

CIRCULAR No. 203

SUBJECT- Cost of Process Server

In suppression of this office circular No.186, dated 1st July 1974 the Charity Commissioner, Maharashtra State, Bombay is pleased to direct that with effect from 1st June 1976 the following procedure in respect of the amount of process fee to be recovered for processes served through process server under Rule 9(1-A) of the Bombay Public Trust Rules, 1951 should be followed:-

(i) The process fee should not be recovered as deposit but as a final charge so that the question of adjustment of actual cost will not arise. It should be received as revenue and should be credited to Public Trust Administration Fund.

(ii) Even if the process server served more than one process in a single journey, process fee should be determined and recovered treating each individual case as a separate journey.

(iii) The superintendents in the Charity Commission have already been authorized to determine the actual amount required for issuing summons, notice or any other process as provided under Rule 9(1-A). They should determine the amount of process fee to be recovered in case of process served through a process server in the following manner i.e. on the basis of rate of Travelling Allowance admissible under Bombay Civil Services Rules:-

(1) Travel by rail- Actual rail fare to and from by the Lowest Class of accommodation plus incidental expenses as for rail journey for the distance covered by rail

(2) Travel by road in a Public Conveyance- 3Times the S.T. fares by ordinary S.T. Services (2 Times for to and from journey plus one fare as incidental expenses)

(3) Journey on foot or any other conveyance - At 25 paise per kilometer of the actual distance travailed (Inclusive of incidentals).

As regards element of Daily Allowance for halt it has been decided that in the normal course a process server may not have to halt for a period of more than 6 hours in which case he is not entitled to D. A. and hence element of D. A. should be entirely excluded while determining the amount of process fee. Also it will not include element of pay and allowances of a process server.

(iv) The process fee so recovered should be directly entered in column No.10 of Register of Receipt and there is no need of maintaining a separate

subsidiary Register. Amounts received in the past as deposits should be treated as revenue receipts and no adjustment of such deposits is necessary. The past cases should be treated as revenue receipts and removed from deposit Registers wherever maintained.

Receipt of this circular should be acknowledged.

Charity Commissioner,
Maharashtra State, Bombay