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A62 (A62)

Bhavna Doshi
President



Indian Merchants' Chamber
(Established in 1907)

Ref. No. P/120

OFFICE OF UDM
Dy. No. 4046
Date 18/11/11

October 31, 2011

Shri Kamal Nath
Hon'ble Minister for Urban development
Government of India
Nirman Bhavan
Maulana Azad Road
New Delhi 110 001

KS
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18/11
PS to UDM
See (11/11)

Dear Kamal Nathji,

Prevention of misuse of the Public Premises (Eviction of unauthorized occupants) Act {PP(E) Act} : Request for small Amendment to the PP(E) Act.

We wish to invite your kind attention to the meeting which our delegation led by our Trustee and Past President, Shri V.B. Haribhakti with you on 14/2/11 to explain in person our representation in the above matter, a copy of which was handed over to you at the Meeting. At the meeting, you were kind enough to give a positive reaction to our Representation. We followed up the Meeting with a letter dated 17.2.2011 to you.

It appears that pursuant to the above meeting, your Ministry referred the matter to the Law Ministry. We do hope that the Law Ministry has given a positive response on our representation. We shall be grateful if the Law Ministry's opinion is made known to us at your earliest convenience.

The immediate reason for this supplemental Representation is the recent Judgement of the Supreme Court of India in Civil Appeal No. 7171/2010. A copy of the Judgement is enclosed for ready reference. The Supreme Court Judgement has at least partially justified our Representation by holding as far as the rent that can be charged by PSUs to their tenants, the Rent Control Act will be applicable and not the PPE Act. As you will kindly appreciate, the same result will follow if our Representation is accepted. In accordance with the Guidelines issued by the Government, we suggest that the logic of the Supreme Court Judgement should also be extended to the matter of eviction of genuine tenants of PSUs. The occupation of premises by genuine tenants should also be possible to be terminated in accordance with the provisions of the Rent Control Act. The PSUs should not have the draconian power to terminate the occupation of genuine tenants for "any reason whatsoever" as provided in the PPE Act.

You will kindly appreciate that this matter has led to a lot of litigation involving a huge waste of precious time of the Courts and considerable legal expenditure both to the Government and to Members of the Public. We would, therefore, once again request that in the interests of large number of small tenants, the small amendment to the PPE Act, as suggested by us should be carried out at an early date so that the position outlined in the Guidelines issued by the Government and the aforesaid Judgement of the Supreme Court will have the sanctity and backing of a specific provision in the PPE Act and there will not have any scope for different interpretations of the Judgement of the Supreme Court. Such amendment will put an end to a lot of litigation, which is indeed the policy of the Government. Such an amendment will be a concrete step for helping large number of small tenants.

We shall be grateful if you will kindly acknowledge receipt of this letter and let us know the action taken by you on our original representation read with this supplemental representation.

We look forward to welcoming you at the India Calling Conference in Vietnam early next month.

Thanking you in anticipation of your kind and favourable action, We remain,

Yours Sincerely,

Bhavna

Bhavna Doshi