THE NATIONAL HIGHWAYS TRIBUNAL (PROCEDURE) RULES, 2003[1]

Whereas the draft of National Highways Tribunal (Procedure) Rules, 2003, was published as required by sub-section (1) of section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003) in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 13th August, 2003 with the notification of Government of India in the Ministry of Road Transport and Highways, number G.S.R. 658(E), dated the 13th August, 2003, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date on which the copies of the said notification, as published in Gazette of India are made available to the public;

And whereas, copies of the said notification were made available to the public on the 13th August, 2003;

And whereas no objections or suggestions had been received from any person with respect to such draft rules within the time period specified in the said notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 50 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the National Highways Tribunal (Procedure) Rules, 2003.

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

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003);

(b) "appellant" means a person making an appeal to the Tribunal under section 14;

(c) "appeal" means an appeal made to the Tribunal under section 14;

(d) "legal practitioner" shall have the meaning assigned to it in the Advocates Act, 1961 (25 of 1961);

(e) "Presiding Officer" means the Presiding Officer of a Tribunal;

(f) "Registrar" means the Registrar of a Tribunal;

(g) "Registry" means the Registry of a Tribunal;

(h) "section" means a section of the Act;

(i) "Tribunal" means the National Highways Tribunal established under sub-section (1) of section 5;

(j) the words and expressions used and not defined in these rules but are defined in the Act shall have the same meaning as respectively assigned to them in the Act.

3. Sittings of the Tribunal.—A Tribunal shall hold its sittings either at its headquarters or at such other place falling within its jurisdiction as it may consider convenient.

1. *Vide* G.S.R. 885 (E), dated 12th November, 2003, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 12th November, 2003.

4. Language of the Tribunal.—(1) The proceeding of the Tribunal shall be conducted in English or Hindi.

(2) No appeal, reference, application, representation, document or other matters shall be accepted by the Tribunal unless the same is accompanied by a true copy of translation thereof in English or Hindi,

5. Procedure for filing appeals.—(1) A memorandum of appeal shall be presented in the Form annexed to these rules by the appellant either in person, or by a legal practitioner authorised by him for such purpose to the Registrar or shall be sent by registered post addressed to such Registrar.

(2) An appeal sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar on the day on which it is received in the office of the Registrar.

(3) The appeal under sub-rule (1) shall be presented in three complete sets in a paper book along with an empty file size envelope bearing full address of the respondent and where the number of respondent is more than one the sufficient number of extra paper book together with empty file size envelopes bearing full address of each respondent shall be furnished by the appellant.

6. Presentation and scrutiny of memorandum of appeal.—(1) The Registrar shall endorse on every appeal the date on which it is presented under rule 5 or deem to have been presented under that rule and shall sign endorsement.

(2) If, on scrutiny, the appeal is found to be order, it shall be duly registered and given a serial number.

(3) If an appeal, on scrutiny, is found to be defective, and the defect noticed is formal in nature, the Registrar may allow the appellant to rectify the same in his presence and if the same defect is not formal in nature, the Registrar may allow the appellant such time to rectify the defect as he may deem fit.

(4) If the appellant fails to rectify the defect within the time allowed in sub-rule (3), the Registrar may, by order and for reasons to be recorded in writing, decline to register such memorandum of appeal.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within fifteen days of making of such order to the Presiding Officer, whose decision shall be final.

7. Place of filing memorandum of appeal.—The memorandum of appeal shall be filed by appellant with the Registrar having jurisdiction in the matter.

8. Contents of memorandum of appeal.—(1) Every memorandum of appeal filed under rule 5 shall set forth concisely under distinct head, the grounds of such appeal without any argument or narration, and such grounds shall be numbered consecutively and shall be typed in double line space on one side of the paper.

(2) It shall not be necessary to present separate application to seek interim order or direction if the memorandum of appeal contains a prayer seeking an interim order pending final disposal of the appeal.

9. Documents to accompany memorandum of appeal.—(1) Every memorandum of appeal shall be in triplicate and shall be accompanied with two copies of the order served attested by a notary or brief description of the action taken by the Highway Administration or an officer authorised on its behalf, as the case may be, against which the appeal is filed.

(2) The memorandum of appeal shall also be accompanied with an affidavit of the appellant stating therein that the facts stated in the memorandum of appeal and the documents relied upon and accompanied therewith are true to his knowledge and belief.

(3) Where the appellant is being represented by a legal practitioner, a duly executed Vakalatnama authorising him to act as such shall also be appended to the memorandum of appeal.

10. Plural remedies.—A memorandum of appeal shall seek relief or reliefs based on more than a single cause of action in one single memorandum of appeal unless the reliefs prayed for are consequential to one another.

11. Endorsing copy of appeal to the respondents.—(1) A copy of the memorandum of appeal and the paper book shall be served on each of the respondents as soon as they are filed by the Registrar by the registered post.

(2) For the purpose of service by registered post under sub-rule (1), the appellant shall deposit the required envelopes and postal stamps with the registry or deposit required expenditure with the registry for such purpose and obtain a receipt for such deposit from the registry.

12. Filing of reply to the appeal and other documents by the respondents.—(1) The respondent may file three complete sets containing the reply to the appeal along with documents in a paper book form with the registry within one month of the service of the notice on him of the filing of the memorandum of appeal.

(2) The respondent shall also endorse one copy of the reply to the appeal along with documents as mentioned in sub-rule (1) to the appellant.

(3) The Tribunal may, in its discretion on application by the respondent, allow the filing of reply referred to in sub-rule (1), after the expiry of the period referred to therein.

13. Date and place of hearing to be notified.—The Registrar shall notify the parties the date and place of hearing of the appeal in such manner as the Presiding Officer may, by general or special order, direct.

14. Dress regulations for the Presiding Officer, etc.—(1) Summer dress for the Presiding Officer shall be white pant with black coat and a black tie or a buttoned up black coat. In winter, striped or black trousers may be worn in place of white trousers. In the case of female Presiding Officer, the dress shall be black coat over white saree.

(2) The legal practitioner appearing before the Tribunal shall wear their professional dress.

(3) The dress for the members of the staff of the Tribunal shall be such as may be specified by the Central Government.

15. Order to be signed and dated.—(1) Every order of the Tribunal shall be in writing and shall be signed and dated by the Presiding Officer of the Tribunal.

(2) The order shall be pronounced in the open Tribunal.

16. Publication of orders.—The orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

17. Inspection of records and certified copies of orders.—(1) Any person who is a party in an appeal or a legal practitioner authorised by such person may make application for inspecting the records or such appeal to the Registrar and the Registrar may on satisfying that such person is a party in such appeal allow the inspection of the documents relating to such appeal by such person or the legal practitioner, as the case may be.

(2) Any person or a legal practitioner authorised by such person may make application to the Registrar for obtaining a certified copy of any order or the Tribunal for such person and the Registrar shall direct on such application that the certified copy of such order may be given to such person or the legal practitioner, as the case may be, on payment of the expenditure for preparing such certified copy to the registry at the rate of five rupees for a folio or part thereof not involving typing and rupees ten for a folio or part thereof involving typing of statement and figures.

(3) Every certified copy of the order of the Tribunal shall be prepared in the registry and shall be authenticated by the Registrar or an officer authorised in this behalf under his hand and seal.

18. Working hours of the Tribunal.—(1) Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any other order, made by the Presiding Officer remain open daily from 9.30 A.M. to 6.00 P.M. but no work unless of an urgent nature shall be admitted after 4.30 P.M. on any working day.

(2) The sitting hours of the Tribunal shall ordinarily be from 10.30 A.M. to 1.30 P.M. and 2.30 P.M. to 5.00 P.M. subject to any general or special order made by the Presiding Officer.

19. Holidays.—Where the last day for doing any act falls on a day on which the office of the Tribunal is closed and by reason thereof, the act cannot be done on that day, it may be done on the next day on which that office opens.

20. Powers and functions of the Registrar.—(1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing.

(2) The official seal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, notice or other process save under the authority in writing of the Registrar.

(4) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

21. Additional powers and duties of the Registrar.—An addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special orders of the Presiding Officer, namely:—

(i) to receive all appeals and other documents;

(ii) to decide all questions arising out of the scrutiny of the appeals before they are registered;

(iii) to require any appeal presented to the Tribunal to be amended in accordance with the rules;

(iv) subject to the directions of the Presiding Officer to fix date of hearing of the appeals or other proceedings and issue notices thereof;

(v) direct any formal amendment of records;

(vi) to order grant of copies of documents to parties of the proceedings;

(vii) to grant leave to inspect the record of Tribunal;

(viii) to dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notice or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisements in the newspapers;

(ix) to requisition records from the study of any court or other authority.

22. Seal and emblem.—The official seal and emblem of the Tribunal shall be such as the Central Government may specify.

FORM

[*See* rule 5(1)]

MEMORANDUM OF APPEAL UNDER SECTION 14 OF THE CONTROL OF NATIONAL HIGHWAYS (LAND AND TRAFFIC) ACT, 2002 (13 OF 2003)

For use of Tribunal's office

Date of filing.....

Date of receipt by post.....

Registration No. .....

Signature
Registrar

In the National Highways Tribunal

.....Appellant

.....Respondent(s)

Details of appeal:

1. Particulars of the appellant:
   (i) Name of the appellant
   (ii) Name of father/husband
   (iii) Address of appellant
   (iv) Address for service of all notices.
2. Particulars of the respondent or respondents including address of service:
3. Particulars of the order against which the appeal is filed. The appeal is against the following order:—
   (i) Order No.
   (ii) Date
   (iii) Passed by
4. *Jurisdiction of the Tribunal.*—The appellant declares that the matter of the appeal falls within the jurisdiction of the Tribunal.

5. *Limitation.*—The appellant further declares that the appeal is within the limitation prescribed under section 19 of the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003).

6. *Facts of the case and orders passed or actions taken by the Highway Administrations or the officer authorized on its behalf, as the case may be.*—The facts of the case are given below :

   (Give here a concise statement of facts and grounds or appeal against the specific order passed or action taken by the Highway Administration or an officer authorized on its behalf, as the case may be, in a chronological order, each paragraph containing as neatly as possible a separate issue, fact or otherwise)

7. *Reliefs sought.*—In view of the facts mentioned in paragraph five above, the appellant prays for the following reliefs (specify below the relief sought explaining the grounds for reliefs) and the legal provisions (if any) relied upon.

8. *Interim order, if prayed for.*—Pending final decision of the appeal, the appellant seeks issue of the following interim order:—

   (Give here the nature of the interim order prayed for with reasons)

9. *Matter not pending with any other court, etc.*—The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal.

10. *Details of index.*—An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures:

VERIFICATION

I, ... (name in full in block letters) son/daughter/wife of Shri ..... do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signature of the applicant

Place .....

Date .....

To,

The Registrar,

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