

(Received the assent of the Governor-General on the 22nd April, 1949).

An Act to provide for the control of accommodation in certain hotels in the
~~Union Territory~~ Province of Delhi

WHEREAS it is expedient to provide for the control of accommodation in certain hotels in the Province of Delhi;
[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) It extends to the Municipality of New Delhi and to the Notified Area of the 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) "Estate Officer" means the Estate Officer 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 Estate Officer under this Act;

(b) "Government allottee" means a person who is selected by the Estate Officer 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 Estate Officer 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 Estate Officer 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 to, or allow the same to be occupied by any person otherwise than in accordance with the provisions of this Act.

Price anna 1 or 1½d.

In Subs. by AO (No. 3) 1956.

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 Estate Officer obtained in writing in accordance with the provisions of this section, extend from time to time the period of stay of such temporary resident at 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 Estate Officer 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 Estate Officer may either grant or refuse 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 Estate Officer to the manager of the hotel.

(5) When the Estate Officer 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 the Estate Officer refusing to grant such permission is communicated to the manager of the hotel.

5. Booking of controlled accommodation for Government allottees.—(1) The Estate Officer 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 Estate Officer 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.

7. Power of entry, inspection, etc.—The Estate Officer may for the purposes of this 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 Estate Officer 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 Estate Officer 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 Estate Officer 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.

THE SCHEDULE

[See sections 1 (3) and 2 (b).]

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

G.P.D. S1-135 M.P. Law-9-9-49-5000

4 Added by notefn. no. 6897-W 14/50, dt 6-10-50 Gaz. of

India, 1950, pt. I, sec. I, p. 347.

2 Added by notefn. no. S.R.O. 422, dt 27-2-50, Gaz. of India pt. II sec. 3, p. 385.