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The Punjab Real Estate Agents & Motor Vehicles Dealers [Regulation of Business] Ordinance,1980

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The Punjab Real Estate Agents & Motor Vehicles Dealers [Regulation of Business] Ordinance, 1980

(VI OF 1980)

[21st June, 1980]

An Ordinance to regulate the business of
real estate agents and motor vehicles dealers in the Province of Punjab

1. Short title, extent and commencement: (1) This Ordinance may be called the Punjab Real Estate Agents and Motor Vehicles Dealers (Regulation of Business) Ordinance, 1980.

(2) It shall extent to the Province of the Punjab.

(3) It shall come into force at once.

2. Definitions: In this Ordinance, Unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:-

(a) 'Government' means the Government of the Punjab:

(b) 'Motor Vehicle' means any propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a tractor, a trailer and a chassis to which a body has not been attached:

(c) 'motor vehicle dealer' means a person who arranges or negotiates any transaction of sale, exchange, transfer or pledge of a motor vehicle in consideration of some commission or other remuneration in cash or otherwise or who deals in sale or purchase of motor vehicles:

(d) 'Prescribed' means prescribed by rules:

(e) 'real estate' means immovable property, including benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth:

(g) 'registering authority' means the District Excise and Taxation Officer or any other officer notified by the Government for the purpose, in whose jurisdiction the ordinary place of business of the real estate agent or the

motor vehicles dealer is situated.

3. Prohibition of business without registration: (1) No person shall engage in or carry on the business of a real estate agent or a motor vehicles dealer unless he is registered with the registering authority and holds a valid certificate issued by such authority

Provided that in the case of a person who is already carrying on the business of a real estate agent or motor vehicles dealer on the date of commencement of this Ordinance, this provision shall not be applicable until the expiry of a period of ninety days from the date of such commencement.

(2) A person already carrying on the business of a real estate agent or a motor vehicles dealer on the date of commencement of this Ordinance shall apply for a certificate of registration within a period of ninety days from the date of such commencement.

(3) If any person already carrying on the business of a real estate agent or a motor vehicles dealer on the date of commencement of this Ordinance fails to apply for a certificate of registration as required under sub-section (2), the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for grant of a certificate of registration on payment of a penalty which shall be Rs. 500 if the application is made within a period of six months and Rs. 1,000 if it is made within a period of one year from the date of the commencement of this Ordinance.

4. Disqualifications: No person shall be registered as a real estate agent or a motor vehicles dealer any granted a certificate of registration if he:-

(a) is a minor: or

(b) is found to be of unsound mind by a Court of competent jurisdiction or

(d) has been found quality of criminal misappropriation of criminal breach of trust of cheating or any other offence involving moral turpitude or an abetment of or attempt to commit any such offence by a Court of competent jurisdiction: provided that this disqualification will not operate if a period of three years has elapsed since the completion of the sentence imposed on any person in respect of any such offence

5. Procedure for registration: (1) A person who wishes to obtain a certificate of registration to engage in or carry on the business of a real estate agent or a motor vehicles dealer shall make an application to the registering authority concerned in such from and manner and on payment of such fee and furnishing of such security as may be prescribed:

Provided that such fee shall not be more than rupees two thousand.

(2) The registering authority, on being satisfied that the application has fulfilled all the requirements and does not suffer from any of the disqualifications laid down in Section 4, shall register him as a real estate agent or a motor vehicles dealer, as the case may be and grant him a certificate in the prescribed form.

6. Renewal of registration: (1) A certificate of registration issued under Section 5 shall be valid for a period of four year only and shall be renewable annually.

(2) Areal estate agent or a motor vehicles dealer who wishes to get his certificate of registration renewed shall, within thirty days preceding the date of expiry of his certificate, apply to the registering authority concerned in such from and manner and on payment of such fee as may be prescribed:

Provided that such fee shall not be more than rupees six hundred.

(3) The registering authority, on being satisfied that the application has fulfilled all there equirements and does not suffer from any of the disqualifications laid down in Section 4, shall grant a certificate of renewal of registration in the prescribed form.
(4) If a real estate agent or a motor vehicles dealer fails to apply for the renewal of his certificate of registration within the period provided in sub-section (2), the registering authority may, instead of taking action against him under the penal provisions of this Ordinance, entertain his application for renewal of registration on payment of a penalty of rupees one hundred if the application is made within one month and rupees five hundred if it is made within three months of the date when the renewal was due.

7. Fixation of Commission: Government may prescribe maximum rate of commission or remuneration which a real estate agent or a motor vehicles dealer may charge on any transaction of real estate or motor vehicle arranged or negotiated by him.

8. Maintenance of record and account, etc. (1) A real estate agent and a motor vehicles dealer shall maintain such accounts and other record of the transactions arranged negotiated or made by him and in such manner as may be prescribed.
(2) A real estate agent and a motor vehicles dealer shall, as and when required to do so, produce the accounts and other record maintained by him under sub-section (1) before such officer or authority as may be prescribed and shall also supply such information and in such form and 4 within such time as may be required by the authority.

9. Cancellation and suspension of registration: (1) The registering authority may, by an order in writing, cancel of suspend a certificate for such period not exceeding three months for a first breach and not exceeding six months for a second or subsequent breach, as may be specified in that order, if it is satisfied that a real estate agent or a motor vehicles dealer has committed a breach of any of the conditions of the certificate or has committed any of the following malpractices :-
(i) has maintained or submitted incorrect account of the transactions:
(ii) has arranged or negotiated a transaction knowing that there was a defect in the title of the real estate or the motor vehicle: or
(iii) has charged commission or remuneration at a rate higher than that prescribed:
Provided that no such order shall be passed without giving the person concerned an opportunity to show cause within fifteen days from the date of issue of show cause notice.
(2) Any person aggrieved by an order passed under sub-section (1) may, within 30 days of the passing of the order, prefer an appeal to the Director, Excise and Taxation, concerned and the decision of the said Director shall be final.

10. Offence: (1) A person who contravenes any of he provisions in this Ordinance shall be punishable with simple imprisonment which may extend to six months or fine which may extend to Rs. 5,090 or both.
(2) No Court shall take cognizance of an offence under this Ordinance except on a complaint made in writing by the registering authority.
(3) The offences under this Ordinance shall bailable.

11. Power to make rules: Government may make rules for carrying into effect the purposes of this Ordinance.