



THE CANTONMENTS RENT RESTRICTION ACT, 1963



CONTENTS

PREAMBLE.

1	Short title, extent and commencement
2	Definitions
3	Act not to apply to certain buildings
4	Power of exemption
5	Act to override other laws
6	Appointment of controller
6 A	Applications to be filed with controller
6 B	Power of controller to transfer cases
7	Determination of fair rent
8	Increase of fair rent in certain cases
9	Landlord not to claim anything in excess of fair rent
10	Fine or premium not to be charged for grant, renewal or continuance of tenancy
11	Moneys which should not have been paid may be recovered
12	Tenant to pay taxes
13	Landlord not to interfere with amenities enjoyed by the tenant
14	Restriction of conversion of residential buildings into commercial buildings and vice versa
15	Failure by landlord to make necessary repairs
16	Reimbursement of expenses incurred on repairs under orders of a local authority
17	Eviction of tenant
17 A	Eviction of tenants where the landlord is a salaried employee, widow or minor orphan
18	Registration of hotels, lodging-houses
19	Fixation of fair rates
20	Fair rates, etc, to be displayed
21	Eviction of guests from hotels, etc
22	Eviction of government servants, etc
23	Decisions which have become final not to be re-opened

24	Appeal
25	Execution of orders
26	Landlord and tenant to furnish particulars
27	Procedure and powers of Controller
28	Penalties
29	Cognizance of offence
30	Controller to be a public servant
31	Indemnity
32	Power to make rules

THE CANTONMENTS RENT RESTRICTION ACT, 1963

¹Act No. XI OF 1963

[27th April, 1963]

An Act to make provisions for the control of rents of certain class of buildings within the limits of the Cantonment areas and for the eviction of tenants therefrom.

WHEREAS it is expedient to make provision for the control of rents of certain class of buildings within the limits of the cantonment areas, for the eviction of tenants therefrom and for matters connected therewith;

It is hereby enacted as follows: -

1. Short title, extent and commencement.—(1) This Act may be called the Cantonments Rent Restriction Act, 1963.

(2) It extends to all the cantonments in Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context:-

² [(a) “Additional Controller” means an Additional Controller of Rent appointed under sub-section (2) of section 6;]

³ [(aa) “building” means any building or part of a building, whether residential or not, together with all fittings and fixtures therein, if any, and includes any gardens, grounds, garages and outhouses attached or appurtenant to such building or part, and vacant land, but does not include any place of religious worship;

(b) “Cantonment Board” means a Cantonment Board constituted under the Cantonments Act, 1924 ([II of 1924](#));

(c) “commercial building” means a building used solely for the purposes of business or trade;

(d) “Controller” means a Controller of Rents appointed by the ⁴[Federal Government] under sub-section (1) of section 6 and includes an Additional Controller ⁵* * *;

¹ For Statement of Objects and Reasons, see Gaz. of P., Ext., dated the 13th March, 1963, p. 238/.

² Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.2.

³ Re-lettered *ibid.*,

⁴ Subs. by F.A. O., 1975, Art. 2 and Table, for “Central Government”.

⁵ Certain words omitted by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.2.

- (e) “family” of a person means and includes a husband, wife, children, dependent parents, dependent brothers, unmarried or widowed sisters and a deceased son's widow and children residing with, and wholly dependent upon, that person;
- (f) “a house” is said to be in a state of reasonable repair, when—
- (i) all floors, walls, pillars, arches and roofs are sound and watertight,
 - (ii) all doors and windows are intact, properly painted or oiled, and provided with proper hooks or bolts or other necessary fastenings,
 - (iii) all rooms, outhouses and appurtenant buildings are properly colour-washed or white-washed, and
 - (iv) all electric, water and sanitary fittings, if any, are properly maintained and are safe, sound and without leakage;
- (g) “Landlord” means any person for the time being entitled to receive rent in respect of any building whether on his own account or on behalf or for the benefit of any other persons, or as a trustee, guardian or receiver and includes a tenant who, being authorised under the terms of his lease so to do, sublets the building and every other person for the time being deriving title from the landlord;
- (h) “prescribed” means prescribed by rules made under this Act;
- (i) “residential building” means any building used for the purposes of residence and includes a hostel, boarding-house and residential hotel; and
- (j) “tenant” means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of a building by him or by any other person on his behalf, and includes: -
- (i) any person who continues to be in possession or occupation of the building after the termination of his tenancy; and
 - (ii) in the event of the death of the tenant, his heirs and successors and after the termination of the tenancy, his heirs and successors who continue to be in possession or occupation of the building.

3. Act not to apply to certain buildings. Nothing contained in this Act shall apply to—

- (a) any evacuee property as defined in the Pakistan (Administration of Evacuee Property) Act, 1957 (XII of 1957); and
- (b) any property owned by the¹[Federal Government], any Provincial Government, Railway, Port Trust or Cantonment Board and any property owned, managed or controlled by any other local authority under the administrative control of the ¹[Federal Government] or of any Provincial Government.

4. Power of exemption. The ¹[Federal Government] may, by notification in the official Gazette, direct that all or any of the provisions of this Act shall not apply to any cantonment or to any particular building or class of buildings or to buildings in any specific area.

5. Act to override other laws. The provisions of this Act and any rule or order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any instrument or document.

6. Appointment of Controller.— (1) The ¹[Federal Government] may, for purposes of this Act, by ²notification in the official Gazette, appoint a person to be the Controller of Rents for one or more cantonments.

(2) The ¹[Federal Government] may also, by notification in the official Gazette, appoint a person to be the Additional Controller of Rents for one or more cantonments.

³ **[6A. Applications to be filed with Controller.** Every application under this Act shall be filed with the Controller who shall either hear it himself or assign it to an Additional Controller for hearing and disposal.

6B. Power of Controller to transfer cases. The Controller may, either on an application or on his own motion, at any stage,—

- (a) transfer any case pending before him to the Additional Controller for hearing and disposal; or
- (b) withdraw any case pending in the court of an Additional Controller; and
 - (i) hear and dispose of the same himself, or
 - (ii) transfer it to another Additional Controller for hearing and disposal, or

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

² For specimen of such a notification, see, Gaz. of P., 1963, Pt. III, p. 1960.

³ Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s.3.

- (iii) retransfer the same for hearing or disposal to the Additional Controller from whom it was withdrawn.

Explanation.— The power to transfer cases shall not be exercisable by the Additional Controller."

¹ [7. **Determination of fair rent.**—(1) The Controller shall, on an application by the tenant or landlord of building, fix fair rent for such building after holding such enquiry as he may think fit.

(2) The fair rent shall be fixed after taking into consideration the following factors, namely:—

- (a) the rent of the same building or similar accommodation in similar circumstances prevailing in the locality at the time of, and during the period of twelve months prior to the date of, the making of the application;
- (b) the rise, if any, in the cost of construction and of the repair and maintenance charges as well as changes in the existing taxes after the commencement of the tenancy; and
- (c) the rental value of the building as entered in the latest assessment list of the Cantonment Board as proposed under section 72 of the Cantonments Act, 1924 ([II of 1924](#)).

(3) The fair rent fixed under this section shall be payable by the tenant from the date to be fixed by the Controller which shall not be earlier than the date of filing of the application.

(4) If the fair rent fixed under sub-section (2) exceeds the rent being paid by the tenant on the date of the filing of the application under this section, the maximum increase of rent payable by the tenant shall not be more than twenty-five percent of the rent already being paid by him.

(5) When the fair rent of a building has been fixed under this section, or where the rent of any building has been determined by an agreement between the landlord and the tenant, no further increase in such fair rent shall, during the continuance of tenancy be permissible within a period of three years from the date fixed by the Controller under sub-section (3) or from the date of the agreement, as the case may be, except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and at the request of the tenant.

(6) The fair rent as increased on grounds of some addition, improvement or alteration made permissible under this section shall not exceed the fair rent payable under this Ordinance for a similar building in the same locality with such addition, improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed.

(7) Any dispute between the landlord and tenant in regard to any increase claimed on grounds of some addition, improvement or alteration made permissible under this section shall be decided by the Controller.]

¹Subs. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s. 4, for section 7.

8. Increase of fair rent in certain cases.—(1) Where the fair rent of the building has once been fixed under section 7, it shall not be increased with or without the consent of the tenant unless some addition, improvement or alteration otherwise than by way of ordinary or usual repair has been made in the building at the landlord's expense and, if the building be in the occupation of a tenant, at the tenant's request in writing, or unless a new tax has been imposed or an existing tax has been increased.

(2) Every dispute between a landlord and his tenant relating to the increase of rent under subsection (1) shall be decided by the Controller:

Provided that the Controller shall in no case allow any increase beyond seven and a half per centum of the cost of the addition, improvement or alteration made in the building or beyond the amount of the additional tax payable by the landlord, as the case may be.

9. Landlord not to claim anything in excess of fair rent. Save as provided in Section 8, where the fair rent of a building has been fixed under section 7 the landlord shall not claim or receive any premium or other like sum in addition to fair rent, or any rent in excess of such fair rent and any agreement or contract stipulating payment of any such premium, sum or excess rent shall to the extent of such stipulation be void:

Provided that nothing in this section shall affect any stipulation for or payment of advance rent for not exceeding three months.

10. Fine or premium not to be charged for grant, renewal or continuance of tenancy. No landlord shall, in consideration of the grant, renewal or continuance of any tenancy of any building, require the payment of any fine, premium or any other like sum in addition to the rent.

11. Moneys which should not have been paid may be recovered. Where, after the commencement of this Act, any sum not payable by a tenant under this Act has been paid by him, it may at any time within four months of the date of such payment be recovered by the tenant and may, without prejudice to any other mode of recovery be deducted by the tenant from the rent payable by him to the landlord.

12. Tenant to pay taxes. Notwithstanding anything contained in any other law for the time being in force or in any agreement, the tenant shall be bound to pay the taxes due in respect of the building to the Cantonment Board, as required by section 65 of the Cantonments Act, 1924 ([II of 1924](#)), by making deductions from the rent payable by him.

13. Landlord not to interfere with amenities enjoyed by the tenant.— (1) No landlord shall, without just or sufficient cause cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building may, if the landlord has contravened the provisions of this section, make an application to the Controller complaining of such contravention.

(3) If the Controller, on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the landlord without just or sufficient cause,

he shall make an order directing the landlord to restore such amenities, or authorising the tenant to provide the same and to incur such expense thereon as the Controller may specify, and any sum so spent by the tenant shall be adjustable against the rent payable by the tenant in respect of that building.

14. Restriction of conversion of residential buildings into commercial buildings and vice versa. No person shall convert a residential building into a commercial building or *vice versa*, except with the permission in writing of the Controller.

15. Failure by landlord to make necessary repairs. If a landlord fails to keep a building in a state of reasonable repairs, or to make such repairs thereto, not being structural alterations, as may from time to time be necessary, it shall be competent for the Controller to direct, an application by the tenant, and after such inquiry as the Controller may think necessary that such repairs may be made by the tenant, and the cost thereof deducted from the rent payable by him:

Provided that nothing in this section shall enable the tenant to spend on repairs any amount exceeding three months' rent unless the Controller after making necessary inquiry is satisfied that such repairs are essential to render the building fit for occupation:

Provided further that where under the terms of the agreement of tenancy, a tenant is authorised to make repairs at the expense of the landlord no application under this section shall be necessary.

16. Reimbursement of expenses incurred on repairs under orders of a local authority.—(1) Where a local authority, in exercise of its functions under any law directs a landlord to make certain specified repairs to his building and the landlord fails to comply therewith, the tenant may at the direction of the local authority make such repairs.

(2) Where a tenant make any repairs in pursuance of a direction given under sub-section (1) he shall within three months of the completion of repairs submit to the local authority an account of the cost incurred by him, on such repairs and the local authority shall, after due verification, certify such costs, whereupon the tenant shall become entitled to deduct the amount of certified cost from the rent payable by him.

17. Eviction of tenant.—(1) After the commencement of this Act, no tenant, whether before or after the termination of his tenancy, shall be evicted from the building in his possession or occupation in execution of a decree passed after such commencement, except in accordance with the provisions of this section.

(2) A landlord who seeks to evict his tenant shall apply to the Controller for an order in that behalf, and the Controller may after giving the tenant a reasonable opportunity of showing cause against the application, make on order directing the tenant to put the landlord in possession, if he is satisfied that:-

- (i) the tenant has not paid or tendered the rent to the landlord within fifteen days of the expiry of the time fixed in the agreement of tenancy for payment of rent, or in the absence of such agreement, within sixty days following the period for which the rent is due; or

- (ii)** the tenant has, without the written consent of the landlord,—
 - (a)** transferred his right under lease or sublet the building or any portion thereof, or
 - (b)** used the building for a purpose other than that for which it was leased; or
- (iii)** the tenant has committed such acts as are likely to materially impair the value, look or utility of the building; or
- (iv)** the acts and conduct of the tenant have been a nuisance to the occupiers of buildings in the neighbourhood; or
- (v)** where the building is situated in a place other than a hill station, the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or
- (vi)** the landlord intends to demolish the building for constructing a new building on the same site and has already obtained the necessary sanction for such construction from the Cantonment Board:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

Explanation.— For the purpose of clause (i) the rent remitted by money order to the landlord or in case the landlord refuses to accept the rent deposited in the office of the Controller having jurisdiction in the area where the building is situate, shall be deemed to have been duly tendered.

(3) If the Controller is not satisfied as aforesaid he may make an order rejecting the application.

(4) A landlord may apply to the Controller for an order directing the tenant to put the landlord in possession.—

(a) in the case of a residential building, if:-

- (i)** he requires it in good faith for his own occupation or for the occupation of any member of his family; and
 - (ii)** he or the member of his family, as the case may be, is not occupying any other residential building suitable for his needs at the time, in the Cantonment area concerned or in any local area in the vicinity thereof; and
 - (iii)** he or the said member has not vacated such a building in the said area or vicinity without sufficient cause after the commencement of this Act; and
-

(b) in the case of a commercial building, if-

- (i) he requires it in good faith for his own use; and
- (ii) he is not occupying in the Cantonment area concerned or in any local area in the vicinity thereof in which such building is situate for the purposes of his business any other such building suitable for his needs at the time; and
- (iii) he has not vacated such a building in the said area or vicinity without sufficient cause after commencement of this Act:

Provided that where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply under this sub-section before the expiry of such period:

Provided further that when the landlord has obtained possession of a residential or a commercial building under the provisions of sub-clause (a) or sub-clause (b) he shall not be entitled to apply again for the possession of any other building under that sub-clause, unless the building of which he had previously taken possession has become unsuitable for his needs:

Provided also that this sub-section shall not apply to serais, hotels, dak-bungalows, lodging-houses, boarding-houses, residential clubs, restaurants, eating-houses, cafes, refreshment rooms and places of public recreation or resort or premises dealing in sales or production of materials of books of educational and cultural values except where the landlord requires any such building to carry on any such business of his own, in which case he may make an application under this sub-section after having served two years' notice on the tenant; but no building which is not, on the commencement of this Act being used for any of the aforesaid purposes, or has not after such commencement been left out expressly for any such purpose; shall be converted to any such purpose except with the consent in writing of the landlord.

(5) The Controller shall, if he is satisfied that the claim of the landlord under sub-section (4) is *bona fide* make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not satisfied, he shall make an order rejecting the application:

Provided that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in aggregate.

(6) Where the landlord who has obtained possession of a building in pursuance of an order made under sub-section (5) does not himself, or where possession of the building has been obtained for any member of his family, such member does not occupy the building within one month of the date of obtaining its possession, the tenant who had been evicted may apply to the Controller for an order directing that the possession of such building be restored to him and the Controller may thereon make an order accordingly.

(7) Where a landlord has obtained possession of a building in pursuance of an order under clause (vi) of sub-section (2) and does not have the building demolished within four

months of the date of taking its possession, or does not construct the new building within a period of two years following the expiry of the said period of four months, he shall, unless he satisfies the Controller that he was prevented from having the building demolished or constructing the building within the said time by reasons beyond his control, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(8) On the first hearing of proceeding under this section or as soon thereafter as may be put before the issues are framed, the Controller shall direct the tenant to deposit in his office before a specified date all the rent due from him, and also to deposit regularly till the final decision of the case, before the 5th day of each month, the monthly rent which subsequently becomes due, and if there be any dispute as to the amount of rent due, the Controller shall determine such amount approximately.

(9) If the tenant fails to deposit the amount of rent before the specified date or, as the case may be, before the 5th day of the month, his application, if he is a petitioner, shall be dismissed, or his defence, if he is a respondent, shall be struck off, and the landlord shall be put in possession of the building without any further proceedings.

(10) Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the Controller may direct that compensation not exceeding one hundred rupees be paid by such landlord to the tenant.

(11) Notwithstanding anything contained in this Act or elsewhere, the ¹[Federal Government] or the Provincial Government, a Railway, a Port Trust, a Cantonment Board or any other local authority may also apply to the Controller to seek eviction of the tenant from its building whether owned, hired or requisitioned, in the event of non-payment of rent within the period hereinbefore prescribed or for infringement of any of the terms of possession or occupation.

²[17A. Eviction of tenants where the landlord is a salaried employee, widow or minor orphan.— (1) Notwithstanding anything contained in this Act or any other law for time being in force,—

(a) in a case where the landlord has died; or

(b) in a case where the landlord is a salaried employee and has retired or is due to retire within a period of six months, a notice in writing may be given by such landlord or the widow or minor child of the deceased landlord, as the case may be, to the tenant of a residential building informing him that he or she needs the building for personal use and requiring him to deliver vacant possession of the building within a period of two months from the date of receipt of the notice:

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

² Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985) s.5.

Provided that no application under this section shall be maintainable if it is made after six months from the date of the death of the landlord or, in the case of the retirement of a salaried person, before six months from, or after six months of, the date of his retirement:

Provided further that, in a case where the landlord has died or salaried person has retired before the commencement of this Ordinance, an application may be made within a period of six months from the date of such commencement.

(2) The right to seek ejectment under sub-section (1) shall also be available to a landlord of a residential building who is the wife, husband or a minor child of a salaried employee referred to in sub-section (1).

(3) In the case of a landlord referred to in sub-section (1) or sub-section (2) who happens to be a landlord of more than one residential building, whether or not in the same locality, action as provided for in this section shall be competent in respect of one of such residential buildings only.

(4) A landlord referred to in clause (b) of sub-section (1) or in sub-section (2) who is in occupation of a residential building owned by him shall not be entitled to seek ejectment of a tenant from a residential building situated in the locality in which the building in occupation of the landlord is situated unless he offers the building in his occupation in exchange of the building in possession of the tenant on such terms and conditions and on payment of such rent as may be determined by the Controller:

Provided that the benefit of exchange shall not be available to the tenant who refuses to accept the offer or the terms and conditions and the rate of rent determined by the Controller.

(5) A tenant who on receipt of the notice referred to in sub-section (1) fails to deliver vacant possession of the building to the landlord or to the widow or minor child of the deceased landlord within the time allowed in the notice shall be liable to be ejected summarily by the Controller on an application being made to him in this behalf.

(6) On an application made to him under sub-section (5), the Controller shall issue a notice to the tenant and, on being satisfied with the *bona fides* of the request of the landlord or the widow or minor child of the deceased landlord, shall order the summary ejectment of the tenant.

(7) A landlord or a widow or child of a deceased landlord referred to in sub-section (1) or sub-section (2) who, within one year of his or her having obtained possession of a building as provided for in sub-section (6), relets the building to any person other than the previous tenant shall be punishable with fine which may extend to five thousand rupees:

Provided that, if the amount of the annual rent for which the building is so relet exceeds five thousand rupees, the amount of fine shall be equal to the amount of annual rent.]

18. Registration of hotels, lodging-houses.—(1) Within a period of two months from the commencement of this Act or from the opening of any hotel or lodging-house, whichever is later, the owner of every hotel and lodging-house shall apply to the Controller for registration of his hotel or lodging-house and for determination of fair rates in relation thereto:

Provided the ¹[Federal Government] may, by a special or general order, by notification in the official Gazette, exempt any hotel or lodging-house or class of hotels or lodging-houses from the provisions of this section.

(2) Any owner of a hotel or lodging-house who fails to get his hotel or lodging-house registered in compliance with sub-section (1) shall be punishable with fine which may extend to five hundred rupees.

19. Fixation of fair rates.— (1) The Controller may fix fair rates to be charged for board, lodging and other services provided in a hotel or boarding-house, at such amount as, having regard to all the circumstances, he deems just.

(2) A fair rate may be fixed separately for daily and monthly guests.

Explanation.— A guest who agrees to reserve accommodation for a period of one month or more shall be deemed to be a monthly guest and where the reservation is not for any specified period, or is for a period of less than one month, the guest shall be deemed to be a daily guest.

(3) The Controller may from time to time revise the fair rates determined by him under this section:

Provided that in case of reservation under an agreement or otherwise for a specified period no revision of fair rates shall be applicable.

(4) The Controller may also fix the minimum number of guests to be accommodated in each room or other unit of accommodation in a hotel or lodging-house:

Provided that where accommodation in a hotel or lodging house is in the occupation of the Armed Forces of Pakistan, the appropriate authority of the Armed Forces shall be given an opportunity to state facts and its views with regard to the determination of fair rates before such rates are fixed:

Provided further that the Controller shall be empowered to fix fair rates for hotels, boarding-houses, lodging-houses and dak bungalows under the control of the Armed Forces or meant exclusively for the use of the Personnel of the Armed Forces.

¹Subs. by F.A.O., 1975, Art. 2 and Table for "Central Government".

20. Fair rates, etc., to be displayed. The fair rates fixed by the Controller and the maximum number of guests who may be accommodated in each room or unit of accommodation in a hotel or lodging house shall be displayed in a conspicuous manner in the office and in the public-rooms, if any, of such hotel or lodging-house.

21. Eviction of guests from hotels, etc.— (1) Except as hereinafter provided, no guest shall be evicted from a hotel or lodging-house or refused board or other services so long as he pays or is ready and willing to pay the fair rates.

(2) If the Controller is satisfied that: -

- (a) a guest in a hotel or lodging-house has been guilty of conduct which is a nuisance or source of annoyance to other guest or persons living in the neighbourhood; or
- (b) the accommodation he occupies is required by the owner or manager of the hotel or lodging-house;

the Controller may, if he considers that the requirement is genuine and reasonable, make an order authorising the owner or manager, as the case may be, to recover possession of the accommodation or part thereof occupied by such guest:

Provided that no such order shall be made unless the guest has been given a reasonable opportunity to show cause why such order should not be made:

Provided further that where there is an agreement for the stay of the guest for a specified period, he shall not be evicted before the expiry of that period.

22. Eviction of Government servants, etc. Notwithstanding anything contained in any other provision of this Act no order of eviction shall be made under this Act against any person in the service of the ¹[Federal Government], a Provincial Government, a Railway, a Port Trust, a Cantonment Board or any other local authority or of any corporation, company or authority rendering an essential service to the community, if his eviction would be detrimental to the public interest, provided eviction is not sought on the grounds referred to in clauses (i) to (iv) of sub-section (2) of section 17 ²[or section 17A] or clause (a) of sub-section (2) of section 21 of this Act.

23. Decisions which have become final not to be re-opened. The Controller shall summarily reject any application under sub-section (2) or under sub-section (4) of Section 17, ²[or under section 17A] which raises substantially the same issues as have been finally decided in a former proceeding under this Act.

³ **[24. Appeal.—** (1) Any party aggrieved by an order, not being an interim order, made by the Controller may, within thirty days of such order, prefer an appeal to the High Court.

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

² Ins. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), ss. 6 and 7.

³ Subs. *ibid.*, s. 8., for section 24.

(2) The High Court may, pending the final disposal of the appeal, make an order staying further proceedings or action on the order of the Controller:

Provided that no such order shall be made if the appeal has been preferred from an order made under sub-section (6) of section 17A,

(3) The High Court shall, after perusing the record of the case and giving the parties an opportunity of being heard and, if necessary, after making such further enquiry either by itself or by the Controller as it may deem fit, make an appropriate order which shall be final.

(4) No order of the Controller except by an appeal under this section, and no order of the Appellate Court made under this Act shall be called in question in any Court by any suit, appeal or other legal proceedings.]

25. Execution of orders.— (1) Every order made under section 13 ¹[,section 17 or section 17A] and every order passed on appeal under section 24 shall be executed by a civil Court having jurisdiction in the area as if it were a decree of that Court.

(2) The provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 ([Act V of 1908](#)), shall so far as may be, apply to the execution of orders made or deemed to have been made under this Act.

26. Landlord and tenant to furnish particulars. Every landlord and every tenant of a building shall be bound to furnish to the Controller, or any person authorised by him in that behalf, such particulars in respect of such building as may be prescribed.

27. Procedure and powers of Controller. No order under section 7, 8,13,15,17 or 19 of this Act shall be made by the Controller except after holding an inquiry.

(2) For the purposes of holding an inquiry under this Act, the Controller and the appellate Court shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 ([Act V of 1908](#)), when trying a suit in respect of the following matters, namely: -

- (a) summoning and enforcing attendance of any person and examining him on oath;
- (b) compelling the discovery and production of any document and other material evidence;
and
- (c) issuing a commission for the examination of witnesses.

(3) The proceedings of every inquiry shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code ([Act XLV of 1860](#)).

¹Subs. by the Cantonments Rent Restriction (Amdt.) Ordinance, 1985 (9 of 1985), s. 9, for "or section 17".

(4) The Controller shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 ([Act V of 1898](#)) .

28. Penalties. Whoever contravenes or fails to comply with any provisions of this Act or the rules made there under shall be punishable with fine which may extend to five hundred rupees.

29. Cognizance of offence. No Court shall take cognizance of offence under this Act except on a complaint made by the Controller in writing within three months of the date of the commission of the offence.

30. Controller to be a public servant. A Controller shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

31. Indemnity. No suit or other legal proceedings shall lie against the Controller or any person acting under his orders, in respect of anything which is in good faith done or intended to be done under this Act.

32. Power to make rules. The ¹[Federal Government] may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

