

# The Goa Public Moneys (Recovery of Dues) (Amendment) Bill, 2014

(Bill No.17 of 2014)

A

BILL

further to amend the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No.10 of 1987).

BE it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Goa Public Moneys (Recovery of Dues) (Amendment) Act, 2014.

(2) It shall come into force at once.

**2. Amendment of long title.**- In the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No. 10 of 1987) (hereinafter referred to as the “principal Act”), in the long title, the expression “ ,Daman and Diu” shall be omitted.

**3. Amendment of section 1.** – In the principal Act,-

(i) in sub-section (1) of section 1 and in any other sections, the expression

“ ,Daman and Diu” shall be omitted;

(ii) in sub-section (2), for the expression “Union territory of Goa, Daman and Diu”, the expression “ State of Goa” shall be substituted.

**4. Amendment of section 2.**- In section 2 of the principal Act, in clause (c), for the words “ Union territory ”, the word “State” shall be substituted.

**5. Amendment of section 3.**- In section 3 of the principal Act,-

(i) in sub-section(1), after clause (d), the following clause shall be inserted, namely:-

“(e) to any agreement or contract of guarantee/surety pertaining to the loan or advance or financial assistance referred in this sub-section ” ;

(ii) after sub-section (4), the following sub-section shall be inserted , namely:-

“(5).- No borrower/defaulters/ guarantor/ surety shall, after receipt of a notice for recovery of sum due from the Collector, transfer by way of sale, lease or otherwise any of his/its secured /unsecured assets without written consent/order of the Collector.”

**6. Insertion of new section, 5A .-** After section 5 of the principal Act, the following new section shall be inserted, namely :-

“5A. Provisions of section 3 to apply for all past dues .- On and from the date of commencement of the Goa Public Moneys (Recovery of Dues) (Amendment ) Act, 2014, the sum due pertaining to any agreement /contract , referred in sub-section (1) of section 3 of this Act, executed before such commencement, also may be recovered as per the procedure laid down in section 3 of this Act, on such commencement .”

## **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to amend the long title, and section 1 and 2 of the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act No. 10 of 1987) (hereinafter referred to as the “said Act”), so as to remove the expression “,Daman and Diu” from said Act.

The Bill further seeks to amend section 3 of the said Act, so as to enable the Government to expedite recovery of dues by filing recovery proceedings against both, the borrower and guarantor/surety. This will facilitate the expeditious recoveries of sum due.

The Bill also seeks to insert a new sub-section (5) to section 3 of the said Act, so as to prohibit the borrower/defaulters/guarantor/surety from transferring by way of sale, lease or otherwise any of his/its secured /unsecured assets without written consent/order of the Collector, once he receives a notice for recovery of sum due from the Collector under the said Act.

The Bill seeks to insert a new section 5A in the said Act, so as to make provision for recovery of the outstanding dues in terms of section 3 of the said Act, as proposed to be amended .

This Bill seeks to achieve the above objects.

## **FINANCIAL MEMORANDUM**

No financial implications are involved in this Bill.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

No delegated legislation is involved in this Bill.

Porvorim, Goa.  
13<sup>th</sup> August, 2014.

Adv. Francis D’Souza  
Minister for Revenue

Assembly Hall  
Porvorim, Goa.  
13<sup>th</sup> August, 2014.

N.B Subhedar  
Secretary to the Legislative  
Assembly of Goa.

## ANNEXURE

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**Extract of sections 1, 2 & 3 of the Goa, Daman and Diu Public Moneys  
(Recovery of Dues) Act, 1986.  
(Act No. 10 of 1987)**

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- 1. Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986.
- (2) It extends to the whole of the Union territory of Goa, Daman and Diu.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
- 2. Definitions.**— In this Act, unless the context otherwise requires,—
- (a) “Agriculture” includes horticulture, raising of crops, grass or garden produce, animal husbandry, dairy farming, poultry farming and breeding of livestock;
- (b) “Bank” means—
- (i) a banking company as defined in the Banking Regulation Act, 1949;
  - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
  - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;
  - (iv) a corresponding new bank constituted, under the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970;
  - (v) any banking Institution notified by the Central Government under section 51 of the Banking Regulations Act, 1949;
  - (vi) any other financial institution notified by the State Government by a notification in the Official Gazette as a bank for the purposes of this Act.
- 1[(bb) ‘Collector’ means the Collector of a district and includes any other officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Collector under this Act;].
- (c) “Corporation” means the Financial Corporation established or functioning in this Union territory and includes any other Corporation owned or controlled by the Central or the State Government specified by the State Government by a notification in the Official Gazette.
- (d) “Financial Assistance” means any kind of financial assistance given:—
- (i) for establishing, expanding, modernising, renovating or running any industrial undertaking; or
  - (ii) for the purpose of vocational training; or
  - (iii) for the development of agriculture or agro industry; or
  - (iv) for the purpose of any kind of planned development recognised by the State Government; or
  - (v) for relief against distress caused by fire, or serious drought, flood or other natural calamities; or

(vi) for the purpose of carrying out any Government sponsored scheme; or  
(vii) for any other prescribed purpose.

(e) “Government Company” means a Government Company as defined under section 617 of the Companies Act, 1956.

(f) “Industrial concern” shall have the same meaning as is assigned to that expression in the State Financial Corporation Act, 1951.

(g) “Industrial undertaking” includes any undertaking for the manufacture, preservation, storage or processing of goods or the generation or distribution of electricity or any other form of energy, or for the development of any contiguous area of land as an industrial estate.

**Explanation:-** The expression “processing of goods” includes any act or process for producing, repairing or making an article by subjecting any material to a manual, chemical, electrical or any other like operation;

(i) “prescribed” means prescribed by rules made under this Act.

(ii) “Government sponsored scheme” means a scheme sponsored or adopted by the State Government or an Officer authorised by it in this behalf for development of agriculture or industry and notified as such by the Government or the authorised officer, by a notification in the Official Gazette for the purpose of this Act.

(h) “State Government” means the Government of Goa, Daman and Diu.

**3. Recovery of dues as arrears of land revenue.—** (1) Where any person is a party—

(a) to any agreement relating to a loan, advance or grant given to him or relating to credit in respect of, or relating to hire purchase of goods sold to him by the State Government, the Corporation or as the case may be, the Government Company by way of financial assistance; or

(b) to any agreement relating to a loan, advance or grant given to him relating to credit in respect of, or relating to hire purchase of goods sold to him by a Bank or Government Company, as the case may be under Government sponsored scheme;  
Or

(c) to any agreement relating to a guarantee given by the State Government or the Corporation in respect of a loan raised by an industrial concern; or

(d) to any agreement providing that any money payable thereunder to the State Government or the Corporation shall be recoverable as arrears of land revenue under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)];

and such person—

(i) makes any default in payment of the loan or advance of any instalment thereof; or

(ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or portion or any instalment thereof, or

(iii) otherwise fails to comply with the terms of the agreement—

then, in the case of the State Government such Officer as may be authorised in that behalf by the State Government by notification in the Official Gazette, in the case of a Corporation or a Government Company, the Managing Director thereof or where there is no Managing Director, the Chairman thereof, by whatever name called, and in the case of a Bank, the local agent thereof by whatever name called, may send to the Collector a certificate as early as possible in the prescribed form mentioning the sum due from such person and requesting that such sum may be recovered as if it were an arrear of land revenue 3[under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)].

(2) The Collector on receiving the certificate shall after making such enquiries (including giving hearing to the party affected) as he deems fit proceed to recover the amount stated therein as aforesaid as arrears of land revenue 4[under the provisions of the Goa, Daman and Diu Land Revenue Code, 1968 (Act 9 of 1969)].

(3) On recovery of any amount under sub-section (2), the same shall be paid over to the State Government, Corporation, Government Company or as the case may be, bank after deducting, except in the case of amount to be paid to the State Government; such portion of the amount realised, as cost of collection, as the Collector, may deem to be reasonable.

(4) No suit for the recovery of any such due as aforesaid shall lie in a Civil Court against any person referred to in sub-section (1) and no injunction shall be granted by a Civil Court in respect of any action taken or intended to be taken in pursuance of the right conferred by this section.

Assembly Hall  
Porvorim-Goa.  
13<sup>th</sup> August, 2014.

**N.B. Subhedar**  
Secretary to the Legislative  
Assembly of Goa