

THE ORISSA PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1975)

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ORISSA ACT 49 OF 1975

***THE ORISSA PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1975**

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AN ACT TO AMEND THE ORISSA PUBLIC DEMANDS RECOVERY ACT, 1962

Be it enacted by the Legislature of the State of Orissa in the
Twenty-sixth Year of the Republic of India, as follows:—

- Short title** 1. This Act may be called the Orissa Public Demands Recovery (Amendment) Act, 1975.
- Amendment of section 8, Orissa Act 1 of 1963.** 2. In section 8 of the Orissa Public Demands Recovery Act, 1962 (hereinafter referred to as the principal Act), in sub-section (1), after the existing proviso, the following new proviso shall be inserted, namely:—
- “Provided further that no petition under this sub-section shall be entertained by a Certificate Officer unless he is satisfied that such amount of the certificate dues as the certificate debtor may admit to be due from him has been paid.”
- Amendment of section 12, Orissa Act 1, 1963.** 3. In section 12 of the principal Act, in sub-section (1), the words “in the same district or to the Collector of any other district” shall be omitted.
- Amendment of section 14, Orissa Act 1 of 1963.** 4. In section 14 of the principal Act,—
- (a) in clause (a) for the words “six and a quarter per centum”, the words “twelve and a half per centum” shall be substituted;
- (b) in the proviso to clause (a), for the words “ten per centum”, the words “fifteen per centum” shall be substituted.
- Amendment of section 42, Orissa Act 1 of 1963.** 5. In section 42 of the principal Act, in the first proviso, for clause (b), the following clause shall be substituted, namely:—
- “(b) if the certificate debtor has not paid all amounts due under the certificate to the Certificate Officer, whether or not, under protest made in writing at the time of payment.”
- Amendment of section 53, Orissa Act 1 of 1963.** 6. In section 53 of the principal Act, after the words “under this Act”, the words and commas, “including costs occasioned by adjournment of any such proceedings at any stage thereof,” shall be inserted.

*For the Bill see *Grissa Oazette*, Extraordinary, dated the 7th April, 1975 (No. 661).

Substitution
of new sections for
sections 60
and 61,
Orissa Act 1
of 1963.

7. For sections 60 and 61 of the principal Act, the following sections shall be substituted, namely :—

“60. (1) An appeal from any original order made under this Act shall lie,—

- (a) if the order was made by a Certificate Officer below the rank of an Additional District Magistrate, to the Additional District Magistrate;
- (b) if the order was made by an Additional District Magistrate, to the Collector;
- (c) if the order was made by a Collector, to the Revenue Divisional Commissioner:

Provided that no appeal shall lie from an order setting aside a sale on an application made under section 27.

(2) Every such appeal shall be presented within thirty days from the date of the order appealed against.

(3) Pending the decision of any appeal, execution may be stayed if the appellate authority so directs, but not otherwise.

61. An order passed in an appeal under section 60 may be revised by, —

- (a) if the order was passed by an Additional District Magistrate or by a Collector, the Revenue Divisional Commissioner;
- (b) if the order was passed by a Revenue Divisional Commissioner, the Board of Revenue:

Provided that where the certificate debtor makes an application under this section for revision of any appellate order, no such application shall be entertained unless he has paid all amounts due under the certificate to the Certificate Officer, whether or not, under protest made in writing at the time of payment, and produces a certificate from the Certificate Officer showing such payment to have been made.”.

Amendment
of section
64, Orissa
Act 1 of
1963.

8. In section 64 of the principal Act, including the marginal heading for the words, comma and figure “Indian Limitation Act, 1908”, wherever they occur, the words, comma and figure “Limitation Act, 1963” shall be substituted and in the margin, for the figures and the word “9 of 1908”, wherever they occur, the figures and the word “36 of 1963” shall be substituted.

Amendment
of section
65, Orissa
Act 1 of
1963.

9. In section 65 of the principal Act, for the words, comma and figure “Indian Limitation Act, 1908”, the words, comma and figure “Limitation Act, 1963” shall be substituted and in the margin for the figures and the word “9 of 1908”, the figures and the word “36 of 1963” shall be substituted.