

No.10/4/HRG/POLICY/DE
Govt. of India
Ministry of Defence
Det. Gen. Defence Estates
West Block IV, RK Puram
New Delhi dated 22 Jun 87

To

The Director
Defence Estates
Ministry of Defence
Southern/Northern/Central/Eastern Commands

SuB : REVISION OF RENT OF HOUSES HIRED ON OLD LEASE AGREEMENT FORMS-
AMENDMENT TO GOVERNMENT SANCTION LETTER.

A question was raised as to whether the rents of houses held on old MES repairing lease agreement could be revised under Government of India, Ministry of Defence letter No.C/00327/7/Q3 (B-I)/3409/D (Q&C) dated 12 Jun 84 without insisting on repairs by owners as stipulated in the said letter. The matter was referred to Ministry of Defence for a decision and suitable clarificatory amendment to the above letter.

2. The Ministry of Defence has examined the case and the decision taken is reproduced below.

"The proposal to amend sub paras (d) & (g) this Ministry letter No. C/00327/7/Q3 (B-I)/3409/D (Q&C) dated 12 Jun 84 in respect of houses hired on old MES Repairing lease agreement has been examined. It is seen that as per clauses III (d) to (f) of the Repairing lease agreement the lessee (Department) is only required to carry out at his expense petty repairs and periodical services such as white/colour washing in accordance with MES practice etc. Where as according to para IV (e) the lessor (house owner) is required to carry out all repairs and works due to wear and tear etc. This would be in line with the provisions of the standard lease agreement according to which the lessor shall execute necessary repairs as and when required and may be specified by the Department. The Directorate of Estates has earlier clarified to the question as to whether increase of rentals should be allowed only in those cases where the owners undertake to carry out necessary repairs, that in such cases, the provisions of the Since under the Repairing lease also, all major repairs and works are to be done by the house owner, it is felt that there is no need to amend the above provisions of the Govt. of India letter dated 12 June. The position may be intimated to all concerned and the rent revision may be effected after the necessary repairs have been got done".

3. In view of the above revision of rent of such houses can be effected only after the owners carry out the repairs/replacements that have become due. All such cases may please be dealt with accordingly.

Director General
Defence Estates

Copy to :

All Defence Estates Officers

All Assistant Defence Estate Officers

Joint Director Shillong