



The Bombay Metropolitan Region Development Authority Act, 1974

Act 4 of 1975

Keyword(s):

Amenity, Bombay Metropolitan Region, Development, Land, Regional Plan

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THE BOMBAY METROPOLITAN REGION DEVELOPMENT
AUTHORITY ACT, 1974

CONTENTS

PREAMBLE.

SECTIONS.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.
2. Definitions.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

3. Establishment of the Bombay Metropolitan Region Development Authority.
4. Composition of the Metropolitan Authority.
- 4A. Constitution of Metropolitan Authority and other bodies.
5. Meetings of the Metropolitan Authority.
6. Constitution and powers of Standing Committee.
7. Constitution and powers of Executive Committee.
- 7A. Authentication of orders, etc. of Authority and Standing and Executive Committees.
8. Constitution and power of the Functional Boards.
9. Constitution of other Boards or Committees.
10. Members not disqualified from contesting elections or continuing as members of State Legislature or Local Authorities.
- 10A. Provision for inviting Government and Local authority officers to assist or advise.

CHAPTER III.

OFFICERS AND SERVANTS.

11. Officers and servants of the Authority.

CHAPTER IV.

POWERS AND FUNCTIONS OF THE AUTHORITY.

12. Functions of the Metropolitan Authority.
13. No other authority or person to undertake certain development without permission of the Authority.
14. Powers of the Metropolitan Authority to give directions.
15. Power of Metropolitan Authority to require local authority to assume responsibilities in certain cases.
16. Power of the Metropolitan Authority to execute any plan.
- 16A. Power to Metropolitan Authority to subscribe to share capital of certain companies or co-operative societies.
17. Authority ordinarily not to provide for matters falling within obligatory and discretionary duties of Bombay Municipal Corporation, except for purpose of integrated development of the Region.

SECTIONS.

CHAPTER V.

FINANCE, BUDGET AND ACCOUNTS.

18. Funds of the Metropolitan Authority.
- 18A. Loans Fund.
19. Reserve and other Funds.
20. Application of Funds, etc.
21. Power to Metropolitan Authority to borrow.
- 21A. Power to Metropolitan Authority to finance Projects and Schemes and impose conditions therefor.
- 21B. State guarantee to loans taken or given by Authority.
22. Accounts and Audit.
23. Budget.
24. Annual Report.
- 24A. Operations of Authority not to be carried out at a loss.

CHAPTER VI.

POWERS OF TAXATION.

25. Power to levy a cess on buildings and lands.
26. Power of Metropolitan Authority to levy betterment charges.
27. Assessment of betterment charge by the Metropolitan Authority.
28. Settlement of betterment charge by arbitrators.
29. Payment of betterment charge.
30. Betterment charge a first charge on land.

CHAPTER VII.

APPLICATION OF WITH OR WITHOUT MODIFICATIONS OR EXEMPTION FROM CERTAIN ENACTMENTS TO THE METROPOLITAN AUTHORITY.

31. Application of certain enactments to the Authority with certain modification etc.

CHAPTER VIII.

ACQUISITION OF LAND.

32. Power of State Government to acquire land.
33. Power of State Government to require person in possession of land. surrender or deliver possession thereof to State Government, etc.
34. Right to receive an amount for acquisition.

LANDS IN MUNICIPAL AREAS.

35. Basis for determination of amount for acquisition of lands in municipal areas.
36. Apportionment of amount for acquisition.
37. Payment of amount for acquisition or deposit of the same in Court.
38. Powers of Competent Authority in relation to determination of the amount for acquisition, etc.

SECTIONS.

39. Payment of interest.
40. Appointment of Competent Authorities.
41. Appointment of Tribunal.

LANDS IN RURAL AREAS.

42. Basis for determination of amount for acquisition of lands in rural areas and other procedure.
43. Alternative accommodation to occupiers of residential premises where any acquired building is to be demolished.

CHAPTER IX.

MISCELLANEOUS.

44. Recovery of moneys due to the Authority as arrears of land revenue.
45. Lumpsum contribution by the Authority in lieu of taxes levied by local authorities.
46. Deduction from salary or wages to meet claims of the Authority in certain cases.
- 46A. Control by State Government.
- 46B. Power of Authority to call for returns, reports, etc.
47. Officers and other employees of the Metropolitan Authority to be public servants.
48. Indemnity.
49. Power to make rules.
50. Power to make regulations.
51. Effect of provisions inconsistent with other laws.
52. Power to remove difficulties.

SCHEDULE I

SCHEDULE II

SCHEDULE III

MAHARASHTRA ACT No. IV OF 1975.¹

[THE BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY ACT, 1974]

[22nd January 1975]

Amended by Mah. 26 of 1975†

" " " 59 of 1975†† (13-10-1975)*

" " " 29 of 1976††† (16-6-1976)**

An Act for forming Greater Bombay and certain areas round about into a Bombay Metropolitan Region, to provide for the establishment of an Authority for the purpose of planning, co-ordinating and supervising the proper, orderly and rapid development of the areas in that Region and of executing plans, projects and schemes for such development, and to provide for matters connected therewith.

WHEREAS Greater Bombay and certain areas round about are being progressively developed and populated, and the necessity is increasingly felt for forming these areas into a Bombay Metropolitan Region and for setting up an Authority for the purpose of planning, co-ordinating and supervising the proper, orderly and rapid development of these areas, in which several local authorities are at present separately dealing with such matters within their own jurisdictions; to provide also that such Authority be [enabled either itself or through other authority to formulate] and execute plans, projects and schemes for the development of this Metropolitan Region; and to provide for matters connected with the purposes aforesaid; It is hereby enacted in the Twentyfifth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Metropolitan Region Development Authority Act, 1974. Short title and commencement.

(2) It shall come into force on such ³date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "amenity" includes road, bridge, any other means of communication, transport, supply of water and electricity, any other source of energy, street lighting, drainage, sewerage and conservancy, and any other convenience as the State Government, in consultation with the Authority, may, from time to time, by notification in the *Official Gazette*, specify to be an amenity for the purposes of this Act;

(b) "Bombay Metropolitan Region" or "Metropolitan Region" means the area specified in Schedule I. The State Government may, from time to time, by notification in the *Official Gazette*, amend that Schedule by adding thereto or deleting therefrom any area specified in such notification; and thereupon the modified area shall be the Bombay Metropolitan Region:

Provided that, no such notification shall be issued by the State Government unless it has been laid in draft before each House of the State Legislature and has been approved by resolutions in which both Houses agree; and upon such approval, the notification may be issued, and shall take effect in the form in which it is so approved;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V, p. 1022.

² These words were substituted for the words "enabled itself to formulate" by Mah. 59 of 1975, s. 2.

³ 26th day of January 1975 (see G. N., U. D., P. H. and H. D. No. BMRDA. 1074/Met. Cell. 24th January 1975).

† Mah. Ordinance I of 1975 was repealed by Mah. 26 of 1975, s. 9.

The provisions of section 2(a) and sections 4 to 8 (both inclusive) of this Act come into force from 26 August 1975 and the remaining provisions were deemed to have come into force on the 10th day of May 1975. [(See Mah. 26 of 1975, s. 1(2).]

†† Maharashtra Ordinance No. XVI of 1975 was repealed by Mah. 59 of 1975, s. 2.

* This indicates the date of commencement of Act.

††† Maharashtra Ordinance No. VI of 1976 was repealed by Mah. 29 of 1976, s. 22.

** This indicates the date of commencement of the Act except section 14 see s. 1(2) of Mah. 29 1976. Section 14 came into force on the 21st July 1976.

(c) "development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, or over, or under any land (including land under sea, creek, river, lake or any other water) or the making of any material change in any building or land, or in the use of any building or land, and includes re-development and lay-out and sub-divisions of any land and also the provisions of amenities and projects and schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities; and "to develop" shall be construed accordingly;

(d) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Regional plan" means a plan prepared under the provisions of the Maharashtra Regional and Town Planning Act, 1966, for the development or re-development of the Bombay Metropolitan Region as defined in this Act, or for any part thereof, and includes a draft or final regional plan prepared for the said region or any part thereof, whether before or after the commencement of this Act, which is for the time being in force; Mah. XXXVII of 1966.

(g) "regulation" means a regulation made under this Act;

(h) "rule" means a rule made under this Act;

(i) words and expressions used in this Act, and not defined herein, shall have the meanings assigned to them in the Maharashtra Regional and Town Planning Act, 1966. Mah. XXXVII of 1966.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY.

3. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, establish, for the purposes of this Act, an authority to be called "The Bombay Metropolitan Region Development Authority" (hereinafter referred to as "the Metropolitan Authority" or "the Authority").

(2) The Metropolitan Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable, and to contract, and may sue or be sued by its corporate name aforesaid.

(3) The Metropolitan Authority shall be deemed to be a local authority within the meaning of the term "local authority" as defined in the Bombay General Clauses Act, 1904. Bom. I of 1904.

4. (1) The Metropolitan Authority shall consist of the following members, namely:—

(i) the Minister for Urban Development and New Townships, Maharashtra State;

(ii) the Minister of State for Urban Development and New Townships, Maharashtra State;

(iii) the Mayor of Bombay;

(iv) the Minister, Maharashtra State, who is the Chairman of the District Planning Board for Greater Bombay;

(v) the Minister, Maharashtra State, who is the Chairman of the District Planning Board for Thana District ;

(vi) the Minister, Maharashtra State, who is the Chairman of the District Planning Board for Kolaba District ;

(vii) the Minister for Finance, Maharashtra State ;

(viii) the Minister for Industries, Maharashtra State ;

(ix) the Minister for Housing, Maharashtra State ;

(x) the President of Thana *Zilla Parishad* ;

(xi) the President of Kolaba *Zilla Parishad* ;

(xii) the Chairman, Standing Committee, Bombay Municipal Corporation ;

(xiii) the Chairman, Improvements Committee, Bombay Municipal Corporation ;

(xiv) the Chairman, Bombay Electric Supply and Transport Committee, Bombay Municipal Corporation ;

¹[(xv), (xvi), (xvii), (xviii), (xix), (xix-a) and (xix-b) seven Councillors of the Bombay Municipal Corporation elected by the Corporation, the election being held by ballot according to the system of proportional representation by means of the single-transferable vote ;]

(xx), (xxi) and (xxii) three Presidents of municipal councils, two to be elected by Presidents of municipal councils in that part of Thana District which is included in the Metropolitan Region, from amongst themselves, and one to be elected by Presidents of municipal councils in that part of Kolaba District which is included in the Metropolitan Region, from amongst themselves ; in both cases, the election being held in the manner laid down in paragraphs (xv) to ²[(xix-b)] above ;

(xxiii) and (xxiv) two Chairmen of *Panchayat Samitis*, one to be elected by Chairmen of *Panchayat Samitis* having jurisdiction wholly or partly in that part of Thana District which is included in the Metropolitan Region, from amongst themselves, and one to be elected by Chairmen of *Panchayat Samitis* having jurisdiction wholly or partly in that part of Kolaba District which is included in the Metropolitan Region, from amongst themselves, in both cases the election being held in the manner laid down in paragraphs (xv) to ²[(xix-b)] above ;

(xxv), (xxvi), (xxvii) and (xxviii) four members of the Maharashtra Legislative Assembly to be elected by members of that Assembly representing constituencies falling in Greater Bombay, from amongst themselves the election being held in the manner laid down in paragraphs (xv) to ²[(xix-b)] above ;

(xxix) and (xxx) two members of the Maharashtra Legislative Assembly one to be elected by members of that Assembly representing constituencies falling wholly or partly in that part of Thana District which is included in the Metropolitan Region, from amongst themselves, and one to be elected by members of that Assembly representing constituencies falling wholly or partly in that part of Kolaba District which is included in the Metropolitan Region, from amongst themselves ; in both cases the election being held in the manner laid down in paragraphs (xv) to ²[(xix-b)] above ;

¹ These paragraphs were substituted for paragraphs (xv) to (xix) by Mah. 26 of 1975, s. 2(a)(i).

² These brackets, figures and letter were substituted for the brackets and figures (xix), *ibid.*, s. 2 (a) (ii).

(xxxii) and (xxxiii) two members of the Maharashtra Legislative Council to be elected by members of that Council, from amongst themselves, the election being held in the manner laid down in paragraphs (xv) to ¹[(xix-b)] above;

(xxxiii) the Chairman, City and Industrial Development Corporation of Maharashtra;

(xxxiv) the Chief Secretary to the Government of Maharashtra;

(xxxv) one senior representative of the Ministry of Works and Housing, Government of India, nominated by that Government;

(xxxvi) the Municipal Commissioner, Bombay Municipal Corporation;

(xxxvii) the Chairman, Bombay Port Trust (with the consent of the Government of India);

(xxxviii) the General Manager, Central Railway (with the consent of the Government of India);

(xxxix) the General Manager, Western Railway (with the consent of the Government of India);

(xl) the General Manager, Bombay Telephones (with the consent of the Government of India);

(xli), (xlii) and (xliii) the Chairmen of the three Functional Boards of the Authority constituted under this Act;

(xliv) the Metropolitan Commissioner.

(2) The Minister for Urban Development and New Townships shall be the Chairman of the Authority. The Minister of State for Urban Development and New Townships and the Mayor of Bombay shall be the Vice-Chairmen of the Authority. The Metropolitan Commissioner shall be its Member-Secretary.

(3) The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him under this Act and exercise such other powers and perform such other duties as the Authority may by regulations from time to time determine.

(4) Each Vice-Chairman shall exercise such powers and perform such duties as are conferred on him by this Act and shall exercise such other powers and perform such other duties as the Chairman of the Authority may by order delegate to him.

²[(4A) Subject to the provisions of sub-sections (3) and (4), the Metropolitan Commissioner shall be the Chief Executive Officer of the Authority. He shall supervise and control all its officers and servants, including any officers of Government appointed, from time to time, on deputation to the Authority or any Committee or Functional Board thereof. He shall be responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets including cash balances of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.

(4B) Subject to the provisions of the last preceding sub-section, the Standing Committee shall, from time to time, by order determine the powers and duties of any Additional, Deputy and Assistant Metropolitan Commissioners appointed under section 11];

¹ These brackets, figures and letter were substituted for the brackets and figures (xix) by Mah. 26 of 1975, s. 2(a)(ii).

² Sub-sections (4A) and (4B) were inserted by Mah. 29 of 1976, s. 2(a).

(5) The members shall receive such allowances as may be determined by regulations for meeting the personal expenditure in attending the meetings of the Metropolitan Authority or any ¹* committee or body thereof, or in performing any other functions as members. Such regulations shall require the previous approval of the State Government.

(6) Where a person becomes or is elected or nominated as a member of the Authority by virtue of holding any office or being a member of the Legislature or any authority, committee, board or body, whether incorporated or not, he shall cease to be a member of the Authority as soon as he ceases to be holder of that office or such member, as the case may be.

(7) A member of the Authority, other than *ex-officio* member, may at any time by writing under his hand addressed to the Chairman resign his office.

³[4A. (1) As soon as may be after the Metropolitan Authority is established under sub-section (1) of section 3, the State Government may, by notification in the *Official Gazette*, publish the names of the persons whoever may have been duly elected by that time as the elected members of the Authority and declare that, with effect from the date of such notification, the Authority shall, notwithstanding that some of the members may not have been elected, nominated, appointed or for any other reason may not be available to take office, be deemed to be duly constituted for the purposes of this Act.

Constitution of the Metropolitan Authority and other bodies.

(2) No act or proceeding of the Metropolitan Authority, or of any board, committee or other body thereof, shall be deemed to be invalid at any time merely on the ground that—

(a) any of the members of the Authority or such body are not elected, nominated, appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or such body or there is any other defect in the constitution thereof or any person is a member in more than one capacity or there are one or more vacancies in the offices of any members of the Authority or such body;

(b) the elections of one or more members of the Authority or such body are held before the issue of the notification under section 3;

(c) there is any irregularity in the procedure of the Authority or such body not affecting the merits of the matter under consideration.]

5. (1) The Metropolitan Authority shall meet at least once in three months, at such place and at such time as the Chairman may decide; and shall, subject to the provisions of sub-section (3), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be laid down by regulations.

Meetings of the Metropolitan Authority.

(2) The Chairman shall preside at every meeting of the Authority. If for any reason the Chairman and both Vice-Chairmen are unable to attend any meeting, any other member of the Authority, elected by the members thereof present at the meeting, shall preside.

(3) A member of the Authority, who has or acquires, directly or indirectly, any share or pecuniary or other interest in any contract, loan, arrangement or proposal entered into, or proposed to be entered into, by or on behalf of the Authority, shall cease to be a member of the Authority:

¹ The word "board" was deleted, by Mah. 29 of 1976, s. 2(b).

² Sub-section (8) was deemed always to have been deleted, by Mah. 26 of 1975, s.e.c. 2(b).

³ Section 4A was deemed always to have been inserted, *ibid.*, s. 3.

Provided that, a member shall not be deemed to have any such share or interest, by reason only of his being a share-holder of a public limited company concerned in any such contract, loan, arrangement or proposal or that he himself or any relation of his is employed by or on behalf of the Authority, or he has such share or interest in his capacity as a member of the Authority, or his property, or any property in which he has a share or interest, is or is being acquired or taken on lease by or on behalf of the Authority by agreement or according to any law for the time being in force.

(4) If any question arises whether a member of the Authority has become subject to the disqualification mentioned in the last preceding sub-section, the question shall be referred for decision of the State Government, and its decision shall be final.

Constitution and powers of Standing Committee.

6. (1) (a) There shall be a Standing Committee of the Authority consisting of the following members, namely :—

- (i) the Minister for Urban Development and New Townships ;
- (ii) the Minister of State for Urban Development and New Townships ;
- (iii) the Chief Secretary to Government ;
- (iv) the Metropolitan Commissioner ;
- (v) to (vii) three non-official members from Greater Bombay to be elected by the members of the Authority from amongst themselves ;
- (viii) one non-official member from Thana District to be elected by the members of the Authority from amongst themselves, and
- (ix) one non-official member from Kolaba District to be elected by the members of the Authority from amongst themselves.

(b) The Minister for Urban Development and New Townships shall be the Chairman, the Minister of State for Urban Development and New Townships shall be the Vice-Chairman and the Metropolitan Commissioner shall be the Member-Secretary of the Standing Committee.

1[(2)(a) The Standing Committee shall exercise the following powers and perform the following duties, namely :—

- (i) organisation of the divisions and operational units of the Authority ;
- (ii) preparation of drafts of regulations and recommending to the Authority for making them under section 50 ;
- (iii) efficient operation of the Bombay Metropolitan Region Development Fund ;
- (iv) approval or rejection of tenders for projects and schemes of the Authority on the recommendation of the Executive Committee ;
- (v) creation of posts under the Authority ;
- (vi) borrowing and re-borrowing of monies required by the Authority ;
- (vii) investment of surplus monies of the Bombay Metropolitan Region Development Fund ;
- (viii) making of grants, subventions, loans or advances to, or sharing expenses with, any local or other authority or person for projects and schemes ;
- (ix) institution or withdrawal of legal proceedings on behalf of the Authority ;
- (x) delegation of any of its powers and duties to the Executive Committee, a Functional Board, the Metropolitan Commissioner, the Financial Adviser or any other officer of the Authority.

(b) In addition to the powers and duties conferred on it under other provisions of this Act, the Standing Committee shall exercise such other powers and perform such other duties as may be delegated to it by the Authority from time to time.]

¹ Sub-section (2) was substituted for the original by Mah. 29 of 1976, s. 3.

(3) The Standing Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine.

7. (1) (a) There shall be an Executive Committee of the Authority consisting of the following members, namely :—

Constitution and powers of Executive Committee.

- (i) the Chief Secretary to Government ;
- (ii) the Metropolitan Commissioner ;
- (iii) the Secretary to Government, Urban Development ;
- (iv) the Municipal Commissioner, Bombay Municipal Corporation ,
- (v) the Managing Director, City and Industrial Development Corporation of Maharashtra ;
- (vi), (vii) and (viii) the Chairmen of the three Functional Boards constituted under this Act.

(b) The Chief Secretary shall be the Chairman, and the Metropolitan Commissioner shall be the Vice-Chairman of the Executive Committee. The Authority shall appoint a suitable person to be the Secretary of the Executive Committee.

¹[(2) The Executive Committee shall exercise the following powers and perform the following duties, namely :—

- (i) organisation of the Functional Boards and management and supervision of operational units and staff of the Authority ;
- (ii) appointment of the staff ;
- (iii) promulgation of internal procedures for management of the Authority ;
- (iv) administration of projects and schemes of the Authority ;
- (v) grant of permission or refusal of permission on behalf of the Authority under sub-section (3) of section 13 ;
- (vi) calling tenders, scrutinise them and approve or reject them where the value does not exceed rupees fifty lakhs and where the value exceeds rupees fifty lakhs make recommendation to the Standing Committee ;
- (vii) delegation of its powers and duties to any officer of the Authority.]

(3) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine.

²7A. All proceedings of the Authority, the Standing Committee and the Executive Committee shall be authenticated by the signature of the Chairman of the Authority, the Standing Committee or the Executive Committee, as the case may be, or of any member thereof authorised by the Chairman in this behalf, and all other orders and instruments of the Authority shall be authenticated by the Metropolitan Commissioner or the Financial Adviser or by any other officer of the Authority authorised by the Metropolitan Commissioner in this behalf.]

Authentication of orders, etc. of Authority and Standing and Executive Committees.

8. ³[(1) As soon as may be after the Metropolitan Authority is established under sub-section (1) of section 3, the State Government shall, by order, constitute three Functional Boards of the Authority as follows, namely :—

Constitution and powers of the Functional Boards.

- (i) a Transport and Communications Board ;
- ⁴[(ii) a Water Resources Management Board ; and]
- (iii) a Housing, Urban Renewal and Ecology Board.]

⁵[On the advice of the Authority, the State Government may, from time to time, by order published in the *Official Gazette* constitute one or more other Functional Boards, with such names, as it deems fit to specify, each having membership and Member-Secretary as provided in sub-section (2).]

¹ Sub-section (2) was substituted for the original by Mah. 29 of 1976, s. 4.

² Section 7A was inserted, *ibid.*, s. 5.

³ Sub-section (1) was substituted for the original by Mah. 26 of 1975, s. 4(a).

⁴ These brackets, figures and words were substituted for the brackets, figures and words "(ii) a Water Supply and Sewerage Board and" by Mah. 59 of 1975, s. 3

⁵ This portion was added by Mah, 29 of 1976, s. 6(a).

(2) Each Board shall consist of ¹[a Chairman] and such other members (not exceeding five) as may be appointed by the State Government. The Chairman and at least two of the other members shall be persons who have special knowledge and experience of the subjects to be dealt with by the Board. In addition to these members a Government officer ²[or a person] who has special knowledge and experience of the work which the Board is to do, shall be appointed by the State Government as Member-Secretary. * * *

⁴[(2A) The Metropolitan Commissioner and the Financial Adviser shall be *ex-officio* members of each of the Function Boards.

(2B) Each Board shall, in respect of the subjects or areas within its purview ;

(a) Plan, identify projects and schemes, initiate surveys and conduct investigations (either by itself or engaging other agencies as appropriate) and prepare programmes and proposals for investment purposes for the consideration of the Authority, indicating the authorities and agencies to be entrusted with the execution thereof ;

(b) review and advise the Authority on all matters enumerated in section 12 ,

(c) implement any project or scheme ;

(d) exercise such other powers and perform such other functions and duties as may be delegated to it by the Authority or the Standing Committee or as may be assigned to it by the Executive Committee, from time to time.]

(3) A Board constituted under this section shall meet at such place and at such time as may be determined by its Chairman; and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the board.

(4) The members of the Boards may be paid such allowances for meeting the personal expenditure in attending meetings and for attending to any other work of the Board, as may be determined by regulations:

Provided that, the full time and part time members (if any) who are not members of any Legislature or local authority, shall receive such salaries and allowances and shall be subject to such conditions of service as may be determined by the State Government.

(5) The Chairman or any other member of the Board may resign his office by tendering his resignation in writing to the Chairman of the Authority, but such resignation shall be effective only on its acceptance by the Chairman of the Authority.

Constitution
of * * *
Committees

9. (1) The Metropolitan Authority may constitute * * * committees consisting wholly of members of such Authority or partly of members of such Authority and partly of other persons and for such purpose or purposes, as it may think fit; and entrust to any such * * * committee such powers as the Metropolitan Authority may specify by regulations.

(2) The * * * committees constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

(3) The members of the * * * committees may be paid such allowances for meeting the personal expenditure in attending the meetings and for attending to any other work of the * * * committees, as may be provided by regulations.

¹ These words were substituted for the words "a full time Chairman" by Mah. 26 of 1975, s. 4(b).

² These words were inserted by Mah. 29 of 1976, s. 6 (b)(i).

³ The words beginning with "Each Board shall have" and ending with "the Executive Committee" were deleted, *ibid.*, s 6 (b) (ii).

⁴ Sub-sections (2A) and (2B) were inserted, *ibid.*, s. 6(c).

⁵ The words "other Boards or" were deleted, *ibid.*, s. 7(a).

⁶ The words "board or" were deleted, *ibid.*

⁷ The words "boards and" were deleted, *ibid.*, s. 7(b).

⁸ The words "boards and" and "boards or" were deleted, *ibid.*, 7(c).

⁹ The Words "other boards or" were deleted, *ibid.*, s. 7(d).

10. (1) Notwithstanding anything contained in any other law for the time being in force, a member (including the Chairman or Vice-Chairman) of the Authority or any of its Committees or boards shall not be disqualified for being chosen as, and for being, a member or councillor of the State Legislature or any local authority or any Committee, board, or body of such Legislature or authority, merely by reason of the fact that he is a member of the Authority or any of its Committees or boards.

Members not disqualified from contesting elections or continuing as members of State legislature or local authorities.

Bom. LII of 1956.

(2) In Schedule I to the Bombay Legislature Members (Removal of Disqualifications) Act, 1956, after entry 15, the following entry shall be added, namely :—

Mah. IV of 1975.

“ 16. The office of the member (including the Chairman or Vice-Chairman) of the Authority constituted under the Bombay Metropolitan Region Development Authority Act, 1974, or of any of its Committees or Boards constituted under that Act.”

¹[10A. The Authority, the Standing Committee, the Executive Committee or a Functional Board may invite any officer of Government or local authority to attend its meeting or meetings as a special or permanent invitee for the purpose of assisting or advising it on any matter or matters. The officer so invited may take part in the proceedings, but shall have no right to vote.]

Provision for inviting Government and local authority officers to assist or advise.

CHAPTER III. OFFICERS AND SERVANTS.

11. (1) The State Government shall appoint a Metropolitan Commissioner. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service of the Metropolitan Commissioner. He shall be appointed for such period not exceeding 3 years as the State Government may decide, and the appointment may be extended from time to time for a period not exceeding three years at a time :

Officers and servants of the Authority.

Provided that, the State Government may at any time—

(a) if the Metropolitan Commissioner holds a lien on the service of the State, recall him to such service, after consultation with the Authority ;

(b) remove him from office, if it shall appear to the State Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient :

Provided further that, if the Metropolitan Commissioner holds a lien on the service of the State, he shall forthwith be recalled to such service, if so requested by the Authority by passing a resolution for his recall :

Provided also that, the Metropolitan Commissioner may resign his office by tendering his resignation in writing to the Chairman of the Authority, but such resignation shall be effective only on its acceptance by the Chairman of the Authority.

²[(1A)(a) The State Government shall appoint a Financial Adviser, who shall be a person qualified and experienced in accounting, financial and economic subjects.

The State Government shall by order determine, From time to time, the salary and other terms and conditions of service of the Financial Adviser.

(b) The Financial Adviser shall be the head of the finance, budget, accounts and audit departments of the Authority. He shall have the right to attend and

¹ Section 10A was inserted by Mah. 29 of 1976, s. 8.

² Sub-sections (1A) and (1B) were inserted, *ibid.*, s. 9(a).

tender his advice on any accounting, financial or economic matter at any meetings of the Authority, the Standing Committee or the Executive Committee, but shall not by virtue of this sub-section be entitled to vote. He shall be responsible for—

- (i) preparation of all budgets, supplementary budgets and financial management information for the Authority ;
- (ii) the accounting operations of the Authority ;
- (iii) internal audit ;
- (iv) financial appraisal of the projects and schemes ;
- (v) monitoring the financial performance of the Authority and of the projects and schemes financed by it ;
- (vi) preparation of drafts of the procedural regulations and instructions in regard to the above matters and payments and other financial transactions, for consideration by the Executive Committee and the Standing Committee ;
- (vii) any other matter entrusted to him by the Authority, from time to time.

(1B) The State Government may, on a request being made by the Standing Committee, appoint one or more Additional, Deputy or Assistant Metropolitan Commissioners. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service of an Additional Metropolitan Commissioner, a Deputy Metropolitan Commissioner and an Assistant Metropolitan Commissioner.]

(2) The Authority may, from time to time, ¹[sanction creation of posts of other officers and servants subordinate to the Authority (including any Functional Board) as it thinks necessary.] The conditions of appointment and service and the powers and duties of such officers and servants shall be such as may be determined by regulations.

CHAPTER IV.

POWERS AND FUNCTIONS OF THE AUTHORITY.

Functions of the Metropolitan Authority. 12. ²[(1) The main object of the Authority shall be to secure the development of the Bombay Metropolitan Region according to the Regional plan, and for that purpose the functions of the Authority shall be—

- (a) review any physical, financial and economical plan ;
- (b) review any project or scheme for development which may be proposed or may be in the course of execution or may be completed in the Metropolitan Region ;
- (c) formulate and sanction schemes for the development of the Metropolitan Region or any part thereof ;
- (d) execute projects and schemes on the directions of the State Government ;
- (e) recommend to the State Government any matter or proposal requiring action by the State Government or any other authority for the overall development of the Metropolitan Region ;
- (f) participate with any other authority for inter-regional development ;
- (g) finance any project or scheme for the development of the Metropolitan Region ;
- (h) co-ordinate execution of the projects or schemes for the development of the Metropolitan Region ;
- (i) supervise or otherwise ensure adequate supervision over the planning and execution of any project or scheme, the expenses of which, in whole or in part, are to be met from the Bombay Metropolitan Region Development Fund ;

¹ These were substituted for the words beginning with "appoint" and ending with "considers necessary" by Mah. 29 of 1976 s. 9(b).

² Sub-section (1) was substituted for the original, *ibid.*, s. 10.

(j) prepare schemes and advise the concerned authorities in formulating and undertaking schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities ;

(k) prepare and implement schemes for providing alternative accommodation and for rehabilitation of persons displaced by projects and schemes which provide for such requirements ;

(l) do all such other acts and things as may be necessary for or incidental or conducive to, any matters which arise on account of its activity and which are necessary for furtherance of the objects for which the Authority is established.]

Mah. XXXVII of 1966. (2) Notwithstanding anything contained in the Maharashtra Regional and Town Planning Act, 1966, or any other law for the time being in force, the Authority may at any time undertake a revision of the Regional Plan for the Metropolitan Region or any part thereof prepared under the said Act, and shall for this purpose have all the powers of a Regional Planning Board constituted under section 4 of that Act, and undertake such revision in accordance with the provisions of that Act.

(3) The Authority may also in consultation with the Planning Authority concerned, for the purpose of the integrated development of the Metropolitan Region, undertake modification or revision of the Development Plans under the Act aforesaid for the area of that Planning Authority and shall for this purpose have all the powers of a Planning Authority under that Act.

13. (1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no authority or person shall undertake any development within the Metropolitan Region of the type as the Metropolitan Authority may from time to time specify, by notification published in the *Official Gazette*, and which is likely to adversely affect [the overall development] of the Metropolitan Region. No other authority or person to undertake certain development without permission of the Authority.

(2) Any authority or person desiring to undertake development referred to in sub-section (1) shall apply in writing to the Metropolitan Authority for permission to undertake such development.

(3) The Metropolitan Authority shall, after making such inquiry as it deems necessary and within 60 days from the receipt of an application under sub-section (2), grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission. If such permission is not refused within 60 days as aforesaid, it shall be deemed to have been granted by the Authority.

(4) Any authority or person aggrieved by the decision of the Metropolitan Authority under sub-section (3), may, within 30 days, appeal against such decision to the State Government, whose decision shall be final :

²[Provided that, where the aggrieved authority submitting such appeal is under the Administrative control of the Central Government, the appeal shall be decided by the State Government, after consultation with the Central Government.]

(5) In case any person or authority does anything contrary to the decision given under sub-section (4), the Authority shall have power to pull down, demolish or remove any development undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

¹ These words were substituted for the words "the integrated development" by Mah. 29 of 1976 s. 11.

² This proviso was added by Mah. 26 of 1975, s. 5.

Powers of the Metropolitan Authority to give directions. 14. (1) Notwithstanding anything contained in any other law for the time being in force, the Metropolitan Authority may give such directions¹ [to any local authority, or other authority or person], with regard to the implementation of any development project or scheme financed under section 12, as it thinks fit,] and [any such authority or person] shall be bound to comply with such directions.

(2) Where any direction is given to any authority⁴ [or person] under sub-section (1), such authority⁴ [or person] may, within fifteen days from the date of receipt of such direction, appeal to the State Government against such direction, and the decision of the State Government thereon shall be final.

(3) The Metropolitan Authority shall so exercise the power of supervision referred to in clause (i) of sub-section (1) of section 12 as may be necessary to ensure that each development project or scheme is executed in the interest of the overall development of the Bombay Metropolitan Region, and in accordance with any plan, project or scheme duly approved under any law for the time being in force or by the State Government.

Power of Metropolitan Authority to require local authority to assume responsibilities in certain cases. 15. Where any amenities are provided by the Metropolitan Authority, the Authority may assume responsibility for the maintenance of the amenities which have been provided by it, or may require the local authority, within whose local limits the area so developed is situated, to assume such responsibility for the maintenance of the amenities, and for the provision of such other amenities which have not been provided by the Metropolitan Authority, but which in its opinion should be provided in the area, on such terms and conditions as may be agreed upon between the Metropolitan Authority and that local authority; and where such terms and conditions cannot be agreed upon, on such terms and conditions as may be specified by the State Government, in consultation with the local authority and the Metropolitan Authority.

Power of the Metropolitan Authority to execute any plan 16. (1) Where the Metropolitan Authority is satisfied that any direction given by it under sub-section (1) of section 14 with regard to any development project or scheme has not been carried out by the authority referred to therein, within the time specified in the direction, or that any such authority is unable to fully implement any project or scheme undertaken by it for the development of any part of the Region, the Authority may, with the sanction of the State Government, itself undertake any works and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be, and recover the cost thereof from the concerned authority.

(2) The Metropolitan Authority may also undertake any work in the Region⁶ [of development in accordance with the Regional Plan] as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work. [Such direction may be issued to the Authority only wherein the opinion of the State Government (a) there is no other suitable authority to undertake such work, or (b) where there is such an authority but it is unwilling or unable to undertake such work, or (c) where the Metropolitan Authority has specifically requested the State Government to entrust such work to it.]

(3) Where any work is undertaken by the Metropolitan Authority under sub-section (1), it shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised by or under any law for the time being in force by the authority referred to in sub-section (1).

¹ This portion was substituted for the portion beginning with the words "with regard to" and ending with the words and figures "under section 12" by Mah. 59 of 1975, s. 5.

² These words were substituted for the words "to any authority" by Mah. 29 of 1976, s. 12(a)(i)

³ These words were substituted for the words "such other authority", *ibid.*, s. 12(a)(ii).

⁴ These words were inserted *ibid.*, s. 12(b).

⁵ This word and brackets were substituted for the word and brackets "clause (c)", *ibid.*, s. 12 (c).

⁶ These words were inserted *ibid.*, s. 13(a).

⁷ This portion was added *ibid.*, s. 13(b).

(4) The Metropolitan Authority may, for the purpose of sub-sections (1) and (2), undertake the survey of any area within the Metropolitan Region and for that purpose it shall be lawful for any officer or servant of the Metropolitan Authority—

- (a) to enter in or upon any land and to take level of such land ;
- (b) to dig or bore into the sub-soil ;
- (c) to mark levels and boundaries by placing marks and cuttings trenches ;
- (d) where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any fence or jungle :

Provided that, before entering upon any land, the Metropolitan Authority shall give notice of its intention to do so in such manner as may be specified in the regulations.

¹[16A. The Metropolitan Authority may, with the previous sanction of the State Government and subject to such terms and conditions as the State Government may impose, subscribe to the share capital of any company, or co-operative society, with a limited liability, established or to be established for providing any services in the Metropolitan Region or any part thereof, which are directly or indirectly useful to the Authority in carrying out any of the duties imposed upon it by or under this Act or any other law for the time being in force.]

Power to Metropolitan Authority to subscribe to share capital of certain companies or co-operative societies.

17. Nothing contained in this Chapter shall empower the Authority to provide in Greater Bombay for any of the matters which are provided or are to be provided by the Municipal Corporation of Greater Bombay under sections 61 and 63 of the Bombay Municipal Corporation Act, except where any such matters are required to be provided by the Authority for the purpose of the integrated development of the Metropolitan Region, where there is any doubt or dispute whether any matter can be provided for by the Authority under this section or not, the question shall be referred for the decision of the State Government, and the decision of the State Government shall be final.

Authority ordinarily not to provide for matters falling within obligatory and discretionary duties of Bombay Municipal Corporation, except for purpose of integrated development of the Region.

Bom. III of 1888.

CHAPTER V.

FINANCE, BUDGET AND ACCOUNTS.

18. (1) There shall be a fund for the Metropolitan Authority to be called "the Bombay Metropolitan Region Development Fund", to which shall be credited all moneys received by the Authority, including—

Funds of the Metropolitan Authority.

(a) an annual contribution to be made by the State Government of a sum of not less than rupees five crores as the State Government may determine in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contributions shall be utilised by the Authority for such planned development as the State Government may, from time to time, approve;

(b) a contribution to be made by the State Government of a sum of not less than rupees ten crores towards a revolving fund to be established by the Authority, in such instalments, as the State Government may determine

¹ Section 16A was inserted by Mah. 29 of 1976, s. 14.

in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contribution shall be utilised by the Authority for such planned developments as the State Government may, from time to time, approve ;

(c) such other moneys as may be paid to the Authority by the State Government ;

(d) such moneys as may be paid to the Authority by the Union Government or any other authority or agency ;

(e) the sums placed at its disposal by the State Government from out of the proceeds of any cess levied under Chapter VI ;

(f) the proceeds of any betterment charge levied under Chapter VI ;

(g) all fees, costs and charges received by the Authority under this Act or any other law for the time being in force ;

(h) all moneys received by the Authority from the disposal of lands, buildings and other properties, moveable and immovable, and other transactions ;

(i) all moneys borrowed by the Authority ;

(j) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The Metropolitan Authority may keep in current or deposit account, with the State Bank of India or with any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, which holds a licence issued by the Reserve Bank of India under section 22 of the Banking Regulation Act, 1949, or with any other bank approved by the State Government in this behalf, such sum of money out of its Fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(3) Such accounts shall be operated upon by such officers of the Metropolitan Authority as may be authorised by it by regulation made in this behalf.

Loans Fund. ¹18A. (1) As a part of the Bombay Metropolitan Region Development Fund, the Metropolitan Authority shall establish in distinct Bank accounts a Loans Fund for the purposes of (a) receiving all monies borrowed by it including all repayments of loan instalments together with payment of interest made by the borrower on loans, (b) providing all monies to be made available by the Authority as loans or advances to local authorities and other authorities or persons, (c) repayment of loans raised by the Authority or the purposes of this Act, and (d) expenditure on projects and schemes.

(2) All matters connected with the Loans Fund shall be governed by the regulations made in this behalf.]

Reserve and Other Funds 19. (1) The Metropolitan Authority shall make provision for a reserve fund and may provide for other specially denominated funds as it deems fit.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to credit thereof and the application of money comprised therein, shall be determined by the Metropolitan Authority.

Application of Funds, etc. 20. All property, funds and other assets vesting in the Metropolitan Authority shall be held and applied by it for the purposes and subject to the provisions of this Act.

¹ Section 18A was inserted by Mah. 29 of 1976, s. 15.

21. The Metropolitan Authority may, with the previous approval of the State Government, borrow any moneys or carrying out the purpose of his Act or for servicing any loan obtained by it, at such rates and on such conditions as the State Government may determine at the time the moneys are borrowed.

Power to Metropolitan Authority to borrow.

¹[21A. The Metropolitan Authority shall be competent to give grants, advances or loans to, or to share expenses with any local authority or other authority in the Metropolitan Region or any of the purposes of section 12, and notwithstanding anything contained ²[but subject to the restrictions (if any) contained in the Bombay Municipal Corporation Act,] it shall be lawful or such other authority to accept of such grants, advances or loans or share in the expenses, subject to such terms and conditions as the Metropolitan Authority may, from time to time, in consultation with such other authority, specify.]

Bom. III of 1888

Power to Metropolitan Authority to finance projects and schemes and impose condition therefor.

³[21B. The State Government may guarantee repayment of the principal of, and interest on, any loan raised or given by the Metropolitan Authority or transferred to it, for the purposes of his Act, subject to such conditions as the State Government may think fit to impose.]

State guarantee to loans taken or given by Authority.

22. (1) The Metropolitan Authority shall keep accounts in such form and in such manner as it may by regulations made in this behalf determine.

Accounts and Audit.

(2) The accounts of the Metropolitan Authority shall be audited by the Chief Auditor, Local Fund Accounts ⁴[or by any other auditor appointed by the State Government from time to time.]

(3) The audit shall be made in such manner as may be determined by regulations.

(4) The Auditor shall submit his audit report to the Metropolitan Authority and shall forward a copy thereof to the State Government.

23. (1) ⁵[The Financial Advisors] of the Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the financial year next ensuing showing the estimated receipts and disbursements of the Metropolitan Authority and shall submit it to the Metropolitan Authority for approval.

Budget.

(2) ⁶[The Financial Advisors] shall forward to the State Government copies of the budget estimate so prepared by him and the budget as approved by the Metropolitan Authority.

24. The Metropolitan Authority shall prepare after the end of each year (ending on the 31st day of March), a report of its activities during the previous year and submit it to the State Government before the 30th day of November and the State Government shall cause a copy of such report to be laid before the State Legislature.

Annual Report

⁷[24A. The Metropolitan Authority shall not and shall not be required to carry out any of its operations under this Act at a loss. Any deficit in the Metropolitan Region Development Fund in any financial year shall be made good by the Authority not later than the close of the next succeeding financial year.]

Operations of Authority not to be carried out at a loss.

¹ Section 21-A was inserted by Mah. 59 of 1975, s. 6.
² These words and brackets were inserted by Mah. 29 of 1976, s. 16.
³ Section 21B was inserted, *ibid.*, s. 17.
⁴ These words were inserted, *ibid.*, s. 18.
⁵ These words were substituted for the words "The Secretary", *ibid.*, s. 19.
⁶ Section 24A was inserted, *ibid.*, s. 20.

CHAPTER VI

POWERS OF TAXATION

Power to
levy a cess
on buildings
and lands.

25. (1) The State Government may, upon a request received from the Metropolitan Authority, by notification in the *Official Gazette*, levy a cess on buildings and lands in the Bombay Metropolitan Region or any part thereof, at such rate not exceeding five per centum, as may be determined by the State Government, of the ratable value of the property :

Provided that all buildings or parts thereof, which are erected before the 1st day of April 1960, and the lands on which they are erected, shall be exempt from the payment of the cess.

(2) Such cess may be levied at different rates for different areas and for different classes of properties.

(3) The cess shall be collected by the local authority within whose areas the properties are situated as if the cess were a property tax levied by it under the law governing that local authority and shall first be credited to the Consolidated Fund of the State, after deducting such portion thereof as may be prescribed as collection charges.

(4) The State Government shall after due appropriation made by the State Legislature by law in this behalf, pay to the Authority, from time to time, from out of the proceeds of the cess sums equivalent to the net amount of the cess credited to the Consolidated Fund of the State for being utilised by the Authority for the purposes of this Act.

(5) Notwithstanding anything contained in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, a landlord shall not, in respect of any premises situated in the Metropolitan Region, be entitled to make any increase in the rent of the said premises on account of the payment by him of the cess levied under this section. Bom.
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Power of
Metropolitan
Authority to
levy better-
ment charges.

26. (1) Where, in the opinion of the Metropolitan Authority, as a consequence of any development project or scheme having been executed by the Metropolitan Authority in any area, the value of any land in that area has increased or will increase, the Metropolitan Authority shall be entitled to levy upon the owner of the land or any person having an interest therein, a betterment charge in respect of the increase in value of the land resulting from the execution of the development project or scheme.

(2) Such betterment charge shall be an amount not exceeding one-half of the amount by which the value of the land on the completion of the execution of the development project or scheme, estimated as if the land were clear of buildings, exceeds the value of the land immediately before such execution estimated in like manner :

Provided that, in levying betterment charge on any land the Metropolitan Authority shall have regard to the extent and nature of benefit accruing to the land from the development project or scheme and such other factors as may be laid down by rules made in this behalf.

(3) No betterment contribution shall be payable by the Government, the Authority or other local authority in respect of any land which is the property of the Government, the Authority or other local authority or by any public institution in respect of any land belonging to such institution, if, and so long as, such land is used for a public charitable or religious purpose.

27. (1) When it appears to the Metropolitan Authority that any particular development project or scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Metropolitan Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the development project or scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Metropolitan Authority proposes to assess the amount of the betterment charge in respect of the land under the last preceding section.

Assessment of betterment charge by the Metropolitan Authority.

(2) The Metropolitan Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person a reasonable opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Metropolitan Authority, inform the Metropolitan Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Metropolitan Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Metropolitan Authority the information required by sub-section (2) within the period specified therein, the matter shall be determined by arbitrators in the manner provided in the next following section.

28. (1) For the determination of the matter referred to in sub-section (4) of the last preceding section, the State Government shall appoint three arbitrators of whom one shall be a City Civil Court Judge or District Judge or who has been such Judge and two others shall possess such technical qualifications as may be prescribed.

Settlement of betterment charge by arbitrators.

(2) The arbitrators shall follow such procedure as may be prescribed.

V of 1908 (3) The arbitrators shall, for the purpose of determining any matter referred to them, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when 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) requiring the discovery and production of any document ;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record from any Court or office ;

(e) issuing commissions for examination of witnesses.

(4) In the event of any difference of opinion among the arbitrators, the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(5) If any arbitrator dies, resigns, or is removed under sub-section (4) or refuses or neglects, in the opinion of the State Government, to perform his duties, or becomes incapable of performing the same, then the State Government shall forthwith appoint another fit person to take the place of such arbitrator.

(6) If the State Government is satisfied after such inquiry as it thinks fit—

(a) that an arbitrator has misconducted himself, the State Government may remove him from his office ;

(b) that the award of the arbitrators has been improperly procured or that any arbitrator has misconducted himself in connection with such award, the State Government may set aside the award.

(7) An award which has not been set aside by the State Government under clause (b) of sub-section (6) shall be final and shall not be questioned in any Court.

X of 1940. (8) The provisions of the Arbitration Act, 1940, shall not apply to arbitration under this section.

29. (1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by rules. Payment of betterment charge.

(2) Any arrear of betterment charge shall bear interest at the prescribed rate and shall be recoverable as an arrear of land revenue.

30. (1) Any person liable to the payment of betterment charge may, at his option instead of making a payment thereof to the Metropolitan Authority, execute an agreement with the Authority to leave the said payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the prescribed rate, the first annual payment of such interest being made at such time and in such manner as may be fixed by the rules : Betterment charge a first charge on land.

Provided that, within a period of ten years from the date on which the first payment of interest is made by any person, he may, at any time, pay the betterment charge in full in a lump sum and thereupon the agreement executed by him shall stand terminated and the charge created by him on his interest in the land shall also stand released.

(2) Every payment due from any person in respect of a betterment charge and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other law for the time being in force but subject to the payment of any dues of the Government, or of any local authority, be the first charge upon the interest of such person in such land.

CHAPTER VII

APPLICATION OF WITH OR WITHOUT MODIFICATIONS OR EXEMPTION FROM CERTAIN ENACTMENTS TO THE METROPOLITAN AUTHORITY.

31. The enactments mentioned in Schedule II shall apply, with or without modifications, or shall not apply to the Metropolitan Authority, or shall be applied, to the extent and in the manner mentioned in that Schedule.

Application of certain enactments to the Authority with certain modification, etc

CHAPTER VIII

ACQUISITION OF LAND

Power of State Government to acquire land 32. (1) Where, on any representation from the Metropolitan Authority, it appears to the State Government that, in order to enable the Authority to discharge any of its functions or to exercise any of its powers, or to carry out any of its projects or schemes or development programmes, it is necessary that any land in any part of the Metropolitan Region should be acquired, the State Government may acquire the land by publishing in the *Official Gazette* a notification to the effect that the State Government has decided to acquire the land in pursuance of this section :

Provided that, before publishing such notification, the State Government shall by notice published in the *Official Gazette* and served in the prescribed manner, call upon the owner of, or any other person who, in the opinion of that Government, may be interested in such land to show cause, why it should not be acquired, and after considering the cause, if any, shown by the owner or any other person interested in the land, the State Government may pass such order as it deems fit.

(2) The acquisition of land for any purpose mentioned in sub-section (1) shall be deemed to be a public purpose [and the acquisition of any land for such purpose shall in all cases be made in accordance with the relevant provisions of this Chapter].

(3) When a notification as aforesaid is published in the *Official Gazette*, the land shall, on and from the date on which the notification is so published, vest absolutely in the State Government free from all encumbrances.

Power of State Government to require person in possession of land to surrender or deliver possession thereof to State Government, etc. 33. (1) Subject to the provisions of section 43, where any land is vested in the State Government under sub-section (3) of section 32, the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(2) If any person fails or refuses to comply with an order under sub-section (1), the State Government may take possession of the land and may for that purpose use such force as may be reasonably necessary.

(3) Where any land is taken possession of as aforesaid, the State Government shall make that land available to the Metropolitan Authority for the purpose of discharging its functions and exercising its powers.

Right to receive an amount for acquisition. 34. Every person having any interest in any land acquired under this Chapter shall be entitled to receive from the State Government an amount as provided hereafter in this Chapter.

LANDS IN MUNICIPAL AREAS

Basis for determination of amount for acquisition of lands in municipal areas. 35. (1) Where any land (including any building thereon) is acquired and vested in the State Government under this Chapter and it is situated in Greater Bombay or any area within the jurisdiction of any municipal council in the Metropolitan Region, the State Government shall pay for such acquisition an amount, which shall be determined in accordance with the provisions of this section.

¹ These words were inserted by Mah. 26 of 1975, s. 6.

(2) Where the amount has been determined, with the concurrence of the Authority, by agreement between the State Government and the person to whom it is payable, it shall be determined and paid in accordance with such agreement.

(3) Where no such agreement can be reached, the amount payable in respect of any land acquired shall be an amount equal to one hundred times the net average monthly income actually derived from such land, during the period of five consecutive years immediately preceding the date of publication of the notification referred to in section 32, as may be determined by the Competent Authority.

(4) The net average monthly income referred to in sub-section (3) shall be calculated in the manner and in accordance with the principles set out in Schedule III.

(5) The Competent Authority shall, after holding an inquiry in the prescribed manner, determine in accordance with the provisions of sub-section (4) the net average monthly income actually derived from the land. The Competent Authority shall then publish a notice in a conspicuous place on the land and serve it in the prescribed manner and calling upon the owner of the land and every person interested therein to intimate to it before a date specified in the notice, whether such owner or person agrees to the net average monthly income actually derived from the land as determined by the Competent Authority. If such owner or person does not agree, he may intimate to the Competent Authority before the specified date what amount he claims to be such net average monthly income.

(6) Any person who does not agree to the net average monthly income as determined by the Competent Authority under sub-section (5) and the amount for acquisition to be paid on that basis and claims a sum in excess of that amount may prefer an appeal to the Tribunal, within thirty days from the date specified in the notice referred to in sub-section (5):

(7) On appeal, the Tribunal shall, after hearing the appellant, determine the net average income and the amount to be paid on that basis and its determination shall be final and shall not be questioned in any Court.

36. (1) Where the owner of the land and the owner of the building thereon are different persons or several persons claim to be interested in the amount for acquisition determined under the last preceding section, the Competent Authority shall determine the persons who in its opinion are entitled to receive the same and the sum payable to each of them.

(2) If any dispute arises as to the apportionment of the amount or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Competent Authority may refer the dispute to the decision of the Tribunal; and the Tribunal in deciding any such dispute shall follow the provisions of Part III of the Land Acquisition Act, 1894.

37. (1) After the amount for acquisition has been determined, the Competent Authority shall, on behalf of the State Government, tender payment of, and pay the amount to the persons entitled thereto.

(2) If the persons entitled to the amount do not consent to receive it, or if there be any dispute as to the title to receive the same or as to the apportionment of it, the Competent Authority shall deposit the amount in Greater

Apportionment of amount for acquisition.

Payment of amount for acquisition or deposit the same in Court.

- Bombay, in the Bombay City Civil Court, and in any other municipal area in the Court of the District Judge, and that Court shall deal with the amount so deposited in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894. 1 of 1894-

Powers of Competent Authority in relation to determination of the amount for acquisition, etc. 38. (1) The Competent Authority may, for the purpose of determining the amount for acquisition or apportionment thereof, require by order any person to furnish such relevant information in his possession as may be specified in the order.

(2) The Competent Authority shall, while holding an inquiry under section 33, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :—

V of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavit ;
- (d) requisitioning any public record from any Court or office ;
- (e) issuing commissions for examination of witnesses.

Payment of interest. 39. When the amount for acquisition is not paid or deposited on or before taking possession of the land, the Competent Authority on behalf of the State Government shall pay the amount determined with interest thereon, from the time of so taking possession until the amount shall have been so paid or deposited, at the rate of 4 per cent. per annum for the first six months and thereafter at the rate of 9 per cent. per annum.

Appointment of Competent Authorities. 40. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of Deputy Collector or Executive Engineer, to be a Competent Authority for the purposes of the foregoing provisions of this Chapter, and one or more such officers may be appointed for the whole of any municipal area or areas or any part thereof.

Appointment of Tribunal. 41. The State Government may, by notification in the *Official Gazette*, constitute a Tribunal consisting of the President (being a person who is holding or has held any judicial office not lower in rank than that of City Civil Court Judge or District Judge for a period of not less than five years) and a person who is holding or has held an office not below the rank of Deputy Director of Town Planning and a person who is holding or has held office not below the rank of Superintending Engineer to Government.

LANDS IN RURAL AREAS

Basis for determination of amount for acquisition of lands in rural areas and other procedure. 42. (1) Where any land (including any building thereon) is acquired and vested in the State Government under this Chapter and it is situated in any part of the Metropolitan Region, excluding Greater Bombay and any area within the jurisdiction of any municipal council (in this Chapter referred to as "a rural area"), the State Government shall pay for such acquisition an amount, which shall be determined in accordance with the provisions of this section.

(2) Where the amount has been determined, with the concurrence of the Authority, by agreement between the State Government and the person to whom it is payable, it shall be determined and paid in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Collector, who shall determine the amount or acquisition in accordance with the principles for determining compensation laid down in the Land Acquisition Act, 1894, and the provisions of that Act (including provisions for reference to Court and appeal) shall apply thereto *mutatis mutandis* as if the land has been acquired and compensation had to be determined, apportioned and paid under the provisions of that Act, subject to the modifications that references in sections 23 and 24 of that Act to the date of publication of the notification under section 4, sub-section (1), were references to the date on which the notice under the provision to sub-section (1) of section 30 is published and the references to the time or date of the publication of the declaration under section 6 were references to the date of publication of the notification under sub-section (3) of section 32 of this Act in the *Official Gazette*.

Explanation.—In this section, "Collector" means the Collector of a District, and includes, any officers specially appointed by the State Government or by the Commissioner to perform the functions of a Collector under the Land Acquisition Act, 1894.

ALTERNATIVE ACCOMMODATION.

43. Where any building is acquired under this Chapter and is vested in the Authority and is proposed to be demolished, it shall be the duty of the Authority, before evicting the occupiers, to provide such alternative accommodation, at such place and of such nature and size, as the Authority may deem fit, and on such terms and conditions as the Authority may determine, only to those persons who are occupiers of residential premises in the building, either as an owner or tenants, and who are actually residing in the building at the time of their eviction. If any occupier fails to accept and occupy the alternative accommodation allotted to him, within 45 days from the date of allotment, the responsibility of the Authority to provide him with such accommodation shall cease. The decision of the Authority as regards any matter contained in this section shall be final and shall not be questioned in any Court.

Explanation.—In this section, "building" means a house or a tenement or tenements let or intended to be let or occupied separately, but does not include any building which is unauthorised or which is a temporary building as defined in clause (sb) of section 3 of the Bombay Municipal Corporation Act.

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III of
1888.

CHAPTER IX MISCELLANEOUS

44. (1) Where any sum (not being rent payable in respect of any Metropolitan Authority premises) payable to the Authority, whether under any agreement, express or implied, or otherwise, howsoever, is not paid on or before the due date—

(a) and the claim is not disputed, the person duly authorised by the Authority shall send to the Collector a certificate under his hand indicating therein the sum which is due to the Authority or is claimed by the Authority, as the case may be; and thereupon, the Collector shall recover the sum due or claimed as an arrear of land revenue;

(b) and the claim is disputed, it shall be referred to a Tribunal constituted by the State Government for the purpose, which shall, after making such inquiry as it thinks fit, and after giving to the person by whom the sum is alleged to be payable

a reasonable opportunity of being heard, decide the question ; and the decision of the Tribunal shall be final and shall not be called in question in any Court or before any other authority. Thereupon, the Collector shall recover the sum determined to be due as an arrear of land revenue.

(2) The Tribunal shall consist of one person, who is not connected with the Authority or with the person by whom the sum is alleged to be payable.

(3) The expenses of the Tribunal shall be borne by the Authority.

(4) The procedure to be followed by the Tribunal in deciding questions referred to it shall be such as may be prescribed.

Lump sum contribution by the Authority in lieu of taxes levied by local authorities.

45. (1) Subject to rules, if any, that may be made under this Act, and regard being had to the fact that the Metropolitan Authority itself provides in the area within the jurisdiction of any local authority all or any of the amenities which the local authority provides, then the Authority shall not be liable to pay the taxes including property taxes, if any, but it shall be lawful to the local authority to arrive at an agreement with the Authority, with the prior sanction of the State Government to receive a lump sum contribution to the local authority in lieu of all or any of the taxes levied or services rendered by the local authority.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the State Government in such manner as the State Government may determine, and the State Government may, after giving to the local authority or the Authority or both a reasonable opportunity of being heard, decide the amount of such contribution. The decision of the State Government shall be binding on both parties.

Deduction from salary or wages to meet claims of the Authority in certain cases.

46. (1) Any person dealing with the Metropolitan Authority may execute an agreement in favour of such Authority providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement, and to pay to the Authority the amount so deducted in satisfaction of any debt or demand of the Authority against such person.

(2) On the execution of such agreement, the employer shall, if so required by the Authority, by requisition in writing, and so long as the Authority does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the Authority as if it were a part of the salary or wages payable by the employer as required under the Payment of Wages Act, 1936, on the day on which the employer makes payment.

(3) If, after the receipt of a requisition made under the foregoing sub-section, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to such person or makes a default in remitting the amount deducted to the Authority, the employer shall be personally liable for the payment thereof ; and the amount shall be recoverable on behalf of the Authority from the employer as an arrear of land revenue.

(4) Nothing contained in this section shall apply to persons employed in any railways (within the meaning of the Constitution) and in mines and oil fields.

IV of 1936.

Control by State Government.

46A. (1) The Metropolitan Authority shall exercise its powers and perform its duties under this Act in accordance with the policy framed and guidelines laid down, from time to time, by the State Government for development of the areas in the Metropolitan Region.

(2) The Authority shall be bound to comply with such directions which may be issued, from time to time, by the State Government for efficient administration of this Act.

(3) If, in connection with the exercise of the powers and the performance of the duties of the Authority under this Act, any dispute arises between the Authority and the State Government, the matter shall be decided by the State Government and its decision shall be final.

46B. The Metropolitan Authority shall have power to call for any return, statement of accounts, report, statistics or other information from any local authority or other authority or person in the Metropolitan Region, which is required by it in the exercise of its powers and the performance of its duties under this Act, or any other law for the time being in force, and such authority or person shall be bound to furnish such information.]

Power of Authority to call for returns, reports, etc.

47. Every officer and other employee of the Metropolitan Authority [and every member of the Functional Boards, other boards, and committees constituted under this Act] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and other employees of the Metropolitan Authority to be public servants.

XLV
of
1860

¹ This portion was inserted by Mah. 26 of 1975, s. 7.

48. No suit, prosecution or other legal proceeding shall lie against any member or any officer or other employee of the Metropolitan Authority ¹[and any member of the Functional Boards, other boards, and committees constituted under this Act,] for anything done in good faith under this Act. Indemnity.

49. (1) The power to make all rules under this Act shall be exercisable by the State Government by notification in the *Official Gazette*. Power to make rules.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

50. The Metropolitan Authority may, from time to time, make regulations for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions under this Act. Power to make regulations.

51. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law governing any local or other authority, in the Maharashtra Regional and Town Planning Act, 1966, or in any other law for the time being in force. Effect of provisions inconsistent with other laws.

52. If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion requires, but not later than two years from the date on which the Metropolitan Authority is established, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty. Power to remove difficulties.

SCHEDULE I

[See clause (b) of section 2]

The Bombay Metropolitan Region shall comprise the whole of the area of Greater Bombay and the parts of Thana and Kolaba Districts within the following boundaries, namely :—

WEST	..	Arabian Sea,
NORTH	..	Tansa River,
EAST	..	Eastern limits of Kalyan and Bhiwandi Talukas, up to the foot hills of Sahyadri in Karjat Taluka.

¹This portion was inserted by Mah. 26 of 1975, s. 8.

SOUTH—Patalganga river upto villages Apta and Gulsunde, and then eastern boundary of the following villages of Pen Taluka :—

Dusvi, Koshankhar, Nindarkhar, Navkhar, Kharbeloli, Beloli, Ambivali, Davansar, Ramraj, Dhavte ; and then southern boundary of the following villages of Pen Taluka :—

Vadgaon, Maleghar, Kandla, Naygaon and Shilottarjang ; and then further southern boundary of the following villages of Alibag Taluka :—

Shahapur, Bhangar, Poyand, Ambeghar, Trigaon, Gan, Gav Tarf Parhar Sagaon, Taloli, Khandala, Veshvi and Alibag.

SCHEDULE II

(See section 31)

1. The Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956).

The State Government may, by notification in the *Official Gazette*, direct that, from such date as may be specified therein, the said Act shall apply to premises belonging to, or taken on lease by the Metropolitan Authority as that Act applies in relation to Government premises, subject to the following modifications in the said Act, namely :—

(a) in section 2, for clause (b), there shall be substituted the following clause :—

“(b) “ Authority ” means the Bombay Metropolitan Region Development Authority established under the Bombay Metropolitan Region Development Authority Act, 1974 ; and “ Authority premises ” means any premises belonging to or taken on lease by that Authority ”;

Mah.
IV of
1975.

(b) for section 3, there shall be substituted the following section, namely :—

Appoint-
ment of
competent
authorities.

“3. The State Government may, by notification in the *Official Gazette* appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of Deputy Collector or Executive Engineer, to be a Competent Authority for the purposes of this Act and one or more such officers may be appointed for the whole of the Bombay Metropolitan Region or any part thereof.”;

(c) any references to “ Government premises ” in that Act shall be deemed to be references to “ Authority premises ”, and references to the State Government in sections 4, 6 and 9 thereof shall be deemed to be references to “ the Authority ”;

(d) in section 6 in sub-section (1),—

(i) after clause (b), there shall be inserted the following word and clause, namely :—

“ or ”

(c) any employee of the Authority ;

(ii) after the words “ or, as the case may be, the local authority ” there shall be inserted the words “ or the Authority. ”.

II. The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (Mah. XLV of 1963).

The said Act shall not apply to the Metropolitan Authority or to any land or building belonging to or vesting in that Authority.

III. The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966.)

In the said Act, in section 40, in sub-section (1), after clause (b), there shall be inserted the following word and clause, namely :—

“or

Mah.
IV of
1975.

(c) appoint the Bombay Metropolitan Region Development Authority established under the Bombay Metropolitan Region Development Authority Act, 1974.”

SCHEDULE III

[See sub-section (4) of section 35]

Principles for determination of the net average monthly income

1. The Competent Authority shall first determine the gross rent actually derived by the owner of the land acquired including any building on such land during the period of five consecutive years referred to in sub-section (3) of section 35.

2. For such determination the Competent Authority may hold any local inquiry and obtain if necessary, certified copies of extracts from the property tax assessment books of the local authority concerned showing the rental value of such land.

3. The net average monthly income referred to in sub-section (4) of section 35 shall be sixty per cent. of the average monthly gross rent which shall be one-sixtieth of the gross rent during the five consecutive years as determined by the Competent Authority under paragraph 1.

4. Forty per cent. of the gross monthly rental referred to above shall not be taken into consideration in determining the net average monthly income but shall be deducted in lieu of the expenditure which the owner of the land would normally incur for payment of any property tax to the local authority, for collection charges, income-tax or bad debts as well as for works of repair and maintenance of the buildings, if any, on the land.

5. Where the land or any portion thereof has been un-occupied or the owner has not been in receipt of any rent for the occupation of the land during the whole or any part of the said period of five years, the gross rent shall be taken to be the income which the owner would in fact have derived if the land had been leased out for rent during the said period, and for this purpose the rent actually derived from the land during a period prior or subsequent to the period during which it remained vacant or from similar land in the vicinity shall be taken into accounts.