

# **\*The Orissa Public Demands Recovery Rules, 1963**

*(23rd December 1963)*

No. 766-1-Spl-53/63-M.R. In exercise of the powers conferred by Section 47 of the Orissa Public Demands Recovery Act, 1962 (Orissa Act 1 of 1963), the Board of Revenue, with the previous sanction of the State Government, do hereby make the following Rules, the same having been previously published as required under sub-section (1) of the said section of the said Act :-

## **PART 1**

### **PRELIMINARY**

**1. Short title and Commencement** -(1) These Rules may be called the Orissa Public Demands Recovery Rules, 1963.

(2) They shall come into force on the date on which the provisions of the Act come into force.

**2. Definition** -In these rules, unless the context otherwise requires,

(1) "Act" means the Public Demands Recovery Act, 1962 (Orissa Act 1 of 1963);

(2) "Execution" in relation to as certificate means recovery in pursuance of the public demands which is due;

(3) "Principal Rules" means the rules contained in Schedule II to the Act; and

(4) "Section" and "Schedule" means respectively section of, and Schedule to the Act.

## **PART II**

### **REQUISITIONS FOR CERTIFICATE**

#### **A. Certificate Officers to whom requisitions should be addressed:**

**3. Jurisdiction of Certificate Officers appointed by the Collector** -(1) The Officers appointed by a Collector under clause (d) of section 2 to perform the functions of the Certificate Officer shall exercise jurisdiction in respect of such areas and for such class of cases as the Collector may at the time of appointment direct in such case with the sanction of the Revenue Divisional Commissioner.

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\* *O.G.No, 52-Part III -dated 27-12-1963.*

(2) While appointing an officer as Certificate Officer with the sanction of the Revenue Divisional Commissioner and in the case of Sub divisional Officers who are Certificate Officers in pursuance of clause (b) of section 2, the Collector may specify the class of cases, namely, requisitions from the Department or Departments, the Local Body or Bodies or class or classes of Local Body or Bodies and persons, if any, in respect of which or whom each such Officer will be competent to receive requisitions.

(3) Requisition of a particular Department or of a particular Local Body or person shall be addressed to the Certificate Officer appointed for the Department or Local Body or person concerned, having jurisdiction upon the place where the public demand, for the recovery of which requisition is sent, is payable.

**4. Draft certificate to accompany the requisition** -The Requisitioning Officer shall prepare draft certificate in Form No.1 given in the Appendix to the Principal Rules and send the same to the Certificate Officer having jurisdiction along with the requisition in Form No.2 given in the Appendix to the said rules.

**5. Details of properties to be furnished along with the requisition** -(1) The Requisitioning Officer shall furnish along with the requisition a statement giving the detailed specification of landed properties, if any, proposed to be attached and sold, in execution of the certificate, including information relating to the extent of land, survey or holding and plot numbers, etc. In the event of any landed property having been given a security for the public demand, for the recovery of which requisition is filed, there shall be specific mention of the details of such properties in the statement to accompany the requisition.

(2) Where the property proposed to be attached in any business or partnership property, the details shall be furnished in the statement to accompany the requisition. Where names of firms have been given, the names and addresses of partners concerned in case of registered firms or the names and addresses of the persons having interest in the firms in case of non-registered firms shall be furnished in the statement aforementioned.

## **B. Cases in which requisitions shall not be chargeable with fees**

**6. Exemption of certain kinds of requisitions from payment of Court fees-** Requisitions of the kind specified hereunder are exempted from payment of Court-fees to the extent mentioned against each-

(a) Requisitions made in respect of public demands payable to Government Officers are not chargeable with any Court-fee.

(b) Wards estates in the State of Orissa which have difficulty in finding the money for purchase of stamps in advance are exempt from pre-payment of *ad valorem* and process fees in certificate cases, subject to the condition that no question of remission of the fees will be considered, however insolvent the estate may be. The Board of Revenue shall be the authority to decide whether or not an estate should be exempted from pre-payment of fees above-mentioned for a given period.

(c) Sarbarakars, Gountias or similar revenue collecting agents, who, under the terms of settlement made with them, have previously paid to Government the rent, cess, water rate, irrigation cess or similar other dues are exempt from pre-payment of *ad valorem* and process fees in certificate cases for recovery of such dues payable to them,

subject to the conditions that the concession aforesaid may be withdrawn by the Collector with the approval of the Revenue Divisional Commissioner from any Sarbarakar or Gountia or similar revenue collecting agent, who may be found to be abusing it and that in all cases in which the certificate is struck off or the dues are not realised, the Sarbarakar, Gountia or similar revenue collecting agent shall pay the fees immediately he is called upon to do so.

(d) Other special cases where the State Government or Board of Revenue may from time to time, for reasons to be recorded in writing, grant exemption from payment of Court-fee subject to such conditions as may be imposed in each individual case.

## **PART -III**

### **EXECUTION OF CERTIFICATE**

#### **A. Attachment of movable property**

**7. Application for attachment of movable properties in the possession of the certificate-debtor** -When an application is made for the attachment of movable property in the possession of certificate-debtor, the certificate-holder shall declare whether the value of the property is above Rs. 20 or below. If the property is declared to be above Rs. 20 in value, the certificate-holder shall pay the costs of issuing the proclamation of sale. Should the value of property having been declared to be Rs.20 or under be found to exceed Rs. 20, the certificate-holder shall pay the costs of issuing proclamation of sale immediately on receipt of the notice of attachment:

Provided that the requirements of this rule shall not apply to the public demand payable to any Government.

**8. Warrant of attachment** -Except as otherwise provided in the Act, in the Principal Rules and in these rules, when any movable property is to be attached, the Certificate Officer shall issue in writing and signed by him a warrant in Form No.A given in Appendix A of these rules to the Officer ordered to execute the attachment, specifying the names of the certificate-debtor and the amount to be realised from him.

**9. Service of copy of warrant** -The Officer executing the warrant shall cause a copy of the same to be served on the certificate-debtor.

**10. Attachment** -If, after service of the copy of warrant, the amount is not paid forthwith, the Officer executing warrant shall proceed to attach the movable property of the certificate-debtor.

**11. Attachment of partnership of property** -(1) Where the property to be attached consists of an interest of the certificate-debtor, being a partner, in the partnership property, the Certificate Officer may make an order in Form No. J given in Appendix A to the rules charging the share of such partner in the partnership property and profits with payment of the amount due under the certificate, and may, by the same or subsequent order, appoint a receiver of the share of such partner in the profits, whether already declared or accruing and of any other money which may become due to him in respect of the partnership, and direct accounts and enquiries and make an order for the sale of such interest or such other order as the circumstances of the case may be.

(2) The other partner or partners shall be at liberty at any time to redeem the interest charged, or in the case of a sale being directed, to purchase the same.

**12. Inventory** -In the case of attachment of movable property by actual seizure, the Officer attaching shall, after attachment of the property prepare an inventory in Form K given in Appendix A to these rules of all the property attached, specifying in it the place where it is longed or kept and shall forward the same to the Certificate Officer. A copy of the inventory shall be delivered by the Attaching Officer to the certificate-debtor.

**13. Attachment not to be excessive** -The attachment of movable property by seizure shall be as nearly as possible proportionate to the amount specified in the warrant of attachment.

**14. Procedure for the attachment of movable property when its value up to Rs. 20 or above** -When the Attaching Officer believes that the property attached does not exceed Rs. 20 in value, he shall inform the certificate-debtor or, in his absence, any adult member of his family that it will be sold by public auction at once without the issue of any proclamation. In case the certificate-holder, or certificate-debtor, or any person on his behalf objects to this, the Attaching Officer shall convene a Panchayat of not less than three respectable adult inhabitants of the neighbourhood, of whom the ward member of the Grama Panchayat of the village shall be one, and shall require them to assess the value of the property. If they determine that it exceeds Rs. 20 in value, the Attaching Officer shall deal with it according to the Rule for, sale of movable property exceeding Rs. 20 in value; otherwise, he shall proceed forthwith to sell it by auction, after giving such reasonable notice as the circumstances of the case admit of to intending purchasers.

**15. Order for payment of coin or currency notes to the certificate holder** -(1) Where the property attached is current coin or currency notes, the Certificate Officer may, at any time during the continuance of the attachment, direct that such coin or notes or part thereof sufficient to satisfy the certificate be paid over to the certificate-holder.

**16. Fees to be charged where attachment of movable property is by actual seizure**- (1) Where warrant of attachment of movable property by actual seizure is issued, fees at the following rates shall be charged, and the Officer deputed to attach such property shall be furnished with a certificate setting the period for which the fees in accordance with this rule have been paid.

(i) When the amount under the certificate exceed	Rs. 1000-00
(a) for the seizure under the order of attachment	Rs. 3-00
(b) for each man necessary to ensure safe custody of property so attached when such man is actually in possession per diem.	Rs. 0-75
(ii) When the amount under certificate is Rs. 1000 or under, but above Rs. 50-00.	
(a) for the seizure under order of attachment	Rs. 2-00
(b) for each man necessary to ensure the safe custody of property so attached, when such man is actually in possession per diem	Rs. 0-50

(iii) When the amount under certificate is

Rs. 50-00 or under -

- |   |     |      |
|---|-----|------|
| (a) for the seizure under order of attachment   | Rs. | 1-00 |
| (b) for each man necessary to ensure the safe custody of property so attached, when such man is actually in possession per diem | Rs. | 0-50 |

(2) Where process of attachment is issued in a number of cases relating to the same or neighbouring village, the fee (a) referred to above shall be paid in each case, and the daily fee, (b) only for the men actually employed. The daily fee (b) shall be paid at the time of obtaining the process for so many days as the Certificate Officer shall order, not being ordinarily less than fifteen days, and the number of days required for the coming and going of the Attaching Officer; but where the Officer is not to be left in possession, then the daily fee shall be paid only for the time to be occupied by the Officer going, effecting the attachment and returning. Where the inventory filed by the certificate-holder shows the property to be of such small value the expense of keeping it in custody may probably exceed the value, the Certificate Officer shall fix the daily fee with reference to the provisions of rule 13 of the principal rules:

Provided that, if it appears that for any reason the number of days fixed by the Certificate Officer under this rule and in respect of which fees have been paid is likely to be exceeded and the certificate holder desires to maintain the attachment, the Certificate holder shall apply to the Certificate Officer to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in sub-rule (3). If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease on the expiry of that period.

(3) The fees prescribed by this rule shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of court-fee stamps affixed to the petition in addition to the stamps necessary for its own validity.

## **B. Maintenance and custody, while under attachment of live-stock and other movable property**

### **17. Custody of attached live-stock with the certificate-debtor-**

Notwithstanding anything contained in rule 13 of the principal rules the Attaching Officer may, with the approval of Certificate Officer entrust, subject to his right of supervision, any live-stock seizure in the custody of the certificate-debtor on his giving a receipt and executing a bond in Form No. M given in Appendix A of these rules, subject to the conditions specified hereunder-

- (i) He shall not sell, give away, transfer, mortgage or otherwise alliance or encumber the attached live-stocks;
- (ii) He shall take the responsibility of feeding and tending the attached live-stock in his custody;

(iii) He shall intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any live-stock kept in his custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty or loss was on account of negligence or carelessness of the certificate-debtor, the latter shall be liable to indemnify the damage or loss as the case may be;

(iv) He shall, on receipt of intimation from the Certificate Officer produce before the latter or any other Officer entrusted with the sale, at his own cost on the date and place fixed for the sale, the attached live-stock kept in his custody.

**18. Custody of attached live-stock with a person other than the Attaching Officer-** In the event of the certificate-debtor expressing his unwillingness or inability to keep the attached live-stock in his custody, the Attaching Officer, with the approval of the Certificate Officer may entrust the attached live-stock to any other fit person in the locality under his own supervision. The Certificate Officer may fix the remuneration to be allowed to such person, after taking into account the local circumstances and charges which such person may have to incur for the maintenance and the custody of such live-stock.

**19. Cost for feeding live-stock and expenses attending its removal to Certificate Office-** If no fit person in the locality is available for keeping custody of the attached live-stock, the Attaching Officer shall call upon the certificate-holder either to pay for feeding it on the spot, or for the expenses attending its removal to the office of the Certificate Officer. If the certificate-holder fails to provide for either, the officer shall report the matter without delay to the Certificate Officer, who may thereupon withdraw the attachment.

**20. Responsibility of Nazir or other officer for safe custody and proper feeding-** When attached live-stock is brought to the office of the Certificate Officer the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock, shall be responsible for the safe custody and proper feeding of it so long as the attachment continues.

**21. Custody of live-stock in pounds-** If there is a legally constituted pound in or near the office of the Certificate Officer, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock shall be at liberty to place in it such attached live-stock, as can properly be kept there, in which case the pound-keeper shall be responsible for the property to the Nazir or any other Officer ordered by the Certificate Officer to keep custody of the said live-stock and shall receive the same rates for the accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

**22. Custody of live-stock otherwise than in pound** -If there be no pound available, or if, in the opinion of the Certificate Officer it be inconvenient to lodge the attached live-stock in the pound, the Nazir or any other officer ordered by the Certificate Officer to keep custody of the said live-stock may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Certificate Officer.

The Certificate Officer shall, from time to time, fix the rates to be allowed for the custody and maintenance of the various description of live-stock with reference to seasons and local circumstances. The Collector may make any alternations he deems fit in the rates to be prescribed.

**23. Removal of attached property other than live-stock to the Certificate Officer** -If no suitable place can be found in the village for the safe custody of the attached property other than live-stock, the Attaching Officer shall remove the property to the office of the Certificate Officer at the certificate holder's expense. In the event of the certificate-holder failing to provide the necessary funds the attachment shall be withdrawn.

**24. Debtor's consent to sale of property under attachment**-If the debtor gives his consent in writing to the sale of the property without awaiting the expiry of the prescribed term, the officers shall receive and forward the writing without delay to the Certificate Officer for orders.

**25. Custody of property under attachment at the Certificate Office or under the supervision of the Nazir or any other officer as directed by the Certificate Officer** -When the property is removed to the office of the Certificate Officer, it shall be kept by the Nazir or any other Officer as directed by the Certificate Officer on the sole responsibility of the former in such place as may be approved by the Certificate Officer. If the property cannot, from its nature or bulk, be conveniently kept in the office premises, or in the personal custody of the Nazir or any other officer directed by the Certificate Officer to keep custody of the attached property, he may subject to approval by the Certificate Officer, make such arrangement for the safe custody under his own supervision as may be most convenient and economical and the Certificate Officer may fix the remuneration to be allowed to any person not being an officer subordinate to the Certificate Officer, in whose custody property is kept.

**26. Custody of attached cash securities, etc.-** Notwithstanding anything contained in rules 23 to 25 in the event of attachment of cash, Government or other securities, bullion, jewellery or other valuables, the Certificate Officer may send them for safe custody to the nearest Government Treasury.

**27. Claim of any person other than the certificate-debtor to property under attachment** -When property remains at the place where it is attached in the custody of the Attaching Officer, and any person other than the certificate-debtor claims the same, or any part of it, the officer shall nevertheless, unless the certificate-holder desires to withdraw the attachment of the property so claimed, remain in possession and shall direct the claimant to prefer his claim to the Certificate Officer.

**28. Withdrawal of attachment** -If the certificate holder withdraws an attachment or if it be withdrawn under rule 19 or rule 23 of these rules, the Attaching Officer shall inform the debtor or in his absence, an adult member, of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in the case the officer shall have had notice of claim by a person other than the certificate-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

**\*[28-A. Expenses of custody, maintenance, etc. of live-stock-** The expenses of maintenance and custody of live-stock as provided in rules 18, 21 and 22 and the remuneration payable to the person entrusted with the custody of the attached live-stock

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\*Inserted by Notification No. 269, dated 7-3-1964.

under rule 18 shall on being called upon by the Certificate Officer, be paid by the certificate-holder. If the certificate-holder fails to deposit the same, the Certificate Officer may withdraw the attachment.]

### **C. Attachment of immovable property**

**29. Service of notice of attachment** -A copy of the order of attachment shall be served on the certificate-debtor.

**30. Proclamation of attachment** -The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode. A copy of the order shall be affixed on a conspicuous part of the property and on the Notice Board of the Certificate Officer. Where the property is land paying revenue to Government, a copy of order shall be similarly affixed in the office of the Tahasildar of the Tahasil in which the land is situated or where there is no Tahasildar in the office of the Sub-divisional Officer of the subdivision in which the land is situated. Where the property is situated within the cantonment limits, the order shall be similarly affixed in the office of the Local Cantonment Board and the Military Estates Officer concerned, and where the property is situated within the limits of a Municipality or Notified Area Council, in the office of the Municipality or Notified Area Council within the limits of which the property is situated.

**31. Effect of attachment** -The order of attachment shall be deemed to have been made as against transferees without consideration from the certificate-debtor, from the date of the order of attachment and as against all other persons from the date on which they respectively had knowledge of the order of attachment or the date on which the order was duly proclaimed under Rule 30, whichever is earlier.

**32. Date from which the attachment shall take effect** -Where any immovable property is attached, the attachment shall relate back to and take effect from the date on which the notice under Section 6 of the Act or the notice of attachment under Rule 29 was served on the certificate-debtor, whichever is earlier.

### **D. Sale Generally**

**33. Prohibition against sale on holidays** -No sale under the Act and the rules framed thereunder shall take place on a Sunday or other general holiday recognised by the State Government or any other date which has been notified by the State Government or any other competent authority to be a local holiday for the area in which the sale is to take place.

**34. Sale by public auction** -Sale shall be by public auction to the highest bidder and shall be subject to the confirmation by the Certificate Officer.

**35. Authority to bid** -All persons bidding at the sale shall be required to declare if they are bidding on their own behalf or on behalf of their principals. In the latter case, they shall be required to deposit their authority and on default they shall be debarred from participation in the bid. .

**36. Sale to be held by whom and his remuneration** -If the Certificate Officer is of the opinion that it will be more advantageous to entrust the sale of property to any person other than an official subordinate, he may appoint a fit person for the purpose and may fix the remuneration to be allowed to him for rendering such services. The remuneration payable to such person shall be deemed to be the costs of the sale.



**37. Reserve price** -It shall be competent for the Certificate Officer to fix a reserve price in respect of any property, other than agricultural produce, to be sold and order that any bid shall be accepted only on condition that it is not less than the said reserve price.

**38. Deposit of the sale money with the Certificate Officer** –In the event of any person other than the Certificate Officer conducting the sale, he shall forthwith deposit the entire amount received by him from the purchaser of the property with the Certificate Officer and shall submit a report of the sale to the Certificate Officer.

**39. Sale of properties of value exceeding Rs.20** -Sale of property under the proviso to rule 13 of the principal rules and of movable property not exceeding Rs.20 in value, shall be held on the spot or at the nearest market place or at the headquarters of the Certificate Officer. Sales of movable property of value exceeding Rs.20 shall take place only after the issue of proclamation as required under Rule 55 of the Principal Rules. Such sales may be held on the spot or at the nearest market place or at the headquarters of the Certificate Officer, as may deem convenient and conducive to the securing of goods prices; provided that the place and time of sale are notified in the proclamation.

#### **E. Sale of movable property**

**40. Sale to be by auction** -The property shall be sold by public auction in one or more lots, as the officer conducting the sale may consider advisable, and if the amount to be realised by sale is satisfied by the sale of a portion of the property, the sale shall be immediately stopped with respect to the remainder of the lots.

**41. Sale of negotiable instruments and shares in a corporation through broker** -Notwithstanding anything contained in the Principal Rules and in these rules, where the property to be sold is a negotiable instrument or a share in a corporation, the Certificate Officer may, instead of directing the sale to be made by public auction, authorise the sale of such instrument or share through a broker.

**42. Purchase by the certificate-holder** -(1) No holder of a certificate in execution of which movable property is sold except in the case covered by Sub-rule (2) of Rule 30 of the Principal Rules, shall, without the express permission of the Certificate Officer, bid for or purchase the property.

(2) Where a certificate-holder purchases with such permission, the purchase-money and the amount due on the certificate may be set off against one another, and the Certificate Officer executing the certificate shall enter up satisfaction of the certificate in whole or in part accordingly.

(3) Where a certificate-holder purchases by himself or through another person without such permission, the Certificate Officer may, if he thinks fit, on the application of the certificate-debtor or any other person whose interests are affected by the sale, by written order set aside the sale, and the costs of such application and orders, and any deficiency of price which may happen on the re-sale and all expenses attending it shall be paid by the certificate-holder.

#### **F. Sale of immovable property**

**43. Registration of sale** -Every Certificate Officer granting a certificate of sale to the purchaser of immovable property sold in execution of a certificate shall send a copy of such certificate to the Registering Officer concerned under the Indian Registration Act, 1908, within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situated.

### **G. Appointment, powers and duties of Receiver**

**44. Appointment of receiver for business** -(1) Where the property of a certificate-debtor consists of a business, the Certificate Officer may attach the business and appoint a person as receiver to manage the business.

(2) Attachment of a business under this rule shall be made by an order in Form No. V given in Appendix-A of these rules prohibiting the certificate-debtor from transferring or changing the business in any way and prohibiting all persons from taking any benefit under such transfer, changes and intimating that the business has been attached under this rule. A copy of the order of attachment shall be served on the certificate-debtor, and another copy shall be affixed on a conspicuous part of the premises in which the business is carried on and on the notice board of the Certificate Officer.

**45. Appointment of receiver for immovable property** –Where immovable property is attached, the Certificate Officer may, instead of directing a sale of the property, appoint a person as receiver to manage such property.

**46. Powers of receiver** -(1) Where any business or other property is attached and taken under management under Rules 44 and 45, the receiver shall, subject to the control of the Certificate Officer, have such powers as may be necessary for the proper management of the property and the realisation of the profits, or rents and profits thereof.

(2) The profits, or rents and profits of such business or other property, shall, after defraying the expenses of management, be adjusted towards discharge of the certificate dues, and the balance, if any, shall be paid to the certificate-debtor.

**47. Withdrawal of management** -The attachment and management under Rules 44 to 46 may be withdrawn at any time at the discretion of the Certificate Officer, or if the certificate is discharged by receipt of such profits and rent or the certificate-dues are otherwise paid.

**48. Powers of a receiver** -A receiver appointed under Rules 44 and 45 shall have all such powers, as to bringing in and defending suits and for the realisation, management, protection and preservation of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents, as the owner himself has, or such of those powers as the Certificate Officer thinks fit.

**49. Remuneration of a receiver** -The Certificate Officer may, by general or special order, fix the amount to be paid as remuneration for the services of the receiver.

**50. Duties of a receiver** -(1) Every receiver so appointed shall-

- (a) furnish such security (if any) as the Certificate Officer thinks fit, duly to account for what he shall receive in respect of the property;
- (b) submit his account at such periods and in such form as the Certificate Officer directs;
- (c) pay the amount due from him as the Certificate Officer directs; and
- (d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

(2) The receiver shall maintain true and regular accounts of the receivership and shall in particular maintain a cash book in which shall be entered from day-to-day all receipts and payments and also a ledger. He shall also maintain a counterfoil receipt book

with the leaves numbered serially in print, from which shall be given as far as possible, all receipts for payments made to the receiver.

(3) Unless the Certificate Officer otherwise directs, the receiver shall, as soon as may be, after his appointment, open an account in the name of the receivership in such Bank or Treasury as the Certificate Officer may direct and shall deposit therein all moneys received in the course of the receivership immediately on receipt thereof save any minimum sums that may be required for meeting day-to-day current expenses. All payments by the receiver shall, as far as possible, be made by cheques drawn on the Bank/Treasury account.

(4) Unless otherwise ordered, a receiver shall submit his accounts once in every three months. The first of such accounts commencing from the date of his appointment and ending with the expiry of the said period of three months and the subsequent accounts brought down to the end of each succeeding period of three months, within fifteen days of the expiry of each such period of three months.

**51. Enforcement of receiver's duties** -(1) Where a receiver fails to submit his accounts at such periods and in such form as the Certificate Officer directs, the Certificate Officer may direct his property to be attached until such time as such accounts are submitted to him.

(2) The Certificate Officer may at any time make an inquiry as to the amount, if any, due from the receiver, as shown by his accounts or otherwise, or any enquiry as to any loss to the property occasioned by his wilful default or gross negligence and may order the amount found due, if not already paid by the receiver under Rule 50 or the amount of the loss so occasioned, to be paid by the receiver within a period to be fixed by the Certificate Officer.

(3) Where the receiver fails to pay any amount which he has been ordered to pay under Sub-rule (2) within the period specified, the Certificate Officer may direct such amount to be recovered from the security (if any) furnished by the receiver or by attachment and sale of his property or, if his property has been attached under Sub-rule (1), by the sale of such property, and may direct the sale-proceeds to be applied in making good any amount found due from the receiver or any such loss occasioned by him and the balance (if any) of the sale proceeds shall be paid to the receiver.

(4) If a receiver fails to submit his accounts at such periods and in such form as directed by the Certificate Officer without reasonable cause or improperly retains any cash in his hands, the Certificate Officer may disallow the whole or any portion of the remuneration due to him for the period of the accounts with reference to which the default is committed and may also charge interest at a rate not exceeding 12 per cent per annum on the moneys improperly retained by him for the period of such retention without prejudice to any other proceedings which might be taken against receiver.

**52. Form of order of appointment of a receiver** -An order of appointment of a receiver under Rule 44 or 45 of these rules shall be made in Form No. W given in Appendix- A of these rules, which may be so varied as the circumstances of each case may require.

## **H. Registration of interest in immovable property**

### **52-A. Application for registration of the name etc., of the person interested –**

(1) Any person whose interests in respect of any immovable property may be affected by the sale of the same may apply to such Certificate Officer as he considers

necessary for registration, on payment of a fee of Rs.5, of his name and address and the immovable property in which he is interested for the purposes of receiving intimation from the Certificate Officer about the intended sale of such property.

(2) Separate application shall be made and separate fee shall be payable for registration of immovable property lying in each Tahsil.

(3) Where the headquarters of the Certificate Officer to whom application is made under Sub-rule (1) is situated at a place having a treasury or sub-treasury, the fee shall be deposited in the treasury or sub-treasury, as the case may be, and the application for registration shall be accompanied with a copy of the chalan in which the fee has been deposited.

(4) In the event of Certificate Officer's headquarters being located at a place having no treasury or sub-treasury, the fee shall be deposited in the office of the Certificate Officer concerned at the time of filing the application.

(5) The application shall specify the name and full address of the person whose name is sought to be registered, the detailed particulars of the immovable property which he is interested, the amount of fees and penalty, if any, deposited for the purpose of registration and if the application is for renewal of registration, the registration number.

(6) If the Certificate Officer is satisfied on scrutiny of the application that it is complete in all respects, he shall order registration of the name and address of the applicant in a register in Form "AB" given in Appendix-A and keep a note in the register of detailed particulars of the immovable property in respect of which the registration is made.

(7) The applicant shall be intimated in writing his registration number.

(8) The registration shall take effect from the date of order under Sub-rule (6) and shall expire on the 31st day of March next following:

Provided that if an application is made at any time prior to the 1st day of March and the applicant requires the registration to be effective from the 1st day of April next following, the registration shall take effect accordingly:

Provided further that in case of an application filed in the month of March, if the applicant pays a penalty of Rs.3 along with the registration fee and requires the registration to be effective from the 1st day of April next following, it shall be permitted.

(9) Sub-rules (1) to (8) shall apply to applications for renewal of registration also.

**52.B. Intimation of intended sale to the person interested** - (1) If any of the registered immovable property is notified for sale by the Certificate Officer in whose office the property has been registered, he shall immediately on the making of proclamation for sale under Rule 26, give intimation in Form 'AC' given in Appendix-A to the person interested in the said property whose name appears in the register in Form 'AB'.

(2) The intimation shall be sent by registered post with acknowledgement due.

## **PART -IV**

### **Scale of fees for process, charges for other proceedings and poundage fees**

#### **A. Process fees**

**53. Scale of process fees** -Save as otherwise provided in the Principal Rules and in these rules the fees for service and execution of process issued under the Act and the rules shall be charged in accordance with the scale prescribed in Appendix-B of these rules. The fees shall be paid in Court-fees stamps.

#### **B. Poundage fees**

**54. Levy of poundage fees** -(1) Poundage fees shall be leviable in Court fee stamps in all cases of sale under the Orissa Public Demands Recovery Act, 1962, at the rate of five per cent, on the gross amount realised by the sale upto Rs.1,000 and at the rate of 3 per cent on all excess of gross proceeds beyond Rs.1,000 :

Provided that, where a sale of immovable property is set aside under Sub-section (2) of Section 30 of the Act, any poundage or other fee charged for selling the property shall, on application, be refunded.

(2) The percentage leviable shall be calculated on multiples of Rs.20, that is to say, a poundage fee of one rupee shall be levied for every Rs.20 or part of Rs.20, realised by the sale up to Rs.1,000 and in the case of the sale exceeding Rs.1 ,000 and additional fee of Rs.0.60 np. shall be levied for every Rs.20 or part thereof of the excess proceeds above Rs.1 ,000.

(3) In cases in which several properties are sold in satisfaction of one certificate, only one poundage fee, calculated on the gross sale-proceeds, shall be levied, Rupees 5 per cent being charged on the gross sale-proceeds up to Rs.1,000 and Rupees 3 per cent on such proceeds exceeding Rs.1 ,000.

(4) The proceeds of a sale effected in execution of any certificate may be paid out of Court only on an application made for that purpose in writing and the poundage fees for selling the property shall be paid by stamps affixed to the first of such applications, whether it be, or be not, made by the person who obtained an order for sale, or whether it does, or does not extend to the whole of the proceeds. No fee shall be chargeable upon any such application subsequent to the first.

(5) In cases in which the certificate-holder applies for leave to purchase under Rule 42 (1), no order to set off the purchase-money against the amount of certificate shall be made upon the application for leave to purchase. Such order shall be made upon a petition presented after the property has been knocked down to the certificate-holder at the auction sale such petition shall be stamped with stamps of the value of the poundage fee due for selling the property.

**55. Addition of costs, etc. to certificate and payment by certificate holder of purchase money in excess of the amount of certificate** - Upon hearing of the petition referred to in Rule 54 (5), the costs of execution, including the amount of the stamps attached to the petition, shall be ascertained and shall be added to the certificate; and in cases in which the amount of the purchase money exceeds the amount of the certificate and of such costs, the certificate-holder who has so purchased the property shall pay to the Certificate Officer the sum of 25 per cent upon the balance of the purchase-money after deducting the amount of the certificate and of such costs, and shall pay the balance

on or before the fifteenth day from the sale in accordance with Rule 45 of Schedule II of the Act.

### C. Cost of Certificate Establishment

**56. Cost of certificate establishment** -The costs that shall be awarded on all certificates filed under Section 3 of the Act and those instituted on requisitions for recovery of public demands under Section 4 of the Act towards the recovery of cost of the certificate establishment, shall be subject to the following limitations, namely:

The said cost shall not exceed the *ad valorem* fee payable under the Court-fees Act, 1870, in respect of the amount claimed and shall not be less than the graded scale of amounts shown in the Schedule hereto annexed. This amount shall be added to the cost of the certificates and recovered in cash from the certificate-debtors.

#### Schedule of minimum cost

	Rs. nP.
Demands not exceeding Rs.10	0. 30
Demands exceeding Rs.10 but not exceeding Rs.50	1. 50
Demands exceeding Rs.50 but not exceeding Rs.250	3. 00
Demands exceeding Rs.250 but not exceeding Rs.500	10. 00
Demands above Rs.500	20.00

## PART -V

### Forms

**57. Forms** -In addition to the Forms prescribed in the Principal Rules, the following Forms, which may be so varied as the circumstances of each case may require, shall be used for the purpose mentioned against each, namely:

- (i) **Form No. A** for issuing warrant of attachment of movable property under Rule 8 of these rules;
- (ii) **Form No. B** for issuing prohibitory order where the property consists of debts not being negotiable instruments, or of movable property not in possession of the certificate-debtor under Rule 16(1 )(a)and (c) of the Principal Rules;
- (iii) **Form No. C** for issue of prohibitory order where the property consists of shares in the capital of a Corporation under Rule 16(1 )(b) of the Principal Rules;
- (iv) **Form No. D** for issue of prohibitory order where the property to be attached consists of movable property to which the certificate- debtor is entitled subject to a lien or right of some other persons to the immediate possession thereof under Rule 16(1 )(c) of the Principal Rules;

- (v) **Form No. E** for issue of notice of attachment where the property consists of a share or interest in movable property under Rule 17 of the Principal Rules;
- (vi) **Form No. F** for issue of order to attach salary of Public Officer or servant of Railway Company or Local Authority under Rule 18 of the Principal Rules;
- (vii) **Form No. G** for issue of order of attachment of negotiable instrument under Rule 19 of the Principal Rules;
- (viii) **Form No. H** for issue of prohibitory order where the property consists of money or of any security in the custody of a Court of Justice or Officer of Government under Rule 20 of the Principal Rules;
- (ix) **Form No. I** for issue of notice of attachment of decree to the Court which passed it under Rule 21 (1) of the Principal Rules;
- (x) **Form No. J** for issue of order of attachment of property consisting of an interest in partnership property under Rule 11 of these rules;
- (xi) **Form No. K** for preparation of inventory of attached property under Rule 12 of these rules;
- (xii) **Form No. L** for issue of order for payment to the certificate- holder of current coins and currency notes attached under Rule 15 of these rules;
- (xiii) **Form No. M** bond to be executed under Rule 17 of these rules;
- (xiv) **Form No. N** for grant of receipt for payment of purchase money in respect of sale of movable property under Rule 33(2) of the Principal Rules;
- (xv) **Form No. O** for issue of notice to person in possession of movable property sold in execution under Rule 35(2) of the Principal Rules;
- (xvi) **Form No. P** for issue of prohibitory order against the transfer of shares sold in execution under Rule 35(3) of the Principal Rules;
- (xvii) **Form No. Q** for issue of prohibitory order against payment of debts sold in execution to any person other than the purchaser under Rule 35(3) of the Principal Rules;
- (xviii) **Form No. R** for grant of certificate to certificate-debtor authorizing him to mortgage, lease or sell property under Rule 42 of the Principal Rules;
- (xix) **Form No. S** for issue of order of confirmation of sale of movable property under Section 30(1) of the Act;
- (xx) **Form No. T** for issue of notice to interested persons to show cause why sale should not be set aside under Section 30(2) of the Act;
- (xxi) **Form No. U** for issue of summons to appear and answer charge of obstructing execution of certificates under Section 32(2) of the Act;
- (xxii) **Form No. V** for issue of order attaching a business under Rule 44 of these Rules;
- (xxiii) **Form No. W** for appointment of receiver under Rule 52 of these rules;
- (xxiv) **Form No. X** for issue of warrant of committal under Section 33(1) of the Act;

- (xxv) **Form No. Y** for issue of the notice to show cause why a warrant of arrest should not issue under Section 37(1) of the Act;
- (xxvi) **Form No. Z** for issue of order for the release of a person in prison in execution of certificate, under Sections 39 and 40 of the Act;
- (xxvii) **Form No. AA** for issue of notice to surety under Rule 60 of these rules;
- \*[(xxviii) **Form No. AB** for maintaining the register prescribed under Rule 52-A ;
- (xxix) **Form No. AC** for sending intimation under Rule 52-B to the person interested whose name appears in the register in Form AB];
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\* Inserted by Notification No. 269 dt. 7.3.1964

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## **PART -VI**

### **SUPPLEMENTAL**

**58. Payment of certificate amount in instalments** -In the event of the Certificate Officer ordering payment of the amount due under any certificate by instalments, such instalments may not ordinarily, except for reasons to be recorded in writing, exceed 36 in number:

Provided that the Certificate Officer shall, before fixing the number of instalments in which the amount due is to be paid, give opportunity to the certificate-holder and the certificate-debtor of being heard.

**59. Recovery from surety** -Where any person has become surety for the amount due to the certificate-debtor, he may be proceeded against under the Act as if he were a certificate-debtor.

**60. Form of notice to the surety** -Notice to the surety for recovery of the public demand due by a certificate-debtor shall be issued in Form No. AA given in Appendix-A of these rules.



**APPENDIX -A**  
**FORM 'A'**

**Warrant of attachment of movable property**

[See Board's Rule 8]

In the Court of .....at.....

Certificate Case No. ....of .....19.....

To

Whereas Certificate No..... dated..... has been filed in this Court against....., certificate-debtor and the sum of Rs..... as noted below, is due from him in respect of the said certificate; and whereas the said sum of Rs..... has not been paid;

	Rs.
Principal	.....
Interest	.....
Costs and charges	.....
Further interest	.....
	_____
	Total _____

These are to command you to attach the movable property of the said..... as set forth in the Schedule hereunto annexed, or which shall be pointed out to you by the said ..... and unless the said ..... shall pay to you the said sum of Rs..... together with Rs..... the costs of this attachment, to hold the same until further orders from this Court;

You are further commanded to return this warrant on or before the ..... day of ..... 19 ..... with an endorsement certifying the day on which and manner in which its has been executed, or why it has not been executed.

Given under my hand and the seal, of the Court, this day .....of .....19.....

Seal:

Certificate Officer

-----

**FORM 'B'**

**Attachment in execution**

**Prohibitory order where the property consists of debts not being negotiable instruments or of movable property not in possession of the certificate-debtor**

**[See Rule 16(1 )(a) and (c) of Schedule II of the Act]**

In the Court of .....at.....

To

Whereas..... has failed to satisfy certificate No..... of 19..... for Rs..... it is ordered that the said certificate-debtor be, and is hereby, prohibited and restrained until the further order of this Court, from receiving from you\* ..... to the said certificate-debtor ..... and that you, the said ..... be, and you are hereby prohibited and restrained until the further order of this Court from\*\* ..... to any person whomsoever, or otherwise than into this Court.

Given under my hand and seal, this .....day of .....19.....

Seal:

Certificate Officer of .....

-----  
\* A certain debt alleged now to be due from you or certain movable property in your possession but alleged to belong.

\*\* Making payment of the said debt, or any part thereof or giving delivery of the said movable property.  
-----

**FORM 'C'**

**Attachment in execution**

**Prohibitory order where the property consists of shares in the capital of a Corporation**

**[See Rule 16(1) (b) of Schedule II of the Act]**

In the Court of ..... at ..... Certificate-debtor and to .....Secretary of Corporation.

Whereas ..... has failed to satisfy certificate No. .... of 19 ..... for Rs. ....; it is ordered that you, the certificate-debtor be, and you are hereby prohibited and restrained until further orders of this Court, from making any transfer of shares in the aforesaid Corporation, namely, ..... of from receiving payment of any dividends, thereon; and you ..... the Secretary of the said Corporation, are hereby prohibited and restrained until further orders of this Court, from permitting any such transfer or making any such payment.

Given under my hand and seal, this ..... day of ..... 19 .....

Seal:

Certificate Officer of .....

**FORM 'D'**

**Attachment in execution**

**Prohibitory order where the property to be attached consists of  
movable property, to which the certificate-debtor is entitled  
subject to a lien or right of some other person to the immediate  
possession thereof**

**[See Rule 16(1)(c) of Schedule II of the Act]**

In the Court of ..... at .....

To

Whereas ..... has failed to satisfy certificate No ..... of 19 .....  
for Rs..... it is ordered that the said certificate-debtor be, and is hereby prohibited  
and restrained, until further orders of this Court, from receiving from ..... the  
following property in the possession of the said ..... that is to say ..... to  
which the certificate-debtor is entitled, subject to any claim of the said ..... and the  
said ..... is hereby prohibited and restrained, until further orders of this Court,  
from delivering the said property to any person or persons whomsoever.

Given under my hand and seal, this..... day of..... 19.....

Seal:

Certificate Officer of .....

**FORM 'E'**

**Notice of attachment where property consists of a share or interest in movable property**

**[See Rule 17 of Schedule II of the Act]**

In the Court of ..... at .....

To

..... Certificate-debtor

Whereas you have not paid the dues amounting to Rs..... payable by you in certificate case No..... year .....

It is hereby ordered that you the said ..... be..... and .....are hereby prohibited and restrained, until further orders of this Court, from transferring or changing in any way your share or interest in the movable property as set forth in the Schedule hereto annexed belonging to you .....and ..... and ..... as co-owners.

Given under my hand and seal of the Court, this .....day of ..... 19.....

Seal:

Certificate Officer

Schedule

-----

**FORM 'F'**

**Order to attach salary of Public Officer or servant of Railway Company or Local Authority**

**[See Rule 18 of Schedule II of the Act]**

In the Court of ..... at .....

To

Whereas ..... certificate-debtor in Certificate Case No..... of 19..... is a\* ..... receiving his salary/allowances at your hands, and whereas ..... certificate-holder in the said case, has applied in this Court for the attachment of the salary/allowances of the said .....to the extent of ..... due to him under the certificate, you are hereby required to withhold the said sum from the salary/allowances of the said ..... in monthly instalments of ..... and to remit the said sum/monthly instalments to this Court.

Given under my hand and seal, this ..... day of .....19.....

Seal:

Certificate Officer

-----

\* Describe office of certificate-debtor

**FORM 'G'**

**Order of attachment of negotiable instrument**

**[See Rule 19 of Schedule II of the Act]**

In the Court of .....at .....

To

.....

(Attaching Officer)

Whereas an order has been passed by this Court on the ..... day of 19..... for the attachment of ..... you are hereby directed to seize the said ..... and bring the same into Court.

Given under my hand and seal, this .....day of .....19.....

Seal:

Certificate Officer

-----

**FORM 'H'**

**Attachment**

**Prohibitory order, where the property consists of money or any security in the custody of a Court of Justice or Officer of Government**

**[See Rule 20 of Schedule II of the Act]**

In the Court of ..... at .....

Certificate Case No..... of 19 .....

To

Sir,

The certificate-holder having applied, under Rule 20 of Schedule II of the Orissa Public demands Recovery Act, 1962 for an attachment of certain money/property belonging to ..... the certificate-debtor in the above-noted case now in your hands\*;

I request that you will hold the said money/property subject to the further orders of this Court.

Yours faithfully

Certificate Officer of .....

Dated this ..... day of .....19.....

\*Here state how the money is supposed to be in the hands of the person addressed, on what account, and other available details.

**FORM 'I'**

**Notice of attachment of a decree to the Court which passed it  
[See Rule 21 (1) of Schedule II of the Act]**

District.....

In the Court of ..... at .....

Certificate Case No. ....of ..... Certificate-holder

Versus

.....Certificate-debtor

To

Sir,

This is to inform you that the decree obtain in your Court on the .....day of .....19 ....., by..... in suit No. .... of 19.....,in which he ..... was ..... and ..... was ..... ..and which is pending execution in your Court, in the execution case No..... of 19 ..... has been attached by this Court in the certificate case specified above. You are therefore requested to stay the execution of the decree of your Court until you receive an intimation from this Court that the present notice has been cancelled, or until execution of the said decree is applied for by the certificate-holder or the certificate-debtor above-named.

Yours faithfully

Seal:

Certificate Officer

Dated this .....day of .....19.....

-----

**FORM 'J'**

**Order of attachment of property consisting of an interest in  
partnership property  
[See Board's Rule 11]**

In the Court of ..... at .....

To

Whereas ..... Certificate-debtor ..... has not paid the dues amounting to Rs..... in respect of Certificate Case No..... year ..... and whereas the said ..... is a partner in the firm known as Messrs .....

It is hereby ordered -

(i) that the share of the said ..... in the partnership property and profits of the said firm be and is hereby charged with the payment of the amount aforesaid due under the said certificate; and

(ii) \*that

Given under my hand and seal this day of ..... 19 .....

Seal:

Certificate Officer

*\*Note - Here incorporate any order that may be considered necessary in the circumstances.*

**FORM 'K'**  
**Inventory of attached property**  
**[See Board's Rule 12]**

Certificate Case No..... year .....

List of the movable property of ..... certificate-debtor, in the village of  
..... P.S. .... Taluk..... District.....  
attached by ..... for arrears of public demand due from the aforesaid  
certificate-debtor.

Serial No.	Description of properties attached	Estimated value	Amount of certificate due	Date of attachment and of giving a copy of the inventory to the certificate-debtor	Place where the attached property is lodged or kept	Remarks
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>

Place .....

Date .....

Signature and designation  
of the Attaching Officer

Memo No.....

Dated .....

Copy forwarded to the Certificate Officer for necessary action.

Signature and designation  
of the Attaching Officer

-----  
**FORM 'L'**

**Order for payment to the Certificate-holder of current coins and  
currency notes attached**

**[See Board's Rule 15]**

In the Court of .....at.....

To

Whereas in execution of Certificate Case No..... year..... the  
following property consisting of current coins/currency note has been attached:

(1)

Current coins

(2)

Currency Notes

It is hereby ordered that out of the property so attached Rs..... in current  
coins and Rs..... in currency notes shall be paid over to the certificate-holder in  
satisfaction of the said certificate.

Given under my hand and seal at .....this.....day of  
.....19.....

Seal:

Certificate Officer

-----



**FORM 'M'**

**Bond**

**[See Board's Rule 17]**

In the Court of .....at.....

Whereas live-stock as specified in the Schedule hereunto annexed has been attached in execution of Certificate No..... year..... for Rs.....;

And whereas the attached live-stock aforementioned has been entrusted to me, subject to the right of supervision of the Certificate Officer for safe custody;

I hereby agree and bind myself to abide by the conditions given hereunder for the due discharge of the entrustment.

**Conditions**

(i) I will not sell, give away, transfer, mortgage or otherwise alienate or encumber the attached live-stock.

(ii) I will take the responsibility of feeding and tending the attached live-stock kept in my custody.

(iii) I will intimate forthwith to the Certificate Officer concerned any permanent injury, casualty or loss in respect of any live-stock kept in my custody, specifying the cause thereof. If the Certificate Officer is satisfied on enquiry that the permanent injury, casualty or loss was on account of my negligence or carelessness I will be liable to indemnify the damage or loss, as the case may be.

(iv) I will, on receipt of intimation from the Certificate Officer, produce before the latter or any other officer entrusted with the sale, at my own cost, on the date and place fixed for the sale, the attached live-stock kept in my custody.

(v) Failure on my part to fulfil any of the conditions above mentioned shall expose me to the penalties provided under Section 67 of the Orissa Public Demands Recovery Act, 1962.

**SCHEDULE**

Signature of two witnesses -

(1) (Signature)  
(Full name)  
(Date)

(2) (Signature) (Signature)  
(Full name) (Full name)  
(Date) (Date)

Before me

(Signature)  
(Full name)  
(Designation)

Date .....

Seal:

**FORM 'N'**

**Receipt for payment of purchase money in respect of sale of  
movable property**

**[See Rule 33 (2) of Schedule II of the Act]**

Received from Shri ..... a sum of Rs..... being the purchase money in respect of the under-mentioned movable property, purchased by him at sale by public auction on the .....day of ..... in execution of Certificate Case No..... year ..... for recovery of public demand due from ..... certificate-debtor.

*Specification of property*

Given under my hand and seal at ..... this ..... day of 19.....

Officer holding the sale

-----

**FORM 'O'**

**Notice to person in possession of movable property  
sold in execution**

**[See Rule 35(2) of Schedule II of the Act]**

In the Court of ..... at .....

To

Whereas ..... has become the purchaser at a public sale in execution of Certificate No..... dated .....of 19..... of belonging to the certificate-debtor now in your possession, you are hereby prohibited from delivering possession of the said ..... to any person except the said .....

Given under my hand and seal, this ..... day of ..... 19.....

Seal:

Certificate Officer

-----

**FORM 'P'**  
**Prohibitory order against the transfer of shares**  
**sold in execution**  
**[See Rule 35(3) of Schedule II of the Act]**

In the Court of ..... at .....

To

.....

and ....., Secretary of ..... Corporation

Whereas .....has become the purchaser at a public sale in execution of Certificate No....., dated .....19....., of certain shares in the above corporation, that is to say, of ..... standing in the name of your .....; it is ordered that you ..... be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said ....., the purchaser aforesaid, or from receiving any dividends thereon; and you ....., Secretary of the said Corporation, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

Given under my hand and seal, this ..... day of .....19.....

Seal:

Certificate Officer

-----

**FORM 'Q'**  
**Prohibitory order against payment of debts sold in execution to**  
**Any person other than the purchaser**  
**[See Rule 35 (3) of the Schedule II of the Act]**

In the Court of ..... At .....

To

..... and to .....

Whereas ..... has become the purchaser at a public sale in execution of Certificate No..... of 19 ....., being debts due from you .....to you..... ; it is ordered that you..... be, and you are hereby prohibited from receiving, and you .....from making payment of the said debt to any person or persons except the said.

Given under my hand and seal, this ..... day of .....,19.....

Seal:

Certificate Officer

-----

**FORM 'R'**

**Certificate to certificate-debtor authorising him to mortgage,  
lease or sell property  
[See Rule 42 of Schedule II of the Act]**

In the Court of ..... at.....

Whereas in execution of Certificate No..... of 19....., an order was made on the .....day of 19....., for the sale of the under-mentioned property of the certificate-debtor ..... and whereas the Court has, on the application of the said certificate-debtor, postponed the said sale to enable him to raise the amount of the certificate by mortgage, lease or private sale or the said property or of some part thereof.

This is to certify that the Court both hereby authorise the said certificate-debtor to make the proposed mortgage, lease or sale within a period of..... from the date of this certificate; provided that all moneys payable under such mortgage, lease or sale shall be paid into this Court and not to the said certificate-debtor.

*Description of property*

Given under my hand and seal, this day of .....19 .....

Seal:

Certificate Officer

-----

**FORM 'S'**

**Order of confirmation of sale of immovable property  
[Section 30(i)]**

In the Court of..... at..... purchased for Rs..... the immovable property specified below at a sale held by public auction on the .....day of..... 19..... in execution of Certificate No..... year..... The full amount of the purchase money has been paid on.....

No application under Section 27/28/29 has been received for setting aside the sale.

Application under Section 27/28/29 made by..... for setting aside the sale has been disallowed by this Court.

Accordingly, the said sale is hereby confirmed.

Specification of property:

Given under my hand and seal at ..... this..... day of.....19.....

Seal:

Certificate Officer

-----

**FORM 'T'**  
**Notice to interested parties to show cause why sale should not  
be set aside**  
**[See Section 39(2)]**

In the Court of .....

To

Whereas the under-mentioned property was sold on the..... day of ..... in execution of ..... Certificate No..... year.....; and whereas..... has applied to the undersigned to set aside the sale under Section 27/28/29 of the Orissa Public Demands Recovery Act, 1962;

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court, on..... when the said application will be heard and determined.

*Description of property*

Given under my hand and seal at..... this..... day of .....19.....

Seal:

Certificate Officer

-----

**FORM 'U'**  
**Summons to appear and answer charge of obstructing execution  
of certificate**

**[See Section 32(2) of the Act]**

Certificate Case No..... of..... 19.....

To

Whereas ..... the certificate-holder in the above certificate has complained to this Court that you have resisted/obstructed the officer charged with the execution of the warrant for possession;

You are hereby summoned to appear in this Court on the day of .....19..... at..... a.m., to answer the said complaint.

Given under my hand and seal this .....day of .....19.....

Seal:

Certificate Officer

**FORM 'V'**

**Order attaching a business**

**[See Board's Rule 44]**

In the Court of ..... at.....

To

(Name of certificate-debtor)

Whereas you have failed to satisfy Certificate No..... of.....  
for Rs. ....

It is hereby ordered that the business carried on by you under the name and style  
of ..... at ..... be and is hereby attached and you are informed  
accordingly.

It is hereby further ordered that you..... the above said..... be  
and are hereby prohibited and restrained from transferring or changing the said business  
in any way and that all persons whosoever are hereby prohibited and restrained from  
taking any benefit under such transfer or change.

Given under my hand and seal at..... this..... day of..... 19.....

Seal:

Certificate Officer

-----

**FORM 'W'**

**Appointment of a Receiver**

**[See Board's Rule 52]**

In the court of ..... at .....

To

Whereas ..... has been attached under an order passed by this Court under Rule...../ Rule ..... in the course of execution of Certificate No..... year..... for recovery of public demand from.....

You are hereby appointed receiver of the said business/property.

Subject to any orders which may be passed by this Court in this behalf, you shall have all the powers necessary for the management of the said business/property in accordance with the rules.

You are required to render due and proper account of your receipts and disbursement in respect of the said business/property in accordance with the Orissa Public Demands Rules.

You will be entitled to remuneration at the rate of.....

Your appointment as receiver of the said business/property shall continue in force until further orders of this Court and may be cancelled or withdrawn at any time at the discretion of this Court.

Given under my hand and seal at .....this.....day of.....19.....

Seal:

Certificate Officer

-----

**FORM 'X'**  
**Warrant and committal**  
**[See Section 33(1) of the Act]**

To

The Officer-in-charge of the Civil Prison..... at .....

Whereas the under-mentioned property has been sold to....., the purchase at auction sale in execution of Certificate Case No..... dated 19..... and whereas the Court is satisfied that..... without any just cause resisted/obstructed and is still resisting/obstructing the said..... in obtaining possession of the property and whereas the said..... has made application to this Court that the said..... be committed to the civil prison;

You are hereby in the name of the Government commanded and required to take and receive the said ..... into the civil prison and to keep him imprisoned therein for the period of ..... days. I hereby fix Rs..... nP..... per *diem* as the rate of subsistence allowance of the said..... during his confinement under this warrant of committal.

Given under my hand and seal this..... day of.....19.....

Seal:

Certificate Officer

-----

**FORM 'Y'**  
**Notice to show cause why a warrant of arrest should not issue**

**[See Section 37(1)]**

In the Court of .....at .....

To

Whereas you have failed to satisfy Certificate No..... of 19..... for Rs..... and it is proposed to execute the above certificate by arrest and imprisonment of your person;

You are hereby required to appear before this Court on the..... day of..... at..... a.m./p.m. and to show cause why you should not be committed to the civil prison in execution of the said certificate.

Given under my hand and seal at.....this..... day of 19.....

Seal:

Certificate Officer

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**FORM 'Z'**  
**Order of the release of a person imprisoned in  
execution of a certificate**

[See Sections 39 and 40 of the Act]

District.....  
Certificate Case No..... of 19.....

To

The Officer-in-charge of the Civil Prison, at.....

Under orders passed this day, you are hereby directed to set free.....  
certificate-debtor, now in your custody.

Dated .....

Certificate Officer

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**FORM 'AA'**

**Notice to surety**

[See Board's Rule 60]

In the Court of..... at.....

To

Whereas you are a surety for the public demand amounting to Rs..... due  
from..... in respect of Certificate No..... dated..... and  
whereas it has become necessary to recover the said public demand from you, you are  
hereby given notice that steps will be taken under all or any of the provisions of the  
Orissa Public Demands Recovery Act, 1962 to recover the said amount from you together  
with the interest payable under Section 14 of that Act for the period commencing  
immediately after the said date of issue of the certificate and the costs, charges and  
expenses incurred in respect of warrants and other processes issued and all other  
proceedings taken for realising the public demand unless the outstanding amount of  
Rs..... in respect of the certificate together with costs, charges and expenses  
incurred so far amounting to Rs..... and the interest aforesaid is paid by you  
within fifteen days from the date of service of this notice.

Seal:

Certificate Officer

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**FORM 'AB'**

**Register for recording the names and addresses of persons and  
the immovable properties in which they are interested**

**[See Board's Rule 52-A]**

Serial No.	Name of the applicant	Full Address	Detailed particulars of immovable property in which he is interested	Date of filing application for registration	Amount of fee deposited with chalan/ receipt No. and date	Penalty paid, if any with chalan/ receipt No. and date	Authority for registration	Period for which registration is allowed	Signature of the Certificate Officer	Remarks
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>

**FORM 'AC'**

**Intimation about the intended sale of immovable property to the  
person interested who has registered his name**

**[See Board's Rule 52-B]**

In the Court of.....  
To  
.....

Take notice that in execution of Certificate No..... of 19..... being the claim of..... (Certificate-holder) amounting with costs and interest upto the date of sale to the sum of Rs..... due from..... (certificate-debtor) proclamation has been made for the sale at..... a.m./p.m. on the..... at..... of the under-mentioned immovable property in respect of which you have registered your name.

Description of property

Given under my hand and seal at..... this..... day of..... 19.....

Seal:

Certificate Officer

**APPENDIX -B****[See Board's Rule 53]****Table of Court-fees and process fees**

	<b>Description of documents, etc.</b>		<b>Proper fee</b>
	<b>1</b>	<b>2</b>	<b>3</b>
<b>1.</b>	Requisition for certificate [Section 4(2) of the Act].	Except when made for demands payable to Government Officer, or in cases where payment of Court-fees has been exempted under Section 4(2) of the Act, Court-fee of the same amount as payable in respect of a plaint, i.e., according to No.1 Schedule I of the Court-fees Act VII of 1870, as follows:  When the amount or value of the subject- matter in dispute does not exceed five rupees.	Re. 0.35 nP. + surcharge of Re.0.25 nP. = Re.0.60 nP.
		When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred.	Re. 0.35 nP. + surcharge of Re.0.25 nP. = Re.0.60 nP.
		When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to five hundred rupees.	Re. 1.00 + surcharge of Re.0.50 nP. = Re 1.50 nP.
		When such amount or value exceeds five hundred rupees, for every ten rupees or part thereof, in excess of five hundred rupees, up to one thousand rupees.	Re. 1.10 nP. plus surcharge of Re.0.60 nP. = Re. 1.70 nP.
		When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand and five hundred rupees.	Rs.7.50 nP. plus surcharge of Rs.3.75 nP. = Rs.11.25 nP.
		When such amount or value exceeds seven thousand and five	

		hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees.	Rs.15 plus surcharge of Rs. 7 .50 nP. = Rs.22.50 nP.
		When such amount or value exceeds ten thousand rupees for every five hundred rupees or part thereof, in excess of ten thousand rupees, upto twenty thousand rupees.	Twenty-two rupees and fifty naye paise plus surcharge of Rs.11.25 nP. = Rs.33.75 nP.
		When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees up to thirty thousand rupees.	Rs.30 plus surcharge of Rs.15.00 = Rs.45.00
		When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, upto fifty thousand rupees.	Rs.30 plus surcharge of Rs.15 = Rs.45.00
		When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof in excess of fifty thousand rupees.	Rs.37.50 nP. plus surcharge of Rs.18.75 nP. = 56.25 nP.
2.	Petition of objection under Section 8 of the Act or any other petition presented in course of the trial of a case, and reports to Certificate Officer by Requiring Officers (Other than Government Officers) of payment made of money due under a certificate.	According to No. (1)(a) and (b) noted below of Schedule II of the court- fees Act VII of 1870 :	
		(1)(a) When presented to Collector or other Officer of Revenue in relation to any case in which the amount or value of the subject-matter is less than fifty rupees, or when presented to any Revenue	Re.0.10 nP. plus surcharge of Re.0.10 nP. = Re.0.20 nP.

		Court for the purpose of obtaining a copy of translation of any judgement, decree or order passed by such Court, or of any other document on record in such Court or office.	
		(b) When presented to a Revenue Court, or to a Collector, or any Revenue Officer having jurisdiction equal or subordinate to a Collector and not otherwise provided for by the Public Demands Recovery Act, 1962.	Re.0.75 nP. plus surcharge of Re.0.35 nP. = Re.1.10 nP
3.	Processes issued under the Act.	Fees for serving and executing processes should be levied according to Rule 1 at pages 112-114 of the Orissa High Court General Rules and Circular Orders, Volume I (Civil) as amended.	
4.	Memorandum of appeal from the orders of a Certificate Officer or Collector [Section 60(1) of the Act].	Under No. 11 (a) Schedule II of the Court- fees Act VII of 1870.	Re.1 plus surcharge of Re.0.50 nP. = Re.1.50nP.
5.	Attachment of movable property	Amount of fees prescribed by Rule 16 of these rules.	
6.	Certificate of sale (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue Officer.	Article 18, Schedule 1- A, Act II of 1899 (The Indian Stamp Act, 1899), as amended by Orissa Act 35 of 1962 [The Indian Stamp (Orissa Amendment) Act, 1962].	
	(a) Where the purchase- money does not exceed Rs.10.00		Re.0.38 nP.
	(b)Where the purchase-money exceeds Rs10.00 but does not exceed Rs.25.00.		Re.0.75 nP.

	(c) In any other case.		The same duty as Conveyance (Article 23) of Schedule I-A of the Indian Stamp Act, 1899, as amended by the Indian Stamp (Orissa Amendment) Act, 1962, for consideration equal to the amount of the purchase-money only.
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**Requisition of Certificate under the Orissa Public Demands**

**Recovery Act, 1962**

**REGISTER-9**

(See Paragraph 75 of Board's Executive Instructions under Orissa Public Demands Recovery Act, 1962)

1. Serial Number
2. Nature of claim
3. Name and address of the certificate-debtor
4. Amount due
5. Date on which requisition is made to the Certificate Officer (Initial of the Certificate Officer).
6. Date on which petition of objection, if any, is received by the Requisitioning Officer from the Certificate Officer for disposal (initial of the Requisitioning Officer)
7. Date of disposal of petition
8. Date of return of petition with connected file to the Certificate Officer.
9. Date of final disposal of certificate, with note of the manner in which disposed of (whether on payment, or item struck off as irrecoverable).
10. Realisations-

(a) Amount

(b) Number of challan

(c) Date

11. Remarks-

- NOTE- (1) The Certificate Officer's initial in column 5 is not required when one of the duplicate lists sent has been signed by him and returned to the Requiring Officer as receipt.
- (2) For Wards and Encumbered, etc., estates, the following additional column should be inserted before the column for "REMARKS", namely:

12. Costs-

(a) Number and date of voucher

(b) Nature of charge\*

(c) Amount

In such a case the remarks column should be renumbered as '12' With a footnote-

\* Court fee, process fee, pleaders fee etc.

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**Return showing progress of disposal of Certificate case in the  
MONTH**

District of .....for the .....ending

**QUARTER**

(See Paragraph 84 of Board's Executive Instructions under the Orissa Public  
Demands Recovery Act, 1962).

1. Serial Number
2. Name and designation of the Certificate Officer
3. Number of cases pending at the commencement of the month.
4. Number of cases instituted during the month

5. Total
6. Amount covered by cases mentioned in column 5
7. Number of cases disposed during the month
8. Amount covered by the cases mentioned in column 7
9. Number of cases pending at the close of the month
10. Amount covered by cases mentioned in column 9
11. Number of cases pending for more than a year.
12. Number of cases pending for less than a year but for more than Six months.
13. Reasons for the pendency and other remarks.

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**Register of processes for realisation of money**

\*(See Paragraph 98 of Board's Executive Instructions under the Orissa Public  
Demands Recovery Act, 1962.

Name of the Revenue Inspector's Circle.....

1. Serial number of process
2. Court from which process issued
3. Number and year of the certificate case
4. Amount to be realised
5. Name of the person on whom to be executed.
6. Date of receipt of process by the Revenue Inspector
7. Date by which process is to be returned to the Issuing Court.
8. Date of actual execution
9. Amount realised and credited
10. Date of return to the Issuing Court
11. Remarks.

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