

GOVERNMENT OF MADRAS.

Health Department.

G.O.No.3409, 28th September 1950.

Fees - Levy of licence fees - Clarification of certain provisions of the Madras District Municipalities Act - Orders issued.

READ - the following papers:-

From the Commissioner, Chingleput Municipality, dated 27th October 1949, Roc.No.3205/48-D2.

From the Director of Town-Planning, dated 31st January 1950, D.Dis.No.5255/49-A1,

From the Inspector of Municipal Councils and Local Boards, dated 31st March 1950, Roc.No.12595/50-F5.

ORDER-No.3409, Health, dated 28th September 1950.

The question has been raised whether in the following cases, the fees pre-paid by applicants for permission under section 197 of the Madras District Municipalities Act, 1920, are refundable, namely:-

(a) In cases where the persons who have applied for permission under section 197 of the Madras District Municipalities Act, 1920, apply for refund of the fees before the permission in question is granted to them on the ground of having abandoned their idea of constructing or reconstructing the building; and

(b) in cases where the persons having applied for and obtained permission under section 197 of the Madras District Municipalities Act, 1920 are unable to obtain permission from the council for the installation of machinery under section 250 of the said Act and apply for a refund of the fees pre-paid with their applications for permission under section 197 of that Act on the ground that they cannot utilize the permission granted under that section for the construction or reconstruction of the building.

2. In cases covered by item (a) above, a refund of the fees, if any, paid by the parties already with their applications for permission under section 197 of the Act, is admissible. After the permission has been granted, no refund of the fees pre-paid is admissible, on the plea of the parties concerned having abandoned the idea of proceeding with the works.

In cases covered by item (b), no refund is admissible, as permissions under the two sections of the Act cited, viz., permission for the construction or reconstruction of a building under section 197 of that Act and permission for installation of the machinery under section 250 of that Act, are independent of each other. A permission granted under section 250 of the Act shall not be deemed to dispense with the necessity for compliance with the provisions of sections 197 and 199 or sections 208 and 209 of the said Act, as the case may be (Vide sub-section(5) of section 250). It is open to the parties to apply for and secure the permission under section 250 of the Act in the first instance and then make an application for building under section 197 of the Act in order to avoid a contingency of the kind referred to.

3. The attention of the Municipal Commissioners is invited also to section 321(11) of the said Act, under which the fee paid for a licence or permission has to be refunded only in case of refusal of the licence or permission. Under this section a person who has pre-paid a fee for the grant of a permission is entitled to get the refund of the fee in case of refusal of the permission by the municipal council. If the permission has been granted no refund of the fee is admissible. But if the council neither grants the permission nor refuses it, and does not

communicate any order to the applicant for thirty days after the receipt of the application, the application is deemed to have been allowed. The refund of fee in such cases may ordinarily be restricted to cases where the application for refund is made before the expiry of **thirty** days from the date of receipt of the application.

(By Order of His Excellency the Governor).

T. Govinda Menam,
Deputy Secretary to Government.

No.

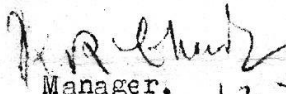
Municipal Office, Coimbatore.
Dated 29-8-1951.

Copy communicated to Municipal Health Officer, Town Planning Officer, e1, E4, B7, H1 to H6, Head Accountant, B1 to B8, Manager, for information and necessary action.

Sd/S.L.N. Moorthy,
Commissioner-Delegate.

LH/11-10

(True copy/Forwarded)
By Order


Manager. 13/8/51