

16

In exercise of the administrative powers conferred on me, and as per the provision of Rule 2 of Chapter XXII of the High Court of Madhya Pradesh Rules, 2008, it is hereby ordered that:-

an appeal filed, in the High Court, under Section 32 of the M.P. Accommodation Control Act, 1961 shall be registered as a Second Appeal, instead of registering it as a Miscellaneous Appeal.

o✓

CHIEF JUSTICE,
20-8-2009.

R(J) *[Signature]*
20.8.2009

focal

✓ REGISTRAR BENCH AT INDORE.

✓ REGISTRAR, BENCH AT GWALIOR.

A.R(J-I)

A.R(J-II)

D.R (J - I & II)

S.O(C - I & II)

S.O (CRI- I & II)

S.O (W-I & II)

S.O (F)

S.O (G)

H.A (L)

S.W.

&

THE T.D.

मुख्य पोस्ट मास्टर जनरल डाक
परिमंडल, के पत्र क्रमांक 22/153,
दिनांक 10-1-06 द्वारा पूर्व भुगतान
योजनान्तर्गत डाक व्यय की पूर्व अदायगी
डाक द्वारा भेजे जाने के लिए अनुमत.



पंजी. क्रमांक भोपाल डिवीजन
म. प्र.-108-भोपाल-09-11.

मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 22]

भोपाल, शुक्रवार, दिनांक 29 मई 2009—ज्येष्ठ, शक 1931

भाग ४

विषय-सूची

- | | | | |
|-----|------------------------|-------------------------------|----------------------------------|
| (क) | (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) | (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद के अधिनियम. |
| (ग) | (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

प्रारूप नियम

श्रम विभाग

मंत्रालय, वल्लभ भवन, भोपाल

सूचना

भोपाल, दिनांक 18 मई 2009

क्रमांक 549-733-2009-ए-सोलह.—मध्यप्रदेश कारखाना नियम, 1962 में उन संशोधन का, जिन्हें राज्य सरकार, कारखाना अधिनियम, 1948 (1948 का सं. 63) की धारा 112 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, करना प्रस्तावित करती है, निम्नलिखित प्रारूप उक्त अधिनियम की धारा 115 की उपधारा (1) द्वारा अपेक्षित किये गये अनुसार ऐसे समस्त व्यक्तियों को, जिनके उससे प्रभावित होने की संभावना है, जानकारी के लिये प्रकाशित किया जाता है और एतद्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर मध्यप्रदेश राजपत्र में इस सूचना के प्रकाशित होने की तारीख से 45 दिन समाप्त होने पर विचार किया जावेगा.

उक्त प्रारूप के संबंध में उपर्युक्त निर्दिष्ट अवधि में किसी व्यक्ति से कोई आपत्ति अथवा सुझाव प्राप्त होने पर राज्य शासन द्वारा उन पर विचार किया जावेगा :—

संशोधन

मध्यप्रदेश कारखाना नियम, 1962 के नियम 64 के उपनियम (2) के खण्ड (2) में निम्नानुसार शब्द विस्थापित किये जाते हैं, नामतः :—

शब्द "अथवा मुख्य कारखाना निरीक्षक" "शब्द राज्य शासन" के पश्चात् तथा शब्द कार्णों का उल्लेख करते हुए "शब्द लिखित में" के पश्चात् जोड़ा जावे.

NOTICE

No. 549-733-2009-A-XVI—The following draft of amendment to the Madhya Pradesh Factories Rules, 1962, which the State Government proposes to make in

exercise of the power conferred by Section 112 of the Factories Act, 1948 (No. LXIII of 1948) is published, as required by sub-section (1) of Section 115 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on the expiry of 45 days from the date of publication of this notice in the "Madhya Pradesh Gazette".

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government.

AMENDMENT

In the existing Clause (ii) of sub-rule 2 of Rule 64 of the Madhya Pradesh Factories Rules, 1962, following words shall be inserted, namely :—

The words "or the Chief Inspector of Factories" after the word "Government and the words" for reason to be specified after the word "may" shall be inserted.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
डी. पी. सिंह, उपसचिव.

अंतिम नियम

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

Jabalpur, the 15th May 2009

Notification No. 1

No. 39-O.S.D.—In exercise of the powers conferred by articles 225 of the Constitution of India, Section 54 of the States Reorganisation Act, 1956, clauses 27 & 28 of the Letters Patent, the High Court of Madhya Pradesh makes following amendments in the High Court of Madhya Pradesh Rules, 2008, namely :—

AMENDMENT

In the said Rules,—

(1) In Chapter I, sub-rule 12 of rule 4 of shall be substituted by the following :

" (12) " Part-heard Case" means a case in which bipartite final hearing of a main case has commenced but not concluded and is marked " part-heard" by the Court :

Provided that an interlocutory application, heard in part, shall not be treated as part heard :

Provided further that no case heard in part, in motion hearing stage, shall be treated as part heard."

(2) In chapter II, after clause (f) the following shall be inserted :

" (g) Other Tax Appeals (OTA)"

(3) In chapter II, after rule 28 the following shall be inserted:

"28A. An appeal under any enactment relating to taxation, other than those mentioned hereinbefore in this chapter shall be registered as Other Tax Appeals."

(4) In chapter IV, clauses (c) & (d) of sub-rule (7) of rule 2 shall be substituted by the following :

"(c) challenging interlocutory or final orders passed by a Tribunal constituted under articles 323A or 323B of the Constitution of India;

(d) challenging interlocutory or final orders passed by following Courts and Tribunals—

(1) A Civil Court constituted under Section 3 of the Madhya Pradesh Civil Courts Act, 1958 and a Family Court under the Family Courts Act, 1984;

(2) Labour Courts, Industrial Courts and Industrial Tribunals constituted under the Madhya Pradesh Industrial Relations Act, 1960 and the Industrial Disputes Act, 1947;

(3) Arbitration Tribunal constituted under the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983;

(4) Co-operative Tribunals constituted under the Madhya Pradesh Co-operative Societies Act, 1960;

(5) Debts Recovery Tribunal and Appellate Tribunals constituted under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

(6) Deputy Commissioner, Additional Commissioner and Commissioner appointed under the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985;

(7) State Transport Appellate Tribunal constituted under the Motor Vehicles Act, 1988;

(8) Tribunals constituted under the Sick Industrial Companies (Special Provisions) Act, 1985;

(9) District Forum, State Commission and National Commission constituted under the Consumer Protection Act, 1986;

(10) Any other Court, or Tribunal comprising a judicial member, as may be specified by the Chief Justice by special or general order."

(5) In chapter IV, clause (g) of sub-rule (7) of rule 2 shall be substituted by the following :

"(g) Relating to Income Tax, Wealth Tax, Gift Tax, Estate Duty, Central Sales Tax, Central Excise, Service Tax, Customs Duty, M. P. General Sales Tax, Commercial Tax, Value Added Tax, Entry Tax, Purchase Tax and any other tax, cess or duty as may be specified by the Chief Justice, by a general or special order."

(6) In chapter IV, after clause (i) of sub-rule (7) of rule 2, the following shall be inserted :

"(j) Challenging orders passed in a case under Prevention of Corruption Act, 1988."

(7) In chapter IV, sub-rule (12) of rule 4 shall be substituted by the following :

" (12) Matters arising from Corruption Cases—

All matters, except applications under Sections 438 & 439 of the Code of Criminal Procedure, 1973, arising from cases under the Prevention of Corruption Act, 1988."

(8) In clause (a) of sub-rule (1) of rule 13 of Chapter IV, " (ii) " shall be substituted by "(2)".

(9) In Chapter IV, clause (b) of sub-rule (1) of rule 13 shall be substituted by the following :

" (b) An application for review, clarification or modification of a judgment, decree or final order, passed by a Judge or Judges who or one or more of whom is or are—

(i) temporarily unavailable and in the opinion

of the Chief Justice, the application, looking to the urgency of the matter, cannot wait for such Judge or Judges to resume work or,

(ii) permanently unavailable,

shall be heard—

(1) if the decree or order, review of which is applied for, was passed by a Judge sitting alone, by the regular division bench,

(2) If the said decree or order was passed by two or more Judges by a bench of coordinate strength, to be constituted by the Chief Justice. Such bench shall, however, include the Judge or Judges who was/were part of the bench whose decree or order is under review, if available :

Provided that where both Judges of a division bench are permanently unavailable, the matter shall be listed before the regular division bench."

(10) In chapter V, rule 2 shall be substituted by the following :

"2. The Taxing Officer shall decide all questions relating to Court fees falling under S. 5 of the Court Fees Act, 1870.

(11) In chapter V, rule 3 shall be substituted by the following :

" 3. (1) (a) Where the scrutiny assistant considers that any document filed in the presentation centre is insufficiently stamped, he shall record his opinion with reasons therefor. This report shall be brought to the notice of the advocate representing the party concerned who will not thereon whether he accepts or disputes the accuracy thereof. If he raises a dispute, the matter shall be placed before the Taxing Officer, notice of the date being given to the advocate concerned.

(b) The Taxing Officer shall, after hearing the advocate, decide the dispute; where the dispute relates to the necessity of applying a fee or the amount thereof as envisaged under S. 5 of the Court Fees Act, 1870; such decision shall be final, except where the question, in the opinion of the Taxing Officer, is one of general importance, in

which case, he shall refer it for final decision to the Taxing Judge.

(2) Where the dispute relates to valuation for the purpose of determining the amount of any court fee paid on a plaint or memorandum of appeal, as envisaged under S. 12 of the Court Fees Act, 1870, the Taxing Officer shall, with his opinion, place the matter before the Court."

(12) In chapter V, rule 6 (1), words "supported by affidavit of the affiant", between the words "application" and "Such" shall be deleted.

(13) In Chapter VII, rule 10 shall be substituted by the following :

"10. A case, wherein the vacation Judge has passed an order under this chapter, shall be listed before the appropriate bench immediately after the vacation.

(14) In Chapter VIII, rule 5(1) sign and word "/durable" shall be inserted between the words "ledger" and "paper".

(15) In Chapter IX, rule 7 sign and word "/deponent" shall be inserted between the words "affiant" and "in".

(16) In Chapter X, rule 16 (3), "(1)" shall be inserted between "30" and "(a)".

(17) In Chapter X, rule 50 shall be substituted by the following :

"50. Nothing hereinbefore contained in this chapter shall apply to criminal appeals and revisions preferred by a person confined in prison and sent through the officer-in-charge of the jail."

(18) In Chapter XI, rule 1 shall be substituted by the following :

"1. Every-

(1) main case,

(2) interlocutory application, or

(3) any other document in a main case,

-shall be presented in the presentation centre of the High Court during working hours by any party or his recognized agent or counsel, in person."

(19) In rule 12 of chapter XIII, between the words "events" and "to", following words shall be deleted:

"and brief written submission on the substantial question of law stated in the memorandum of appeal, so as."

(20) At the end of rule 19 of chapter XIV following paragraphs shall be inserted :

"The Dealing Assistant making proposal for listing of a case for hearing on an interlocutory application shall flag-mark with an alphabet, the application and reply thereof, if any, in the record of the case, mentioning the serial number of the application. He shall also ensure that all the flags posted on earlier occasions and irrelevant for the purpose of hearing are removed.

The flag-marked alphabet shall be published in the daily cause list."

(21) In chapter XVIII, sub-rule 5 of rule 1 shall be deleted.

(22) In chapter XVIII, rule 3 shall be substituted by the following :

"3. The applications for certified copies shall be received from 10.30 a. m. to 4.30 p. m. and certified copies to be delivered from 11.00 a. m. to 5.00, on all working days of the Registry:

Provided that the aforesaid timings shall not be applicable, where the Court makes an order for delivery of the certified copy, the same day."

(23) In Form No. 1 of the appendix, figure "7", between words "rule" and "chapter" shall be substituted by the figure "8".

(24) In Format No. 13, in paragraph 2, figure "439" shall be substituted by the figure "438".

Notification No. 2

"In exercise of the power conferred by rule 2 of Chapter II of the High Court of Madhya Pradesh Rules, 2008, Hon'ble the Chief Justice appoints 15th of June, 2009, as the date on which notified amendments to the High Court of Madhya Pradesh Rules, 2008, shall come into force."

C. V. SIRPURKAR,

Secretary,

High Court Rule Committee

15-5-2009.