

**THE TRIPURA MUNICIPAL**  
**(Constitution of Municipal Appellate Tribunal)**  
**RULES, 2001**

URBAN DEVELOPMENT DEPARTMENT  
GOVERNMENT OF TRIPURA

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### URBAN DEVELOPMENT DEPARTMENT GOVERNMENT OF TRIPURA

No. F.7(8)-UDD/2000

Dated, Agartala, the 13th August, 2001

#### NOTIFICATION

In exercise of the powers conferred by Section 274 read with Section 273(A) of the Tripura Municipal Act, 1994 (Tripura Act. No. 7 of 1994), the State Government hereby makes the following Rules namely :--

**Short title and 1 commencement** (1) These rules may be called the Tripura Municipal (Constitution of Municipal Appellate Tribunal) Rules, 2001.

(2) They shall come into force at once.

**Definition 2**

In These rules unless the context otherwise requires :--

(i) "Act" means the Tripura Municipal Act, 1994.

(ii) "Appellate Tribunal" means the Appellate Tribunal established under the Tripura Municipal Act, 1994.

(iii) "Chairman" means the Chairman of the Appellate Tribunal.

(iv) "Municipality" means Agartala Municipal Council and all other Nagar Panchayats.

(v) "Section" means the Section of the Tripura Municipal Act, 1994.

(vi) "Government" means the Government of Tripura.

(vii) "Notification" means a notification published in the Official Gazette.

(viii) "Person" means and includes :--

(i) an individual.

(ii) a Hindu undivided family.

(iii) a Company.

(iv) a firm.

(v) an association of persons.

(vi) any Agency, Office or Branch owned or controlled by any of the above persons mentioned in the preceding sub-clause.

**Composition of 3 Appellate Tribunal** (1) An Appellate Tribunal shall consist of a single Member who is to be designated as chairman and shall be appointed by the State Government.

- (2) Subject to the provisions of this rule the Appellate Tribunal shall ordinarily sit at Agartala or such other place or places as the State Government may, in consultation with the Chairman, by notification specify.

**Qualification for appointment of Chairman** 4. A person shall not be qualified for appointment as Chairman unless he -

- (a) has been a member of the Tripura Judicial Service and has held a post in Grade I of that service for atleast 2 years; or  
 (b) has been a member of Indian Administrative Services or Tripura Civil Service (not below the rank of director) having knowledge and experience in the matter relating to Municipal Administration.

**Term of Office** 5. The Chairman shall hold office for a term of five years from the date on which he enters upon his office :

Provided that no chairman shall hold office after he has attained the age of sixty five years;

**Condition of Service** 6. The salary and allowances and other terms and conditions of service of the Chairman shall be the same as those of the Sales Tax Tribunal, Govt. of Tripura.

✓ **Vacancies.** 7. If, for reason other than temporary absence, any vacancy occurs in the office of the Chairman, then the State Government shall appoint another person in accordance with the provision of this rule to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.

**Resignation or removal** 8. (1) The Chairman, by notice in writing under his hand addressed to the State Government, resign his office :

Provided that the Chairman shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of the three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

- (2) The Chairman shall not be removed from his office except by an order made by the State Government on the ground or proved misbehaviour or incapacity, after an inquiry made by a person appointed by the Governor in which such Chairman had been informed of the charge against him and given a reasonable opportunity of being heard in respect of those charges.

**Staff of  
Appellate  
Tribunal**

9. (1) The State Government shall provide the Appellate Tribunal with such officers and employees as may be necessary.
- (2) The Officers and employees of the Appellate Tribunal shall discharge their functions under the general superintendence and control of the Chairman.

**Appeals to  
Appellate  
Tribunal**

10. (1) Any person aggrieved by an order made by the Municipal Authority under Section 133 of the Tripura Municipal Act, 1994, may prefer an appeal to the Appellate Tribunal.
- (2) Every appeal preferred under sub-section (1) shall be filed within a period of 45 days from the date on which a copy of the order made by the Municipal Authority is received.
- (3) On receipt of an appeal under sub-section (1) or (2), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.
- (4) The appeal filed before the Appellate Authority under sub-section (1) or (2) shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within 6 months from the date of filing of the appeal.

**Procedure  
and powers  
of Appellate  
Tribunal**

11. (1) The Appellate Tribunal shall, have, for the purpose of discharging its functions under the Tripura Municipal Act, 1994 the same powers as are vested in a Civil Court under the code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :-
- (a) Summoning and enforcing the attendance of any person and examining him on oath;
  - (b) requiring the discovery and production of documents;
  - (c) receiving evidence on affidavits;
  - (d) subject to the provisions of Section 123 and 124 of the Evidence Act, 1872, requisitioning any public record or document or copy of such record or document from any office.
  - (e) issuing commission for the examination of witness or document.

- (f) dismissing a representation for default or deciding it ex-parte.
- (g) reviewing its decision

(2) All the persons so summoned shall be bound to attend in person or through authorised agents and shall be bound to state the truths upon any subject respecting which they are examined or make statements, and produce such documents as may required.

(3) All proceeding before the Appellate Tribunal shall be deemed to be judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code and the Appellate Tribunal shall be deemed to be a Civil Court for the purposes of Section 345 and 346 of the code of Criminal Procedure 1973.

(4) No Act or proceeding of the Tribunal shall be invalid merely by reasons of -

- (a) any vacancy in, any defect in the Constitution of, the Tribunal; or
- (b) any irregularity in the procedure of the Commission not affecting the merit of the case.

**Right of Appellant to take assistance or legal practitioner and of Government to appoint presenting officer** (1) A person preferring an appeal to the Appellate Tribunal under Section 135 of the Municipal Act, 1996 may either appear in person or take the assistance of authorised representative of his choice to present his case before the Appellate Tribunal.

(2) The State Government may authorise any of its officer to act as presenting officer and every person so authorised may present the case with respect to any appeal before the Appellate Tribunal.

**Chairman etc. to be public servant** 13.

The Chairman and other officers and employees of the Appellate Tribunal shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

**Civil Court not to have jurisdiction** 14.

No. Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Appellate Tribunal is empowered by or under the Tripura Municipal Act, 1994 to determine and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under the Tripura Municipal Act, 1994.

**Appeal to High Court**

Where the State Government or any person is aggrieved by any decision or order of the Appellate Tribunal may file an appeal to the High Court within 60 days from the date of communication of the decision or order of the Appellate Tribunal to them on any question of law arising out of such order.

**Explanation :** For the purpose of this section, 'High Court' means Gauhati High Court.

By order of the Governor

( C.S. Chattopadhyay )  
Commissioner-cum-Secretary  
Govt. of Tripura

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