



The Uttar Pradesh Urban Planning and Development (Amendment) Act, 1976
Act 19 of 1976

Keyword(s):

Development Fee, Mutation Charges, Stacking Fees, Water Fees

Amendments appended: 6 of 1982, 28 of 1983, 21 of 1985, 1 of 1995, 3 of 1997, 9 of 2000

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**THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 1976**

[U. P. Act No. 19 of 1976]

*(Authoritative English Text of the Uttar Pradesh Nagar Yojana Aur Vikas
(Sanshodhan) Adhiniyam, 1976)

AN
ACT

further to amend the Uttar Pradesh Urban Planning and
Development Act, 1973

IT IS HEREBY enacted in the Twenty-Seventh Year of the Republic of India,
as follows :

1. (1) This Act may be called the Uttar Pradesh Urban Planning and
Development (Amendment) Act, 1976.

Short title
and commence-
ment.

(2) It shall be deemed to have come into force on October 3, 1975.

2. In section 4 of the Uttar Pradesh Urban Planning and Development
Act, 1973, hereinafter referred to as the principal Act, in sub-section (3), for
clause (f), the following clause shall be substituted, namely :—

Amendment of
section 4
of
President's Act
11 of 1973 as re-
enacted by U. P.
Act no. 30 of 1974.

“(f) the Managing Director of the Jal Nigam, established under the
Uttar Pradesh Water Supply and Sewerage Act, 1975, *ex officio* ;”.

3. After Chapter III of the principal Act, the following Chapter shall
be inserted, namely :—

Insertion of
Chapter III-A.

“CHAPTER III-A

Arterial Roads in Development Area

12-A. (1) Where in any development area, any building occupied
wholly for non-residential purposes or partly for
residential and partly for non-residential purposes
abuts an arterial road, the occupier of such building
shall be bound to repair, white-wash, colour-wash or
paint the facade of such building at his own cost in accordance with any bye-
laws made in that behalf.

(2) Where the authority, with a view to ensuring symmetry with any
colour-scheme or other specification made in that behalf considers it necessary
or expedient so to do, or where any occupier fails to repair, white-wash, colour-
wash or paint the facade of any building in accordance with sub-section (1), it
may by order require that the said work shall be carried out by the Authority
itself or under its direction, and may accordingly, also require the occupier to
pay the cost of such work to the Authority.

(3) The cost of any work referred to in sub-section (2) shall be calcu-
lated on a 'no profit, no loss' basis, and in case of any dispute about the reason-
ableness of the amount required to be deposited, the same shall be decided by
the State Government, and subject thereto, the order of the Authority shall
be final and shall not be called in question in any court.

(4) In case of non-payment by an occupier of the whole or part of the
cost of any work referred to in sub-section (2), it shall, on the certificate of
the Vice-Chairman, be recoverable from the occupier as arrears of land
revenue.

Explanation—In this section—

(a) the expression 'arterial road' shall have the meaning assigned
to it in the bye-laws ;

* [For statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*,
dated March 31, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 31, 1976 and by
the Uttar Pradesh Legislative Council on April 7, 1976).

(Received the Assent to the President on May 1, 1976 under Article 201, of the Constitution
of India, and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 3, 1976.

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(b) the expression 'occupier', in relation to a building, means the person in actual occupation or use of the building, and includes—

(i) the owner (which expression shall include an agent or trustee or a receiver, sequestrator or manager appointed by a court, or a mortgagee with possession of the building) in occupation;

(ii) the tenant who for the time being is paying or is liable to pay rent in respect thereof to the owner;

(iii) the rent-free grantee or licensee thereof;

(iv) the person who is liable to pay to the owner damages for unauthorised use and occupation thereof."

Amendment of section 14. 4. In section 14 of the principal Act, for the word "Authority" (except where it occurs as part of the expression 'local authority') wherever occurring, the word "Vice-Chairman" shall be *substituted* and be deemed to have been *substituted* with effect from August 15, 1975.

Amendment of section 18. 5. In section 18 of the principal Act—
(i) in sub-section (2), the words "mortgage or charge" shall be *omitted*;
(ii) *after* sub-section (2), the following sub-section shall be *inserted*, namely:—

"(3) Notwithstanding anything contained in sub-section (2), the Authority or the local authority concerned may create a mortgage or charge over such land (including any building thereon) in favour of the Life Insurance Corporation of India, the Housing and Urban Development Corporation, or a banking company as defined in the Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972 or any other financial institution approved by general or special order in this behalf by the State Government."

Amendment of section 37. 6. In section 37 of the principal Act, for the words "Every decision", the words and figures "Except as provided in section 41, every decision" shall be *substituted*.

Amendment of section 41. 7. In section 41 of the principal Act—
(i) for the word "Authority" wherever occurring, the words "Authority, the Chairman or the Vice-Chairman" shall be *substituted* and be deemed to have been *substituted* with effect from August 15, 1975;
(ii) *after* sub-section (3), the following sub-section shall be *inserted* and be deemed to have been *inserted* with effect from August 15, 1975, namely:—

"(4) Every order of the State Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court."

Amendment of section 55. 8. In section 55 of the principal Act, in sub-section (2), in clause (b), for the word "Tribunal", the word "Chairman" shall be *substituted* and be deemed to have been *substituted* with effect from August 15, 1975.

Amendment of section 57. 9. In section 57 of the principal Act, *after* clause (e), the following clause shall be *inserted*, namely:—

"(ee) the definition of an arterial road and the colour scheme and other specifications according to which the facade of buildings abutting such road shall be repaired white-washed, colour-washed or painted under section 12-A;"

Amendment of section 59. 10. In section 59 of the principal Act,—

(i) in sub-section (1), in clause (a), the following words and figures shall be *inserted* and be deemed to have been *inserted* with effect from August 15, 1975, at the end, namely;

"and for the purpose of continuance of proceedings under the Uttar Pradesh (Regulation of Building Operations) Act, 1958, the powers of the prescribed authority and the controlling authority under that Act shall vest respectively in the Vice-Chairman and the Chairman.";

(ii) after sub-section (13), the following sub-section shall be inserted and be deemed always to have been inserted, namely:—

“(14). Notwithstanding anything contained in section 365 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, all acquisition of land and interest in land for an improvement scheme the functions in respect of which are to be deemed as functions assigned to the Development Authority under sub-section (13), shall be completed at least up to the stage of making awards on or before December 31, 1977.”

11. Notwithstanding anything contained in any judgment, decree or order of any court or tribunal to the contrary, anything done or any action taken before the commencement of this Act, including any notification issued, proceeding taken or order passed or award made or possession taken, in respect of acquisition of land or interest in land for an improvement scheme referred to in sub-section (14) of section 59 of the principal Act, as inserted by this Act, shall be deemed to be and always to have been as valid as if the provisions of this Act were in force at all material times, and such further proceedings, if any, as may be required, may be taken accordingly.

Validation.

U. P. Ordinance no. 4 of 1976.

12. (1) The Uttar Pradesh Urban Planning and Development (Amendment), Ordinance, 1976, is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal or the repeal of the Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 1975, by the Ordinance mentioned in sub-section (1), any thing done or any action taken under the said Ordinances, shall be deemed to have been done or taken under this Act as if this Act was in force at all material times.

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Dated Lucknow, February 26, 1982

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Yojana Aur Vikas (Sanshodhan) Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sankhya 6 of 1982), as passed by the Uttar Pradesh Legislature and assented to by the President on February 25, 1982.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 1982

[U. P. ACT NO. 6 OF 1982]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973.

IT IS HEREBY enacted in the Thirty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on December 31, 1981.

Amendment section 59 of President's Act no. 11 of 1973 as re-enacted by U. P. Act no. 30 of 1974.

2. In section 59 of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act, in sub-section (14), for the word and figures "December 31, 1981" the word and figures "December 31, 1982" shall be substituted.

Repeal and savings.

3. (1) The Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
G. B. SINGH,
Sachiv.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 1983

[U.P. Act no. 28 of 1983]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973.

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows :

1. (1) This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1983.

Short title and commencement.

(2) It shall be deemed to have come into force on October 5, 1982.

2. In the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act, for section 22, the following section shall be substituted, namely

Substitution of section 22 of President Act no. 11 of 1973 as re-enacted by U.P. Act no. 30 of 1974.

“22. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the State Government may specify.

(2) The accounts of the Authority shall be subject to audit annually by the Examiner, Local Fund Accounts :

Provided that in place of or in addition to the Examiner, Local Fund Accounts, the State Government may entrust the audit to the Accountant General, Uttar Pradesh or Comptroller and Auditor General of India or to any other Auditor on such terms and conditions, in such manner, for such period and at such times as may be agreed upon between him and the State Government.

(3) The rights, authority and privileges of any person conducting audit under sub-section (2) shall,—

(i) in the case of Examiner, Local Fund Accounts, be the same as he has in connection with the audit of the accounts of local authority;

(ii) in the case of the Accountant General, Uttar Pradesh or as the case may be, the Comptroller and Auditor General of India, be the same as he has in connection with the audit of Government accounts ; and

(iii) in the case of any other auditor, be as prescribed ;

and, in particular, he shall have the right to demand production of books, accounts, connected vouchers, papers and other documents and to inspect the Office of the Authority.

(4) The accounts of the Authority, as certified by the Auditor or any person appointed by him in that behalf, together with audit report thereon shall be forwarded to the State Government annually or at such times as may be directed by it. The State Government may issue such directions to the authority as it may deem fit and the Authority shall be bound to comply with such directions.

(5) Any expenditure, incurred by the Auditor in connection with the audit, shall be payable by the Authority to the Auditor.”

. P. Ordinance no. of 1982.

3. (1) The Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 1982, is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
G. B. SINGH,
Sachiv.

Dated Lucknow, August 23, 1985

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Uojna Aur Vikas (Sanshodhan Aur Vaidhikaran) Adhiniyam, 1985 (Uttar Pradesh Adhiniyam Sankhya 21 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the President on August 21, 1985.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT AND VALIDATION) ACT, 1985

(U. P. ACT NO. 21 OF 1985)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Urban Planning and Development Act, 1973 and to validate certain acts.

IT IS HEREBY enacted in the Thirty-sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment and Validation) Act, 1985.

(2) It shall be deemed to have come into force on October 22, 1984.

Amendment of section 2 of President's Act no. 11 of 1973 as re-enacted with amendments by U. P. Act no. 30 of 1974.

2. In section 2 of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act, after clause (g), the following clause shall be inserted, namely :—

“(gg) ‘Development Authorities Centralised Service’ means a Centralised service created under section 5-A.”

Amendment of section 4.

3. In section 4 of the principal Act, in sub-section (3), for clause (c), the following clause shall be substituted, namely :—

“(c) the Secretary to the State Government Incharge of the Department in which, for the time being, the business relating to the Development Authorities is transacted, *ex officio*.”

Insertion of new section 5-A.

4. After section 5 of the principal Act, the following section shall be inserted, namely :—

“5-A. (1) Notwithstanding anything to the contrary contained in section 5 or in any other law for the time being in force, the State Government may at any time, by notification, create one or more ‘Development Authorities Centralised Services’ for such posts, other than the posts mentioned in sub-section (4) of section 59, as the State Government may deem fit, common to all the Development Authorities, and may prescribe the manner and conditions of recruitment to, and the terms and conditions of service of persons appointed to such service.

Creation of Centralised Services.

(2) Upon creation of a Development Authorities Centralised Service, a person serving on the posts included in such service immediately before such creation, not being a person governed by the U. P. Palika (Centralized) Services Rules, 1966, or serving on deputation, shall, unless he opts otherwise, be absorbed in such service,—

(a) finally, if he was already confirmed in his post, and

(b) provisionally, if he was holding temporary or officiating appointment.

(3) A person referred to in sub-section (2) may, within three months from the creation of such Development Authorities Centralised Service communicate to the Government in the Housing Department, his option not to be absorbed in such Centralised Service, failing which he shall be deemed to have opted for final or provisional, as the case may be, absorption in such Centralised Service.

(4) Suitability of a person absorbed provisionally, for final absorption in a Development Authorities Centralised Service, shall be examined in the manner prescribed and if found suitable he shall be absorbed finally.

(5) The services of an employee who opts against absorption or who is not found suitable for final absorption, shall stand determined and he shall, without prejudice to his claim to any leave, pension, provident fund or gratuity which he would have been entitled to, be entitled to receive as compensation from the Development Authority concerned, an amount equal to—

(a) three months' salary, if he was a permanent employee;

(b) one month's salary, if he was a temporary employee.

Explanation—For the purposes of this sub-section the term 'salary' includes dearness allowance, personal pay and special pay, if any.

(6) It shall be lawful for the State Government or any officer authorised by it in this behalf, to transfer any person holding any post in a Development Authorities Centralised Service from one Development Authority to another."

5. In section 18 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely,—

Amendment of section 18.

"(4) Where vacant land has been disposed of under this section by way of lease for making constructions within the stipulated time with right of forfeiture of the lease and re-entry upon failure to make constructions within such time, and the lessee fails without sufficient reason, to make the constructions or a substantial portion thereof, within the stipulated time or such extended time as the lessor may grant, the lessor may forfeit the lease and re-enter upon the land :

Provided that no forfeiture and re-entry shall be made unless the lessee has been allowed reasonable opportunity to show cause against the proposed action.

(5) Upon such forfeiture and re-entry, the premium paid by the lessee for such land shall be refunded without any interest, after deducting—

(a) the amount, if any, due to the lessor under that lease, and

(b) a sum equivalent to 5 per cent of the premium, for administrative expenses.

(6) Any person aggrieved by an order under sub-section (4) may, within 30 days from the date of knowledge thereof, prefer an appeal to the District Judge whose decision shall be final.

(7) The land so re-entered upon after forfeiture of lease may be disposed of in accordance with the provisions of sub-sections (1) and (2)."

6. For section 40 of the principal Act, the following section shall be substituted, namely :—

Substitution of section 40.

"40. Any money due to an Authority on account of any fee; or charges; or from disposal of land, building or any other property, movable or immovable, by way of Recovery of moneys due to Authority. rent, premium, profit or hire-purchase instalment, may, without prejudice to the right of recovery by any other mode of recovery provided by or under this Act or any other law for the time being in force, be realised—

(a) either, as arrears of land revenue upon a certificate of the amount due sent by the Authority to the Collector, or

(b) by attachment and sale of property in the manner provided in sections 504, 505, 506, 507, 508, 509, 510, 512, 513 and 514 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959; and such provisions of the said Adhiniyam shall *mutatis mutandis* apply to recovery of dues of an Authority as they apply to recovery of a tax due to a Nagar Mahapalika, so however, that references in the aforesaid sections of the said Adhiniyam to 'Mukhya Nagar Adhikari', 'Mahapalika' and 'Executive Committee' shall be construed as references to 'Vice-Chairman', 'Development Authority' and 'Chairman' respectively :

Provided that no two or more modes of recovery shall be commenced or continued simultaneously."

Validation,

7. Anything done or any action taken under the principal Act, as amended by the Uttar Pradesh Urban Planning and Development (Amendment) (Second) Ordinance, 1983 shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1983 as if the provisions of the said Act were in force at all material times.

U. P.
Act no. 2
of 1959

U. P.
Ordinance
no. 21 of
1983
U. P. Act
no. 28 of
1983

Repeal and
Saving

8. (1) The Uttar Pradesh Urban Planning and Development (Amendment and Validation) Ordinance, 1985 is hereby repealed.

U. P. Ordinance
no. 10
of 1985

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1) which is in conformity with the provisions of that Act as amended by this Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
B. L. LOOMBA,
Sachiv.

No. 389 (2)/XVII-V-1-1(KA) 9-1995

Dated Lucknow, February 13, 1995

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Yojna Aur Vikas (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 1 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 11, 1995.

**THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 1995**

[U. P. ACT NO. 1 OF 1995]

(As passed by the U. P. Legislature)

AN
ACT

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973.

IT IS HEREBY enacted in the Forty-sixth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on October 19, 1994.

Amendment of section 39-A of President's Act no. 11 of 1973 as amended and re-enacted by U.P. Act no. 30 of 1974

2. In section 39-A of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act, in the proviso, in clause (a), for the words "rupees two" the words "rupees one hundred" shall be substituted.

3. (1) The Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 1994 is hereby repealed. Repeal and savings

U.P.
Ordinance
no. 25 of
1994

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
N. K. NARANG,
Sachiv.

No. 469 (2)/XVII-V-1-1 (KA) 3/1997

Dated Lucknow, May 2, 1997

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Yojna Aur Vikas (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 3 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on May 1, 1997.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT

(AMENDMENT) ACT, 1997

[U.P. ACT NO. 3 OF 1997]

(As passed by the U. P. Legislature)

AN

ACT

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973.

IT IS HEREBY enacted in Forty-eighth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997.

Amendment of section 2 of President's Act no. 11 of 1973 as re-enacted by U.P. Act no. 30 of 1974

2. (1) In section 2 of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act,—

(a) after clause (gg), the following clause shall be *inserted*, namely:—

“(ggg) ‘development fee’ means the fee levied upon a person or body under section 15 for construction of road, drain, sewer line, electric supply and water supply lines in the development area by the Development Authority;”;

(b) after clause (i), the following clause shall be *inserted*, namely:—

“(ii) ‘mutation charges’ means the charges levied under section 15 upon the person seeking mutation in his name of a property allotted by the Authority to another person;” ;

(c) after clause (k), the following clause shall be *inserted*, namely:—

“(kk) ‘stacking fees’ means the fees levied under section 15 upon the person or body who keeps building materials on the land of the Authority or on a public street or public place;” ;

(d) after clause (l), the following clause shall be *inserted*, namely:—

“(ll) ‘water fees’ means the fees levied under section 15 upon a person or body for using water supplied by the Authority for building operation or construction of buildings.”

3. In section 15 of the principal Act,—

Amendment of
section 15

(a) after sub-section (2) the following sub-section shall be inserted, namely:—

“(2-A) The Authority shall be entitled to levy development fees, mutation charges, stacking fees and water fees in such manner and at such rates as may be prescribed :

Provided that the amount of stacking fees levied in respect of an area which is not being developed or has not been developed, by the Authority, shall be transferred to the local authority within whose local limits such area is situated.”

(b) In sub-section (3), after the existing provisos the following proviso shall be inserted, namely:—

“Provided also that before granting permission, referred to in section 14 the Vice-Chairman may get the fees and the charges levied under sub-section (2-A) deposited” ;

(c) after sub-section (8) the following sub-section shall be inserted, namely:—

“(9) If at any time after the permission has been granted under sub-section (3), the Vice-Chairman is satisfied that such permission was granted in consequence of any material mis-representation made or any fraudulent statement or information furnished, he may cancel such permission, for reasons to be recorded in writing and any work done thereunder shall be deemed to have been done without such permission :

Provided that a permission shall not be cancelled without affording to the person or body concerned a reasonable opportunity of being heard.”

4. After section 15 of the principal Act, the following section shall be inserted, namely:—

Insertion of new
section 15-A

“15-A (1) Every person or body having been granted permission under sub-section (3) of section 15, shall complete the developments certificate according to the approved plan and send a notice in writing of such completion to the Authority, and obtain a completion certificate from the Authority in the manner prescribed or provided in the Bye-laws of the Authority :

Provided that if completion certificate is not granted and refusal to grant it is not intimated within three months after receipt of the notice of completion, it shall be deemed that the completion certificate has been granted by the Authority.

(2) No person shall occupy or permit to be occupied any commercial building or use or permit to be used such building or part thereof affected by any work until—

(a) completion certificate has been issued by the Authority, or

(b) Authority has failed for three months after the receipt of the notice of completion to intimate its refusal of grant of the said certificate.

Explanation :— For the purposes of this section the expression “commercial building” shall have the meaning assigned to it in the Uttar Pradesh Municipal Corporations Act, 1959.”

Amendment of
section 18

5. In section 18 of the principal Act,—

(a) In sub-section (4), for the words “the lessor may forfeit,” the words “the lessor may, subject to the provisions of sub-section (4-A), forfeit” shall be *substituted*;

(b) after sub-section (4), the following sub-section shall be *inserted*, namely:—

(4-A) where a lessee fails to make construction within the stipulated time, and the extended time, if any, under sub-section (4) so that the total period from the date of lease exceeds five years, a charge at the rate of two percent of the prevailing market value of the concerned land shall be realised every year from him by the lessor and if from the date of imposition of the said charge a further period of five years elapses, the lease shall stand forfeited and the lessor shall re-enter upon the land :

Provided that where the period of five years has expired before the commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997, or where the period of five years expires within one year after such commencement, the charge shall be realizable after a period of one year from the date of such commencement.

Amendment of
section 26

6. In section 26 of the principal Act,—

(a) in sub-section (1) for the words “ten thousand rupees” and “five hundred rupees” the words “fifty thousand rupees” and “two thousand and five hundred rupees” respectively shall be *substituted*.

(b) in sub-section (2) for the words “five thousand rupees” and “two hundred and fifty rupees” the words “twenty-five thousand rupees” and “one thousand two hundred and fifty rupees” respectively shall be *substituted*.

Insertion of new
sections 26-A,
26-B, 26-C and
26-D

7. After section 26 of the principal Act, the following sections shall be *inserted*, namely:—

“26-A (1) Whoever makes any encroachment on any land not being private property, whether such land belongs to or vests in the Authority or not in a development area, except steps over drain in any public street, shall be punishable with simple imprisonment for a term which may extend to one year and with fine which may extend to twenty thousand rupees.

(2) Any offence punishable under sub-section (1) shall be cognizable.

(3) Whoever by placing or depositing building material or any other thing whatsoever, or otherwise makes any obstruction in any street or land not being private property, whether such street or land belongs to or vests in the Authority or not in a development area, except steps over drain in any public street, or placing of building material during such period as may be permitted on payment of stacking fees on a public street or public place, shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to two thousand rupees or with both.

(4) If there are grounds to believe that a person has made any encroachment or obstruction on a land in a development area which is not a private property, the Authority or an officer authorised by it in this behalf may serve upon the

person making encroachment or obstruction; a notice requiring him to show cause why he shall not be required to remove the encroachment or obstruction within such period not being less than fifteen days as may be specified in the notice, and after considering the cause, if any, shown by such person, may order removal of such encroachment or obstruction for reasons to be recorded in writing :

Provided that any encroachment made on public land by a person belonging to weaker section on or before the date of commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997 shall not be removed until alternative land or accommodation is offered to rehabilitate him in such manner and on such terms and conditions as may be prescribed :

Explanation—For the purposes of this section, the expression—

(1) 'a person belonging to weaker section' means a person—

(a) whose family on the date of commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997 does not hold any immovable property in any city as defined in the Uttar Pradesh Municipal Corporation Act, 1959 or any Municipal Area as defined in the Uttar Pradesh Municipalities Act, 1916, and

(b) whose principal source of livelihood is manual labour, including the practice of any craft, either by himself or by the members of his family and includes a rickshaw-puller or scavenger, but does not include a person who has been assessed to Income Tax under the Income Tax Act, 1961 or trade tax under the Uttar Pradesh Trade Tax Act, 1948 or Sales Tax under the Central Sales Tax Act, 1956.

(2) 'family', in relation to a person belonging to weaker section, means the husband or wife, as the case may be, and unmarried minor children either or both of them.

(5) Notwithstanding anything contained in the foregoing provisions the Authority or the officer authorised by it in this behalf shall, in addition to the action taken as provided in this section, also have power to seize or attach any property found on the land referred to in this section or, as the case may be, attached to such land or permanently fastened to anything attached to such land.

(6) Where any property is seized or attached by an officer authorised by the Authority he shall immediately make a report of such seizure or attachment to the Authority.

(7) The Authority may make such orders as it thinks fit for the proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and if the property is subject to speedy and natural decay, or it is otherwise expedient so to do the Authority may order it to be sold or otherwise disposed off.

(8) Where any property is sold as aforesaid, the sale proceeds, after deducting the expenses, if any, of such sale and other incidental expenses relating thereto, shall,—

(a) where no order of confiscation is ultimately passed by the Authority, or

(b) where an order passed in appeal so requires, be paid to the owner thereof or the person from whom it is seized or attached.

(9) Where any property is seized or attached under sub-section (5), the Authority may order confiscation of such property.

(10) No order for confiscation of any property shall be made under sub-section (9) unless the owner of such property or the person from whom it is seized or attached is given,—

(a) a notice in writing, informing him of the grounds on which it is proposed to confiscate the property;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) a reasonable opportunity of being heard in the matter.

(11) Any order of confiscation under this section shall not prevent the infliction of any punishment to which the person affected thereby may be liable under the Act.

(12) Any person aggrieved by an order made under sub-section (9) may within one month from the date of the communication to him of such order, appeal against it to the District Judge.

(13) On such appeal, the District Judge may, after giving an opportunity to the appellant and the respondent of being heard, pass such order as he may think fit confirming, modifying or setting aside the order appealed against, and pending appeal, may stay the operation of such order on such terms, if any, as he thinks fit.

26-B (1) Any person aggrieved by the removal of obstruction or encroachment under sub-section (4) of section 26-A may claim for compensation for removal under section 26-A within thirty days from the date of such removal or prefer a claim for compensation or restitution or both before the Tribunal against either the Authority, or the officer ordering the removal or against both, and for making such officer personally liable for the loss caused to him due to such removal.

(2) The District Judge having territorial jurisdiction over the area in which the removal of encroachment or obstruction as provided in sub-section (4) of section 26-A has taken place shall be the Tribunal for the purposes of this section.

(3) Every order of the Tribunal for payment of any compensation or for the restitution of any immovable property shall be deemed to be a decree of the Civil Court and shall be executable as such :

Provided that if the Tribunal awards any compensation against any officer personally, it shall be the duty of the Authority to realise the amount from the salary or other dues of the officer concerned and to pay it to the claimant.

(4) The proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

(5) The Tribunal shall for the purpose of deciding a claim under this section, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely,—

- (a) Summoning and enforcing the attendance of any person and examining him on oath ;
- (b) Receiving evidence on affidavits ;
- (c) Inspecting any immovable property or its locality, or issuing commission for the examination of witnesses or documents or local investigation ;
- (d) Requiring the discovery and production of documents;
- (e) Recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith;
- (f) Any other matter which may be prescribed.

(6) The decision of the Tribunal shall be final.

26-C The Authority or an officer authorised by it in this behalf may, without Authority may, notice, cause to be removed—
without notice
remove anything
erected or deposited
in contravention of
Act.

(a) Any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature or any fixture which shall be erected, or set up in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act;

(b) Any stall, chair, bench, box, ladder, bale, board or shelf or any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act.

26-D Whoever specially entrusted with the duty to stop or prevent the Penalty for not encroachment or obstruction under this Act or any preventing other Act, rules or bye laws willfully or knowingly encroachment neglects or deliberately omits to stop or prevent such encroachment or obstruction shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both.”

8. After section 28 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 28-A

“28-A (1) It shall be lawful for the Vice-Chairman or an officer empowered by Power to seal un him in this behalf, as the case may be, at any time authorised development before or after making an order for the removal or discontinuance of any development under section 27 or section 28 to make any order directing the sealing of such development in a development area in such manner as may be prescribed for the purposes of carrying out the provisions of this Act.

(2) Where any development has been sealed, the Vice-Chairman or the officer empowered by him in this behalf, as the case may be, may, for the purpose of removing or discontinuing such development order the seal to be removed.

(3) No person shall remove such seal except under an order made under sub-section (2) by the Vice-Chairman, or the officer empowered by him in this behalf.

(4) Any person aggrieved by an order made under sub-section (1) or sub-section (2) may appeal to the Chairman against that order within thirty days from the date thereof and the Chairman may after hearing the parties to the appeal, either allow or dismiss the appeal.

(5) The decision of the Chairman shall be final."

Amendment of
Section 32

9. In section 32 of the principal Act, in sub-section (1),—

(a) for the words "the authority (or any officer authorised by it in that behalf by general or special order)", the words "the Vice-Chairman (or any officer authorised by him in that behalf by general or special order)", shall be substituted;

(b) for the words "the Authority", the words "the Vice-Chairman" shall be substituted.

Amendment of
Section 33

10. In section 33 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

"(4-A) Where the authority provides any amenity in an area developed by it, the authority shall, till the responsibility for maintenance is assumed by the local authority as provided in section 34, be entitled to recover, in the manner prescribed, from the owner of the land or building, such charges therefor as may be fixed by the State Government, by a notified order, having regard to the expenses incurred for maintaining and continuing to provide such amenity."

Amendment of
Section 59

11. In section 59 of the principal Act,—

(1) (a) for the words and figures "the United Provinces Municipalities Act, 1916," and "the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959" wherever occurring, the words and figures, "the Uttar Pradesh Municipalities Act, 1916" and "the Uttar Pradesh Municipal Corporations Act, 1959" respectively shall be substituted; and

(b) for the words "Nagar Mahapalika", wherever occurring the words "Municipal Corporation" shall be substituted;

(2) In sub-section (1), in clause (a), for the words and figures "the Uttar Pradesh Kshetra Samiti and Zila Parishads Adhiniyam, 1961", the words and figure "the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961" shall be substituted.

By order,

R. D. MATHUR,

Pramukh Sachiv.

No, 117(2)/XVII-V-1—1 (KA)-4-2000

Dated Lucknow, January 12, 2000

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Yojna Aur Vikas (Samsodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Saakhya 9 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 11, 2000.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 2000

(U.P. Act No. 9 of 2000)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Urban Planning and Development Act, 1973.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Urban Planning and Development (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on December 17, 1999.

Amendment of section 39-A of President's Act no. 11 of 1973 as amended and re-enacted by U. P. Act no. 30 of 1974

2. In section 39-A of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act, in the proviso, in clause (a) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.

3. (1) The Uttar Pradesh Urban Planning and Development (Amendment) Ordinance, 1999 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in subsection (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,
V. R. TRIPATHI,
Pramukh Sachiv.

U.P.
Ordinance
No. 26 of
1999

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No. 80/LXXIX-V-1-08-1 (ka) 1-2007

Dated Lucknow, January 09, 2008

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Nagar Yojana Aur Vikas (Sanshodhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya 1 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 08, 2008.

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT
(AMENDMENT) ACT, 2007

(U.P. ACT NO. 1 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

*further to amend the Uttar Pradesh Urban Planning and Development
Act, 1973.*

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Urban Planning and Short title
Development (Amendment) Act, 2007.

Amendment of section 2 of President's Act no. 11 of 1973 as re-enacted and amended by U.P. Act no. 30 of 1974

2. In section 2 of the Uttar Pradesh Urban Planning and Development Act, 1973, hereinafter referred to as the principal Act,

(a) after clause (dd) the following clause shall be inserted, namely :-

"(ddd) 'city development charge' means the charge levied on a private developer under section 38-A for the development of land;"

(b) after clause (h) the following clauses shall be inserted, namely :-

"(hh) 'land use conversion charge' means the charge levied on a person or body under section 38-A for the change of land use in the Master Plan or Zonal Development Plan;

"(hhh) 'license fee' means the fee levied on a private developer under section 39-B seeking license for assembly and development of land within the development area;"

(c) after clause (ii) the following clause shall be inserted, namely :-

"(iii) 'private developer' means an individual, company or association, body of individuals whether incorporated or not, owning or assembling or agreeing to own or assemble, whether by purchase or otherwise, land for development and to whom a license has been granted under section 39-B of this Act."

insertion of new section 38-A

3. After section 38 of the principal Act the following section shall be inserted, namely :-

38-A (1) Where in any development area, the land use of a particular land is changed as a result of amendment of Master Plan or Zonal Development Plan under section 13, the Authority shall be entitled to levy land use conversion charge on the owner of such land and in such manner and at such rates as may be prescribed:

Provided that the land use conversion charge shall be recovered from the owner of land by the Authority prior to final notification under sub-section (4) of section 13 of this Act:

Provided further that where the land use of a particular land is changed as a result of coming into operation of Master Plan or Zonal Development Plan, no land use conversion charge shall be levied upon the owner of such land.

(2) Where in any development area a license has been granted to private developer for assembly and development of land, the Authority shall be entitled to levy city development charge on the private developer of such land and in such manner and at such rates as may be prescribed.

insertion of new sections 39-B and 39-C

4. After section 39-A of the principal Act the following sections shall be inserted, namely :-

39-B. The Authority may grant license to private developer for assembly and development of land within its development area in such manner and for such period as may be prescribed.

39-C. The Authority shall be entitled to levy license fee for granting license to private developer for assembly and development of land within its development area at such rates and in such manner as may be prescribed."

STATEMENT OF OBJECTS AND REASONS

With a view to encouraging private investment in the planned development of housing in urban areas of the State. It has been decided to amend the Uttar Pradesh Urban Planning and Development Act, 1973 mainly to provide for:-

(a) defining the expressions "city development charge", "land use conversion charge", "license fee" and "private developer";

(b) entitling the authority to levy land use conversion charge on the owner of land where the land use of the land is changed as a result of amendment of Master Plan or Zonal Development Plan;

(c) Empowering the Authority to grant license to a private developer for assembly and development of land within its development area and to buy license fee thereon;

(d) entitling the Authority to levy city development charge on the private developer.

The Uttar Pradesh Urban Planning and Development (Amendment) Bill, 2007 is introduced accordingly.

By order.
S.M.A. ABIJI,
Pranukh Sachiv.

पी०एस०यू०पी०-ए०पी० 858 राजपत्र (हि०)-2008-(2025)-597 प्रतियां-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए०पी० 393 साठ विधायी-(2026)-2008-850 प्रतियां-(कम्प्यूटर/आफसेट)।