

BHOPAL GAS TRASADI (JANGAM SAMPATTI KE VIKRAYON KA SHOONYA GHOSHIT KIYA JANA) ADHINIYAM 1985

1 33] 3 1985--ftrrq 13, fäféT 1985 Tr frTFTRTfiG 1045 1907 , 3 1 9 35 (fiR firqr_üi) üfkT zrr tGtfi 3 1985 ETfTr) (\$tqurvr) ? 7Ti.] q%zü, fñir fTzrr t, q-fiFT, ftq ETä, (€17) (58) 6 3 1985 (R) xrfhtr äqr *fir, a, fir t; (T) fit Qi; 4 GiTët. (q ; Ü, fqqr, '0. ziiTë Oft Tw: Orr 7ä<-TtT a. , 3 985 qiä title l'Gici qti MADHYA PRADESH ACT No. S of 1985 BHOPAL GAS TRÄSADI (JANGAM SAMPATTI V LY-RAYON Ghushl-u-r KIYA JANA) AVEIIN!YAM, 1935. Pie ident on the 1st May" 1983 published (E.th•ordinary), dated tile 3rd -May 1935.1 , ouzet{- ' • ; ransactions of sale of movable property entered into ret-sons under panie caused by leakage of injurious • gas from Unioz Car Factory, Bhopal to be void. ik enacted by the Madhya Pradesh Legislature- in the; Thirty-sixta ' Yea: of "'v he cãlled the Bhopal Gas Trasadi m(Jangam SamkH13f rjllnshit Jana) Adhiniyam, 1085. dcmcd to have come into force on the 24th day January, 1985. In Act unl't's the context otherwise requires,— area" Incans the area comprised within the limits of i'dunicipal Gorporat Bhopal, 3. (i) 'iuy pctS011 residing in the acected area who Yas under •ansed injurious gag from Union Carbide Factory, JJhopn1 culd aay of his Eloy, (luring the period' 3rd December, 1984 to 24th Deeminr; 1984 to any apply to the competent authority to be appointed by State. Coyeta-nent Vlt rank C •ollecctor for. declaring. fie of sale to be yoi (2) livery application under sub-section (1) shall contain the folleying (i) name the seller with address ; Gi) name of (he purchaser with address ; (ili'i aetails of movable property sold iv) C0ü5ideration received ; I v' date and place of sale ; and (vi) :tteh other particulars as may be required. i 3) •t•hc statements in the application shall bc verified • by the avpiicanl by for the verification of plaints. . Inay on receipt of. ai application .utider sécti - llininarv enquiry as it may in the - c. f' the-'case• decln ' 'ther the transaction of sale is of the nature• eoecjfiéd in •section 3 an that section 3 applies to such transaction, it shall' recording •nrecceci to conduct an enquiry into: -in •rovideci. ('0intu authority shall by a notice served' cfi the patties 'J the to place all t-clevant facts and docuaxeü'g it at ?iille •as may be specified in the note'. shall at the place and at the date and tiÄÄ.e specie heard in vercon and parses of being sale to eirci(iate illiQT1i 3. 1985 C 1) If after the enquiry the competent authority is saii9fied that;— i) •the {ransaction of sale is af the nature specified in section 3; and (ii) the consideration paid in such transaction of sale was not adequate aecording to the market value of such property prevalent on the date of sale, it sbãil eclare such transaction to be void notwithstanding anything contained in any for the time being inforce and shall.— other pass to return the property sold on repayment of tke amount of consi- deration by the seller ; (b) if the purchaser fails to return the property Within fifteen days of the oider passed 'L!tider clause (a) or where in the opinion of compelent auüaority it is not feagible to return the property, pass order directing purchaser to gaffing ag/de and retura e'-prüiag otter 9 pay the difference of price undef sub-section (2) ; (c) pas« such other conscquen!ial or as may be nccéssary. t.2) LVhere the purchaser fails to return the property or for any reason to be recorded writfog It is not p03sible to return the property to the seller, the competent authority shzii gilt the price of such property according to the market value of such property prevalent on the date of sale and order the purchaser to pay the difference. if any, between price so fixed and the amount of consideration actually paid to the geller trithia.ä period fifteen dnyg. geeL,'cr. of 6. lhe purchaser faais to pay the difference cf price ordered to be paid under sub- — •Z) within the period specified therein the same shall be recoverable ag au arrear and the amount so recovere shall be paid to the seller Whoever contravenes the provision of section 5 shall, without prejudice to any action •that may be taken by the coglpetent authority under sub-section (3) of section 5, • with iiiiiPl isoruacnt which may extend onc year or with fine : which, . be - cxtc:ai one thousand rupees or with both. 7. -Any person aggrieved by an order of the competent authofity under section •5, Lay within a iod of thirty days of passing of such order, appeal to such authority may / be appointed by the State Government in this behalf, in such form and manner Ed accom'7(79ied such fee as may nrescri\otci i: that in computing the period •aforesaid, time requisite for obtaining •-'_ 'dcr appealed against shall bc excluded. order made by the appeliète authority in appeal or any order FinaliV" cf authority shall. if no appeal ig filed, be final and shall not be called •in (luestion tribunal or authority by way of appeal or revision or in any original apo wliic.i _ 10. 28 -n or execution settle, decide or deal with any decided or dealt "ith by ju- this Act required to be settled. compe..it authoray or the Appellate Authority. All enquiries and proceedings before the competent autllority or the appellate ant' bc judicial

proceeding within the meaning of section, 193 and 1860 (No. 45 of 1860) and for the purposes of section 190 Indian Penal Code, as amended (Jangam Sampatti Vikrayon Ka Shoonya Ghoshit Kiya Jana) repealed. MADHYA PRADESH ACT No. 8 of 1985 BHOPAL GAS TRASADI (JANGAM SAMPATTI KE VIKRAYON KA SHOONYA GHOSHIT KIYA JANA) ADHINIYAM, 1985 TABLE OF CONTENTS Section: 1. 3. 4. 5. 6. 1. S. 9, 11. Short title and commencement. Definition. Application to declare transaction of sale to be void. Enquiry by competent authority. Setting aside sale and return of movable property or affording other relief. Penalty. Appeal. Finality of order. Jurisdiction of civil courts, Enquiries and proceedings to be judicial proceedings. Repeal. 3 1985 1 1985 1 8 1985. (GfrTTT fhv GFfi) 1985. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 8 1985. (67TH 1 1985 3 1985 71<.) 1985 1 (2) 24 1985 1 3 1984 24 1984 17TT, I (AA5) (Ata) €6) eüfh qjT (3) f?öAT ft-g I qft (2) für»--q uS eNa-TT (3) d2.TT fiv-q fü5 fri :— (gtF) 3 fifiTf& q} q-&i ft-as-a (q) åtr frf& (2) (2) 7B7T v#TftT OT , -q;-q-€.Er föuT fF1 ö, iü5 g. füfüFT ya fÄ5 uV uj 10. 1860 (1860 Ri 45) \$T 193 228 196 11. 198' (VHIq 4 1895) 3 1985 — 348 (3) 1985 8 1985) GfTdt I iT24T I MADHYA PRADESH ACT No. 8 of 1985 THE BHOPAL GAS TRASADI (JANGAM SAMPATTI KE VIKRAYON SHOONYA GHOSHIT KIYA JANA) ADHINIYAM 1985 [Received the assent of the President on the 1 st May, 1985; assent first published in "Madhya Pradesh Gazette" (Extraordinary), dated the 1st May, 1985] An Act to declare certain transactions sale of movable property entered into certain persons under panic caused by leakage of injurious gas from Union Carbide Factory, Bhopal to be void. Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of Republic of India as follows:- Short title and 1. commencement Definition Application to declare transaction of sale to be void Enquiry by competent authority 2. 3. 4. (1) This Act may be called the Bhopal Gas Trasadi (Jangam Sampatti Vikrayon Ka Shoonya Ghoshit Kiya Jana) Adhiniyam, 1985. (2) It shall be deemed to have come into force on the 24th day of January, 1985 In this Act unless the context otherwise require, - "affected area" means the area comprised within the limits of Municipal Corporation Bhopal. (1) Any person residing in the affected area who has under panic caused leakage of injurious gas from Union Carbide Factory, Bhopal sold any of his movable property during the period 3rd December, 1984 to December, 1984 to any person may apply to the competent authority to be appointed by the State Government with shall not be below the rank of Collector for declaring the transaction of sale to be void. (2) Every application under sub-section (1) shall contain the following particulars namely:- (i) name of the seller with address; (ii) name of the purchaser with address; (iii) details of movable property sold; (iv) consideration received; (v) date and place of sale; and (vi) such other particulars as may be required (3) The statements in the application shall be verified by the applicant in manner required by law for the verification of complaints, (1) The Government authority may on receipt of an application under section-3 make such preliminary enquiry as it may in the circumstances of the case deem fit to ascertain whether the transaction of sale is of the nature specified in section 3 and being satisfied that section 3 applies to such transaction, it shall after recording opinion therefore, proceed (2) (3) 5. Setting aside Sale and return of movable property or affording other relief Penalty to conduct an enquiry into such transaction in the manner hereinaft provided. The competent authority shall by a notice served on the parties to the transaction of sale call upon them to place all relevant facts and documents before it at such place on such date and at such time as may be specified in the notice. The competent Authority shall at the place and at the date and time specified the notice offered on opportunity to the parties of being heard in person and may, necessary examine the parties interested in the sale to elucidate information relevant to the sale. (I) If after the enquiry the competent authority is satisfied:- (i) the transaction of sale is of the nature specified in section 3; and (ii) the consideration paid in such transaction of sale was not adequate according to the market value of such property prevalent on the date of sale, it shall declare such transaction to be void notwithstanding anything contained in any other law for the time being in force and shall,- (a) pass an order to return the property sold on repayment of the amount of consideration by the seller; (b) if the purchaser fails to return the property within fifteen days of the order passed under clause (a) or where ill the opinion of the competent authority it is not feasible to return the property, pass order directing the purchaser to pay the difference of price under sub-section (2); (c) pass such other consequential orders as may be necessary. (2) Where the purchaser fails to return the property for any reason to be recorded in writing it is not possible to return the property to the seller, the competent authority shall fix the price of such property according to the market value of such property prevalent, on the date of sale and order the purchaser to pay the difference, if any, between the price so fixed and the

amount of consideration actually paid to the (3) 6. seller within a period of fifteen days, If the purchaser fails to pay the difference of price ordered to be paid under sub-section (2) within the period specified therein the same shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the seller. Whoever contravenes the provision of the section 5 shall, without prejudice to any action to any action that may be taken by the competent authority under sub-section (3) of section 5, be punishable with imprisonment which may be Appeal Finality of Order Bar of Jurisdiction of Civil Court Enquiries and proceedings to be judicial proceedings Repeal 7. 8. 9. 10. 11. extent one year or with fine which may extend to one thousand rupees or with both. Any person aggrieved by an order of the competent authority under section 5, may within a period of thirty days of passing of such order, appeal to such authority as may be appointed by the State Government in this behalf, in such form and manner and accompanied such fee as may be prescribed: Provided that in computing the period aforesaid, time requisite for obtaining the copy of the order appealed against shall be excluded, Every order by the appellate authority in appeal any order of the competent authority shall, if no appeal is filed, be final and shall not be called in question in any court, tribunal or authority by way of appeal or revision or in any original suit application or execution proceeding. No civil court shall have any jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled decided or dealt with by the competent authority or the Appellate Authority. All enquiries and proceedings before the competent authority appellate authority shall be deemed to be judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code, 1860 (No. 45 of 1860) and for the purposes of section 196 thereof The Bhopal Gas Trasadi (Jangam Sampatti Ke Vikrayon Ka Shoonya Ghoshit Kiya Jana) Adhyadesh 1985 (No.4 of 1985) is hereby replaced. MADHYA PRADESH ACT No. 8 of 1985 THE BHOPAL GAS TRASADI (JANGAM SAMPATTI VIKRAYON KA SHOONYA GHOSHIT KIYA JANA) ADHINIYAM 1985

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