THE ORISSA PUBLIC DEMANDS RECOVERY (AMENDMENT) ACT, 1998

AN ACT FURTHER TO AMEND THE ORISSA PUBLIC DEMANDS RECOVERY ACT, 1962.

Be it enacted by the Legislature of the State of Orissa in the Forty-ninth Year of the Republic of India as follows:

1. This Act may be called the Orissa Public Demands Recovery (Amendment) Act, 1998.

2. In section 60 of the Orissa Public Demands Recovery Act, 1962 (hereinafter referred to as the principal Act), to sub-section (3), the following proviso shall be added, namely:

"Provided that the appellate authority shall not direct stay of execution in any case, unless—

(a) the certificate-debtor has paid at least fifty percentum of the total amount due under the certificate to the Certificate Officer, whether or not under protest made in writing at the time of payment, and produces a certificate from the Certificate Officer showing such payment to have been made; or

(b) after considering the evidence adduced, he has prima facie reasons to believe on the plea of the certificate-debtor that the public demand said to be due from him under the certificate has, in fact, been paid."

3. In Schedule I to the principal Act, in clause (xii) of the Explanation to item (xii), the words and commas "to small industries, artisans, weavers and self-employed persons in a specified locality of the State" shall be omitted.

By order of the Governor

G. C. MOHANTY
Secretary to Government

Printed and Published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-10
OQP/SP.—Comp. 3-11-1998
Ex.Gaz. 1039—188+1080
Print 9-11-1998