



The Public Moneys (Recovery of Dues) Act, 1965
Act 25 of 1965

Keyword(s):

Corporation, Financial Assistance, Industrial Concern, Industrial Undertaking

Amendment appended: 15 of 1970

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THE PUBLIC MONEYS (RECOVERY OF DUES)
ACT, 1965

[U. P. ACT NO. XXV OF 1965]

(*Authoritative English Text of the Lok Dhan Deyon ki Wasooli
Adhiniyam, 1955)

AN
ACT

to provide for speedy recovery of certain classes of dues
payable to the State or to the Uttar Pradesh Financial
Corporation.

IT IS HEREBY enacted in the Sixteenth year of the Republic of
India as follows:—

1. (1) This Act may be called the Public Moneys (Recovery
of Dues) Act, 1965.

Short title and
extent.

(2) It extends to the whole of Uttar Pradesh.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) 'Corporation' means the Uttar Pradesh Financial
Corporation established under the State Financial Corpo-
rations Act, 1951 ;

(b) 'financial assistance' means any financial assistance—

(i) for establishing, expanding or running any
industrial undertaking ; or

(ii) for purposes of vocational training ; or

(iii) for the development of animal husbandry; or

(iv) for purposes of any other kind of planned
development ; or

(v) for relief against distress ;

(c) 'industrial concern' shall have the meaning assigned
to the expression in the State Financial Corporations Act,
1951 as amended from time to time ;

(d) 'industrial undertaking' includes any undertaking
for the manufacture, preservation or processing of goods
or mining or the hotel industry or the transport of pass-
engers or goods or the generation or distribution of elec-
tricity or any other form of power, or for the development
of any contiguous area of land as an industrial estate:

[*For statement of Objects and Reasons, please see *Uttar Pradesh
Gazette (Extraordinary)*, dated March 27, 1965.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on April
2, 1965 and by the Uttar Pradesh Legislative Council on April 23, 1965.)

[Received the Assent of the President on November 27, 1965 under
Article 201 of the Constitution of India and was published in the *Uttar
Pradesh Gazette (Extraordinary)*, dated December 4, 1965.]

(*Explanation*—The expression 'processing of goods' includes any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation);

(e) 'State Government' means the Government of Uttar Pradesh.

Recovery of certain dues as arrears of land revenue.

3. (1) Where any person is party—

(a) to any agreement relating to a loan, advance or grant given to him by the State Government or the Corporation by way of financial assistance, or

(b) to any agreement relating to a guarantee given by the State Government or the Corporation in respect of a loan raised by an industrial concern, or

(c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue,

and such person—

(i) makes any default in repayment of the loan or advance or any instalment thereof, or

(ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof, or

(iii) otherwise fails to comply with the terms of the agreement,—

then, in the case of the State Government, such officer as may be authorised in this behalf by the State Government by notification in the official *Gazette*, and in the case of the Corporation, the Managing Director thereof, may, without prejudice to any other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such person and requesting that such sum together with costs of the proceedings be recovered as if it were an arrear of land revenue.

(2) The Collector on receiving the certificate shall proceed to recover the amount stated therein as an arrear of land revenue.

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THE UTTAR PRADESH RECOVERY OF TAXES AND OTHER PUBLIC
MONEYS (AMENDMENT AND VALIDATION) ACT, 1970

(U. P. ACT No. 15 OF 1970) ✓

[Authoritative English Text of the Uttar Pradesh Kar tatha Anya Lok Dhan
Ki Vasuli (Sanshodhan tatha Vaidhikaran) Adhiniyam, 1970]

AN
ACT

Further to amend the Public Moneys (Recovery of Dues) Act, 1965, and to provide
for the bar of civil suits for the recovery of certain taxes and to validate certain
proceedings.

It is hereby enacted in the Twenty-first Year of the Republic of India as
follows :—

1. This Act may be called the Uttar Pradesh Recovery of Taxes and Other
Public Moneys (Amendment and Validation) Act, 1970.

Short title.

2. Section 3 of the Public Moneys (Recovery of Dues) Act, 1965, is, with
effect from December 4, 1965, repealed and re-enacted with the modification that—

Amendment of
U. P. Act XXV
of 1965.

(i) in sub-section (1), the words "without prejudice to any other mode of
recovery under any other law for the time being in force" shall be omitted ;

(ii) after sub-section (2), the following sub-section shall be inserted,
namely :—

"(3) No suit for the recovery of any sum due as aforesaid shall
lie in the civil court against any person referred to in sub-section (1):

Provided that nothing in this section shall—

(a) be construed to bar a suit or affect any other right or remedy
against such person or any other person in respect of a mortgage,
charge or pledge in favour of the State Government, the Cor-
poration, a Government Company, the State Bank of India or any
other scheduled bank; or

(b) be construed to bar a suit or affect any other right or remedy
against any other person in respect of a contract of indemnity
or guarantee entered into in relation to an agreement referred to
to sub-section (1)."

3. (1) No suit shall lie or be deemed, at any time after January 25, 1950,
to have lain in the civil court for the recovery of—

Bar of civil suit
in certain cases.

(a) any tax, cess, fee, duty or any other impost, by whatever name called,
charged, levied or collected by or under any Uttar Pradesh Act, whether
passed before or after the commencement of the Constitution, where any
enactment provides for the recovery thereof as arrears of revenue;

(b) *taqavi* or any other dues of any nature whatsoever, other than dues
referred to in clause (a) or in the Public Moneys (Recovery of Dues) Act,
1965, where any Uttar Pradesh enactment, whether passed before or after
the commencement of the Constitution, provides for the recovery thereof
as arrears of revenue.

(2) Every such enactment providing for the recovery of sums referred to in
sub-section (1) as arrears of revenue is, with effect from the original date of its
commencement, repealed and re-enacted so as to have effect subject to the
provisions of sub-section (1).

(3) Nothing in this section shall be construed to apply in relation to any
enactment which had either expired or been repealed before the commencement
of this Act.

*For statement of Objects and Reasons, please see Uttar Pradesh Gazette Extra-
ordinary, dated March 3, 1970.

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 11, 1970
and the Uttar Pradesh Legislative Council on March 20, 1970).

(Received the Assent of the President on April 7, 1970, under Article 201 of the
Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary,
dated April 8, 1970).

Price 05 Paise.

Validation.

4. Notwithstanding any judgment, decree or order of any court, any proceeding for the recovery of any sum referred to in section 3 of the Public Money (Recovery of Dues) Act, 1965 or in section 3 of this Act as arrears of revenue taken or purporting to be taken before the commencement of this Act and anything done or any action taken or purporting to be taken in pursuance of or in consequence of such proceeding shall be deemed to be and always to have been done or taken under and by virtue of the provisions of the relevant enactment as re-enacted by section 2 or section 3, as the case may be, and to be and always to have been as valid as if the provisions of this Act were in force at all material times.

Savings.

5. Nothing in sections 2 and 3 shall be construed to affect the validity or executability of any decree passed in a suit by a civil court before the commencement of this Act for the recovery of any sum referred to therein :

Provided that notwithstanding anything contained in any Uttar Pradesh Act, no proceeding shall be maintainable for the recovery of any such judgment debt as arrears of revenue.

Repeal of U. P. Ordinance no. 1 of 1970.

6. The Uttar Pradesh Recovery of Taxes and Other Public Money (Amendment and Validation) Ordinance, 1970 is hereby repealed.