

RAJASTHAN SPECIAL INVESTMENT REGIONS APPELLATE AUTHORITY RULES, 2017

01, Department of NOTIFICATION Jaipur, December 28, 2017. In exercise of the powers conferred by section 70 read with section 67 of the Rajasthan Special Investment Regions Act, 2016 (Act No. 13 of 2016), the State Government hereby makes the following rules, namely:- I. Short title and commencement.- (V) These rules shall be called the Rajasthan Special Investment Regions Appellate Authority Rules, 2017. (2) They shall come into force from the date of their publication in the Official Gazette

2. Definitions.- (1) In these rules, unless the context otherwise requires,- (a) "Act" means the Rajasthan Special Investment Regions Act, No. 13 of 2016; (b) "Chairperson" means the Chairperson of the Appellate Authority; (c) "Form" means form appended hereto; (d) "Appellate Authority" means the Appellate Authority constituted under section 9 of the Act. (2) The words and expressions used but not defined herein shall have the same meaning as assigned to them in the Act. 3. Qualifications for Chairperson.- A person not qualified for appointment as a Chairperson of the appellate authority unless,- (i) he has been a judge of a high court; or (ii) he has for at least one year held the post of Additional Chief Secretary or Secretary to the State Government or a post carrying equivalent pay scale in the State Government. 4. Qualifications for a Member.- A person not qualified for appointment as a Member of the appellate authority unless,- (i) he has for at least two years held the post of a district Judge in the services of the State Government; or he has for at least two years held the post of Secretary to the State Government or a post carrying equivalent pay scale in the State Government. 5. Disqualification for a Chairperson or a Member.- A person shall not be eligible for appointment as a Chairperson or a Member of the appellate authority, if he,- (i) has been adjudged insolvent; or (ii) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or (iii) has become physically or mentally incapable of acting as Chairperson or Member; or (iv) has acquired such financial or other interest as is likely to affect prejudicially his function as Chairperson or Member of the appellate authority; or (v) has abused his position as to render his continuance in office prejudicial to the public interest

6. Term of office of the Chairperson or a member.- (1) Chairperson and Member of the Appellate Authority shall hold office for a term of three years or up to the age of sixty-five years, whichever is earlier. A Member may be re-appointed for a further term of three years. (2) A Member shall immediately vacate his office on becoming disqualified under the provisions of rule 5. 7. Salary and allowances of the Chairperson and Members.- (1) The salary and allowances of the Chairperson or a Member serving in the State shall be such as provided under the applicable service rules of his employment in the State Government. (2) The salary and allowances of a person appointed as Member after retirement from the services of the State Government shall be such as may be decided by the State Government by general or special order. 8. Quorum for the Appellate Authority.- The quorum for the Appellate Authority shall be and any one Member. The Appellate Authority shall not sit if the Chairperson or a Member is absent. 9. Procedure for appeal.- (1) An appeal shall be filed in writing by the appellant or his Advocate, if any, and the appellant shall be present in person or by his Advocate, if any, at the time of filing of the appeal. (2) Every appeal shall be accompanied by a certified copy of the order appealed or a copy of the order appealed as amended, the appellant shall be accompanied by an affidavit stating the reasons therefor; copy or copies of documents, State or otherwise on which he wishes to rely in support of his appeal; a list of documents in support of his appeal; a memorandum of appeal to be filed along with the appeal as many copies as there are the appeal along with the appeal; and affidavit in support of the appeal. (3) The appellant shall file the appeal within the period of limitation or whether the appellant has given sufficient cause for not preferring appeal within the limitation period: and any other relevant point in support of the appeal. 10. Rejection or amendment of memorandum of appeal.- Whether memorandum of appeal is rejected or amended within 3 months of the date of filing of the appeal, it may be rejected or amended. (2) The Appellate Authority rejects any

memorandum of record the reasons for such •there the memorandum of appeal is amended, the appellate authority or such other officer as it appoints in this behalf, Shall sign or initial the amendment

13. Registry c: memorandum oi (li Aftey the ynder A) Of rule 12, any, the officer appointed in hy the appellate authority shall endorse thereon the date presentatiør.shall register the arpea! in 8 register of appeals. (2) Fonn cfregister shall :uch as may specified by thg appellate authorizey



14. Notices to the respondent and production of record.- As soon as the appeal is admitted the appellate authority shall order to. of notice in No. Yi the respondents; and 4.9B 01, 2018 (ii) issue notice for production of records in the



Form No. III to the appellant respondents; Explanation: Notices shali be issued to the Chief Executive Officer of the Regional Development Authority; and (2) All notices required to be given to or served on any person under these rules Shai) issued and served as nearly as may bc in the same manner as provided for tne Issuance and service of summons under the provisions of Order V of the Code of Civi; Procedure, 1908 (Cw•'tra.l Act No. V of 1908)

15. Daily cause Csg.- A cause list shali be prepared in Hindi for each days in Form No. IV oi cases fixed for hearing signed by such officer as may be appointed in this behaif by the appellate authority, same Shail be pasted on the notice board of tte appellate authority on the previous working day

16. What io Accompany the notices to respondentse Along with the copy of the notices, 'The following documents shdl be sent to thc respondents:- (i) copy of the memorandum of appeal along with copies of documents filed by the appellant; and (ii) copy of the order appealed against which shall be supplied by the appellant

17. Reply of respondent.- rhe respondent shall, on or bef0ie the first hearing or within such time as the appellate authority may permit, from time time, file repy) of the appeat in three sets of copies along with copy or copies of the documems on which he rely along with a list. of documen\s and affidavits ir- o, contents of reply arid ciorurhents. '8. Judgment zppeai.m The appellate authority, after hearing the parties Sha!?' the judgment in writing and shah be signed with date who pr;ncunced delivered it. 1.9. C.cpy of parties in' Form Nc. V, certified copies pazed ibe appellate authority shali be supplied to lthe parties by appellate authority or such off:ce;• as it appoints in ūlis behaif on payment of fee as specified in Rile 229 of General Rules (Civil), 1986. Such fees shall be deposited in cash with the Regionai Development Authority. No such fee shall be charged from the Regional Development Authority and the Government of Rajasthan. 201 179) Che appellate authority shall send a certified Copy of ;udgernen! in each opeal the Chief Executive O! licer ei Regional Auther:ty and one such copy the Regional Development Authority against whose order the appea) was filed (3) Such applications shall be entered into a register in the form specified by the appellate authority. (4) The procedure for issuing•copies of orders and judgments of an appellate court specified in rules 226 to 249 of the General Rules (Civil). 1986 shall be followed mutatis mutandis by the appellate 20. Inspection records.- (i) A person may apply for tnspecGon recorrcis of 'he appellate authority. (2) Ci he form application and fee for the inspection of records shall be as specified iri rul. 208 of the General Rules (Civil), ; 9S6. 'The fi-•e shall be deposited in the fund of the Regional Deselopment Authority. No fee shall be charged from the Regional (jvelopnyent Au;horily or the State Government. The authority may allow, on application under sub- ! inspection of records on same terms and conditions and in same manner as specified, for the inspection of records, in Chapter-'X' of ihe General Rules (Civil), 1986. (4) Every application under sub-rule (1) shall be entered in a register

21. Preservation, retention and disposal of records.- The provisions of rules 158 to 180 of the General Rules (Civil). 198\6 to the preservation, retention and disposal of records io appca;s shall, so far as may be, mutatis mutandis apply

22. Reference to appellate authority (I) Any dispute arising out of any previsions of this Act may he referred to the appellate authority by the Chief Executive Officer or any officer authorised in this behalf, ofthe Regional Development Authority.i he Regional Development Authority may draw up a statement of the facts of the case and the point or points on which dispute has arisen and reter such statement for the decision of the appellate authority. (3) Such statement Shail be signed by the Chief Executive Officer or any officer authorised in this behalf, of tlae Regional bevelopment Authority. 01, 201 e 23. Review.- (I) The appellate authority may on an application of the party to the appeal or on its own motion, review its judgement. (2) The appellate authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central No. V of 1908) in respect of hearing and deciding of review applications

24. Procedure regarding matters not covered by these rules.- The appellate authority shall follow such procedure as it may think fit on the matters not provided by and not inconsistent with the Act.



FORM No. 1 [see rule 9(2)(c)] REGIONAL BEFORE THE APPELLATE AUTHORITY FOR ,
 RAJASTHAN. DEVELOPMENT AUTHORITY,..... 11ST OF DOCUMENTS APPEAL NO. NAME OF
 PARTIES: A ellant V/s..... S. No. Description No. of of documents a ers Date Res ondent
 axemarks Original or co Signature of Appeliaut with address FORM No. 11 [see rule 14 (I) ..REOIONAL
 THE APPELLAIE AU PHORITY FOR • RAJAST}AN. DEVELOPMENT AUTHORIITY,.... Notice to the
 Respondent of the day fixed for the hearing of the Appeal APPELLANT VI's L)cvelopment Authority.
 RESPONDENT for the Regional Rajasthan. 01 2018 Appeal No. /passed by -Authority, To, against the
 order No. Regional Development the....., Regional Development Authority, TAKE NOTICE that an
 appeal from the order, as shown ab0'e has been presented by the appellant and registered in this authority
 and that the .day of appellate this.....day of .../20.... A.M. has been fixed by this at appellate authority
 for the hearing of this appeal. (Copies of Appeal and impugned order enclosed.) If no appearance is made
 on your behalf by yourself. your pleader, or by someone by law authorised to act for you in this appeal, it
 will be heard and decided in your absence. Given under my hand and seal of the appellate authcrity By
 Order Officer Authorised by Appellate Authority, FORM No. ill [see rule 14 (I)(ii)] Dated..• Regional
 Deveicpment Authority, . REQUISITION FOR RECORD To, Regional Development Authority, Kindly
 transmit to this appellate authority, the record specified below. I have satisfied myself that the production
 of the 9. 01, 2018 original record is. actually necessary. The record should reach to the next date of this
 appellate authority before,..... hearing. PARTICULARS OF RECORD SENT FOR I .Of what
 court]Authority 2. Kind of case



3. No and year 4. Title 5. Date Of disposal/orders 6. Remarks. Officer authorised by Appellate Authority,
FORM No, IV [see rule 15 | CAUSE -LIST DATE..... No. s. descri and tion of case Narne of arties
MONTH..... YEAR Names of i Purpose Retw,u-ks. Law e.s SC21 and signature of the Officer
authorised by the Appellate Authority



FORM No. V [see rule 19 (I)] APPEAL NO.. NAME OF PARTIES: Appellant V/s... . Respondent
 01. 2018 179(45) Applicant is the Appellant/Respondent/Advocate in this appeal and requests for certified copy/copies of Judgement. S. No. Description of judgement Date : No. of copies Purpose for obtaining copies Urgent or ordinary Signature of Applicant with address By Order of the Governor,
 Rajeeva Swarup, Additional Chief Secretary to the Government. (DMIC) 28, 2017 •cii.kR1.3TIR.116 ftüq
 (2016 13) 61 70 ZTRT t, apatq. •- 1. qcé«.— (1) 2017 2016 (2016 €. 13) t; -k frHTrr (2) f*-uvå -orföfr-q-q

-21

