RNI No. MAHBIL /2009/35527

सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष १२, अंक ४३] गुरुवार, ऑक्टोबर १, २०२६/आश्विन ९, शके १९४८ [पृष्ठे ८, किंमत : रुपये ९.००

असाधारण क्रमांक ६७

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले
(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)
वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. Rule/P.1604/Notification No.12/2026.—In exercise of the powers conferred by section 98 of the Presidency Small Cause Courts Act, 1882 (15 of 1882) as amended by the Jan Vishwas (Amendment of Provisions) Act, 2026, read with section 9, section 6 and sections 87A, 87B and 91 thereof, and of all other powers enabling it in this behalf, and having regard to the superintendence vested in it over the Small Cause Court under section 6 of the said Act, the High Court of Bombay hereby makes the following Rules, namely :—

THE PRESIDENCY SMALL CAUSE COURTS

(ADJUDICATION OF PENALTIES AND APPEALS) RULES, 2026

PART—I

PRELIMINARY

1. Short title, extent and commencement.—

(1) These rules may be called the **Presidency Small Cause Courts (Adjudication of Penalties and Appeals) Rules, 2026.**

(2) They shall extend to the local limits of the ordinary original civil jurisdiction of the High Court of Bombay, being the area to which the Presidency Small Cause Courts Act, 1882, applies, as determined under section 17 of the Act.

(3) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions.—

(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Presidency Small Cause Courts Act, 1882 (15 of 1882);

(b) "adjudicating officer" means the Deputy Registrar of the Court designated as such under sub-section (*1*) of section 87A, or any other officer designated in his stead, or such additional adjudicating officer as may be appointed by the State Government under the proviso to that sub-section, to hold inquiry and impose penalty under section 68 or section 87 of the Act, and who, in the discharge of that function, remains subject to the superintendence of the High Court under section 6 of the Act;

(c) "appellate authority" means the officer, being at least one rank higher than the adjudicating officer, appointed by the State Government under section 87B to hear and decide appeals against orders of the adjudicating officer, and who is likewise subject to the superintendence of the High Court under section 6 and to the High Court's power to call for records under section 91 of the Act;

(d) "appellant" means a person preferring an appeal under rule 12;

(e) "concerned person" means the person against whom a proceeding for imposition of penalty under section 68 or section 87 of the Act has been initiated or is proposed to be initiated;

(f) "form" means a form appended to the Schedule to these rules;

(g) "High Court" means the High Court of Bombay, having original civil jurisdiction over the Small Cause Court under section 6 of the Act, and exercising the powers of superintendence, reference, revision and rule-making conferred on it by sections 6, 9, 69 and 91 of the Act;

(h) "inquiry" means the inquiry held by the adjudicating officer under rule 5 for the purpose of imposing penalty under section 87A of the Act;

(i) "notice" means a written notice issued under these rules and includes a notice served by electronic means where the concerned person has furnished an electronic mail address or registered mobile number for such purpose;

(j) "order" means an order passed by the adjudicating officer under rule 7 or by the appellate authority under rule 15, as the case may be;

(k) "penalty" means the penalty or fine leviable under section 68 or section 87 of the Act, the quantum whereof shall be as notified by the State Government concerned under section 87C;

(l) "register" means the register of proceedings maintained under rule 9;

(m) "State Government concerned" shall have the meaning assigned to it in the Explanation to section 87C of the Act;

(n) words and expressions used but not defined in these rules and defined in the Act shall have the meanings respectively assigned to them in the Act.

(2) All references to "sections" in these rules are references to sections of the Act.

PART II

HOLDING OF INQUIRY AND IMPOSITION OF PENALTY BY ADJUDICATING OFFICER

(Rules under sub-section (1) of section 87A, subject to the superintendence of the High Court under section 6)

3. Designation and jurisdiction of adjudicating officer.—

(1) The State Government may, by notification in the *Official Gazette*, designate the Deputy Registrar of the Court as the adjudicating officer for the local limits of the jurisdiction of the Court, or such part thereof as may be specified in the notification, being local limits co-extensive with the jurisdiction of the Small Cause Court under section 17 of the Act.

(2) Where the State Government appoints more than one adjudicating officer under the proviso to sub-section (*1*) of section 87A, the notification shall specify the territorial or subject-matter distribution of jurisdiction among them, and no two adjudicating officers shall exercise concurrent jurisdiction over the same proceeding.

(3) An adjudicating officer shall not deal with any matter in which he has a personal interest, and shall disclose any such interest to the State Government forthwith, whereupon the matter shall stand transferred to another adjudicating officer having jurisdiction; and where no other adjudicating officer is available within the local limits concerned, the matter shall, on a reference made by the Chief Judge, be transferred by the High Court, in exercise of its superintendence under section 6, to an adjudicating officer of another local area.

4. Initiation of proceedings.—

(1) A proceeding for imposition of penalty under section 68 (failure to furnish information or produce document as required) or section 87 (refusal to answer a question or produce a document during examination) of the Act may be initiated by the adjudicating officer upon a reference made by the Court, or upon a written complaint made by any officer of the Court authorised in this behalf.

(2) Every reference or complaint under sub-rule (1) shall briefly state the facts constituting the default, the provision of the Act alleged to have been contravened, and the particulars of the concerned person.

(3) On receipt of a reference or complaint under sub-rule (1), the adjudicating officer shall, if satisfied that a *prima facie* case for proceeding exists, register the matter in the register maintained under rule 9 and assign it a case number.

5. Notice and manner of holding inquiry.—

(1) The adjudicating officer shall issue a notice in Form I to the concerned person, calling upon him to show cause, within a period of not less than fifteen days from the date of service of the notice, as to why penalty should not be imposed on him.

(2) The notice shall specify the alleged default, the provision under which penalty is proposed to be imposed, the date, time and place fixed for hearing, and shall be accompanied by copies of the material relied upon for initiating the proceeding.

(3) The concerned person may appear in person or through an authorised representative, file a written reply, and adduce oral or documentary evidence in support of his case.

(4) The adjudicating officer shall, before imposing any penalty, give the concerned person a reasonable opportunity of being heard in accordance with the second proviso to section 87A, and shall record, in brief, the submissions made and evidence produced.

(5) The adjudicating officer may, for reasons to be recorded in writing, adjourn the hearing from time to time, but the aggregate period of adjournments granted at the instance of the concerned person shall not, save in exceptional circumstances, exceed thirty days.

(6) The inquiry shall, as far as practicable, be conducted in a summary manner and shall be concluded within sixty days from the date of the first hearing.

(7) Nothing in this rule shall preclude the adjudicating officer from permitting filing of replies, documents, or appearance through video-conferencing or other electronic means, in a manner consistent with such facilities as may be made available by the Court.

6. Determination of penalty.—

In determining the quantum of penalty within the limits notified by the State Government under section 87C, the adjudicating officer shall have regard to, among other things —

(a) the nature and gravity of the default;

(b) whether the default is a first or repeated default;

(c) any loss or prejudice occasioned to the proceedings of the Court; and

(d) the conduct of the concerned person during the inquiry, including whether the default was subsequently cured.

7. Order imposing penalty.—

(1) On conclusion of the inquiry, the adjudicating officer shall pass a reasoned order in Form II, either imposing penalty or dropping the proceedings, within fifteen days of conclusion of hearing.

(2) The order shall specify the amount of penalty imposed, the provision under which it is imposed, the manner and time within which it is to be deposited, and shall inform the concerned person of his right of appeal under rule 12 and the period of limitation therefor.

(3) A copy of the order shall be furnished free of cost to the concerned person and placed on the record of the Court.

7A. Reference of question of law to the High Court.—

(1) If, in the course of an inquiry under rule 5, the adjudicating officer entertains reasonable doubt as to any question of law or usage having the force of law, or as to the construction of a document which construction may affect the merits of the proceeding, and either the concerned person or the officer initiating the proceeding so requires, the adjudicating officer shall, in like manner as provided in section 69 of the Act for suits before the Small Cause Court, draw up a statement of the facts of the case and of the point on which doubt is entertained, and refer the same, with his own opinion thereon, for the opinion of the High Court.

(2) Where a reference is made under sub-rule (1), the adjudicating officer shall either reserve his order or make an order contingent upon the opinion of the High Court, and shall proceed in accordance with such opinion when received.

(3) A reference under this rule shall be transmitted through the Registrar of the Court, and the High Court shall return its opinion with such expedition as the nature of the case admits, regard being had to the sixty days prescribed for conclusion of the inquiry under sub-rule (6) of rule 5.

8. Deposit and recovery of penalty.—

(1) The penalty imposed under rule 7 shall be deposited in the manner and within the time specified in the order, and in the absence of such specification, within thirty days from the date of the order.

(2) Where the penalty imposed by the adjudicating officer, or by the appellate authority under rule 15, is not deposited within the time allowed, the amount shall, in accordance with sub-section (*5*) of section 87B, be recovered as an arrear of land revenue, and the adjudicating officer shall forward the requisite certificate to the Collector or other competent revenue authority.

9. Register of proceedings.—

The adjudicating officer shall maintain a register, in such format as the Court may direct, recording particulars of every proceeding initiated under rule 4, the notices issued, the dates of hearing, the order passed, the amount of penalty imposed and realised, and the status of any appeal or reference under rule 7A or revision under rule 16 arising out of the order.

10. Service of notices and orders.—

(1) Service of any notice or order under this Part may be effected by delivery in person, by registered post with acknowledgement due, or, where the concerned person has furnished an electronic mail address or mobile number for the purpose, by electronic transmission thereto.

(2) Where personal or postal service is not possible after reasonable effort, service may be effected by affixation at the last known place of business or residence of the concerned person and by publication of the notice on the notice board of the Court.

11. Language and place of proceedings.—

Proceedings under this Part shall ordinarily be conducted in English or in such other language as the High Court may direct, at the premises of the Court or at such other place as the adjudicating officer may, with the approval of the Court, notify.

PART III

APPEAL AGAINST ORDER OF IMPOSITION OF PENALTY BY ADJUDICATING OFFICER, AND SUPERVISORY JURISDICTION OF THE HIGH COURT

(Rules under sub-section (1) of section 87B, read with sections 6 and 91)

12. Form and manner of appeal.—

(1) Any person aggrieved by an order of the adjudicating officer under section 87A of the Act may prefer an appeal to the appellate authority in Form III.

(2) The memorandum of appeal shall be presented in duplicate and shall be accompanied by—

(a) a certified copy of the order appealed against;

(b) copies of the material relied upon that formed part of the record before the adjudicating officer; and

(c) proof of deposit, if any, made pursuant to the order appealed against, or an application for stay of recovery pending appeal.

(3) No court fee shall be payable on a memorandum of appeal filed under this rule other than such nominal fee, if any, as the High Court may, in exercise of its power under section 75 of the Act to vary fees, by general or special order prescribe.

13. Limitation.—

(1) An appeal under rule 12 shall be preferred within thirty days from the date of receipt of the order of the adjudicating officer.

(2) The appellate authority may admit an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within that period, and the application for condonation of delay shall set out the reasons therefor and shall, as far as practicable, be supported by an affidavit.

14. Procedure before the appellate authority.—

(1) On receipt of a memorandum of appeal, the appellate authority shall verify that it is in order and, if so, register the appeal and fix a date of hearing, of which notice shall be given to the appellant and, where the appellate authority considers it necessary, to the adjudicating officer.

(2) The appellate authority shall call for the record of the proceedings from the adjudicating officer.

(3) The appellate authority shall, after giving the parties to the appeal an opportunity of being heard, dispose of the appeal, and may, pending disposal, stay recovery of the penalty on such terms, including partial deposit, as it considers fit.

(4) An appeal under this rule shall, in accordance with sub-section (*4*) of section 87B, be disposed of within sixty days from the date of filing; where an appeal cannot be so disposed of, the appellate authority shall record in writing the reasons for the delay, and shall report the delay, and the reasons therefor, to the High Court in the periodical return required under rule 17.

(5) Where, in an appeal under this rule, a question of law or usage having the force of law, or the construction of a document affecting the merits, arises and the appellate authority entertains reasonable doubt thereon, it may refer the question for the opinion of the High Court in the manner provided in rule 7A, and the provisions of that rule shall apply, so far as may be, to such reference.

15. Order of appellate authority.—

(1) The appellate authority may, by order in Form IV, confirm, modify or set aside the order of the adjudicating officer, or remand the matter for fresh inquiry with such directions as it considers necessary.

(2) The order shall be in writing, shall state the reasons therefor, and a copy shall be furnished free of cost to the appellant and to the adjudicating officer.

(3) Where the order of the appellate authority results in enhancement of the penalty, no such enhancement shall be made without giving the appellant a prior opportunity of being heard on the question of enhancement.

16. Finality of order, and superintendence and revisional power of the High Court.—

(1) Subject to sub-rules (2) and (3), the order of the appellate authority under rule 15 shall be final.

(2) Nothing in sub-rule (1) shall derogate from the power of the High Court, in exercise of its superintendence over the Small Cause Court under section 6 of the Act, to call for the record of any proceeding disposed of under this Part and, after giving the parties an opportunity of being heard, to confirm, modify or set aside the order of the appellate authority or remit the matter for fresh disposal, whether on an application made in that behalf within sixty days of the order of the appellate authority, or of its own motion within one year of that order.

(3) The adjudicating officer and the appellate authority shall furnish to the High Court such records, returns and statements relating to proceedings under these rules, in such form and manner, as the High Court may, under section 91 of the Act, from time to time require.

(4) An application under sub-rule (2) shall not, by itself, operate as a stay of the order appealed against or of recovery of penalty, unless the High Court otherwise directs.

17. Periodical returns to the High Court.—

(1) The adjudicating officer and the appellate authority shall submit to the High Court, at such intervals as the High Court may direct, a statement of proceedings instituted, disposed of, and pending under these rules, including the particulars required under rule 9, in accordance with section 90 and section 91 of the Act.

(2) The High Court may, having regard to such returns, issue such directions as to procedure, consistent with these rules and not inconsistent with the Act, as it considers necessary for the expeditious and uniform disposal of proceedings under these rules.

18. Removal of difficulty.—

In case of any difficulty in giving effect to the provisions of these rules, the High Court may, by general or special order, make such provision, not inconsistent with the Act, as appears to it to be necessary or expedient for removing the difficulty; and, in particular, may issue directions consistent with its powers under section 9 of the Act to secure uniformity of procedure between proceedings under these rules and other proceedings before the Small Cause Court.

HIGH COURT OF JUDICATURE AT BOMBAY, S. C. MUNGHATE,

Dated 1st October 2026. Registrar General.

Schedule

[*See* rules 5, 7, 12 and 15]

FORM I

[*See* rule 5(1)]

NOTICE TO SHOW CAUSE AGAINST IMPOSITION OF PENALTY

Case No.: _____

Date: _____

To

_____

(Name and address of the concerned person)

Whereas it is alleged that you have committed a default under section [68/87] of the Presidency Small Cause Courts Act, 1882, particulars whereof are as follows : _____

You are hereby called upon to show cause, within fifteen days of receipt of this notice, as to why penalty should not be imposed on you under section 87A of the said Act. You may appear in person or through an authorised representative and file your reply along with supporting documents, if any, on _____ (date) at _____ (time) at _____ (place).

Failure to appear or respond may result in the matter being decided on the basis of available material.

Adjudicating Officer.

FORM II

[*See* rule 7(1)]

ORDER IMPOSING / DECLINING TO IMPOSE PENALTY

Case No.: _____

Date: _____

Name and address of the concerned person: _____

Brief facts and finding: _____

Order : Penalty of Rs. _____ is hereby imposed under section [68/87] of the Presidency Small Cause Courts Act, 1882 / the proceedings are dropped, for the reasons recorded above.

The penalty shall be deposited within thirty days from the date of this order, failing which it shall be recovered as an arrear of land revenue. An appeal against this order lies to the appellate authority within thirty days from the date of receipt of this order.

Adjudicating Officer.

FORM III

[*See* rule 12(1)]

MEMORANDUM OF APPEAL

Appeal No.: _____

Date: _____

1. Name and address of the appellant: _____

2. Order appealed against (number and date): _____

3. Name and designation of the adjudicating officer who passed the order: _____ _____

4. Date of receipt of the order: _____

5. Whether appeal is within thirty days; if not, reasons for delay and prayer for condonation : _____ _____

6. Grounds of appeal: _____

7. Relief sought: _____

List of documents enclosed: _____

Declaration

I hereby declare that the facts stated above are true to the best of my knowledge and belief.

(Signature of Appellant)

FORM IV

[*See* rule 15(1)]

ORDER OF APPELLATE AUTHORITY

Appeal No.: _____

Date: _____

Order appealed against: _____

Submissions of the parties: _____

Reasons: _____

Order: The order of the adjudicating officer is hereby confirmed / modified / set aside / remanded, as follows: _____

This order is final, subject to the power of the High Court under rule 16 to call for the record and pass such order as it thinks fit.

Appellate Authority.

HIGH COURT OF JUDICATURE AT BOMBAY, S. C. MUNGHATE,

Dated 1st October 2026. REGISTRAR GENERAL.

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