

**The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill,
2024**

(Bill No. 6 of 2024)

A

Bill

further to amend the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969).

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

1. Short title and commencement.- (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 2. -In section 2 of the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (hereinafter referred to as the “principal Act”),-

(i) clause (a) shall be re-numbered as clause (aa) and before clause (aa) so re-numbered, the following clause shall be inserted, namely:-

(a) “Agreement of leave and licence” means an agreement entered into by the landlord and the licensee containing the terms and conditions for using the building on leave and license;”;

(ii) after clause (d), the following clause shall be inserted, namely:-
“(da) “Deputy Collector” means the Deputy Collector having jurisdiction over the area where the building is situated; ” ;

(iii) after clause (i), the following clauses shall be inserted, namely:-

“(ia) “leave and license” means a permission granted by the landlord to the licensee for use of landlord’s building by the licensee for a specific period and purpose without transfer of landlord’s interest in the building;

(ib) “licensee” means a person who is permitted by the landlord to use his building on leave and license;”.

3. Substitution of section 23 .- For section 23 of the principal Act, the following section shall be substituted, namely:-

“**23. Landlord's right to obtain possession.** — (1) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building,—

- (a) if the landlord is not occupying a building of his own in the city, town or village concerned and requires it for his own occupation or for the occupation of any member of his family; or
- (b) if the landlord who has more buildings than one in the city, town or village concerned, is in occupation of one such building and he bonafidely requires another building instead, for his own occupation:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under this sub-section before the expiry of five years from the date on which the instrument was registered:

Provided further that in case of gift from parents the above period of five years shall be reduced to two years:

Provided further that where a landlord has obtained possession of a building under this sub-section, he shall not be entitled to apply again under this section, —

- (i) in case he has obtained possession of a residential building, for possession of another residential building of his own;
 - (ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.
- (2) Where the landlord of a building is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.
- (3) A landlord who is occupying only a part of a building, may notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional part of the building for his own occupation or for the occupation of any member of his family.

Explanation:- For the purpose of this section, a landlord means a person, on account of or for the benefit of whom the rent of a building is received but does not include an agent, trustee, guardian or receiver.”.

4. Insertion of new section 40A.- After section 40 of the principal Act, the following section shall be inserted, namely:-

“40A. Resumption of occupation of the building given on leave and license basis.- (1) Notwithstanding anything contained in this Act, a licensee in occupation of any building given to him by a landlord on a leave and license basis, shall vacate such building and allow the landlord to resume his occupation immediately on expiry of the period of leave and license; and in case of failure of the licensee to so vacate the building, the landlord may apply to the Deputy Collector for an order of eviction of the licensee.

(2) On receipt of the application under sub-section (1), the Deputy Collector shall issue a notice to the licensee to show cause why an order of eviction shall not be passed against him.

(3) On receipt of the notice issued under sub-section (2), the licensee shall, in case he desires to contest such application, file his reply showing the cause within a period of twenty days from the date of receipt of such notice.

(4) The period of twenty days to file the reply as specified in sub-section (3) may be extended by the Deputy Collector in exceptional cases, on sufficient cause being shown, by a period not more than sixty days from the date of receipt of the notice under sub-section (2).

(5) The Deputy Collector shall conduct an inquiry based solely on the documents and material produced before him. He shall consider the reply, if any, filed by the licensee and give the licensee an opportunity of being heard in the matter.

Explanation: For the purpose of this section, the inquiry contemplated shall be a summary inquiry for the limited purpose of ascertaining that the building was subject matter of an agreement of leave and licence and that the period of such leave and license has expired.

(6) The Deputy Collector, on being satisfied that the period of the leave and licence has expired and the licensee has not vacated the building, shall pass an order of eviction of the licensee and also direct the licensee to pay to the landlord the damages at double the rate of the licence fee and other charges, if any, in respect of such building as fixed under the agreement of leave and licence, till the date he vacates such building.

(7) The Deputy Collector shall not entertain any claim of whatsoever nature from any other person who is not a licensee.

(8) The Deputy Collector shall decide the application under sub-section (1) within a period of six months from the date of its filing.

(9) Any licensee who fails to vacate the building given to him by the landlord on leave and licence basis after expiry of the leave and licence period, shall, on conviction, be punished with imprisonment which may extend to three months or with fine not exceeding rupees one lakh or with both”.

5. Amendment of section 46.-In section 46 of the principal Act, in sub-section (1), for the words “or the Rent Tribunal”, the words “the Rent Tribunal or the Deputy Collector” shall be substituted.

6. Amendment of section 47.- In section 47 of the principal Act, in second proviso, for the words “or the Rent Tribunal”, the words “the Rent Tribunal or the Deputy Collector” shall be substituted.

7. Amendment of section 54.-In section 54 of the principal Act, in sub-section (1),-

- (i) the words “a simple imprisonment for a term which may extend to two years and ” shall be omitted;
- (ii) for the word “ double”, the words “ five times ” shall be substituted.

8. Amendment of section 56.- In section 56 of the principal Act, for the expression “the controller,”, the expression “the controller, or the “Deputy Collector,” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to substitute section 23 of the Goa Building (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (hereinafter referred to as the “said Act”), so as to bring it in line with the judgement of Hon’ble Supreme Court dated 05/12/1995 in the matter of Harbilas Rai Bansal V/s State of Punjab & Anr. reported in (AIR 857, 1996 SCC (1) 1) and with the judgement of Hon’ble High Court of Bombay at Goa in W.P Nos. 726 of 2017, 311 & 811 of 2019 in the matter of M/s Alcon Construction & Ors. V/s State of Goa & Ors.

The Bill further seeks to insert new section 40A so as to provide for grant of premises on agreement of leave and licence and it also seeks to carry out consequential amendments to section 2 so as to facilitate and encourage landlords to give the buildings on leave and licence basis.

The Bill also seeks to amend section 54 of the said Act so as to decriminalize provisions of imprisonment in said section.

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.

Assembly Hall,
Porvorim-Goa,
..... February, 2024.

(Shri. Atanasio Monserrate)
Minister for Revenue

Assembly Hall,
Porvorim-Goa,
..... February, 2024.

(Namrata Ulman)
Secretary to the Legislative
Assembly of Goa.

