

**The Uttar Pradesh Urban Planning and Development (Procedure  
Regarding Determination of the Betterment Charge by the Chairman)  
Rules, 1983**

[no. 2361/XXXVII-2-1983]

*Dated Lucknow, January 21, 1983*

In exercise of the powers under sub-section (1) read with clause (b) of sub-section (2) of S. 55 of the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act No. 11 of 1973) as re-enacted with modifications by the Uttar Pradesh President's Acts (Re-enactment with Modifications) Act, 1974 (U.P. Act No. 30 of 1974), the Governor is pleased to make the following rules laying down the procedure to be followed by the Chairman for determination of the Betterment Charge:

**1. Short title and commencement.**—(1) These rules may be called the Uttar Pradesh Urban Planning and Development (Procedure Regarding Determination of the Betterment Charge by the Chairman) Rules, 1983;

(2) They shall come into force with effect from the date of their publication in the Gazette.

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

“Objector” means a person on whom a notice has been served in respect of the assessment of betterment charge under S. 36 of the Act and who has dissented from the assessment made by the Vice-Chairman or who has failed to give the Vice-Chairman the information of his acceptance of the assessment made by the Vice-Chairman.

**3. Reference to the Chairman.**—(1) When the assessment of the Betterment Charge in respect of any property made by the Vice-Chairman is dissented to by the objector, or when he fails to give the Vice-Chairman the information required by sub-section (2) of S. 36 of the Act within the period specified therein, the Vice-Chairman shall refer the case to the Chairman for determination of the matter involved.

(2) While referring the case to the Chairman, the Vice-Chairman shall submit the following information pointing out:—

(a) the situation and the extent of the land for which the betterment charge is to be determined;

(b) the names of the payee of the Betterment Charge;

(c) the amount of the Betterment Charge payable by each person;

(d) the objections filed by the objectors;

(e) the assessment order; and

(f) copy of notice of assessment served under sub-section (2) of S. 36 of the Act indicating the date and mode of service.

**4. Service of notice.**—(1) Thereafter the Chairman shall fix a date for holding enquiry about the matters involved and shall serve a notice in Form 'A' on the Vice-Chairman and the objectors specifying therein the time, the day on which and the place where he shall proceed with the enquiry and also directing them to appear before him.

(2) In addition to the notice provided in sub-rule (1), the Chairman may publish the said notice in a local newspaper having its circulation in that locality addressed to all the objectors.

**5. Appearance before the Chairman.**—The Vice-Chairman may either appear before the Chairman in person or through the officer appointed by him in this behalf or through legal practitioners authorized by him and the objectors may appear before the Chairman either personally or through their authorized agents or legal practitioners.

**6. Powers of the Chairman as Civil Court.**—While holding any enquiry under these rules, the Chairman shall have the power of a Civil Court under the Code of Civil Procedure when trying a suit in respect of the following matters namely—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) requiring any party to answer such interrogatories as may in the opinion of the Chairman be necessary;

(d) recording substitution and compromise; and

(e) to pass any just and proper order for the ends of justice.

**7. Filing of written statement.**—On the first day of the hearing, or on any subsequent day which the Chairman may appoint in this behalf, each objector shall file a statement in writing stating the grounds on which he objects to the assessment by the Vice-Chairman which shall be duly verified as provided under Order 7, Rule 15 of the Code of Civil Procedure, 1908 and the Vice-Chairmen may file similarly verified Replication.

**8. Procedure in case of non-attendance of one or more objectors.**—

(1) If any of the objectors does not appear on the day of hearing or on any other day to which the hearing may have been postponed, the Chairman may proceed *ex parte* against such objector.

(2) Where the hearing has been adjourned and the objector, at such hearing, appears and shows sufficient cause for his previous non-appearance, the Chairman may, upon such terms as to costs or otherwise, may hear him, as if he had appeared on the day for his adjournment.

**9. Adjournment.**—The Chairman may from time to time adjourn the proceedings, if sufficient cause is shown, by the parties or any of them subject to costs, if any, occasioned by such adjournment.

**10. Adjournments after objections for further hearing.**—In addition to the filing of the objections and the replication, the Chairman may require the parties to file affidavits, counter-affidavits and rejoinder-affidavits and the documents, if any, in support of their case and shall thereafter frame the points in issue and fix date for further hearing.