

THE DELHI HOTELS (CONTROL OF ACCOMMODATION) ACT, 1949

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and application.
2. Definitions.
3. Controlled accommodation in hotels.
4. Temporary booking of controlled accommodation.
5. Booking of controlled accommodation for Government allottees.
6. Service of order.
7. Power of entry, inspection, etc.
8. Appeals.
9. Penalties.
10. Saving as to orders.
11. Protection of action taken under the Act.
12. Power to make rules.

THE SCHEDULE.

THE DELHI HOTELS (CONTROL OF ACCOMMODATION) ACT, 1949

ACT NO. 24 OF 1949

[22nd April, 1949.]

An Act to provide for the control of accommodation in certain hotels in the ¹[Union territory] of Delhi.

WHEREAS it is expedient to provide for the control of accommodation in certain hotels in the ¹[Union territory]

It is hereby enacted as follows:—

1. Short title, extent and application.—(1) This Act may be called the Delhi Hotels (Control of Accommodation) Act, 1949.

²[(2) It extends to the area which immediately before the 7th April, 1958, were included in the jurisdiction of—

(a) the Municipality of New Delhi;

(b) the Notified Area Committee, Civil Station, Delhi].

(3) It shall apply to the hotels specified in the Schedule and to such other hotels as may from time to time be added to the Schedule by notification in the Official Gazette by the Central Government.

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

(a) ³["Director of Estates"] means the ³[Director of Estates] to the Government of India and includes any other Officer appointed by the Central Government by notification in the Official Gazette to perform all or any of the functions of the ³[Director of Estates] under his Act;

(b) "Government allottee" means a person who is selected by the ³[Director of Estates] for allotment of accommodation in a hotel;

(c) "hotel" means any hotel specified in the Schedule;

(d) "manager of a hotel" includes the owner, agent, caterer or any other person in charge of the management of the hotel;

(e) "permanent resident" means a person other than a Government allottee who is taken as a resident in a hotel for a period exceeding seven days;

(f) "temporary resident" means a person other than a Government allottee who is taken as a resident in a hotel for a period not exceeding seven days.

3. Controlled accommodation in hotels.—(1) If the ³[Director of Estates] considers it necessary or expedient so to do for the purpose of securing accommodation for Government officers or other persons for whom he is required to find accommodation, he may, by written order served on the manager of a hotel declare so much of the accommodation in the hotel, not exceeding twenty-five per cent of the total accommodation therein, as may be specified in the order to be controlled accommodation for the purposes of this Act.

(2) An order made under sub-section (1) shall contain such description of the controlled accommodation including, in particular, the number and class of rooms as the ³[Director of Estates] may consider necessary.

(3) After an order under sub-section (1) has been served on the manager of the hotel to which it relates, the manager of the hotel shall not allot the controlled accommodation therein or any part thereof

1. Subs. by A.O. (No. 3) Order 1956, for "Province".

2. Subs. by Act 52 of 1964, s. 3 and the Second Schedule, for sub-section (2) (w.e.f. 29-12-1964).

3. Subs. by s. 3 and the Second Schedule, *ibid.*, for "Estate Officer" (w.e.f. 29-12-1964).

to, or allow the same to be occupied by any person otherwise than in accordance with the provisions of this Act.

4. Temporary booking of controlled accommodation.—(1) The manager of a hotel shall not allot any controlled accommodation therein or any part thereof to, or allow the same to be occupied by, any permanent resident but may, subject to the provisions of section 5, allow any temporary resident to stay in such accommodation or in any part thereof for any period not exceeding seven days or for any further period by which the period of stay of such temporary resident may be extended under sub-section (2).

(2) When any temporary resident is taken under sub-section (1) as a resident in any controlled accommodation or part thereof in a hotel for a period not exceeding seven days, the manager of the hotel may, with the previous permission of the ¹[Director of Estates] obtained in writing in accordance with the provisions of this section, extend from time to time the period of stay of such temporary resident as his request by not more than seven days at a time.

(3) The manager of the hotel shall, before he agrees at any time to extend the period of stay of a temporary resident under sub-section (2), apply in writing to the ¹[Director of Estates] for his permission under that sub-section and every such application shall be made not less than three days before the date on which the period of stay of such resident for the extension of which the permission is applied for expires.

(4) On receipt of such application the ¹[Director of Estates] may either grant or refuses to grant such permission and in doing so he shall be solely guided by the requirements of accommodation for Government officers or other persons for whom he is required to find accommodation, and the order granting or refusing such permission shall be forthwith communicated by the ¹[Director of Estates] to the manager of the hotel.

(5) When the ¹[Director of Estates] refuses to grant permission to the extension of the period of stay of any temporary resident under sub-section (4), such temporary resident shall not stay or be allowed to stay in the controlled accommodation or part thereof, beyond a period of three days from the date on which the order of ¹[Director of Estates] refusing to grant such permission is communicated to the manager of the hotel.

5. Booking of controlled accommodation for Government allottees.—(1) The ¹[Director of Estates] may by written order direct the manager of a hotel to book for the use of any Government allottee specified in the order any controlled accommodation or part thereof in such hotel; and thereupon the manager of the hotel shall forthwith comply with the order and shall accept the Government allottee so specified as resident in such accommodation or part thereof, as the case may be, and shall allow him to occupy the same for such period as may be specified in the order and for such further period or periods as the ¹[Director of Estates] may, from time to time, direct subject to the payment of the usual charges therefor in accordance with the provisions of sub-section (2).

(2) The charges payable in respect of any accommodation provided under sub-section (1) to a Government allottee shall—

(a) in the case where it is expressly provided in the order made under that sub-section that such charges shall be payable by the Central Government, be paid by that Government and;

(b) in other cases, be paid by the Government allottee;

and the time at which and the manner in which the charges shall be so paid shall be such as may be specified in the order made under sub-section (1).

6. Service of order.—An order made under this Act shall be served on or communicated to the manager of a hotel either by delivering or tendering to him a copy of the order, or by post, or in such other manner as may be prescribed by rules made under section 12.

1. Subs. by Act 52 of 1964, s. 3 and the second Schedule, for “Estate Officer” (w.e.f. 29-12-1964).

7. Power of entry, inspection, etc.—The ¹[Director of Estates] may for the purposes of the Act—

(a) enter and inspect any hotel at any time between sunrise and sunset;

(b) authorise any officer subordinate to him to enter and inspect any hotel;

(c) by written order require the manager of a hotel to produce for his inspection such books and other documents as may be necessary at such time and at such place or to furnish to him such information with respect to the accommodation contained in the hotel as may be specified in the order.

8. Appeals.—(1) Any manager of a hotel aggrieved by an order of the ¹[Director of Estates] may, within seven days from the date on which the order is communicated to him, present an appeal in writing to the Chief Commissioner, Delhi:

Provided that no such appeal shall lie except on the ground that the provisions of this, Act have not been complied with.

(2) The Chief Commissioner may transfer any appeal to the Deputy Commissioner, Delhi.

(3) The Chief Commissioner or, when an appeal has been transferred to him, the Deputy Commissioner shall, after calling for a report from the ¹[Director of Estates] and after making such further inquiry, if any, as he thinks fit, decide the appeal.

(4) The decision of the Chief Commissioner or, as the case may be, of the Deputy Commissioner and subject only to such decision the order of the ¹[Director of Estates] shall be final.

9. Penalties.—Whoever contravenes or attempts to contravene or abets the contravention of the provisions of sub-section (3) of section 3, or any of the provisions of section 4 or the provisions of sub-section (1) of section 5, shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

10. Saving as to orders.—Except as otherwise provided for in this Act, no order made in exercise of any power conferred by this Act shall be called in question in any Court.

11. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything in good faith done or intended to be done under this Act.

12. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

1. Subs. by Act 52 of 1964, s. 3 and the second Schedule, for "Estate Officer" (w.e.f. 29-12-1964).

THE SCHEDULE

[See section 1 (3) and 2 (6)]

1. Imperial Hotel, New Delhi.
2. Marina Hotel, New Delhi.
3. Cecil Hotel, Delhi.
4. Maidens' Hotel, Delhi.
5. Swiss Hotel, Delhi.
- ¹[6. Central Court Hotel, New Delhi.
7. Hotel India, New Delhi.
8. Grand Hotel, Delhi.]
- ²[9. Hotel Ambassador, New Delhi.]

1. Added by notification No. 6897-w 14/50, dated 6-10-1950.
2. Added by notification No. S.R.O. 422, dated 27-2-1956.