ABSTRACT

Rules - the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Rules, 2019 – Framing of Rules under section 45(1) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017) – Orders – Issued.

HOUSING AND URBAN DEVELOPMENT(HB4)DEPARTMENT

G.O.(Ms) No.36 **Dated: 22.02.2019.**
விளம்பி வருடம், மாசி 10,
திருவள்ளுவர் ஆண்டு 2050.

Read:

1. Tamil Nadu Government Gazette Extraordinary, dated 07.08.2017.
2. Tamil Nadu Government Gazette Extraordinary, dated 16.07.2018.
3. G.O.(Ms) No.35, Housing and Urban Development (HB4) Department, dated 22.02.2019.
4. From the Managing Director, Tamil Nadu Housing Board Letter No. BR1/17625/2016, dated 14.05.2018 and 03.12.2018.

= = = = =

ORDER:

The Managing Director, Tamil Nadu Housing Board in his letter fourth read above has sent draft rules under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017) and the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants (Amendment) Act, 2018 (Tamil Nadu Act 39 of 2018) and the Government for approval as required under section 45(1) of the said Act, 2017.

2. The Government after careful examination approve the Rules.

3. The Works Manager, Government Central Press, Chennai is requested to publish the Notification appended to this order in the Tamil Nadu Government Gazette Extraordinary dated the 22nd February, 2019.

(By Order of the Governor)

S. Krishnan,
Principal Secretary to Government.

To
The Managing Director,
Tamil Nadu Housing Board, Chennai – 35.
The Works Manager,
Government Central Press, Chennai – 79.
(for publication of Notification in the Extraordinary Gazette).
The Law Department, Chennai – 9.
The Revenue and Disaster Management Department, Chennai – 9.

Copy to:-

The Hon'ble Chief.Minister's Office, Chennai – 9.
The Deputy Secretary to Hon'ble Deputy Chief Minister, Chennai – 9.
The Senior Personal Assistant to Hon'ble Minister (Law, Courts and Prisons), Chennai – 9.
The Senior Personal Assistant to Hon'ble Minister (Revenue and Disaster Management), Chennai – 9.
The Principal Private Secretary to Chief Secretary to Government, Chennai – 9.
The Principal Private Secretary to Principal Secretary to Government, Housing and Urban Development Department, Chennai–9.
Housing and Urban Development (OP-1/Bud) Department, Chennai – 9.
SF/SC.

// Forwarded by Order //

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Section Officer.

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APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by section 45(1) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017), the Governor of Tamil Nadu hereby makes the following rules, namely:-

RULES.

1. Short title.— (1) These rules may be called the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Rules, 2019.

(2) They shall apply to all urban areas in the State of Tamil Nadu.

(3) They shall come into force with effect on and from the 22nd day of February, 2019.

2. Definition.— In these rules, unless there is anything repugnant in the subject or context,—

(a) "*Act*" means the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017);

(b) "*Agent*" means a person holding a power of attorney authorising him to act on behalf of his principal;

(c) "*Appeal*" means an appeal against the order of the Rent Authority or Rent Court, as the case may be, filed before the Rent Court or the Rent Tribunal, respectively, by either party;

(d) "*Appellant*" means a party which makes an appeal against the order of the Rent Authority or Rent Court, as the case may be, before the Rent Court or the Rent Tribunal, respectively;

(e) "*Application*" means an application filed before the Rent Authority or the Rent Court, as the case may be, by either party;

(f) "*Applicant*" means a party who makes an application before the Rent Authority or the Rent Court, as the case may be;

(g) "*Form*" means a form appended to these rules;

(h) "*Memorandum*" means a memorandum of appeal filed by the Appellant;

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(i) *"Opposite Party"* means a party who answers any Application before the Rent Authority;

(j) *"Party/Parties"* means the landlord and tenant who enter into the tenancy agreement;

(k) "Respondent" means the person who answers any Application/Memorandum before the Rent Court or the Rent Tribunal, as the case may be;

(l) *"Section"* means a section of the Act;

(m) Words and expression used herein and not defined, but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Making of an application and timelines to be followed for registration of tenancy agreement.— (1) Every tenancy agreement shall be registered with the Rent Authority as required under section 4.

(2) Every tenancy agreement entered into between the parties after the commencement of the Act shall be registered with the Rent Authority within ninety days from the date of execution of such an agreement.

(3) Every tenancy agreement to be entered into, as required in sub-section (2) of section 4 of the Act shall be registered with the Rent Authority within ninety days from the date of execution of such tenancy agreement.

(4) Every tenancy agreement in writing already entered into before the commencement of the Act shall be registered with the Rent Authority within ninety days from the date of publication of these rules in the Tamil Nadu Government Gazette.

(5) The Rent Authority shall, upon receipt of the application in the form specified in the First Schedule to the Act, verify the name, identity and address of the parties and register the tenancy agreement and grant Tenancy Registration Number ("T.R. No.") within thirty days from the date of submission of such application.

(6) The Rent Authority shall upload the name of the parties, details of the premises and tenure of the tenancy in Form I on its website within fifteen days from the date of registration.

4. Deposit of rent with the Rent Authority.— (1) Where the landlord does not accept any rent and other charges payable or refuses to give a receipt for the rent and the charges tendered by the tenant, the rent and other charges shall be sent to the landlord by the tenant by way of postal money order or demand draft or cheque or Real Time Gross Settlement or National

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Electronic Funds Transfer or any other electronic mode of payment as may be recognized by the Reserve Bank of India for two months consecutively.

(2) If the landlord does not accept the rent and other charges within the said period then, the tenant shall deposit such rent and charges with the Rent Authority.

5. Intimation of expiry or earlier termination of tenancy.— (1) In the event of expiry or earlier termination of tenancy, the parties shall inform the same to the Rent Authority in Form II, within fifteen days from the date of expiry or termination of tenancy.

(2) On the basis of information obtained in Form II received under sub-rule (1), the Rent Authority shall update Form I on the website to record such expiry or termination of tenancy, as the case may be, within fifteen days from the date of receipt of communication of such expiry or termination, as the case may be.

6. Permission of the Rent Court for recovery of possession for occupation.— A landlord who has recovered possession of any premises from the tenant under clause (g) of sub-section (2) of section 21, shall obtain the permission of the Rent Court by making an application in Form III, before resorting to re-let whole or part of the premises within three years from the date of obtaining such possession.

7. Rate of interest payable by the Tenant and the Landlord.— (1) Save as otherwise provided in the tenancy agreement, the rate of interest payable by the tenant to the landlord on the arrears of rent payable and other charges payable shall be at the rate of eight percent (8%) per annum.

(2) If any default is made by the landlord in making any refund as required by sub-section (1) of section 24, the landlord shall pay an interest at the rate of eight percent (8%) per annum on the amount which he has omitted or failed to refund.

8. Procedure to be followed for making application before the Rent Authority.— (1) An application made to the Rent Authority under section 9, 14, 15 or 20 of the Act shall be made by the applicant in person or by the agent in Form IV accompanied by affidavits and documents, if any.

(2) On receipt of the application, the Rent Authority shall issue notice requiring the opposite party to file his reply statement, if any, within fifteen days of the service of notice as to why the relief prayed for should not be granted:

Provided that where the opposite party fails to file the reply statement within the said period of fifteen days, he shall be allowed to file the same within such further period as may be specified by the Rent Authority, for reasons to be recorded in writing, but which shall not be later than thirty days from the date of service of notice.

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(3) Every notice served by the Rent Authority on the Opposite Party shall be accompanied by a copy of the Application.

9. Procedure to be followed by the Rent Authority in adjudication.— (1) The Rent Authority shall be guided by the principles of natural justice in adjudicating the application filed before it and shall follow the procedures given below :–

(a) the Rent Authority shall issue notice to the opposite party, accompanied by copies of application, affidavits and documents;

(b) the opposite party shall file a reply accompanied by affidavits and documents, if any, after serving a copy of the same to the applicant;

(c)the applicant may file a rejoinder, if any, after serving the copy to the opposite party; and

(d) the Rent Authority shall then fix a date of hearing and may hold such summary inquiry as it deems necessary.

(2) In every application filed before the Rent Authority, the evidence of a witness shall be given by affidavit. However, where it appears to the Rent Authority that it is necessary in the interest of justice to call a witness for examination or cross-examination, it may order such witness to be produced for examination or cross-examination.

(3) For the purposes of holding an inquiry or discharging any duty under the Act, the Rent Authority may,—

(a) after giving not less than twenty-four hours notice in writing, enter and inspect or authorise any officer subordinate to him to enter and inspect, any premises at any time between 7.00 A.M. to 8.00 P.M.;

(b) by written order, require any person to produce for its inspection such books or other documents relevant to the inquiry, at such time and at such place as may be specified in the order.

(4) The Rent Authority may, if it thinks fit, appoint one or more person having special knowledge of the matter under consideration as assessor or valuer to advise it in the proceeding before it.

(5) The Rent Authority may, at any stage of a proceeding, allow either party to alter or amend his pleadings in such manner and at such time as it may deem just. All such alterations or amendments as may be necessary shall be made for the purpose of determining the question in dispute between the parties.

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(6) The Rent Authority shall not ordinarily allow more than three adjournments at the request of a party throughout the proceedings and in case it decides to do so, it shall record the reasons for the same in writing and order the party requesting adjournment to pay reasonable cost.

(7) The Rent Authority shall decide and dispose of every application filed before it within ninety days from the date of filing of application by the applicant.

(8) The Rent Authority may set aside an order passed exparte if the aggrieved party files an application and satisfies it that notice was not duly served or that he was prevented by any sufficient cause from appearing when the case was called for hearing.

(9) Any clerical or arithmetical mistake in any order passed by the Rent Authority or any error arising out of any accidental omission may, at any time, be corrected by it on an application received by it in this behalf from any of the parties or otherwise.

(10) The Rent Authority may exercise the powers of a Judicial Magistrate for the recovery of the fine under the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(11) The Rent Authority may, for sufficient reason, direct that any document or book produced before it in any proceeding, to be impounded and kept in the custody of an officer under it for such period for reasons to be recorded in writing and subject to such conditions, as it may impose.

10. Procedure to be followed for making application before the Rent Court.— Any application under sub-section (2) of section 21 shall be made to the Rent Court by the applicant or by the agent in Form V.

11. Appeal before the Rent Court.— Any appeal to the Rent Court under sub-section (1) of section 33 shall be made by the appellant or by the agent in Form VI.

12. Appeal before the Rent Tribunal.— (1) Every appeal shall be made by the appellant or by his agent to the Rent Tribunal in Form VII.

(2) Every appeal shall be accompanied by a Memorandum setting forth concisely under distinct heads, the grounds of appeal, without any narration and such grounds shall be numbered consecutively.

(3) Each Memorandum shall be accompanied by the certified copy of the order of the Rent Court appealed against and such other documents as may be required to support grounds of objection mentioned in the Memorandum.

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(4) When an appeal is presented after the expiry of period of limitation as specified in the Act, the Memorandum shall be accompanied by an application supported by an affidavit setting forth the fact on which appellant relies to satisfy the Rent Tribunal that he has sufficient cause for not preferring an appeal within the period of limitation.

(5) The appellant shall submit necessary copies of the Memorandum to the Rent Tribunal for official purposes.

(6) On the date of hearing or any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the Rent Tribunal. If appellant or his agent fails to appear on such date, the Rent Tribunal may, in its discretion, either dismiss the appeal or decide it on the merits of the case. If respondent or agent fails to appear on such date, the Rent Tribunal shall proceed ex-parte and shall decide the appeal on its merits.

(7) The appellant shall not, except by leave of the Rent Tribunal, urge or be heard in support of any ground of objections not set-forth in the Memorandum but the Rent Tribunal, in deciding the appeal shall not confine to the grounds of objection set-forth in the Memorandum or taken by leave of the Rent Tribunal under this Rule:

Provided that the Rent Tribunal shall not rest its decision on any other grounds other than those specified unless the party who may be affected thereby, has been given at least one opportunity of being heard by the Rent Tribunal.

(8) The Rent Tribunal may, on such terms as it may think fit and at any stage, adjourn the hearing of appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided within a period of one hundred twenty days from the date of service of notice of appeal on the respondent.

S. Krishnan,
Principal Secretary To Government.

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FORM-I

[See rules 3(6) and 5(2)]

Information to be updated on the website and details to be updated on the website

Serial Number *(to be generated by Authority)*	**T.R . No.** *(to be generated by Authority)*	**Description of the Premises**	**Name and Address of the (a) Landlord (b) Property Manager (if any)**	**Name and Address of the Tenant**	**Duration of the Tenancy Period**	**Date of Tenancy Agreement**	**Expiry or Earlier Termination of Tenancy [as per Rule 5(2)]** (if applicable)
(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**	**(8)**

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FORM-II

[See rule 5(1)]

Intimation of expiry or earlier Termination

To
The Rent Authority
_____
_____

1. T.R Number issued by the Rent Authority:
2. Document No. of tenancy agreement registered before the Sub-Registrar (if any):
3. Name and Address of the Landlord:
4. Name and Address of the Property Manager (if any):
5. Name(s) and Address of the Tenant:
6. Description of premises let to the tenant including appurtenant land, if any:
7. Date of Expiry or earlier Termination:
8. Date of return of possession to landlord:

The landlord and the tenant jointly declare that all amounts due to the landlord have been duly discharged/satisfied by the tenant and no further amounts are payable by the tenant to the landlord or landlord to the tenant, as the case may be, on account of any kind whatsoever.

Name and Signature
of landlord

Name and Signature
of tenant

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FORM-III

[See rule 6]

Application before the Rent Court for permission

BEFORE THE RENT COURT [ ]

Name of the Applicant

(Add description and the residential address of the Applicant)

... APPLICANT

Whereas the premises specified in the Schedule hereto was recovered from the Tenant Thiru/Tmt. [ ] S/o / D/o [ ] as per the order of this Rent Court under clause (g) of sub-section (2) of section 21 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017) by order No. [ ] dated [ ].

Now the Applicant has approached this Rent Court seeking permission to re-let the said premises due to:

(i) [his/her financial problems to run his family].
(ii) ----------
(iii) ----------

The Applicant prays for the Rent Court to grant permission to re-let the premises for the reasons disclosed above by virtue of the powers conferred on this Rent Court under sub-section (2) of section 22 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017).

THE SCHEDULE.

S.No.	Description of the premises	Extent	Landlord details
(1)	(2)	(3)	(4)

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VERIFICATION

I .....(*Name of the Applicant*) S/o. /W/o. / D/o. ....., aged ....., residing at ....., do hereby verify that the contents of the Application are true to my personal knowledge and belief and I hereby declare that I have not suppressed any material fact.

Date : .....

Place : .....

Signature of the Applicant

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FORM-IV

[See rule 8(1)]

Application filed before the Rent Authority

BEFORE THE RENT AUTHORITY [ ]

In the matter of Tenancy registered under T.R. No. [ ]

A. Name of the Applicant

(Add description and the residential address on which the service of notices is to be effected on the Applicant)

... APPLICANT

Versus

B. Name of the Opposite Party
(Add description and the residential address on which the service of notices is to be effected on the Opposite Party).

... OPPOSITE PARTY

DETAILS OF APPLICATION:

1. Particulars of violation against which the present application is made:

2. Jurisdiction of the Rent Authority:

   (The applicant declares that the subject matter of this application is within the jurisdiction of the Rent Authority)

3. Facts of the case :

   (Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

4. Grounds for relief:

5. Matters not previously filed or pending with any other court:

   (The applicant further declares that he/she had not previously filed any application, petition, writ petition or suit regarding the matter in respect of which this application has been made, before any court

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or any other authority or any other Bench of the any tribunal nor any such application, writ petition or suit is pending before any of them.

In case the applicant has previously filed any such application, writ petition or suit, the details of the pendency of such cases filed; or if disposed, the decisions of such cases to be enclosed.)

6. Relief sought:

(In view of the grounds mentioned in para 4 above, the applicant prays for the following relief(s)):-

(Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any, relied upon).

7. Interim order, if any prayed for:

Pending final decision on the application, the applicant seeks the following interim relief:
(Give here the nature of the interim relief prayed for).

8. List of enclosures:
1.
2.
3.

VERIFICATION

I .....(*Name of the Applicant*) S/o. /W/o. / D/o. ....., aged....., residing at ....., do hereby verify that the contents of paras ..... to .....are true to my personal knowledge and paras.....to ..... believed to be true on legal advice received and I hereby declare that I have not suppressed any material facts.

Date : .....

Place : .....

Signature of the Applicant

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FORM-V

[See rule 10]

Application filed before the Rent Court

IN THE RENT COURT AT [ ]

In the matter of Tenancy registered under T.R. No. [ ]

A. Name of the Applicant

(Add description and the residential address on which the service of notices is to be effected on the Applicant)

... APPLICANT

Versus

B. Name of the Respondent

(Add description and the residential address on which the service of notices is to be effected on the Respondent(s)).

... RESPONDENT(S)

DETAILS OF APPLICATION:

1. Particulars of violation as against which the present application is made:

2. Jurisdiction of the Rent Court :

(The applicant declares that the subject matter of this application is within the jurisdiction of the Rent Court.)

3. Facts of the case :

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

4. Grounds for relief:

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5. Matters not previously filed or pending with any other court :
(The applicant further declares that he/she had not previously filed any application, petition, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

In case the applicant has previously filed any such application, writ petition or suit, the details of the pendency of such cases filed, or if disposed, the decisions of such cases to be enclosed.)

6. Relief sought :

(In view of the grounds mentioned in para 4 above, the applicant prays for the following relief(s)):-
(Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any, relied upon).

7. Interim order, if any prayed for :

Pending final decision on the application, the applicant seeks the following interim relief:
(Give here the nature of the interim relief prayed for).

8. List of enclosures:

1.
2.
3.

VERIFICATION

I .....(*Name of the Applicant*) S/o. /W/o. / D/o. ....., aged ....., residing at ....., do hereby verify that the contents of paras ..... to .....are true to my personal knowledge and paras.....to ..... believed to be true on legal advice received and I hereby declare that I have not suppressed any material facts.

Date : .....

Place : .....

Signature of the Applicant

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FORM-VI

[See rule 11]

Appeal to be filed before the Rent Court

IN THE RENT COURT AT [ ]

In the matter of Tenancy registered under T.R. No. [ ]

A. Name of the Appellant

(Add description and the residential address on which the service of notices is to be effected on the Appellant)

... APPELLANT

Versus

B. Name of the Respondent

(Add description and the residential address on which the service of notices is to be effected on the Respondent(s)).

... RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order of the Rent Authority as against which the appeal is made:

2. Jurisdiction of the Rent Court :

(The appellant declares that the subject matter of appeal as against which he wants redressal is within the jurisdiction of the Rent Court.)

3. Limitation :

(The appellant further declares that the appeal is within the limitation period prescribed in sub-section (2) of section 33 of the Tamil Nadu

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Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017)).

4. Memorandum of Appeal :

(Grounds for appeal with legal provisions:)

5. Matters not previously filed or pending with any other court :

(The appellant further declares that he/she had not previously filed any application, petition, writ petition or suit regarding the matter in respect of which this appeal has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

In case the appellant has previously filed any such application, writ petition or suit, the details of the pendency of such cases filed, or if disposed, the decisions of such cases to be enclosed.)

6. Relief sought :

(In view of the Memorandum provided in para 4 above, the appellant prays for the following relief(s)) :-

7. Interim order, if any prayed for :

Pending final decision on the appeal, the appellant seeks the following interim relief:
(Give here the nature of the interim relief prayed for).

8. List of enclosures:

1.
2.
3.

VERIFICATION

I .....(*Name of the Appellant)* S/o. /W/o. / D/o. ....., aged ....., residing at ....., do hereby verify that the contents of paras ..... to .....are true to my personal knowledge and paras.....to ..... believed to be true on legal advice received and I hereby declare that I have not suppressed any material fact.

Date: .....

Place: .....

Signature of the Appellant

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FORM-VII

[See rule 12(1)]

Appeal to be filed before the Rent Tribunal

BEFORE THE RENT TRIBUNAL AT [ ]

In the matter of Tenancy registered under T.R. No. [ ]

A. Name of the Appellant

(Add description and the residential address on which the service of notices is to be effected on the Appellant)

... APPELLANT

Versus

B. Name of the Respondent

(Add description and the residential address on which the service of notices is to be effected on the Respondent(s))

... RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order of the Rent Court as against which the Appeal is made:

2. Jurisdiction of the Rent Tribunal:

(The appellant declares that the subject matter of appeal as against which he wants redressal is within the jurisdiction of the Rent Tribunal.)

3. Limitation :

(The appellant further declares that the appeal is within the limitation period prescribed in sub-section (1) of section 38 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017)).

4. Memorandum of Appeal :

(Grounds for appeal with legal provisions)

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5. Matters not previously filed or pending with any other court :

(The appellant further declares that he/she had not previously filed any application, petition, writ petition or suit regarding the matter in respect of which this appeal has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

In case the appellant has previously filed any such application, writ petition or suit, the details of the pendency of such cases filed; or if disposed, the decisions of such cases to be enclosed.)

6. Relief sought :

(In view of the Memorandum provided in para 4 above the appellant prays for the following relief(s)) :-

7. Interim order, if any prayed for :

Pending final decision on the appeal, the appellant seeks the following interim relief:
(Give here the nature of the interim relief prayed for).

8. List of enclosures:

1.
2.
3.

VERIFICATION

I .....*(Name of the Appellant)* S/o. /W/o. / D/o. ....., aged ....., residing at ....., do hereby verify that the contents of paras ..... to .....are true to my personal knowledge and paras.....to ..... believed to be true on legal advice received and I hereby declare that I have not suppressed any material facts.

Date : .....

Place : .....

Signature of the Appellant

S. Krishnan,
Principal Secretary to Government.

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Section Officer.

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