

2. *Definitions.*— In this Order, unless the context otherwise requires,—

(a) “Food Corporation of India” means the Food Corporation of India established under section 3 of the Food Corporation of India Act, 1964 (37 of 1964);

(b) “Form” means a form annexed to this Order;

(c) “rice” means mature kernels or pieces of kernels or *Oryza sativa* Linn, obtained from paddy as raw or parboiled; and

(d) “company” means a company notified under the Companies Act, 1956 (1 of 1956).

3. *Return relating to purchase of rice by a Company or Firm or Individual.*— (1) Any Company or Firm or Individual who purchases paddy (in terms of rice) or rice in excess of 10,000 Metric Tonnes (total purchases made throughout the country) during the Kharif Marketing Season 2009-10 (October-September), shall furnish to the Secretary, Department of Food of the State from where maximum quantity has been purchased, a return in the “Form” as annexed to this order at such intervals as may be specified by the Central Government.

(2) In case the purchase of paddy (in terms of rice) or rice exceeds 25,000 Metric Tonnes (total purchases made throughout the country), the return in the said “Form” at such intervals specified therein shall be furnished to the Under Secretary (Policy-III), Department of Food and Public Distribution, Room No. 288A, Krishi Bhavan, New Delhi-110 001 (Fax No. 011-23782213, e-mail: uspy34.fpd@nic.in).

(3) The concerned State Governments with which the returns are filed by any Company or Firm or Individual in said “Form” declaring purchase of paddy (in terms of rice) or rice in excess of 10,000 Metric Tonnes shall submit a consolidated monthly report to the Under Secretary (Policy-III), Department of Food and Public Distribution by the 10th of every month.

[F.No.3(4)/2007-Py.III]
SIRAJ HUSSAIN, Jt. Secy.

FORM

(See clause 3)

FORMAT FOR FURNISHING OF WEEKLY OR MONTHLY RETURN BY COMPANY OR FIRM OR INDIVIDUAL REGARDING PURCHASE OF RICE

Statement as on

To be submitted every week by Friday 16-00 hours during the period the 1st October, 2009 to 31st December, 2009 and every last Friday of the month thereafter till the 30th September, 2010.

1. Name of Company or Firm or Individual with full postal address:
2. PAN number:
3. Cumulative quantity of Rice or Paddy purchased (in tonnes) upto (State-wise details).
4. Purchased during the week or month (in tonnes)
5. Details of stocks on date:

State	Location and address of godown	Quantity in tonnes

Signature of authorized signatory of Company or Firm or Individual

Place:.....

Date:

Department of Co-operation

Office of the Registrar of Co-operative Societies

Notification

42/2/2001/TS/RCS

Whereas the following draft rules which the Government proposes to make under Section 127 of the Goa Cooperative Societies Act, 2001 (Act 36 of 2001), were pre-published in Official Gazette, under Series I No. 32 dated 5-11-2009 under Government Notification No. 42/2/2001/TS/RCS/2079 inviting objections and suggestions from the persons whose interests are likely to be affected thereby within one month from the date of publication of the said Notification in the Official Gazette.

And whereas the said notification was made available to the public;

And whereas no objections and suggestions were received from the public on the said draft rules and therefore the said rules have been confirmed.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 127 of the Goa Co-operative Societies Act, 2001 (Act 36 of 2001), and all other powers enabling it in this behalf, the Government of Goa hereby make the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Co-operative Societies (1st Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment to Rule 10.*— In Rule 10 of the Goa Cooperative Societies Rules, 2003 (hereinafter referred to as the “principal Rules”), in sub-rule (4), after clause (c), the following clause shall be inserted, namely:—

“(d) a copy of the challan/receipt of an amount of Rs. 200/- (Rupees Two hundred only) paid towards processing fees.”.

3. *Insertion of new rule 14A.*— After rule 14 of the Principal Rules, the following rule shall be inserted, namely:—

“14 A. *Direction by Registrar for amalgamation, transfer, division or conversion of society.*— (1) Before issuing any directions under sub-section 4(A) of section 15 of the Act, the Registrar shall prepare a draft scheme in respect of such amalgamation, transfer, division or conversion stating in particular the manner in which the new Board of Directors of the society or societies resulting from such amalgamation, transfer, division or conversion shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall then consult such federal society as may be notified by the Government in Official Gazette and after considering the suggestions, if any, that may be made by such federal society, shall send a copy of the directions proposed to be issued by him under sub-section (4A) of section 15 of the Act, to the society or each of the societies, as the case may be, calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditors or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the aforesaid directions was received by it or them.

(2) The Registrar shall consider all such suggestions and objections and make such modifications in the directions as deemed fit by him and thereafter issue the same.

(3) Any member or creditor of the society who has objected to the scheme of amalgamation, transfer, division or conversion within the period specified in sub-rule (1), may apply to the Registrar for payment of his share or interest, if he is a member, or the amount in satisfaction of his dues, if he is a creditor. The Registrar may nominate an officer not below the rank of a

Deputy Registrar to investigate and determine the payments required to be made to the member or creditor, as the case may be.

(4) Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may by order, require the society concerned to meet in full or satisfy otherwise all dues of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all dues of the members and creditors within such time as may be specified by the Registrar in the order.

4. *Insertion of new rule 51A.*— After rule 51 of the Principal Rules, the following rule shall be inserted, namely:—

“51A.— *Procedure for appointment and removal of directors, members of the committee etc.*— (1) Notwithstanding anything contained in the bye-laws of a society but subject to the provisions of section 71 of the Act, the Registrar may for reasons to be recorded by an order published in the Official Gazette,—

(a) remove the Committee of management or Board of Directors of a society and appoint a new committee of management or Board of Directors in its place consisting of three or more members of the society, to manage the affairs of the society; or

(b) remove the committee of management or Board of Directors of a society and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society; or

(c) remove any member of the committee of management or director on the Board of Directors of a society and appoint in his place such other member or director as he deems fit.

(2) Before making any order under sub-rule (1), the Registrar shall consult the federal society to which the society is

affiliated and give an opportunity to the committee or the Board of Directors or the member or director concerned, to show cause within fifteen days from the date of issue of notice, why such an order should not be made.

(3) The member or director appointed under clause (c) of sub-rule (1) shall hold office so long as the member or director in whose place he is appointed would have held office, if the vacancy had not occurred.

(4) Notwithstanding anything contained in the bye-laws regarding holding of any meeting of the society, the Registrar may, by special or general order specify the procedure for holding meetings of the Committee or Board of Directors appointed by him under clause (a) of sub-rule (1).

(5) Immediately after the appointment of a new committee or Board of Directors, an administrator or administrators appointed under sub-rule (1), shall give the new committee or Board of Directors, the charge of the property, documents and accounts of the society.

4. *Amendment of title of CHAPTER VIII.*— In CHAPTER VIII of the principal Rules, all the existing title, the following title shall be inserted, namely:—

“**Accounts, Audit, Inquiry and Inspection.**”.

5. *Insertion of new rule 114A.*— After rule 114 of the Principal Rule, the following rule shall be inserted, namely:—

“114A. *Procedure for the conduct of inquiry and inspection.*— (1) An order authorizing inquiry or inspection under section 76A or section 77 of the Act shall, among other things, contain the following:—

(a) the name of the person authorised to conduct the inquiry or inspection;

(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected;

(c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;

(d) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorizing inquiry or inspection under section 76A or section 77 of the Act shall be supplied to the federal society or societies to which the society in respect of which the order is issued, is affiliated.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit a report stating the reasons for the failure to complete the inquiry or inspection within the time specified in the order and the Registrar shall hold the inquiry or inspection himself or entrust it to some other person as he deems fit, so however that the inquiry shall be completed within a period of four months from the date of ordering the inquiry as specified in sub-section (4) of Section 77 of the Act.

(4) On receipt of the order referred to in sub-rule (1), the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, agents or servants and obtain such information or explanation from any such officers, directors, agents or servants of the society in regard to the transaction and working of the society as he deems necessary for the conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the

course of his inquiry or inspection. He shall also specify in his report the costs of the inquiry or inspection together with reasons and recommend to the Registrar the manner in which the entire costs or a part thereof may be apportioned amongst the parties specified in sub-section (1) of section 77 of the Act. The Registrar shall pass such order thereon as may be considered just after giving a reasonable opportunity of being heard to the person or persons concerned.

(6) The cost of the inquiry or inspection apportioned by the Registrar under sub-rule (5) shall be recovered as provided in sub-rule (4) of rule 114. The Registrar may direct that such costs or any part thereof shall be paid from the funds of the society.

6. *Substitution of CHAPTER IX.*— For CHAPTER IX of the Principal Rules, the following Chapter shall be substituted, namely:—

“CHAPTER IX

Disputes and Arbitration

115. *Reference of dispute.*— A reference of a dispute under section 83 shall be made in writing to the Registrar in Form “N” hereto wherever necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records, as may be required by him, before proceeding with the consideration of such reference.

116. *Appointment of Registrar’s nominee or board of nominees.*— (1) The Registrar may, by general or special order notified in the Official Gazette, appoint any person to be his nominee for deciding disputes arising in anyone or more societies situated in such area and for such period as may be specified in the order.

(2) The Registrar may, by order in the Official Gazette, appoint a Board of Nominees consisting of two or more nominees appointed

under sub-rule (1), for deciding disputes arising in anyone or more societies within such area and for such period as may be specified in the order.

(3) Where a Board of Nominees is appointed under sub-rule (2), one of the nominees on the board shall be appointed by the Registrar to be the Chairman of the Board, who shall fix the date, time and place of hearing disputes referred to the board and carry out the necessary correspondence in connection with the disposal of such disputes.

117. *Procedure for hearing and decision of disputes.*— (1) When any dispute is referred to the Registrar's nominee or to a Board of Nominees for decision and is not decided by him or it within two months or such further period as the Registrar may allow, the Registrar may withdraw the dispute from the nominee or, as the case may be, the Board of Nominees and decide the dispute himself or refer it again to another nominee or a Board of Nominees for decision.

(2) The Registrar or his nominee or the Board of Nominees shall record in English or in Marathi or in Konkani or in Hindi the evidence of the parties to the dispute and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either party, a decision in writing shall be given. Such decision shall be pronounced either at once or on some future date of which due notice shall be given to the parties.

(3) Where any party duly summoned to attend the proceeding fails to appear, the dispute may be decided *ex parte*.

(4) In deciding the dispute, where there is no unanimous decision, the opinion of the majority of the Board of Nominees shall prevail. Where the opinion of the nominees on the board is equally divided, the opinion of the Chairman of the Board shall prevail.

(5) Any award made, decision given or order passed by the Registrar's nominee or Board of Nominees or a person authorised

under section 76A, shall be sent by him or by the Chairman of the Board with all the papers and proceedings of the dispute to the Registrar within 15 days from the date on which it is made, given or passed.

118. *Summonses, notices and fixing of dates, place, etc. in connection with the disputes.*—

(1) The Registrar, his nominee, or the Chairman of the Board of Nominees may issue summonses or notices at least fifteen days before the date fixed for hearing of the dispute requiring,—

(i) the attendance of the parties to the dispute and of witnesses, if any; and

(ii) the production of all books and documents relating to the matter in dispute.

(2) Summonses or notices issued by the Registrar or his nominee or the Chairman of the Board of Nominees may be served through any employee of the Co-operative Department or of Federal Society or through the Chairman or Secretary of the society or by registered post with acknowledgement due. Every person or society to whom summonses or notices are sent for service shall be bound to serve them within a reasonable time.

(3) The officer serving summons or notice shall, in all cases in which summons or notice has been served, endorse or annexe or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The officer issuing the summons or notice may examine the serving officer on oath or cause him to be so examined by officer through whom it is served and may make such further inquiry in the matter as he thinks fit and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

(5) The mode of serving summonses and notices as laid down in sub-rules (1) to (4) shall *mutatis mutandis* apply to the service of summonses or notices,—

(i) issued by the Registrar or the person authorised by him, when acting under section 76A or 77,

(ii) issued by an auditor, when acting under section 74, or

(iii) issued by a liquidator, when acting under section 95.

119. *Investigation of claims and objections against any attachment.*— Where any claim or objection has been preferred against the attachment of any property under section 88 on the ground that such property is not liable to such attachment, the Registrar, his nominee or Board of Nominees shall investigate into claim or objection and dispose it of on merits:

Provided that, no such investigation shall be made when the Registrar or his nominee or Board of Nominees considers that the claim or objection is frivolous.

120. *Procedure for the custody of property attached under section 88.*— (1) Where the property to be attached is movable property, other than agricultural produce, in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under section 88 to be just and convenient, he may appoint a

Receiver for the custody of the movable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under order XL in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force.

(3)(a) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way and promising all persons from taking any benefit from such transfer or charge.

(b) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous place in the village and where the property is land paying revenue to the Government, also in the offices of any Revenue Officer, Sub-Registrar and Village Panchayat within those jurisdiction the property is situated.

121. *Procedure for attachment and sale of property for realization of any security given by person in course of execution proceedings.*— The procedure laid down in rules 120 and 123 shall *mutatis mutandis* apply for attachment and sale of property for the realization of any security given by a person in the course of execution proceedings.

122. *Issue of proclamation prohibiting private transfers of property.*— The Registrar or liquidator when acting under clause (a) of section 91 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form “O” and in the case of immovable property shall also forward a copy of the proclamation to any Revenue Officer, Sub-Registrar and Village Panchayat within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

123. *Procedure for execution of orders and awards.*— (1) Every order or award passed by the Registrar, or the person authorised by him

or his nominee or Board of Nominees under sections 88 or 89 shall be forwarded by the Registrar to the society or to the party concerned with instructions that the society or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of section 91.

(2) If the amount due under the award is not forthwith recovered, or the order there under is not carried out, it shall be forwarded to the Registrar with an application for execution alongwith all information required by the Registrar, for the issue of certificate under section 91. The applicant shall state whether he desires to execute the award by a Civil Court or through the appropriate authority as provided under section 91 or through the Registrar as provided under section 91D.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution alongwith a certificate issued by him under section 91 and a proclamation issued under rule 122 in the manner specified therein.

(4) Every order passed in appeal under section 90 shall also be executed in the manner laid down in sub-rule (2) and (3).

124. *Execution of Decrees.*— (1) Any society or creditor holding a decree (hereinafter referred to as the “applicant”) requiring the provisions of section 91D to be applied, shall apply to the Registrar, or an Officer mentioned in said section 91D within whose jurisdiction the debtor resides or the property of the debtor is situated for the said purpose.

(2) Every such application shall be made in the form specified by the Registrar and shall be signed by the applicant and shall be accompanied by deposit, if required, at such scales as may be specified by a general or special order by the Registrar. When an application is submitted on behalf of a society, a copy of the resolution of the Board of Directors of the society authorizing the

applicant to sign the application shall also accompany the application. The applicant may indicate whether he wishes to proceed against the immovable property mortgaged to the applicant or other immovable property or to secure the attachment of movable property.

(3) On receipt of such application, or when the Registrar is proceeding under rule 125, the correctness and genuineness of the particulars set forth in the application shall be verified with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name of the defaulter and the amount due and forward it to the Sale Officer, appointed by the Registrar, by general or special order, to attach and sell the property of defaulters or to execute any decree by attachment and sale of property.

(4) Unless the applicant has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (2), execution shall ordinarily be taken in the following manner namely:—

(i) movable property of the defaulter shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity;

(ii) if there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the applicant, the immovable property mortgaged to the applicant, or other immovable property belonging to the defaulter may be proceeded against.

(5) In the seizure and sale of movable property, the following rules shall be observed:—

(a) The Sale Officer shall, after giving previous notice to the applicant, proceed to the village or place where the defaulter resides or the property to be distrained is

situated and serve a demand notice upon the defaulter if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list or inventory of the property distrained and an intimation of place, day and hour at which the distrained property will be brought to sale if the amount due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall affix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(b) After a distress is made, the Sale Officer may arrange for the custody of the property attached with the applicant or otherwise. If the Sale Officer requires the applicant to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the applicant. If the attached property is live-stock, the applicant shall be responsible for providing the necessary food therefor. The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in charge of such defaulter or such person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property as and when called for.

(c) The distress shall be made after sunrise and before sunset and not at any other time.

(d) The distress levied shall not be excessive, that is to say, the property distrained shall as nearly as possible be

proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(e) If the crops or ungathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of it's being sold.

(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or livestock. The expenses incurred by the Sale Officer for providing necessary food for the cattle or livestock shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of it's being sold.

(g) It shall be lawful for the Sale Officer to force open any stable, cow house, granary, godown, out house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the Sale Officer to break open or enter apartment in such dwelling house appropriated for the zenana or residence of women except as hereinafter provided.

(h) Where the Sale Officer may have reason to believe that the property of defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall

report the fact to the officer-in-charge of the nearest police station. On such report, the officer-in-charge of the said police station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling house or break open the door of any room within the house except the room appropriated to women. The Sale Officer may also, in the presence of a police officer, after the notice given for the removal of women within a zenana, and after furnishing means for their removal in a suitable manner if they be women of rank, who, according to the customs or usage cannot appear in public, enter the zenana apartment for the purpose of distraining the defaulter's property, if any, deposited therein but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

(i) The Sale Officer on the day previous to and on the day of sale cause proclamation of time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides and in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner laid down in clause (a) of this sub-rule:

Provided that where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody is likely to exceed its value, the Sale Officer may sell it, at any time, before the expiry of the said period of fifteen days, unless the amount due is sooner paid.

(j) At the appointed time, the property shall be put in one or more lots, as the Sale Officer may consider advisable and shall be disposed of to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid

where the price offered appears to be unduly low or for other adequate reasons:

Provided further that, the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where the sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (i) shall be made unless the defaulter consents to waive it.

(k) The property sold shall be paid for in cash at the time of sale, or as soon thereafter as the Sale Officer shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the purchaser fails in the payment of purchase money, the property shall be resold.

(l) Where the proceeds from the sale of the property exceeds the amount due from the debtor, the excess amount, after deducting the interest and the expenses of process and other charges, shall be paid to the defaulter.

(m) Where prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the Sale Officer shall cancel the order of attachment and release the property forthwith.

(n) The movable properties exempted from attachment by the proviso to section 60 of the Code of Civil Procedure, 1908 (5 of 1908) shall not be liable to attachment or sale under these rules.

(6) Where the movable property to be attached is the salary or allowances or wages of a public officer or a railway servant or a servant of a local authority or a firm or a company, the Registrar or Officer mentioned in section 91D may, on receiving a report from the Sale Officer, order that the amount shall subject to the provisions of section 60 of the

Code of Civil Procedure 1908 (5 of 1908), be withheld from such salary or allowances or wages either in one payment or by monthly installments as the Registrar or such Officer may direct and upon the receipt of the order, the officer or the other person whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly installment, as the case may be.

(7)(i) Where the property to be attached consists of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the share or interest or charging it in any way.

(ii) Where the property to be attached is a negotiable instrument not deposited in Court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Officer ordering the attachment and be held subject to his further orders.

(iii) Where the property to be attached is in the custody of any Court or Public Officer, the attachment may be made by a notice to such Court or Officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further demands of the Officer issuing the notice:

Provided that, where such property is in the custody of a Court or Recovery Officer of another district, any question of title or priority arising between the applicant and any other person not being the defaulter claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be left to be determined by such Court or Recovery Officer, as the case may be.

(8)(i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge,

the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by a nominee or Board of Nominees to whom a dispute was referred by the Registrar under section 86, then by the order of the Registrar.

(ii) Where the Registrar makes an order under clause (i), he shall, on the application of the applicant who has attached the decree, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i), shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner for the holder thereof.

(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Registrar or Officer mentioned in section 91D, to the holder of such decree, prohibiting him from transferring or charging the same in any way.

(v) The holder of a decree attached under this sub-rule shall give the Officer executing the decree such information and aid as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Officer making an order of attachment under this sub-rule shall give notice of such order to the judgment debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment debtor in contravention in such order after receipt of notice thereof, either through the Recovery Officer or otherwise, shall be recognized so long as the attachment remains in force.

(9) Where the movable property to be attached is,—

(a) a debt due to the defaulter in question,

(b) a share in the capital of a corporation or a deposit invested therein, or

(c) other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any Civil Court, the attachment shall be made by a written order signed by the Registrar or the Officer mentioned in section 91D of the Act, prohibiting,—

(i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof;

(ii) in the case of a share or a deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon; and

(iii) in the case of any other movable property, the person in possession of it from giving it over to the defaulter.

A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of any other movable property to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Registrar or officer mentioned in section 91D of the Act, may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Registrar or the said Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Registrar or to the said officer or to the party referred to in clause (c). The person concerned shall place it in the hands of the Registrar or said Officer as it becomes deliverable to the debtor.

(10) Immovable property shall not be sold in execution of a decree unless such property has been previously attached:

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

(11) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed:—

(a) The application presented under sub-rule (2) shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement of survey, the specification of such boundaries or numbers and the specification of the defaulter's share or interest in such property to the best of the belief of the applicant and so far as he has been able to ascertain it.

(b) The demand notice issued by the Registrar or by the Officer mentioned in section 91D under sub-rule (3) shall contain the name of the defaulter, the amount due, including the expenses, if any, and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place of residence, or upon his authorized agent or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Provided that, where the Registrar or Officer mentioned in section 91D of the Act is satisfied that defaulter with intent to defeat or delay the execution proceeding

against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar or said Officer under sub-rule (3) shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

(c) If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property mentioned in the application for execution in the following manner.

(d) Where attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on, or adjacent to, such property and at such other place or places as the Registrar or Officer as mentioned in section 91D of the Act may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy of attachment notice shall be sent to the applicant. Where the Sale Officer so directs, the attachment shall also be notified by public proclamation in the Official Gazette.

(e) Proclamation of sale shall be published by affixing a notice in the office of the Registrar or Officer mentioned in section 91D of the Act and the taluka office at least thirty days before the date fixed for the sale and also by beat of drum in the village (on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale). Such

proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the applicant and the defaulter. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible in the following manner:—

(i) the property to be sold;

(ii) any encumbrance to which the property is liable;

(iii) the amount for the recovery of which sale is ordered; and

(iv) every other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.

(f) (i) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The applicant shall, when the amount for the realization of which the sale is held exceeds Rs. 100/-, furnish to the Sale Officer within such time as may be fixed by him or by the Registrar or by the Officer mentioned in section 91D of the Act, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Registrar or Officer mentioned in section 91D of the Act, as the case may be, the sale shall be by public auction to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons:

Provided further that the Registrar or the Officer mentioned in section 91D of the Act or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reason for such adjournment. Where a sale is so adjourned for the longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the defaulter consents to waive it.

(ii) The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Registrar or said Officer. The time and place of the sale shall be fixed by the Registrar or said Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Registrar or said Officer:

Provided also that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village Talathi or corresponding officer in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in place of an encumbrance certificate.

(g) A sum of money equal to 15 per cent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold:

Provided that where the applicant is the purchaser and is entitled to set off the purchase money under clause (k), the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale:

Provided that the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Registrar or Officer mentioned in section 91D of the Act, upto thirty days from the date of sale:

Provided further that, in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set off to which he may be entitled under clause (k).

(i) In default of payment within the period mentioned in the last preceding clause (h) the deposit may, if the Registrar or such Officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(j) Every resale of immovable property in default of payment of the amounts mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period here in before specified for the sale.

(k) Where an applicant purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

(12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, batta and other expenses incurred in bringing the property to sale including the expenses of attachment if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

(13) (i) Where immovable property has been sold by the Sale Officer, any person either owing such property or holding any interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Registrar or Officer mentioned in section 91D of the Act,—

(a) for payment to the purchaser, sum equal to five percent of purchase money and

(b) for payment to the applicant, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expense of attachment, if any, and sale and other costs due in respect of such amount less, amount which may since the date of such proclamation have been received by the applicant.

(ii) If such deposit and application are made within thirty days from the date of sale, the Registrar or Officer mentioned in section 91D of the Act, shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited, together with the 5 per cent of such purchase money deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorized to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule (14) to set aside the sale of immovable property, he shall not be entitled to make any application under this sub-rule.

(14)(i) At any time within thirty days from the date of the sale of immovable property, the applicant or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Registrar or Officer mentioned in section 91D of the Act, to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless the Registrar or such Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the Registrar or such Officer shall set aside the sale and may direct a fresh one.

(iii) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Registrar or Officer mentioned in section 91D of the Act, shall make an order confirming the sale:

Provided that, if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(iv) Wherever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(v) After the confirmation of any such sale, the Registrar or Officer mentioned in section 91D of the Act, shall grant a certificate of sale bearing his seal and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser.

(15) It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due:

Provided that, so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.

(16) Persons employed in serving notice or in other process under these rules shall be entitled to batta at such rates as may, from time to time, be fixed by the Recovery Officer/Registrar.

(17) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the applicant, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the applicant.

(18) Every person making a payment towards any money due for the recovery of which application has been made under this rule shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Registrar or by the Officer mentioned in the section 91D of the Act, in that behalf, such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

(19)(a) Where any claim is preferred to, or any objection is made to, the attachment of any property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose it of on merits:

Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.

(b) Where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection.

(c) Where a claim or an objection is preferred, the party against whom an order is made may institute a suit to establish the right

which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be final.

(20) (i) Any deficiency of price which may arise on a re-sale held under clause (I) of sub-rule (II) by reason of the purchaser's default, and all expenses attending such resale shall be certified by the Sale Officer to the Registrar or the Officer mentioned in the section 91D of the Act, and shall, at the instance of either the applicant or the defaulter, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(ii) Where the property may on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.

(21) Where any property has been attached in execution of a decree, but by reason of the applicant's default the Registrar or the Officer mentioned in the section 91D of the Act, is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

(22) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of application for execution of decree against the same defaulter have been received from more than one applicant and the applicants have not obtained satisfaction, the assets after deducting the costs or realizations, shall be rateably distributed by the Sale Officer among all such applicants in the manner provided in section 73 of the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force.

(23) Where a defaulter dies before the decree has been fully satisfied, an application under sub-rule (1) may be made against the

legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the defaulter. Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of and for the purpose of ascertaining such liability, the Registrar or the Officer mentioned in the section 91D of the Act, executing the decree may, of his own motion or on the application of the applicant compel such legal representative to produce such accounts as he thinks fit.

125. *Execution of awards or orders in special cases.*— Subject to the provisions of section 91 of the Act, the Registrar, may, by an order in writing specially authorize any officer of the Co-operative Department or any officer of a federal society or a Central Bank, on an application made by it, to call for and send awards or orders obtained by any society for execution. The society or societies in respect of which these powers are to be exercised shall be specified in the order.

126. *Transfer of property which cannot be sold.*— (1) When in execution of an order sought to be executed under section 91 of the Act, any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar or Liquidator under clause (a) or (b) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the appropriate authority or the Registrar, as the case may be, and the society applying for the execution of the said order.

(2) On receipt of the report under sub-rule (1), the society may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by

the Court or the appropriate authority or the Registrar, submit an application in writing to the Court, appropriate authority or the Registrar, as the case may be, stating whether or not it agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property about the intended transfer.

(4) On receipt of such a notice the defaulter, or any person owing such property, or holding an interest therein by virtue of a title acquired before the date of issue of a certificate under section 91 of the Act, may within one month from the date of the receipt of such notice, deposit with the Court or the appropriate authority or the Registrar, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the appropriate authority or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the appropriate authority or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate issued in Form "P".

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(7) If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the appropriate authority or the Registrar, as the case may be, shall, on the production by the

society of a certificate signed by the Registrar, recover the balance due to the society in the manner laid down in section 91.

(8) The transfer of the property under sub-rule (5) shall be effected as follows:—

(i) in the case of movable property,—

(a) Where the property is in possession of the defaulter himself or has been taken possession of on behalf of the Court or the appropriate authority or the Registrar, it shall be delivered to the society;

(b) Where the property is in possession of some person on behalf of the defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession of the property to any other person;

(c) The property shall be delivered to a person authorised by the society to take possession on behalf of the society.

(ii) in the case of immovable property,—

(a) Where the property is growing or standing crop, it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting and gathering it.

(b) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by a defaulter subsequent to the issue of a certificate under section 91 of the Act, the Court or the appropriate authority or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property and if need be by removing any person who illegally refuses to vacate the same.

(c) Where the property is in the possession of a tenant or other person

entitled to hold the same by a title acquired before the date of issue of a certificate under section 91 of the Act, the Court or the appropriate authority or the Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.

(9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live stock, if any, according to such scale as may be fixed by the Registrar from time to time.

(10) Where land is transferred to the society under sub-clause (a) of clause (ii) of sub-rule (8) before a growing or standing crop is cut and gathered, the society shall be liable to pay the current year's land revenue on the land.

(11) The society shall forthwith report any transfer of property under sub-clause (b) or (c) of clause (ii) of sub-rule (8) to the authority to be specified by the Registrar for information and entry in the Record of Rights.

(12) The society to which property is transferred under sub-rule (5), shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The society to which property is transferred under sub-rule (5), shall use its best endeavour to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property.

(14) The sale under sub-rule (13), shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred

to in sub-rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(15) Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use it's best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(16) When the society to which property is transferred under sub-rule (5) has realized all its dues, under the order in execution of which the property was transferred, from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

126A. *Payment of expenses of decision of dispute.*— (1) Where the dispute has been referred to the Registrar or his nominee or the Board of Nominees under section 86 of the Act, the Registrar may require the party or parties to the dispute to deposit such sum as may in his opinion be necessary to meet the expenses including payment of fees to the Registrar or his nominee or the Board of Nominees.

(2) The Registrar or his nominee or the Board of Nominees shall have the power to order, the fees and expenses of determining the disputes, to be paid by the society out of it's funds or by such party or parties to the dispute, as he or it may think fit, according to the scale laid down by the Registrar, after taking into account the amount deposited under sub-rule (1).

(3) The Registrar may by general or special order specify the scale of fees and expenses to be paid to him or to his nominee or the Board of Nominees."

7. *Amendment of Forms.*— In the principal rules,—

(i) in Form "N", for the expression "BEFORE THE CO-OPERATIVE AUTHORITY (place)", the expression "BEFORE THE REGISTRAR" shall be substituted.

(ii) for Form "O", the following form shall be inserted namely:—

FORM "O"

[See rule 123 (2)]

Application for execution of award/order

BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES (place)

I/We, award/order holder, hereby apply for execution of the award/order hereinbelow set forth:

- (1) Number of the case:
- (2) Names of the parties: Disputant
- (3) Names of the parties: Opponent
- (4) Date of the award/order
- (5) Whether any appeal has been preferred from the award/order.
- (6) Whether any, and (if any), what payment or other adjustment of the matter in controversy has been made between the parties subsequent to the award/order.
- (7) Whether any, and (if any), what previous applications have been made for the execution of the award/order, the dates of such applications and their results.
- (8) The amount with interest (if any) due upon the award/order, or other relief granted thereby, whether passed before or after the date of the award/order sought to be executed.
- (9) The amount of the costs (if any) awarded.
- (10) The name of the person against whom execution of the award/order is sought, and
- (11) The mode in which the assistance of the Co-operative Authority is required, whether:—
 - (a) by the delivery of any property specifically decreed;
 - (b) by the attachment, or by the attachment and sale, or by the sale without attachment, of any property;
 - (c) by the appointment of a receiver;
 - (d) otherwise as the nature of the relief granted may require.

Examples:-

(1) When attachment and sale of movable property is sought —

I/We, pray that the total amount of Rs. (together with interest on the principal sum upto date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opponent's movable property as per annexed list and paid to me/us.

(2) When attachment and sale of immovable property is sought —

I/We, pray that the total amount of Rs. (together with interest on the principal sum upto date of payment) and the costs of taking out this execution, be realised by the attachment and sale of the opponent's immovable property specified at the foot of this application and paid to me/us.

(3) In case of other reliefs granted in the award/order, as per nature of the relief granted.

I/We (through the office bearer), declare that what is stated herein is true to the best of my/our knowledge and belief.

Place:

Date: Signed award/decrece holder

(iii) in Form "P",— (a) for the figures "125(5)" and "125", the figures "126" shall be substituted;

(b) for the words "Co-operative Authority"—, wherever they occur, the word "Registrar" shall be substituted.

By order and in the name of the Governor of Goa.

Swapnil Naik, Registrar of Co-op. Societies & ex officio Jt. Secretary.

Panaji, 8th December, 2009.

Department of Finance

Debt Management Division

—
Notification

1-39-2001/Fin (Bud)

Subject: Scheme for Constitution and Administration of the Guarantees Redemption Fund of Government of Goa.

The following scheme for Constitution and Administration of the Guarantees Redemption Fund of Government of Goa is hereby published for general information of the public.

Anupam Kishore, Joint Secretary, Finance (DMU).

Porvorim, 9th December, 2009.

—————
SCHEME FOR CONSTITUTION AND ADMINISTRATION OF THE GUARANTEES REDEMPTION FUND OF GOVERNMENT OF GOA

1. *Title of the Scheme.*— The Scheme shall be called 'Guarantees Redemption Fund Scheme' (hereinafter referred to as 'the Fund').

2. *Constitution of the Fund.*— A "Guarantees Redemption Fund" shall be constituted by the Government of Goa (hereinafter called the Government) for meeting its obligations arising out of the Guarantees issued on behalf of State level bodies. The Fund shall be constituted in the Public Account and classified under the Head "8235 — General and Other Reserve Funds, 117 — Guarantees Redemption" in the accounts of the Government.

3. *Objective of the Scheme.*— The Fund shall be utilised for meeting the payment obligations arising out of the guarantees

issued by the Government in respect of bonds issued and other borrowings by the State Level Undertakings or other bodies and invoked by the 'beneficiaries'.

Explanation.— (a) The accumulations in the Fund shall be utilised only towards the payment of the guarantees issued by the Government and invoked by the beneficiary and not paid by the institution on whose behalf guarantee was issued:

Provided that the net incremental annual investment of States (i.e. outstanding balance over and above the level in the corresponding period of the previous year) shall be eligible for availing Special ways and means advances (Special WMA) from the Reserve Bank of India (hereinafter referred to as the Bank) such that the availment of Special WMA under this provision does not exceed the Normal WMA limit fixed by the Bank.

4. *Commencement of the Operation of the scheme.*— It shall come into force with effect from the financial year 2006-07..... .

5. *Contributions to the Fund.*— (a) The Fund shall be set up by the Government with an initial contribution of Rs. 5.00 crore determined on the basis of guarantees invoked during the preceding 3 to 5 years. The balance in the Fund shall be increased with contributions made annually or at lesser intervals, so as to reach the level deemed sufficient to meet the amount of anticipated guarantees devolving on the Government as a result of the likely invocation of outstanding guarantees in the succeeding 5 years.

(b) During each year the Government shall contribute an amount equivalent at least to 1/5th of the outstanding invoked guarantees plus an amount of guarantees likely to be invoked as a result of the incremental guarantees issued during the year.

(c) It is open to the Government to increase the contributions to the Fund at its discretion.

In order to enable transfer of the total amount of contribution to the Fund, the Government would make suitable Budget provision on the expenditure side of their budget under the head "2048.— Appropriation for reduction or avoidance of Debt (Charged), 101 — Sinking Fund, 02 — Guarantee Redemption Fund, 32 — Contributions (Charged) — Relief on Account of Guarantees Invoked — Guarantees Redemption Fund — Transfer to Reserve Fund and Deposit Accounts — Guarantees Redemption Fund".

(d) The Government shall not fund its contribution to the Fund out of borrowings from the Bank.

6. *Relationship of the Fund with General Revenues/Public Account.*— (a) The corpus of the Fund comprises an initial amount demarcated by the Government, annual or other contributions made by the Government thereto as also periodic accretions by way of Guarantee Commission collected from the institutions in respect of whose bonds/obligations, the Government had issued the guarantee, in addition to the income accruing to the Fund.

(b) The Fund shall be kept outside the General Revenues of the Government and shall be utilised only in the manner prescribed in this Scheme.

7. *Administration of the Fund.*— The Fund shall be administered by Central Accounts Section of the Reserve Bank of India at Nagpur (hereinafter referred to as the Bank) subject to such directions/instructions as the Government may issue from time to time.

8. *Investment of the corpus of the Fund.*— The accretions to the Fund shall be invested in Government of India Securities of such maturities as the Bank may determine from time to time in consultation with the Government. The Bank shall make available the securities for investment either from its own investment portfolio or by acquiring the

securities from the secondary market, without loading any charge other than that indicated in paragraph 11.

9. *Accounting of Transactions.*— (a) The responsibility for the administration of the Fund will rest with the Government. The Government will decide all matters connected with the investment of the corpus of the Fund, reinvestment/disinvestment, obligations and application of the Fund, etc.

(b) The Government will, from time to time, issue instructions to the Bank. The Bank will immediately arrange to make the necessary investment. The Bank would scroll to the Government the debit on account of the investment and other incidental charges like brokerage, commission etc. in the usual course. However, in order to ensure that the investment transactions of the Fund do not get mixed up with other transactions, these may be indicated distinctly in separate scrolls.

(c) On receipt of the scrolls the investment transactions would be accounted for under the Head “8235 — General and Other Reserve Funds, 117 — Guarantee Redemption Fund Investment Account”. However, the incidental charges like brokerage, commission etc. shall be accounted for as a charge on the Fund.

(d) The Bank will arrange to collect interest on these securities and credit the same to the Fund on due date. Further, these would require to be invested as in the case of the contributions by the Government i.e. in accordance with the investment norms prescribed in para 8 above. On maturity of the securities, the proceeds will be collected and credited to the account of the Government or reinvested on the basis of instructions received from the Government i.e. in accordance with the pattern outlined in para 8 *intra*. As in the case of the debit scrolls, the Bank shall use separate scrolls, for the receipts.

(e) On receipt of instructions from the Government, the Bank will arrange to sell the

securities at the ruling price through its Mumbai office and credit the amount realized, less incidental charges, to the account of the Government.

(f) The receipts on account of maturity or sale of the securities would be taken to the account of the “Guarantees Redemption Fund Investment Account”. The incidental charges on sale would be charged on the Fund.

(g) The provision for expenditure on account of the Guarantees Redemption will be made in the budget of the Government under the relevant heads. Only the actual amount of guarantee redemption expenditure shall be brought in account under the Head “-Relief on account of Guarantees invoked”— Guarantees Redemption Fund.

(h) The Bank shall arrange to redeem the securities on maturity. In case of premature disinvestment to meet the liability on account of the claims to be paid, the Bank shall decide on the securities to be encashed in consultation with the Government and sell the securities at the ruling price and credit the amount realised, less incidental charges, to the Fund.

(i) The Government will pay the Bank, a commission at the rate determined by the Bank in consultation with the Government. These charges shall also be borne by the Fund as in the case of the charges indicated in paras 11 and 9. The loss or gain on the sale of securities shall also be taken to the Account of the Fund.

Explanation.— (a) The debit to Government on account of such withdrawal will be accounted under the major head. — On the maturity of the loan the balance outstanding under the head — (sub-head Guarantee Redemption Fund) is credited to the head — (Miscellaneous Government Account) Ledger Balance Adjustment Account.

(b) The Bank would scroll to the Government the debit on account of

investment less the incidental charges in the usual course. However, in order to ensure that the investment transactions of the Fund do not get mixed up with other transactions, these will be indicated distinctly in separate scrolls.

(c) The Bank will arrange to collect interest on the investments and credit the same to the Fund on the due dates.

(d) On the maturity of the securities, the Bank will arrange to redeem the securities and in case of premature disinvestment, to sell the securities at the ruling price and credit the amount realized, less incidental charges, to the Guarantees Redemption Fund Investment Account. As in the case of debit scrolls, the Bank shall use separate scrolls for the receipts.

(e) The provision for expenditure on account of the periodic contributions will be made in the Budget of the Government under the relevant head. The extent of expenditure to be financed from the Fund shall be withdrawn from the Fund by the disposal of the investment.

10. *Functions of the Bank managing the Fund.*— (a) The Bank will be guided by the directions of the Government in all matters concerning the investment/reinvestment/disinvestment/reallocation/withdrawals time to time of the Fund and will act accordingly.

(b) The Bank would arrange to raise a debit to the account of the Government maintained with it as per the schedule of contributions set out in paragraph 5.

(c) The contributions to the Fund shall be invested by the Bank in Government Securities as indicated in paragraph 8. The periodic accretion to the Fund by way of guarantee commission, contributions by the Government and interest income shall also be invested by the Bank in a similar manner.

(d) The withdrawals may be made from out of the balance accumulated in the Fund

up to the date towards the redemption of the guarantees invoked and to be paid by the Government, as per its directions.

(e) The Bank will submit periodical statement of balances/advice regarding the changes therein in consultation with the Government.

11. *Services charges for administration of the Fund.*— The Government will pay to Bank a commission at the rate of 1/8 per cent of one per cent of the turnover of the Fund or at the rate to be mutually decided from time to time.

12. *Account and Audit.*— The accounts of the Fund and the investments shall be maintained by the Accountant General of the State in the normal course. The concerned Department of the Government will maintain subsidiary accounts in such manner and detail as may be considered by the Government in consultation with the Accountant General.

13. *Savings.*— The Government shall issue instructions relating to the provisions of the Scheme as may be considered from time to time to enable smooth functioning of the Scheme. In case of any difficulty in the operation of any provision of the Scheme, the Government may, if satisfied, relax the provisions.

Notification

1/12/99/Fin (Bud II)

Subject: Scheme for Constitution and Administration of the Consolidated Sinking Fund of Government of Goa.

The following scheme for Constitution and Administration of the Consolidated Sinking Fund of Government of Goa is hereby published for general information of public.

Anupam Kishore, Joint Secretary, Finance (DMU).

Porvorim, 9th December, 2009.

SCHEME FOR CONSTITUTION AND
ADMINISTRATION OF THE CONSOLIDATED
SINKING FUND OF GOVERNMENT
OF GOA

1. *Title of the Scheme.*— The Scheme shall be called 'Consolidated Sinking Fund Scheme' (hereinafter referred to as 'the Fund') of the Government of Goa (hereinafter referred to as 'the Government').

2. *Constitution of the Fund.*— The Fund will be constituted by the Government of Goa for redeeming its outstanding liabilities.

3. *Objective of the Scheme.*— The Fund is to be utilized as an Amortization Fund for redemption of the outstanding liabilities of the Government commencing from the financial year 2011-12

4. *Commencement of the Operation of the Scheme.*— The Fund shall come into force with effect from the financial year 2006-07.

Explanation.— (a) The Fund shall substitute the extant CSF scheme adopted by the Government.

(b) The outstanding balances of the extant CSF Scheme as at end-March 2006 shall be transferred to the Fund.

(c) The interest accrued and accumulated in the Fund only shall be utilised towards the redemption of the outstanding liabilities of the Government as hereinafter provided.

(d) The Fund shall not be utilised for any purpose other than redemption of the outstanding liabilities of the Government:

Provided that the net incremental annual investment of States (i.e. outstanding balance over and above the level in the corresponding period of the previous year) shall be eligible for availing Special WMA such that the availment of Special WMA under this provision does not exceed the Normal WMA limit.

(e) The outstanding liabilities are defined to comprise of internal debt and public account liabilities of the Government.

5. *Contributions to the Fund.*— The Government may contribute to the Fund on a modest scale of at least 0.5 per cent of the outstanding liabilities as at the end of the previous year beginning with the financial year 2006-07. The Government shall make efforts to raise the minimum contribution every year. There is no ceiling on such contributions to the Fund in terms of number of times of making contributions in a year. It is open to the Government to invest in the Fund from the General Revenue at any time or from other sources such as disinvestment proceeds to the Fund, at its discretion. The Government shall not fund its contribution to the Fund out of borrowings from the Reserve Bank.

6. *Relationship of the Fund with General Revenues.*— The corpus of the Fund comprising the periodic contributions as well as the income accruing to the Fund shall be kept outside the General Revenue of the Government. The Fund shall be utilised in the manner prescribed in this Scheme.

7. *Administration of the Fund.*— The Fund shall be administered by Central Accounts Section of the Reserve Bank of India at Nagpur (hereinafter referred to as the Bank), subject to such directions/instructions as the Government may issue from time to time.

8. *Investment of the corpus of the Fund.*— The accretions to the Fund shall be invested in Government of India Securities of such maturities as the Bank may determine from time to time in consultation with the Government.

Explanation.— (a) The accretions to the Fund shall include the periodic contributions and the income accruing to the Fund from investment thereof.

(b) The Bank will make available the securities for investment either from its own

investment portfolio or by acquiring the securities from the secondary market, without loading any charge other than that indicated in paragraph 10.

9. *Account Transactions.*— (a) The Bank would arrange to raise a debit to the account of the Government maintained with it as per the advice of the Government.

(b) The contributions to the Fund shall be invested by the Bank in Government of India Securities as indicated in paragraph 8 in multiples of Rs.10,000/-.

(c) The periodic accretion to the Fund by way of interest income shall be reinvested by the Bank in a similar manner, in multiples of Rs. 10,000/-.

(d) The investments held in the Fund and maturing during currency of the scheme shall be reinvested in accordance with paragraph 8.

(e) No withdrawals will be allowed from the Fund until 2010-2011:

Provided that States that have already set up the Fund under the earlier Scheme may withdraw an amount in a year after the lock-in period stipulated in the earlier scheme. The amount shall not exceed the amount of redemption due for that year in respect of open market borrowings.

Explanation.— (a) Withdrawals may be allowed in the financial year 2011-12 from out of the interest income accrued and accumulated in the Fund up to the financial year 2010-11 towards the redemption of the outstanding liabilities of the Government as per its directions. Similarly, withdrawals may be allowed in the financial year 2012-13 from out of the interest income accrued and accumulated in the Fund up to the financial year 2011-2012 towards the redemption of the outstanding liabilities of the Government as per its directions and so on.

(b) The contribution forming the corpus of the Fund shall remain intact, until substantial

amount is built up. A review thereof may be taken at an appropriate period from 2011-2012.

(c) The debit to Government on account of the periodic instalments will be accounted under the major head 8222 (Reserve Funds). On the maturity of the loan, the balance outstanding under the head 8222 (sub-head Sinking Fund) is credited to the head 8660 (Miscellaneous Government Account) Ledger Balance Adjustment Account.

(d) The Bank shall scroll to the Government the debit on account of investment less the incidental charges in the usual course. However, in order to ensure that the investment transactions of the Fund do not get mixed up with other transactions, these will be indicated distinctly in separate scrolls.

(e) The Bank shall arrange to collect interest on the investments and credit the same to the Fund on the due dates.

(f) On the maturity of the securities, the Bank shall arrange to redeem the securities. In case of premature disinvestment to meet the liability on account of the claims to be paid, the Bank will decide on the securities to be encashed in consultation with the Government and sell the securities at the ruling price and credit the amount realised, less incidental charges to the Fund. As in the case of debit scrolls, the Bank shall use separate scrolls for the receipts.

(g) The provision for expenditure on account of the periodic contributions shall be made in the Budget of the Government under the relevant head. The extent of expenditure to be financed from the Fund shall be withdrawn from the Fund by the disposal of the investment.

(h) The Bank shall open a Current Account and Subsidiary General Ledger Account in the name of the Fund and furnish to the Government as at the end of September and March each year, a statement showing the details of investments.

10. *Service charges for administration of the Fund.*— The Government shall pay to the Bank a commission at the rate of 1/8 per cent of one per cent on the turnover of the Fund or at the rate to be mutually decided from time to time.

11. *Accounts and Audit.*— The accounts of the Fund and the investments shall be maintained by the Accountant General of the State in the normal course. The Bank will maintain subsidiary accounts in such manner and details as may be considered by the Government in consultation with the Accountant General.

12. *Savings.*— The Government shall issue instructions relating to the provisions of the Scheme as may be considered from time to time to enable smooth functioning of the scheme. In case of any difficulty in the operation of any provision of Scheme, the Government may, if satisfied, relax the.



Department of General Administration

Notification

23/1/87-GA & C(Vol. I)

In exercise of the powers conferred by Article 166 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Goa hereby makes the following rules so as to further amend the Business of the Government of Goa (Allocation) Rules, 1987, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Business of the Government of Goa (Allocation) (Twenty-fifth Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of Schedule.*— In the Schedule appended to the Business of the Government of Goa (Allocation) Rules, 1987,—

(i) at serial number 8, under the heading “Department of Finance” for the items (I), (II) & (III) the following entry shall be substituted, namely:—

I. Finance (Budget) Division

- (a) Budget.
- (b) Revenue Resources.
- (c) Contingency Fund.
- (d) Business Advisory Committee.
- (e) GFR/PLA/Permanent Advances.
- (f) Cash Management.
- (g) Performance Budget.
- (h) All Financial Rules/Goa Delegation of Financial Powers Rules (GDFPRs).
- (i) Centrally Sponsored Schemes.
- (j) All matters related to Central Planning Commission.
- (k) Financial concurrence in service matters, MOU and contracts.
- (l) Convention Centre.

II. Finance (Audit) Division

- (a) Public Accounts Committee.
- (b) Committee on Public Undertakings.
- (c) CAG Reports.
- (d) Finance Accounts.
- (e) Appropriation Accounts.
- (f) Inspection/Audit Reports on accounting procedure for PAC/COPU.
- (g) Vetting of ATNs on audit paras of all Departments.
- (h) Monitoring of audit/inspection paras.
- (i) Follow up on the matter of audit with O/o Accountant General of Goa.
- (j) All matters/correspondence pertaining to Accountant General, Goa.

III. Finance (Debt Management/Institutional Finance) Division

- (a) Debt Management.
- (b) R.B.I. Matters/Institutional Finance.

- (c) SLR Borrowings.
- (d) Central Finance Commission.
- (e) Guarantee Redemption Fund.
- (f) External Assistance/Externally Aided Projects.
- (g) Bond Issues/Negotiated Loans.
- (h) Consolidated Sinking Fund.
- (i) Investment in PSUs, Co-op. Societies, etc.
- (j) Voluntary Retirement Scheme (VRS)
- (k) Credit Ratings.
- (l) Economic Development Corporation Ltd. and its Subsidiaries.
- (m) Goa State Infrastructure Development Corporation Ltd.
- (n) Pension Fund.
- (o) Government Guarantees.
- (p) Fiscal Responsibility and Budget Management Act, 2006.
- (q) HBA to Government employees.
- (r) Money Lenders Act and Rules.
- (s) Bureau of Public Sector Enterprises.
- (i) Matters relating to issue of directives guidelines to Public Sector Enterprises.
- (ii) Formulation of Policy guidelines pertaining to Public Sector Enterprises in areas like performance improvement and evaluation, financial management, personnel management, board structures, wage settlement, training, industrial relation, vigilance performance appraisal.
- (iii) Matters relating to reservation of posts in Public Sector Enterprises for certain classes of citizens.
- (iv) All matters relating to Memorandum of Understanding between the Public Sector Enterprises and the Administrative Departments.
- (v) Matters relating to delegation of powers of the Board of Directors.
- (vi) Studies in respect of significant areas of functioning of Central Public Sector Enterprises.
- (vii) Matters relating to Standing Conference of Public Enterprise (SCOPE).
- (viii) To monitor and evaluate the performance of Public Enterprises and to act as a repository and to bring out an Annual Survey for the Legislative Assembly.
- (ix) Permanent machinery of Arbitrators for settlement of disputes among Public Sector Enterprise and Government Departments, except disputes relating to tax matters.
- (x) Appraisal of proposal from different administrative Departments pertaining to re-structuring, revival, joint ventures, etc.
- IV. Finance (Revenue and Control) Division
- (a) Pay Commission.
- (b) Pension matters.
- (c) All matters relating to counting of past service.
- (d) Commercial Tax.
- (e) Entertainment Tax/Luxury Tax.
- (f) VAT related issues.
- (g) Excise.
- (h) Directorate of Small Savings and State Lotteries.
- (i) Creation/revival of posts.
- (j) All matters relating to equation of posts and revision of pay scales, daily wages, etc.
- (k) Purchase of vehicles.
- (l) Chit Fund.
- V. Finance (Expenditure) Division
- (a) Goa State Works Advisory Board (GSWB).
- (b) Expenditure Finance Committee (EFC).

(c) Financial scrutiny (original and revised), concurrence to schemes/ /proposals pertaining to Public Works, Electricity, Water Resources and other Departments.

(d) Drawal of A.C. Bills.

(e) Guidelines for purchase of vehicles for official use.

(f) Receipts and Payments Rules, 1997.

(g) Concurrence to pattern of assistance for grant-in-aid.

(h) All matters related to FRs, SRs, Leave Rules, TA Rules, GFRs, GPF, LTC, etc.

(i) Group Insurance Scheme/GPF/CPF, TA/DA, ADA, Bonus, etc.

(ii) at serial No. 12, under the heading "Department of General Administration" the following shall be inserted, namely:—

"(y) Administrative Department for Goa Sadan, New Delhi".

(iii) at serial No. 28 under the heading Department of Personnel under item (b) after sub-item (ii).

(a) the following sub-item shall be inserted, namely:—

"(iia) Appointment for Group 'A' Gazetted posts under 'Goa General Service' Cadre"

(b) item (u) shall be omitted.

(iv) after serial number 48, the following shall be inserted, namely:—

"49. Department of Public Grievances:

(a) Setting up of machinery for redressal of Public Grievances".

(v) after serial number 49, the following shall be inserted, namely:—

"50. State Electrical Inspectorate".

(a) powers, duties and functions of a Chief Electrical Inspector, Electrical Inspector under the Electricity Act, 2003 and the Rules as framed thereunder.

(b) All statutory functions under the Electricity Act, 2003 and Rules framed thereunder and under the Indian Electricity Rules, 1956, etc.

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (GA-II).

Porvorim, 10th December, 2009.



Department of Inland Waterways

Captain of Ports

Notification

D-12018/6/2287

The following draft rules which are proposed to be made so as to further amend the Goa, Daman and Diu Ports Rules, 1983, are hereby pre-published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 (Central Act 15 of 1908), for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Captain of Ports and ex officio Joint Secretary to the Government of Goa, Captain of Ports Department, Panaji, before the expiry of the said period of fifteen days from the date of publication of this Notification in the Official Gazette.

DRAFT RULES

In exercise of the powers conferred by sections 6 and 35 of the Indian Ports Act, 1908 (Central Act 15 of 1908), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Ports Rules, 1983, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Ports (Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Ports Rules, 1983 (hereinafter called the 'principal Rules')—

(i) after clause (ff), the following clause shall be inserted, namely:—

“(fff) “jetty” means any structure or platform made of either concrete or steel, which is erected/constructed in the Government Riverine Land along the river bank for the purpose of loading/ unloading of iron-ore into/from the craft;”;

(ii) after clause (h), the following clause shall be inserted, namely:—

“(hh) “pillar” or “post” means any structure made of either concrete or steel erected in the Government Riverine Land for the purpose of securing/ mooring a craft within the port limits.”

3. *Amendment of rule 54A.*— In rule 54-A of the principal Rules,—

(i) in sub-rule (1), for letters and figures “Rs. 3/-”, the letters and figures “Rs. 10/-” shall be substituted;

(ii) after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) No jetty shall be constructed in the Government Riverine Land without obtaining prior permission for the same from the Captain of Ports. All jetties in Government Riverine Land shall be registered before the Captain of Ports and subject to payment of fees as specified below:—

(i) in respect of single track jetty – Rs. 1.50 lakhs (Rupees one lakh fifty thousand).

(ii) in respect of dual track jetty and above – Rs. 3.00 lakhs (Rupees three lakhs).

All jetties existing prior to commencement of the Goa Ports (Amendment) Rules, 2009, and not registered, shall be registered with the Captain of Ports on payment of fees as specified above, within a period of one month from the date of commencement of the Goa Ports (Amendment) Rules, 2009.”;

(iii) in sub-rule (2), for the expression “sub-rule (1)”, the expression “sub-rule (1) or sub-rule (1A)” shall be substituted.

By order and in the name of the Governor of Goa.

Capt. A. P. Mascarenhas, Captain of Ports & ex officio Jt. Secretary.

Panaji, 8th December, 2009.

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