



The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2006

Act 31 of 2006

Keyword(s):

Municipal Council, Township, Panchayat, Nagar Panchayat, Industrial Township

Amendments appended: 35 of 2006, 36 of 2006, 48 of 2006, 49 of 2006, 22 of 2007, 33 of 2007, 2 of 2008, 12 of 2008, 13 of 2008, 6 of 2009, 7 of 2009, 21 of 2009, 10 of 2010, 27 of 2010, 1 of 2011, 9 of 2011, 11 of 2011, 20 of 2011, 26 of 2011, 29 of 2011,

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महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, ऑगस्ट १, २००६/श्रावण १०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006 (Mah. XXXI of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXI OF 2006.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", dated the 1st August 2006).

An Act further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Mah. XL of 1965. WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

- (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint. ment.

Amendment
of section 2
of Mah. XL
of 1965.

2. In section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"),—

Mah.
XL of
1965.

(a) in clause (7),—

(i) the words "the directly elected President" shall be deleted ;

(ii) for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) to get elected as a President of the Council or a Chairperson of any of the Committees of the Council ;";

(b) for clause (12), the following clause shall be substituted, namely :—

"(12) "election" means an election to a Council, and includes any by-election;".

Amendment
of section 9
of Mah. XL
of 1965.

3. In section 9 of the principal Act, in sub-section (1), in clause (a), the words "the President and" shall be deleted.

Substitution
of section
51 of Mah.
XL of 1965.

4. For section 51 of the principal Act, the following section shall be substituted, namely :—

Election of
President.

"51. (1) Subject to the provisions of section 51-1A every Council shall have a President who shall be elected by the elected Councillors from amongst themselves.

(2) The Collector shall, within twenty-five days from the date on which the names of the Councillors elected to a Council are published or, as the case may be, first published under sub-section (1) of section 19, in the *Official Gazette*, convene a special meeting of the Councillors for election of a President :

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councillors.

(3) The meeting called under sub-section (2) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has, but shall not have the right to vote :

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(4) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court.

(5) If, in the election of the President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(6) Any dispute regarding election of the President shall be referred to the State Government whose decision in that behalf shall be final.

(7) After election of the President, the Council shall continue its meeting for the purpose of nominating Councillors.

(8) The nomination of the Councillors shall be made in the prescribed manner.

(9) If, there is a vacancy in the office of the President due to any reason whatsoever, then for subsequent election of a President, the same procedure as laid down in sub-sections (2) to (6) (both inclusive) shall apply except that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs."

5. In section 55 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

Amendment
of section
55 of Mah.
XL of 1965.

" Provided that, no such resolution shall be moved,—

(a) within a period of two years from the date of election of the President; and

(b) if the duration of the Council is to expire within a period of six months."

Insertion of
section 55A
in Mah. XL
of 1965.

6. After section 55 of the principal Act, the following section shall be inserted, namely :—

Removal of
directly
elected
President
by
Councillors.

“55A. Notwithstanding anything contained in any other provisions of this Act, the provisions of section 55, as it existed on the date immediately preceding the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006, shall continue to apply for the removal of the directly elected President by the Councillors.”

Mah.
XXXI.
of
2006.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

सोमवार, सप्टेंबर ११, २००६/भाद्र २०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English Translation of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2006 (Mah. XXXI of 2006), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 1st August 2006, at pages 602-605, on page 605, in line 3, for "55A." read "55-1."



महाराष्ट्र शासन राजपत्र

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शनिवार, ऑगस्ट १९, २००६ / श्रावण २८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

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In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006 (Mah. Act. No. XXXV of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXV OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" dated the 19th August 2006).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II of
1950.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra

(६५१)

Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India, as follows :—

Mah.
XL of
1965.

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2006.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Insertion
of section
5B in Bom.
III of 1888.

2. After section 5A of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Bom.
III of
1888.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

"5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Mah.
XXIII
of
2001.

Amendment of
section 16 of
Bom. III of
1888.

3. In section 16 of the Mumbai Corporation Act, sub-sections (1B) and (1C) shall be deleted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of
section 5B in
Bom. LIX of
1949.

4. After section 5A of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), the following section shall be inserted, namely :—

Bom.
LIX of
1949.

- Mah. XXIII of 2001. "5B. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."
- Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.
5. In section 10 of the Provincial Corporations Act, sub-sections (1B) and (1C) shall be deleted.
- Amendment of section 10 of Bom. LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

- C. P. and Berar II of 1950. 6. After section 9A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), the following section shall be inserted, namely :—
- Insertion of section 9AA in C. P. and Berar II of 1950.

- Mah. XXIII of 2001. "9AA. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."
- Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.

7. In section 15 of the Nagpur Corporation Act, sub-sections (2) and (3) shall be deleted.
- Amendment of section 15 of C. P. and Berar II of 1950.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

- Mah. XL of 1965. 8. After section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), the following section shall be inserted, namely :—
- Insertion of section 9A in Mah. XL of 1965.

Person
contesting
election
for
reserved
seat to
submit
Caste
Certificate
and
Validity
Certificate.

“9A. Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah.
XXIII
of
2001.

Amendment of
section 16 of
Mah. XL of
1965.

9. In section 16 of the Municipal Councils Act, sub-sections (1B) and (1C) shall be deleted.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, डिसेंबर १३, २००६/अग्रहायण २२, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

(अध्यादेश, विधेयके व अधिनियम यांचा इंग्रजी अनुवाद)

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2006 (Mah. Act No. XXXVI of 2006), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department,

MAHARASHTRA ACT No. XXXVI OF 2006.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 13th December 2006.)

AN ACT FURTHER TO AMEND THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Mah. Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2006. Short title.

Amendment of section 51 of Mah. XL of 1965. 2. In section 51 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"),— Mah. XL of 1965.

(a) in sub-section (7), for the words "nominating Councillors" the words "electing Vice-President" shall be substituted;

(b) sub-section (8) shall be deleted.

Amendment of section 51A of Mah. XL of 1965. 3. In section 51A of the principal Act,—

(a) in sub-section (1), for the words, brackets and figures " in the first general meeting convened under sub-section (9) of section 51" the words, brackets and figures " in the special meeting convened under sub-section (2) of section 51" shall be substituted;

(b) in sub-section (2), the words " by the President and if there is no President then " shall be deleted;

(c) in sub-section (3), the words " the President or" shall be deleted.

Insertion of section 51A-1 of Mah. XL of 1965. 4. After section 51A of the principal Act, the following section shall be inserted, namely :—

Nomination of Councillors.

" **51B.** (1) The Collector shall, within seven days from the date of election of the President call a special meeting for the purpose of nominating Councillors.

(2) The nomination of the Councillors under clause (b) of sub-section (1) of section 9, shall be made in the prescribed manner."

(3) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a Council when presiding over a meeting of the Council has, but shall not had the right to vote :

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

Amendment of section 63 of Mah. XL of 1965. 5. In section 63 of the principal Act,—

(i) in sub-section (2), for clause (b), the following clause shall be substituted, namely :—

"(b) nominating Councillors on the Subjects Committees in accordance with the provisions of sub-section (2B) : " ;

(iii) for sub-sections (2B), (3), (3A) and (3B), the following sub-sections shall be substituted, namely :—

“(2B) In nominating the Councillors, the Collector shall take into account the relative strength of recognised parties or registered parties or groups and nominate members, as nearly as may be, in proportion to the strength of such parties or groups in the Council, after consulting the leader of each such party or group :

Provided that, nothing contained in this sub-section shall be construed as preventing the Collector from nominating on the Committee, any member not belonging to any such party or group:

Provided further that, for the purpose of deciding the relative strength of the recognised parties or registered parties or groups under this sub-section, the recognised parties or registered parties or groups, or elected Councillor not belonging to any such party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986, within a period of not more than one month from the date of notification of election results, form the *aghadi* or front and, on its registration, the provisions of the said Act shall apply to the members of such *aghadi* or front, as if it is a pre-poll *aghadi* or front.

Mah.
XX of
1987.

(2C) If any question arises as regards the number of Councillors to be nominated on behalf of such party or group, the decision of the Collector shall be final. ”.

6. In section 64 of the principal Act,—

(i) for the word “ elected ” at both the places where it occurs, the word “ nominated ” shall be substituted ;

(ii) for the word “ election ” the word “ nomination ” shall be substituted.

Amendment
of section
64 of Mah.
XL of 1965.

7. In section 65 of the principal Act, in sub-section (4), in clause (c), for the words “ holding elections to ” the words “ nominating members on ” shall be substituted.

Amendment
of section
65 of Mah.
XL of 1965.

8. In section 66 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

“(c) such other members nominated by the Collector, in the manner laid down in sub-section (2B) of section 63, so however that the total members of the Standing Committee shall not exceed the number determined under clause (a) of sub-section (4) of the said section:

Amendment
of section
66 of Mah.
XL of 1965.

Provided that, no Councillor shall be eligible to be a member of the Standing Committee, if he is already nominated as a Member of more than one Subjects Committee.”.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६ / पौष ८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2006 (Mah. Act No. XLVIII of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLVIII OF 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 29th December 2006.)

An Act further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2006, on the 5th October 2006;

Mah.
XL of
1965.
Mah.
Ord.
X of
2006.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 5th October 2006.

Amendment of section 51-1A of Mah. XL of 1965. 2. In section 51-1A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"), after sub-section (2), the following sub-section shall be added, namely:—

Mah.
XL of
1965.

"(3) Notwithstanding anything contained in the Maharashtra Municipal Councils and *Nagar Panchayats* (President Election) Rules, 1981, the roster relating to the reservation of offices of the President in force on the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2006, shall be deemed to have been amended to give effect to the provisions of the term of office of the President, specified in section 52."

Mah.
XLVIII
of
2006

Amendment of section 51A of Mah. XL of 1965.

3. In section 51A of the principal Act,—

(a) in sub-section (6), for the words "one year" the words "two and half years" shall be substituted;

(b) for sub-section (7), the following sub-section shall be substituted, namely:—

"(7) If there is any vacancy in the office of the Vice-President for any reason whatsoever, the vacancy shall be filled up by following the procedure prescribed in sub-sections (1) to (3) and the Vice-President so elected shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such vacancy."

4. For section 52 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section
52 of Mah.
XL of 1965.

“ 52. The term of office of the President shall be of two and half years :

Term of
office of
President.

Provided that, nothing in this section shall apply to the Presidents who are holding the office of Presidents on the date of coming into force of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2006, and their term shall be co-terminus with the term of their respective Councils.”

Mah.
XLVIII
of
2006.

5. In section 55 of the principal Act,—

Amendment
of section
55 of Mah.
XL of 1965.

(i) in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

“ Provided that no such resolution shall be moved within a period of one year from the date of election of the President.” ;

(ii) in sub-section (6), the words “ within a period of one year from the date of the special meeting ” shall be deleted.

Mah.
Ord.
X of
2006.

6. (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2006, is hereby repealed.

Repeal of
Mah. Ord.
X of 2006
and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पौष ८, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियमन आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006, (Mah. Act No. XLIX of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLIX OF 2006

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 29th December 2006).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

(१०४)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, on the 27th October 2006;

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:—

Mah.
Ord.
XII of
2006.

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 27th October 2006.

Amendment
of section 5B
of Bom. III
of 1888.

2. To section 5B of the Mumbai Municipal Corporation Act, the following provisos shall be added, namely:—

Bom.
III of
1888.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”

Amendment
of section 5B
of Bom. LIX
of 1949.

3. To section 5B of the Bombay Provincial Municipal Corporations Act, 1949, the following provisos shall be added, namely:—

Bom.
LIX of
1949.

“Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

C.P.
and
Berar
II of
1950.

4. To section 9AA of the City of Nagpur Corporation Act, 1948, the following provisos shall be added, namely:—

Amendment
of section
9AA of C.P.
and Berar II
of 1950.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Mah.
XL of
1965.

5. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the following provisos shall be added, namely:—

Amendment
of section 9A
of Mah. XL
of 1965.

“ Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.”.

Repeal of
Mah. Ord.
XII of 2006
and saving.

6. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006, is hereby repealed.

Mah.
Ord.
XII of
2006.

(2) Notwithstanding such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, ऑगस्ट ६, २००७/श्रावण १५, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2007 (Mah. Act No. XXII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XXII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 6th August 2007.)

An Act further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Mah. XL of 1965. WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2007. Short title.

(४०१)

Amendment
of section 61
of Mah. XL
of 1965.

2. In section 61 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for sub-section (1), the following sub-section shall be substituted, namely :—

Mah.
XL of
1965.

“(1) There shall be paid to the President such honoraria and allowances, as the State Government may, from time to time, by an order determine.”



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, डिसेंबर २६, २००७/पौष ५, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007 (Mah. Act No. XXXIII of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXIII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 26th December 2007).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(५५१)

[किंमत : रुपये ९.००]

**CHAPTER I
PRELIMINARY**

- Short title and commencement. **1.** (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2007.
(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

- Insertion of Chapter IV-A in Bom. III of 1888. **2.** After section 86 of the Mumbai Municipal Corporation Act, the following Chapter shall be inserted, namely :—

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

- Disclosure of specified information. **86A.** (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information, specified in sub-section (3).

(2) The manner of disclosure of information shall include the publication of the information,—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 3. After section 60 of the Bombay Provincial Municipal Corporations Act, 1949, the following Chapter shall be inserted, namely :—

Insertion of Chapter IV-A in Bom. LIX of 1949.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

60A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure of specified information.

(2) The manner of disclosure of information shall include the publication of the information—

- (i) in News papers ;
- (ii) on Internet ;
- (iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;
- (iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

- (i) particulars of the Corporation ;
- (ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;
- (iii) a directory of its officers and employees ;
- (iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;
- (v) audited financial statements showing Balance sheet, Receipts, and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;
- (vi) the statement showing each of the services provided by the Corporation ;
- (vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;
- (viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;
- (ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;
- (x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C.P.
and
Berar
II of
1950.

4. After section 56 of the City of Nagpur Corporation Act, 1948, the following Chapter shall be inserted, namely :—

Insertion of
Chapter
IV-A in C.P.
and Berar II
of 1950.

“ CHAPTER IV-A

DISCLOSURE OF SPECIFIED INFORMATION

56A. (1) The Corporation shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Corporation to disclose the information specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information-

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Corporation at its Head Office as well as Ward Offices ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Corporation.

(3) The Corporation shall be required to disclose the following information, namely :—

(i) particulars of the Corporation ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Corporation or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Corporation ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Corporation ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Corporation, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Corporation and the grants released to the Corporation ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Corporation, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

5. After section 87 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following Chapter shall be inserted, namely :—

Insertion of
Chapter VI-A
in Mah. XL
of 1965.

“ CHAPTER VI-A

DISCLOSURE OF SPECIFIED INFORMATION

87A. (1) The Council shall maintain and publish all its record duly catalogued and indexed in a manner, and form which enables the Council to disclose the information, specified in sub-section (3).

Disclosure
of specified
informa-
tion.

(2) The manner of disclosure of information shall include the publication of the information—

(i) in News papers ;

(ii) on Internet ;

(iii) on Notice boards of the Council at its Head Office as well as other offices, if any ;

(iv) by such other mode, as may be prescribed :

Provided that, the information shall be disclosed in the language in which it is available with the Council.

(3) The Council shall be required to disclose the following information, namely :—

(i) particulars of the Council ;

(ii) a statement showing the boards, councils, committees and other bodies, by whatever name called, constituted for the purpose of exercising the functions of the Council or rendering advise to it, whether or not the meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible to the public ;

(iii) a directory of its officers and employees ;

(iv) the particulars of officers who are empowered to grant concessions, permits or authorisations for any activity of the Council ;

(v) audited financial statements showing Balance sheet, Receipts and Expenditures, and cash flow on a quarterly basis, within two months of end of each quarter, and audited financial statements for the full financial year, within three months of the end of the financial year ;

(vi) the statement showing each of the services provided by the Council ;

(vii) particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made ;

(viii) details of subsidy programmes on major services provided or activities performed by the Council, and manner and criteria of identification of beneficiaries for such programmes ;

(ix) particulars of the master plan, city development plan or any other plan concerning the development of the municipal area ;

(x) the particulars of major works, as may be specified by notification by the State Government, in the *Official Gazette*, together with information on the value of works, time of completion and details of contract ;

(xi) the details of the municipal funds, i.e. income generated in the previous year by the following :—

(a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions ;

(b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and the reasons thereof ;

(c) share of taxes levied by the State Government and transferred to the Council and the grants released to the Council ;

(d) grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the Council, the nature and extent of utilization ;

(e) money raised through donation or contribution from public or non-governmental agencies ;

(xii) annual budget allocated to each ward ;

(xiii) such other information, as may be prescribed.”.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी ४, २००८/पौष १४, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007 (Mah. Act No. II of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2008.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 4th January 2008.)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007. Short title.

(३)

Insertion of
section
267A in
Bom. LIX of
1949.

2. After section 267 of the Bombay Provincial Municipal Corporations Act, 1949, the following section shall be inserted, namely :—

Bom.
LIX
of
1949.

Levy of
penalty on
unlawful
building.

“267A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable unders sub-section (1) shall be

determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

C.P.
and
Berar
II of
1950.

3. After section 282 of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

Insertion of
section
282A in
C. P. and
Berar II of
1950.

“282A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

Levy of
penalty on
unlawful
building.

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Corporation, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder, shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”

Insertion of
section
189A in
Mah. XL of
1965.

Levy of
penalty on
unlawful
building.

4. After section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely:—

Mah.
XL
of
1965.

“189A. (1) Whoever unlawfully constructs or reconstructs any building or part of a building,—

(a) on his land without obtaining permission under this Act or any other law for the time being in force or in contravention of any condition attached to such permission ;

(b) on a site belonging to him which is formed without approval under the relevant law relating to Regional and Town Planning ;

(c) on his land in breach of any provision of this Act or any rule or bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rule or bye-law ; or

(d) on any land, belonging to, or leased by, the Council, or the Central or State Government, or any statutory corporation or organization or company set up by any such Government, in breach of any provision of this Act or of any other law for the time being in force and the rules or bye-laws made thereunder,

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction, without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction :

Provided that, such levy and collection of tax and penalty shall not be construed as regularization of such unlawful construction or reconstruction for any period whatsoever of its such unlawful existence.

(2) Penalty payable under sub-section (1) shall be determined and collected under the provisions of this Act, as if the amount thereof were a property tax due by such person.”



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत-प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007 (Mah. Act No. XII of 2008.), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XII OF 2008.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 2nd May 2008).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

(४६८)

- Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2007.
- Amendment of section 16 of Bom. III of 1888. 2. In section 16 of the Mumbai Municipal Corporation Act, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 10 of Bom. LIX of 1949. 3. In section 10 of the Bombay Provincial Municipal Corporations Act, 1949, after sub-section (1D), the following sub-sections shall be inserted, namely :—
- “(1E) If the State Election Commission is satisfied that a person,—
- (a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and
- (b) has no good reason or justification for such failure,
- the State Election Commission may, by order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.
- (1F) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1E) or reduce the period of any such disqualification.”
- Amendment of section 15 of C.P. and Berar II of 1950. 4. In section 15 of the City of Nagpur Corporation Act, 1948, after sub-section (3), the following sub-section shall be added, namely :—
- “(4) (a) If the State Election Commission is satisfied that a person,—

Bom.
III of
1888.Bom.
LIX of
1949.C.P.
and
Berar
II of
1950.

(i) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(ii) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(b) The State Election Commission may, for reasons to be recorded, remove any disqualification under this sub-section or reduce the period of any such disqualification.”

Mah.
XL of
1965.

5. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (1C), the following sub-sections shall be inserted, namely :—

Amendment
of section 16
of Mah. XL
of 1965.

“(1D) If the State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by the State Election Commission, and

(b) has no good reason or justification for such failure,

the State Election Commission may, by an order published in the *Official Gazette*, declare him to be disqualified and such person shall be disqualified for being a Councillor or for contesting an election for being a Councillor for a period of three years from the date of the order.

(1E) The State Election Commission may, for reasons to be recorded, remove any disqualification under sub-section (1D) or reduce the period of any such disqualification.”



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, मे २, २००८/वैशाख १२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2008 (Mah. Act No. XIII of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIII OF 2008.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 2nd May 2008)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporation Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2008.

Short title and commencement.

(४७१)

भाग आठ—८७

[किंमत : रुपये १५.००]



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, जानेवारी १४, २००९/पौष २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008 (Mah. Act No. VI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2009.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th January 2009).

An act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Bom III of 1888.
Bom LIX of 1949.
C.P. and Berar II of 1950.
Mah. XL of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:—

(४२)

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 353B in Bom.III of 1888. Structural Stability Certificate. 2. After section 353A of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely:—

Bom. III of 1888.

"**353B.** (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 353A; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as "the Structural Stability Certificate"). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within

the period not exceeding thirty days as specified by the Commissioner, in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 471.

(6) Notwithstanding anything contained in sub-section (5), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Amendment of section 471 of Bom. III of 1888. **3.** In the Table to section 471 of the Mumbai Corporation Act, after entry 85, the following entry shall be inserted, namely:—

“ 85A 353B	Provisions as to Structural Stability Certificate	Twenty-five thousand rupees or the amount equal to property tax of the building, for a period of one year, whichever is higher	Twenty-five thousand rupees or the amount equal to property tax of the building for a period of one year, whichever is higher”.
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CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Insertion of
section 265A
in Bom. LIX
of 1949.

4. After section 265 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Provincial Corporations Act”), the following section shall be inserted, namely:—

Bom.
LIX of
1949.

Structural
Stability
Certificate.

“**265A.** (1) Notwithstanding anything contained in section 265, every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 263; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier; has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as “the Structural Stability Certificate”). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the

Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Commissioner in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 398A.

(6) Notwithstanding anything contained in sub-section (5), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 of this Act, but no such appeal shall be entertained by the such Judge, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy

of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Insertion of section 398A in Bom. LIX of 1949.

5. After section 398 of the Provincial Corporations Act, the following section shall be inserted, namely:—

Penalty for contravention of section 265A.

“398A. Whoever contravenes the provisions of section 265A, shall be punished with fine of twenty-five thousand rupees or an amount equal to the property tax of the building concerned for a period of one year, whichever is higher.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Insertion of section 286A in C.P. and Berar II of 1950.

6. After section 286 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”), the following section shall be inserted, namely:—

C.P. and Berar II of 1950.

Structural Stability Certificate.

“286A. (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Corporation; or

(ii) issue of permission to occupy a building under section 280; or

(iii) its physical occupation of at least 50 per cent. of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as “the Structural Stability Certificate”). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Commissioner in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in sub-section (2) of section 421.

(6) Notwithstanding anything contained in sub-section (5); the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice the Commissioner may carry out the same and the expenses incurred by the Commissioner on such repairs shall, on demand if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred to the District Court, but no such appeal shall be entertained by the said Court, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand.

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Amendment of section 421 of C.P. and Berar II of 1950. 7. In section 421 of the Nagpur Corporation Act, in sub-section (2), in the Table after entry relating to section 280, sub-section (4), the following entry shall be inserted, namely:—

“ 286A Provisions as to Structural Stability Certificate	Twenty thousand rupees or the amount equal to property tax of the building for a period of one year, whichever is higher.
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CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Insertion of section 193A in Mah. XL of 1965. 8. After section 193 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely:—

Structural Stability Certificate. “ 193A. (1) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(i) issue of its completion certificate by the Council; or

(ii) issue of permission to occupy a building under section 193; or

(iii) its physical occupation of at least 50 per cent. of its built up area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Council for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as "the Structural Stability Certificate"). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Chief Officer.

(2) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (1), and every ten years thereafter or such earlier period as the Chief Officer may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(3) Notwithstanding anything contained in sub-section (1), the Chief Officer may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Chief Officer, the Structural Stability Certificate, as required under sub-section (1), within the period not exceeding thirty days as specified by the Chief Officer in such direction.

(4) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Chief Officer.

(5) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine of rupees ten thousand or an amount equal to the property tax of the building for a period of one year, whichever is higher.

(6) Notwithstanding anything contained in sub-section (5), the Chief Officer may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified, in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Chief Officer may carry

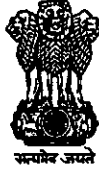
out the same and the expenses incurred by the Chief Officer on such repairs shall, on demand, if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(7) If there is any dispute about the amount of expenses for which demand is made under sub-section (6), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (2) of section 169 of this Act, but no such appeal shall be entertained by the said Committee, unless—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(8) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, फेब्रुवारी १३, २००९/माघ २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English translation of the Maharashtra Municipal Corporations and Municipal Councils (Fifth Amendment) Act, 2008 (Mah.VI of 2009), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 14th January 2009, at pages 42-51,—

- (i) on page 48, in line 29, for “(5);” read “(5).”;
- (ii) on page 49, in line 18, for “Twenty” read “Twenty-five”;
- (iii) on page 50, in line 35, for “ten thousand” read “twenty-five thousand”.

(६१)

भाग आठ—१७

[किंमत : रुपये २०.००]

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, जानेवारी १४, २००९/पौष २४, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008 (Mah. VII of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VII OF 2009.

(First published after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 14th January 2009).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

WHEREAS, it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

(५२)

CHAPTER I

PRELIMINARY

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 37
of Bom. III of
1888.

2. In section 37 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as " the Mumbai Corporation Act "), after sub-section (2), the following sub-section shall be inserted, namely :—

Bom.
III of
1888.

"(2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Mah.
XXIII
of
2001.

Insertion of
section 200A
in Bom. III of
1888.

3. After section 200 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Rebate in
respect of
advance
payment of
tax.

"200A. Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property."

Insertion of
section 216A
in Bom. III of
1888.

4. After section 216 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Power of
Corporation
to grant
rebate for
payment of
arrears of
tax.

"216A. Notwithstanding anything contained in section 216 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation."

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL
MUNICIPAL CORPORATIONS ACT, 1949

Bom. LIX of 1949. 5. In section 4 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Municipal Corporations Act"), in sub-section (1), for clause (BA), the following clauses shall be substituted, namely :—

"(BA) a Wards Committee ;

(BB) a Mayor ; and "

Amendment of section 4 of Bom. LIX of 1949.

6. In section 19 of the Provincial Municipal Corporations Act, after sub-section (1A), the following sub-section shall be inserted, namely :—

"(1B) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000."

Amendment of section 19 of Bom. LIX of 1949.

Mah. XXIII of 2001.

7. After section 140 of the Provincial Municipal Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 140A and 140B in Bom. LIX of 1949.

"140A. Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate in property tax for advance payment.

140B. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme as may be identified for the purposes of this section, by the State Government or the Corporation is being implemented, shall be given at such rate as the Corporation may, by general or special order determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of ecologically beneficial scheme.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

Explanation.—For the purposes of this section "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like, as the Corporation or the State Government may identify."

Insertion of section 152-1A in Bom. III of 1888.

8. After section 152 of the Bombay Provincial Municipal Corporations Act, 1949, the following sections shall be inserted, namely :—

Power of Corporation to grant rebate for payment of arrears of tax.

“ 152-1A. Notwithstanding anything contained in section 152 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Corporation.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment of section 6 of C.P. and Berar II of 1950.

9. In section 6 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as “ the Nagpur Corporation Act ”), after clause (b), the following clause shall be inserted, namely :—

“ (b-1) a Wards Committee ; ”

C.P. and Berar II of 1950.

Amendment of section 20 of C.P. and Berar II of 1950.

10. In section 20 of the Nagpur Corporation Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“ (2A) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Mah. XXIII of 2001.

Substitution of section 118 of C.P. and Berar II of 1950.

11. For section 118 of the Nagpur Corporation Act, the following sections shall be substituted, namely :—

“ 118. Notwithstanding anything contained in this Act, the Corporation may, by general or special order, give such rebate, in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

118A. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Corporation, is being implemented, shall be given at such rate as the Corporation may, by general order or special order, determine and different rates of rebate or remission may be specified having

regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

Explanation.—For the purposes of this section, “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Corporation or the State Government may identify.”

12. After section 167 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 167A in C.P. and Berar II of 1950.

“ 167A. Notwithstanding anything contained in section 167 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the Schedule of payment fixed by the Corporation .”

Power of Corporation to grant rebate for payment of arrears of tax.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 13. In section 9 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), in sub-section (1), in clause (b), for the word “Council” the word “Collector” shall be substituted.

Amendment of section 9 of Mah. XL of 1965.

14. After section 51-1A of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 51-1B in Mah. XL of 1965.

“ 51-1B. Every person desirous of contesting election to the office of the President reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.”

Person contesting election for reserved office of President to submit Caste Certificate and Validity Certificate.

Mah. XXIII of 2001.

Insertion of sections 127A and 127B in Mah. XL of 1965.

15. After section 127 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Rebate in property tax for advance payment.

“127A. Notwithstanding anything contained in this Act, the Council may, by general or special order, give such rebate, in the payment of property tax, as the Council may from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.

Rebate or remission in property tax for implementing ecologically beneficial scheme.

127B. Notwithstanding anything contained in this Act, a rebate or remission in payment of property tax, in respect of a land and building wherein any ecologically beneficial scheme, as may be identified for the purposes of this section, by the State Government or the Council, is being implemented, shall be given at such rate as the Council may, by general or special order, determine and different rates of rebate or remission may be specified having regard to the nature and extent of the measures adopted for implementation of the ecologically beneficial scheme.

Explanation.—For the purposes of this section “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction, or the like, as the Council or the State Government may identify.”.

Insertion of sections 167A in Mah. XL of 1965.

16. After section 167 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Power of Council to grant rebate for payment of arrears of tax.

“167A. Notwithstanding anything contained in section 167 or any other provisions of this Act, the Council may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the schedule of payment fixed by the Council.”.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, फेब्रुवारी १२, २००९/माघ २३, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

ERRATA

In the English translation of the Maharashtra Municipal Corporations and Municipal Councils (Sixth Amendment) Act, 2008 (Mah.VII of 2009), published in the *Maharashtra Government Gazette*, Extraordinary, Part VIII, dated the 14th January 2009, at pages 52-57,—

on page 55,—

(i) in line 1 and 2, for "Bombay Provincial Municipal Corporations Act, 1949" read "Provincial Municipal Corporations Act";

(ii) in line 4 and 5, in the margin, for "Bom. III of 1888" read "Bom.LIX of 1949";

(iii) in line 30, for "be" read "by".

(६०)

भाग आठ—१६

[किंमत : रुपये २०.००]

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक २६(३) शुक्रवार, जुलै ३, २००९/आषाढ १२, शके १९३१ [पृष्ठे १२, किंमत : रुपये २०.००]

असाधारण क्रमांक ५३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009 (Mah. Act No. XXI of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXI OF 2009

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 3rd July 2009)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixtieth Year of the Republic of India as follows :—

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2009.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 3
of Bom. III
of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the Mumbai Corporation Act"), after clause (tt), the following clauses shall be added; namely:—

Bom.
III of
1888.

"(uu) " area ", in relation to the Area Sabha, means an area determined under section 50TU ;

(vv) " Area Sabha " means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;

(ww) " Chairperson of Area Sabha " means the Councillor of the concerned electoral ward ;

(xx) " Secretary of Area Sabha " means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees. "

Insertion of
new
sections
50TU to
50TX in
Bom. III of
1888.

3. After section 50TT of the Mumbai Corporation Act, the following sections shall be inserted, namely:—

Determination
of areas.

" 50TU. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward of the Corporation may be divided; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

50TV. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

50TW. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions
and duties
of Area
Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

50TX. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

Amendment
of section
50TT of
Bom. III of
1888.

4. In section 50TT of the Mumbai Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 2
of Bom. LIX
of 1949.

5. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as “the Provincial Corporations Act”),—

Bom.
LIX of
1949.

(i) after clause (2A), the following clauses shall be inserted, namely :—

“(2A-1) “area”, in relation to the Area Sabha, means an area determined under section 29B ;

(2A-2) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;” ;

(ii) after clause (7), the following clause shall be inserted, namely :—

“(7A) “ Chairperson of Area Sabha ” means the Councillor of the concerned electoral ward ;”;

(iii) after clause (59C), the following clause shall be inserted, namely :—

“(59D) “ Secretary of Area Sabha ” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;”.

6. In section 29A of the Provincial Corporations Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment of section 29A of Bom. LIX of 1949.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”.

7. After section 29A of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of sections 29B to 29E in Bom. LIX of 1949.

“29B. The State Government shall, by order published in the *Official Gazette*, determine,—

Determination of areas.

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

29C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Meetings of Area Sabha.

Provided that, the period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

29D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

Rights and
powers of
Area Sabha.

29E. An Area Sabha may, subject to the procedure that may be prescribed in this behalf, exercise the following rights and powers, namely :—

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

C. P.
and
Berar
II of
1950.

8. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as “the Nagpur Corporation Act”),—

Amendment
of section 5 of
C. P. and
Berar II of
1950.

(i) after clause (1), the following clauses shall be inserted, namely :—

“(1-1A) “area”, in relation to the Area Sabha, means an area as determined under section 38B ;

(1-1B) “Area Sabha” means the body of all the persons registered in the electoral rolls pertaining to all polling booths in that area ;” ;

(ii) after clause (8), the following clause shall be inserted, namely :—

“(8A) “Chairperson of Area Sabha” means the Councillor of the concerned electoral ward ;” ;

(iii) after clause (45), the following clause shall be inserted, namely :—

“(45A) “Secretary of Area Sabha” means the Secretary of the Area Sabha appointed as such by the Corporation from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;” .

9. In section 38A of the Nagpur Corporation Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

Amendment
of section 38A
of C. P. and
Berar II of
1950.

“(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people’s participation in the voluntary activities necessary for successful implementation of the developmental activities of the Corporation, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward.”

Insertion of
new sections
38B to 38E in
C. P. and Berar
II of 1950.

Determina-
tion of
areas.

10. After section 38A of the Nagpur Corporation Act, the following sections shall be inserted, namely :—

“ 38B. The State Government shall, by order published in the *Official Gazette*, determine, —

(a) the areas into which each electoral ward may be divided ; and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

38C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon a reference being made by the Commissioner, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Corporation ;

(b) obtain information from the Corporation or any of its offices regarding the action taken by the Corporation or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

Functions
and duties
of Area
Sabha.

38D. An Area Sabha may, having regard to its actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

(i) to suggest the priority of schemes and development programmes to be implemented in the area of the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or the Corporation, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units, and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, road and street lighting arrangements in area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

38E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Corporation as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Corporation including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area. ”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965.

11. In section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “the Municipal Councils Act ”),—

Amendment of section 2 of Mah. XL of 1965.

(i) after clause (I), the following clauses shall be inserted, namely :—

“ (I-1A) “ area ”, in relation to the Area Sabha, means an area determined under section 66B ;

(1-1B) "Area Sabha" means the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area ;";

(ii) after clause (4), the following clause shall be inserted, namely :—

"(4A) "Chairperson of Area Sabha" means the Councillor of the concerned electoral ward ;";

(iii) after clause (46), the following clause shall be inserted, namely :—

"(46A) "Secretary of Area Sabha" means the Secretary of the Area Sabha appointed as such by the Council from amongst its officers not below the rank of the Office Superintendent or for sufficient reasons, from any other suitable class of municipal employees ;".

Amendment
of section
66A of
Mah. XL of
1965.

12. In section 66A of the Municipal Councils Act, in sub-section (7), after clause (c), the following clause shall be added, namely :—

"(d) to make recommendations in regard to water supply, solid waste management, sewage disposal, drainage, storm water management, sanitation works and development scheme and to take periodical review thereof, to enlist people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the Council, to ensure maintenance of parks in the ward and to recommend for appropriate budget allocation to each electoral ward."

Insertion of
new
sections
66B to 66E
in Mah. XL
of 1965.

13. After section 66A of the Municipal Councils Act, the following sections shall be inserted, namely :—

Determination
of areas.

"66B. The State Government shall, by order published in the *Official Gazette*, determine,—

(a) the areas into which each electoral ward may be divided ;
and

(b) the territorial extent of each area, which shall necessarily include the entire geographical territory in which all persons mentioned in the electoral roll of any polling booth in such territory, or, if the Government so decides, two or more contiguous polling booths (not exceeding five such polling booths) in such territory, are ordinary resident.

Meetings of
Area Sabha.

66C. (1) The Chairperson of the Area Sabha shall convene a meeting of the Area Sabha. The Secretary of the Area Sabha shall, thereafter issue a notice of the meeting specifying the date, time and place, as is fixed by the Chairperson. Every such meeting shall be given wide publicity in the area of the Area Sabha :

Provided that, a period of not more than six months shall elapse between the two meetings of the Area Sabha.

(2) If the Chairperson fails to convene four meetings of the Area Sabha continuously, within a period of two years, as provided under sub-section (1), the State Government shall, upon reference being made by the Chief Officer, by order in the *Official Gazette*, disqualify the Chairperson for being a Councillor.

(3) Every meeting of the Area Sabha shall be presided over by the Chairperson of Area Sabha and shall be conducted in such manner as may be prescribed.

(4) The Secretary of the Area Sabha shall,—

(a) make necessary arrangements for the meeting and record the minutes of the meeting and forward the same with the approval of the Chairperson to the ward office and the Council ;

(b) obtain information from the Council or any of its offices regarding the action taken by the Council or the office concerned, as the case may be, on the suggestions made by the Area Sabha and present the same in the meeting ;

(c) attend other works incidental to clauses (a) and (b).

66D. An Area Sabha may, having regard to the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties, namely :—

Functions and duties of Area Sabha.

(i) to suggest the priority of schemes and development programmes to be implemented in the Area Sabha and forward the same to the Wards Committee, for inclusion in the developmental plans of the Wards Committee or Council, as the case may be ;

(ii) to suggest the location of street lights, street or community water taps, public wells, public sanitation units and such other public amenities within the area of the Area Sabha ;

(iii) to identify the deficiencies in the water supply, sewage disposal, public sanitation, storm water management, roads and street lighting arrangements in the area of the Area Sabha and suggest remedial measures ;

(iv) to assist the activities of public health centres in the area of the Area Sabha, especially in prevention of diseases and family welfare and create arrangements to report on the incidence of epidemics and natural calamities ;

(v) to remind the Area Sabha members of their obligations to pay municipal taxes and user charges.

66E. An Area Sabha may, subject to the procedure prescribed in this behalf, exercise the following rights and powers, namely :—

Rights and powers of Area Sabha.

(i) to get information from the concerned officials of the Council as to the services they will render and the works they propose to do in the area ;

(ii) to be informed by the Wards Committee about,—

(a) decisions concerning the jurisdiction of the Area Sabha made by the Wards Committee or the Council including the action taken on the suggestions made by the Area Sabha ;

(b) the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha ;

(iii) to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution ;

(iv) to have attendance of ward level officers dealing with water supply, road and street lighting, conservancy, sewage disposal, public sanitation, storm water and solid waste management and other civic amenities, in the meetings of the Area Sabha ; and

(v) to co-operate with the Wards Committee in the provision of sanitation arrangements and other civic amenities in the area.”



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक १५(३) मंगळवार, एप्रिल २७, २०१०/वैशाख ७, शके १९३२ [पृष्ठे ३३, किंमत : रुपये १९.००]

असाधारण क्रमांक ३५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (Mah. Act No. X of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. X of 2010.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 27th April 2010)

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979.

Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965. Mah. XLIV of 1975. Mah. XXIX of 1979.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979, for the purposes hereinafter appearing; it is

hereby enacted in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009.

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

CHAPTER II

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of heading under sub-title "Property taxes" in Chapter XI of Bom. LIX of 1949.

2. In Chapter XI of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"),—

Bom. LIX of 1949.

(1) in section 128, clause (2) shall be deleted;

(2) under the sub-title "*Property Taxes*", for the heading "*Property taxes leviable*", the following heading shall be substituted, namely :—

"*Property taxes leviable on rateable value or capital value*".

Insertion of section 128A in Bom. LIX of 1949.

3. In Chapter XI of the Provincial Corporations Act, after the heading as so substituted, the following section shall be inserted, namely :—

Property taxes what to consist.

"128A. (1) Property taxes leviable on buildings and lands in the City under this Act shall include water tax, water benefit tax, sewerage tax, sewerage benefit tax, general tax, education cess, street tax and betterment charges.

(2) For the purposes of levy of property taxes, the expression "building" includes a flat, a *gala*, a unit or any portion of the building.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all or any of the property taxes on the rateable value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under sub-section (2) of section 129."

4. In section 129 of the Provincial Corporations Act,—

Amendment
of section
129 of
Bom. LIX
of 1949.

(1) for the marginal note, the following marginal note shall be substituted, namely :—

“Property taxes leviable on rateable value, or on capital value, as the case may be, and at what rate.”;

(2) section 129 of the Provincial Corporations Act shall be re-numbered as sub-section (1) thereof; and

(A) in sub-section (1), as so re-numbered,—

(i) for the portion beginning with the words “For the purposes” and ending with the words “taxes which” the words “The following property taxes” shall be substituted;

(ii) in clause (a), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(iii) in clause (aa), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(iv) in clause (b), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(v) in clause (bb), after the words “rateable value” the words “or their capital value, as the case may be,” shall be inserted;

(vi) in clause (c),—

(a) after the words “their rateable value,” where they occur for the first time, the words and figures “or of not less than 0.1 and not more than 1 per centum of their capital value, as the case may be,” shall be inserted;

(b) after the words “their rateable value”, where they occur for the second time, the words and figures “or of not less than 0.01 and not more than 0.2 per centum of their capital value, as the case may be,” shall be inserted;

(vii) after clause (e), the following clause shall be inserted, namely :—

“(f) the betterment charges leviable under Chapter XVI.”;

(viii) the first proviso shall be deleted;

(B) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in any other provisions of this Act, but save as otherwise provided in the proviso and the *Explanation* to sub-section (1), the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in the City on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of section 99 :

Provided that, for the period of five years from the date on which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands, on revision made under sub-rule (3) of rule 7A of the TAXATION RULES in Chapter VIII of Schedule 'D', shall not in any case exceed 40 per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Corporation adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision."

Amendment
of section
133 of Bom.
LIX of 1949.

5. In section 133 of the Provincial Corporations Act,—

(1) in sub-section (1), after the word, brackets and figure "sub-section (2)" the brackets, figure and letter "(2A)" shall be inserted ;

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

"(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in the City vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the State Government, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in the City materially increases or decreases."

(3) in sub-section (3),—

(a) after the words "rateable value" the words "or on a capital value; as the case may be," shall be inserted;

(b) the words, brackets, figure and letter "or sub-section (2A), as the case may be," shall be added at the end.

6. In section 139 of the Provincial Corporations Act, in sub-section (1), after clause (a), the following clauses shall be inserted, namely :—

Amendment of section 139 of Bom. LIX of 1949.

“(a-1) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier ; and

(a-2) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be :

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected.”

7. In section 140 of the Provincial Corporations Act,—

Amendment of section 140 of Bom. LIX of 1949.

(1) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (2) of section 129, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises.”;

(2) in sub-section (3), the words “ which has remained due for more than one year, or ” shall be deleted.

8. In section 148A of the Provincial Corporations Act, in sub-section (1),—

Amendment of section 148A of Bom. LIX of 1949.

(1) for the portion beginning with the words “as the Corporation” and ending with the words “graduated scale.”, the following shall be substituted, namely :—

“or of so many per centum of their capital value, as the case may be, as the Corporation may determine :”;

(2) in the proviso, in clause (c), after the words “rateable value” the words “or a capital value, as the case may be,” shall be inserted.

9. In section 148B of the Provincial Corporations Act, in sub-section (2),—

Amendment of section 148B of Bom. LIX of 1949.

(1) after the words “rateable value” the words “or the capital value, as the case may be,” shall be inserted;

(2) after the word, brackets and figure “sub-section (2)” the words, brackets, figure and letter “or sub-section (2A)” shall be inserted.

Amendment
of section
148C of
Bom. LIX of
1949.

10. In section 148C of the Provincial Corporations Act, in sub-section (1),—

(1) after the words "rateable value" the words "or of so many per centum of their capital value, as the case may be," shall be inserted;

(2) in the proviso, in clause (c), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment
of section
406 of Bom.
LIX of 1949.

11. In section 406 of the Provincial Corporations Act,—

(1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-section (2),—

(a) in clause (b), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted;

(b) in clause (d), for the words "fifteen days" the words "twenty-one days" shall be substituted;

(c) in clause (e), after the words "rateable value", at both the places where they occur, the words "or the capital value, as the case may be," shall be inserted;

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

"(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (e) of sub-section (2), it shall be liable to be summarily dismissed."

Amendment
of section
407 of Bom.
LIX of 1949.

12. In section 407 of the Provincial Corporations Act, in clause (a), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment
of section
408 of Bom.
LIX of 1949.

13. In section 408 of the Provincial Corporations Act,—

(a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(b) for the words and figures "Arbitration Act, 1940" the words and figures "Arbitration and Conciliation Act, 1996" shall be substituted.

X of
1940.
26 of
1996.

Deletion of
section 409
of Bom: LIX
of 1949.

14. Section 409 of the Provincial Corporations Act shall be deleted.

Amendment
of section
410 of Bom.
LIX of 1949.

15. In section 410 of the Provincial Corporations Act, after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

16. In section 411 of the Provincial Corporations Act, in clause (a), for the words "in excess of two thousand rupees" the words "or a capital value, as the case may be," shall be substituted. Amendment of section 411 of Bom. LIX of 1949.
17. In section 412 of the Provincial Corporations Act, the words and figures "and of valuation under section 409" shall be deleted. Amendment of section 412 of Bom. LIX of 1949.
18. In section 413 of the Provincial Corporations Act,—
- (1) in sub-section (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted; Amendment of section 413 of Bom. LIX of 1949.
- (2) for sub-section (2), the following sub-section shall be substituted, namely :—
- "(2) Where the decision of the said Judge is not final it shall be lawful for the Commissioner to assess the property tax on the basis of the rateable value or the capital value, as the case may be, determined under rule 7 or 7A of the TAXATION RULES in Chapter VIII of Schedule 'D', from year to year, subject, however, to the provisions of section 406."
19. In section 415 of the Provincial Corporations Act, in sub-section (2),— Amendment of section 415 of Bom. LIX of 1949.
- (a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;
- (b) for the words "exceeds rupees two thousand" the words "exceeds such amount as the State Government may, by notification in the *Official Gazette*, specify" shall be substituted.
20. In section 481 of the Provincial Corporations Act, in sub-section (1), in clause (d), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted. Amendment of section 481 of Bom. LIX of 1949.
21. In Schedule 'D', to the Provincial Corporations Act, in Chapter VIII, in rule 2 of the TAXATION RULES (hereinafter referred to as the "TAXATION RULES"),— Amendment of rule 2 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.
- (1) in the marginal note, the words "and fees payable for transfer of title" shall be added at the end ;
- (2) in sub-rule (2), the word "Indian" shall be deleted.
22. In rule 4 of the TAXATION RULES, in sub-rule (1), the word "Indian" shall be deleted. Amendment of rule 4 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment
of rule 5 of
Chapter
VIII in
Schedule 'D'
to Bom. LX
of 1949.

23. In rule 5 of the TAXATION RULES,—

(1) in sub-rule (1), after the word "reoccupied," the words "or when there is change of user of part or whole of the building," shall be inserted;

(2) in sub-rule (2), the words "and in the case of change of user of part or whole of the building, from the date of such change of user" shall be added at the end.

Insertion of
rule 7A in
Chapter
VIII in
Schedule 'D'
to Bom. LX
of 1949.

24. After rule 7 of the TAXATION RULES, the following rule shall be inserted, namely :—

Capital
value how
to be
determined.

"7A. (1) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any properties in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Commissioner may fix the capital value of any building or land, taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

Bom.
LX of
1958.

(a) the nature and type of the land and structure of the building;

(b) area of land or carpet area of building ;

(c) user category, that is to say, (i) residential, (ii) commercial (shops or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes, (ix) malls, and (x) any other building or land not covered by any of the above categories ;

(d) age of the building ; or

(e) such other factors as may be specified by Regulations made under sub-rule (2).

(2) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under sub-rule (1).

(3) The capital value of any building or land fixed under sub-rule (1) shall be revised every five years :

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment book in relation to such building or land under rule 20.

(4) The provisions of sub-rules (2), (3) and (4) of rule 7 shall *mutatis mutandis* apply for fixing the capital value also."

25. In rule 8 of the TAXATION RULES, in sub-rule (1),—

(1) for the word "value", at both the places where it occurs, the words "rateable value or the capital value, as the case may be," shall be substituted ;

(2) after clause (c), the following clause shall be added, namely :—

"(d) as to the details in respect of any or all the items as enumerated in clauses (a) to (e) of sub-rule (1) of rule 7A, in relation to such building or land or of any portion thereof."

26. In rule 9 of the TAXATION RULES,—

(1) after the words "the assessment book" the words "in such form and manner as he may, with the approval of the Standing Committee, decide" shall be inserted ;

(2) in clause (b), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(3) for clause (d), the following clause shall be substituted, namely :—

"(d) if any such building or land is not liable to be assessed to the general tax or is exempted from payment of property tax, either in whole or in part, the reason of such non-liability or exemption, as the case may be,";

(4) in clause (e), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

27. In rule 10 of the TAXATION RULES, in sub-rule (1), for the words "purpose of elections" the words "administrative purposes" shall be substituted.

28. In rule 13 of the TAXATION RULES, in sub-rule (2), the words "or by any other mode including electronic media as the Commissioner may think fit" shall be added at the end.

29. In rule 15 of the TAXATION RULES,—

(1) in sub-rule (1),—

(a) for the words "fifteen days" the words "twenty-one days" shall be substituted;

(b) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-rule (2),—

(a) after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(b) for the words "fifteen days" the words "twenty-one days" shall be substituted.

Amendment of rule 8 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 9 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 10 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 13 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 15 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment
of rule 16
of Chapter
VIII in
Schedule 'D'
to Bom.
LIX of
1949.

30. In rule 16 of the TAXATION RULES, in sub-rule (1), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of rule 19 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

31. In rule 19 of the TAXATION RULES, in sub-rule (1), after the words "rateable values" the words "or the capital values, as the case may be," shall be inserted.

Amendment
of rule 20
of Chapter
VIII in
Schedule
'D' to Bom.
LIX of
1949.

32. In rule 20 of the TAXATION RULES,—

(1) in sub-rule (1), in clause (c), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted;

(2) in sub-rule (2), after the words "rateable value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of rule 30 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

33. In rule 30 of the TAXATION RULES, the words and figures, "as specified in a bill served under rule 39, 40 or 55" shall be added at the end.

Substitution
of rule 41 of
Chapter
VIII in
Schedule 'D'
to Bom. LIX
of 1949.

34. For rule 41 of the TAXATION RULES, the following rule shall be substituted, namely :—

Levy of
penalty on
unpaid
amount of
bill.

"41. (1) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and of the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Provided that, any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009:

(2) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (1) shall *mutatis mutandis* apply to the amount which has so remained unpaid."

35. In rule 42 of the TAXATION RULES,—

(1) for the portion beginning with the words "on whom a notice of demand" and ending with the words "satisfaction of the Commissioner" the following shall be substituted, namely :—

"liable for the payment of the tax for which a bill is served upon him does not pay the tax together with penalty or interest or both as required under the provisions of this Act to pay the same";

(2) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Where the person liable to pay the tax according to the bill served upon him pays the tax as required under the provisions of this Act but does not pay the amount of penalty or interest or both either in whole or in part as may be due on the unpaid amount of tax, for such amount which has remained unpaid, a warrant in the form of Schedule H, *mutatis mutandis*, may be issued by the Commissioner in the same manner as if such sums were due on account of the tax."

36. In rule 45 of the TAXATION RULES,—

(1) in sub-rule (1),—

(a) for the words "amount due" the words "tax due, penalty or interest or both, if any, due and payable together" shall be substituted;

(b) for the words "five days" the words "twenty-one days" shall be substituted;

(2) for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Such order shall be proclaimed by fixing at some conspicuous part of the property and upon a conspicuous part of the municipal office and also, when the property is land, paying revenue to the State Government, in the office of the Collector."

37. In rule 47 of the TAXATION RULES, in sub-rule (2), after the words "public auction" the words "or by auction by inviting sealed bids" shall be inserted.

Amendment of rule 42 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 45 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Amendment of rule 47 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

Substitution of rule 51 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

38. For rule 51 of the TAXATION RULES, the following rule shall be substituted, namely :—

Penalty, fees or cost of recovery may be remitted.

"51. The Commissioner may, in his discretion, remit the whole or any part of penalty under rule 41, or fees or cost of recovery under rule 50."

Amendment of rule 53 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

39. In rule 53 of the TAXATION RULES, in sub-rule (2), the words "except that it shall not be necessary to serve upon the defaulter any notice of demand," shall be deleted.

Insertion of rule 55A in Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

40. After rule 55 of the TAXATION RULES, the following rule shall be inserted, namely :—

Special provision for facility for payment of property taxes.

"55A. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers circulating within the area of jurisdiction of the Corporation; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner."

Amendment of rule 59 of Chapter VIII in Schedule 'D' to Bom. LIX of 1949.

41. In rule 59 of the TAXATION RULES, for the portion beginning with the word "accompanied" and ending with the word "claimed" the words and figures "accompanied by the original receipt or any valid proof of payment of the amount of the bill presented to the applicant under rule 39, 40 or 55" shall be substituted.

Deletion of Form G in Schedule 'D' to Bom. LIX of 1949.

42. Form G in Schedule 'D' to the Provincial Corporations Act shall be deleted.

Removal of doubt.

43. For the removal of doubt, it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty or interest) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Corporation under sub-section (2) of section 129 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Provincial Corporations Act as if this Act has not been enacted.

CHAPTER III

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION
ACT, 1948

C.P. and Berar II of 1950. 44. In PART IV, in Chapter XI of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), in the sub-heading, "The Property Taxes—Imposition of Property Taxes" the words "*leviable on annual value or capital value*" shall be added at the end.

Amendment of sub-heading in PART IV in Chapter XI of C.P. and Berar II of 1950.

45. In Chapter XI of the Nagpur Corporation Act, after the sub-heading "The Property Taxes—Imposition of Property Taxes *leviable on annual value or Capital Value*", the following section shall be inserted, namely :—

Insertion of section 115-1A in C.P. and Berar II of 1950.

"115-1A: (1) Property taxes leviable on buildings and lands in the City under this Act shall include sewerage tax, sewerage benefit tax, water tax, water benefit tax, general tax, street tax and education cess.

Property taxes what to consist.

(2) For the purposes of levy of property taxes, the expression "building" includes a flat, a *gala*, a unit or any portion of the building.

(3) All or any of the property taxes may be imposed on a graduated scale.

(4) Save as otherwise provided in this Act, it shall be lawful for the Corporation to continue to levy all or any of the property taxes on the annual value of buildings and lands until the Corporation adopts levy of any or all the property taxes on such buildings and lands on the capital value thereof under sub-section (2) of section 115A."

46. In section 115A of the Nagpur Corporation Act,—

Amendment of section 115A of C.P. and Berar II of 1950.

(1) for the marginal note, the following marginal note shall be substituted, namely :—

"Property taxes leviable on annual value, or on capital value, as the case may be, and at what rate.;"

(2) section 115A of the Nagpur Corporation Act shall be re-numbered as sub-section (1) thereof; and

(A) in sub-section (1) as so re-numbered,—

(i) the words "and shall be called "property taxes" shall be deleted;

(ii) in clause (a), in sub-clauses (i) and (ii), after the words "annual value" the words "or their capital value, as the case may be," shall be inserted ;

(iii) in clause (b), in sub-clauses (i) and (ii), after the words "annual value" the words "or their capital value, as the case may be," shall be inserted ;

(iv) in clause (c), after the words "annual value" the words and figures "or of not less than 0.1 and not more than 1 per centum of the capital value, as the case may be," shall be inserted ;

(v) the proviso shall be deleted ;

(B) after sub-section (1), as so re-numbered, the following sub-section shall be added, namely :—

"(2) Notwithstanding anything contained in any other provisions of this Act, the Corporation may pass a resolution to adopt levy of property tax on buildings and lands in the City on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Corporation may determine in accordance with the provisions of this Act :

Provided that, for the period of five years from the date on which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times, the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands on revision made under sub-section (2) of section 119 shall not in any case exceed forty per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. metres (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Corporation adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision."

48. In section 117 of the Nagpur Corporation Act,—

Amendment
of section
117 of C.P.
and Berar II
of 1950.

(1) in sub-section (1), for the word, brackets and figure "sub-section (2)" the word, brackets, figures and letter " sub-sections (2),(2A)" shall be substituted ;

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

"(2A) Where the Corporation has adopted the levy of property tax on capital value of buildings and lands, the capital value of buildings and lands in the City vesting in Government and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the State Government, shall be the book value of such buildings or lands in Government records and such capital value shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in Government in the City materially increases or decreases." ;

(3) in sub-section (3), the following shall be added at the end, namely :—

"on the basis of annual value under sub-section (2) or on the basis of capital value under sub-section (2A), as the case may be "

49. In section 119 of the Nagpur Corporation Act,—

Amendment
of section
119 of C.P.
and Berar II
of 1950.

(1) in the marginal note, after the words "Annual value" the words "or the capital value, as the case may be," shall be inserted ;

(2) after the words "to the property taxes" the words "the annual value or the capital value, as the case may be, shall be determined as under" shall be added ;

(3) the existing clauses (a), (b) and (c) shall be re-numbered as clause (A) of section 119; and after clause (A), as so re-numbered, the following clause shall be added, namely :—

"(B) (a) In order to fix the capital value of any building or land assessable to a property tax, the Commissioner shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any property in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Commissioner may fix the capital value of any building or land taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

(i) the nature and type of the land and structure of the building,

(ii) area of land or carpet area of building,

(iii) user category, that is to say—(i) residential, (ii) commercial (shops or the like), (iii) offices, (iv) hotels (upto 4 stars), (v) hotels (more than 4 stars), (vi) banks, (vii) industries and factories, (viii) school and college building or building used for educational purposes, (ix) malls, and (x) any other building or land not covered by any of the above categories,

(iv) age of the building, or

(v) such other factors as may be specified by Regulations made under clause (b).

(b) The Commissioner shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under clause (a).

(c) The capital value of any building or land fixed under clause (a) shall be revised every five years:

Provided that, the Commissioner may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment list in relation to such building or land under section 134."

Amendment
of section
121 of C.P.
and Berar II
of 1950.

50. In section 121 of the Nagpur Corporation Act, for the words "for the purposes of the property taxes" the words "for the purposes of determining the annual value or the capital value, as the case may be, and levy of the property taxes" shall be substituted.

Substitution
of section
122 of C.P.
and Berar II
of 1950.

51. For section 122 of the Nagpur Corporation Act, the following section shall be substituted, namely:—

Primary
responsibility
for property
taxes on
whom to
rest.

"122. (1) Subject to the provisions of sub-section (2), property taxes assessed upon any premises shall be primarily leviable as follows, namely:—

(a) if the premises are held immediately from the Government or from the Corporation, from the actual occupier thereof:

Provided that, property taxes due in respect of buildings vesting in the Government and occupied by servants of the Government or other persons on payment of rent shall be leviable primarily from the Government;

(b) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier; and

(c) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be:

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected ;

(d) if the premises are not so held,—

(i) from the lessor, if the premises are let;

(ii) from the superior lessor, if the premises are sub-let;

(iii) from the person in whom the right to let the premises vests, if they are unlet.

(2) If any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or any person deriving title from the said tenant by the operation of law or by assignment or transfer but not by sub-lease or the legal representative of the said tenant or person whether the premises be in the occupation of the said tenant or person or legal representative or a sub-tenant.”

52. In section 123 of the Nagpur Corporation Act, in sub-section (1), after the words “annual value” the words “or the capital value, as the case may be,” shall be inserted.

Amendment of section 123 of C.P. and Berar II of 1950.

53. In section 124 of the Nagpur Corporation Act,—

(1) In the marginal note, after the words “annual value” the words “or capital value” shall be inserted ;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) On and from the date of adoption of capital value as the basis for assessment and levy of property taxes by the Corporation under sub-section (2) of section 115A, the assessment on the basis of capital value determined in accordance with the provisions of this Act and the duration thereof shall be governed according to the provisions in relation to determination of capital value and the assessment of property tax made on the basis thereof.”

Amendment of section 124 of C.P. and Berar II of 1950.

54. In section 125 of the Nagpur Corporation Act, in sub-section (1),—

(1) in clause (a), the word “and”, where it occurs for the third time, shall be deleted ;

(2) in clause (b), for the word “building.” the words “building; and” shall be substituted ;

(3) after clause (b), the following clause shall be added, namely :—

“(c) as to the details in respect of any or all the factors as enumerated in items (i) to (v) of sub-clause (a) of clause (B) of section 119 in relation to such land or building or of any portion thereof.”

Amendment of section 125 of C.P. and Berar II of 1950.

Amendment
of section
126 of C.P.
and Berar II
of 1950.

55. In section 126 of the Nagpur Corporation Act,—

(1) in sub-section (1), after the words "the valuation" the words "as annual value or the capital value, as the case may be," shall be inserted;

(2) in sub-section (2), after the words "annual value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of section
127 of C.P.
and Berar II
of 1950.

56. In section 127 of the Nagpur Corporation Act, after the words and figures "is increased under section 124" the words, brackets, letters and figures "or under the proviso to sub-clause (c) of clause (B) of section 119" shall be inserted.

Amendment
of section
130 of C.P.
and Berar
II of 1950.

57. In section 130 of the Nagpur Corporation Act,—

(1) in sub-section (3), the word "Indian" shall be deleted;

(2) for sub-section (5), the following sub-section shall be substituted, namely:—

"(5) Where the decision of the District Court is not final by virtue of the provisions of section 388 which provides for an appeal or revision against the final decision of the District Court and in pursuance of this provision if an appeal or revision is filed and is pending then, notwithstanding anything contained in this Act, it shall be lawful for the Commissioner to assess the property taxes, from year to year, on the basis of annual value or the capital value, as the case may be, determined under the provisions of this Act, subject, however, to the provisions of sub-section (1)."

Amendment
of section
132 of C.P.
and Berar
II of 1950.

58. In section 132 of the Nagpur Corporation Act, in sub-section (1), after the words "annual value" the words "or the capital value, as the case may be," shall be inserted.

Amendment
of section
133 of C.P.
and Berar II
of 1950.

59. In section 133 of the Nagpur Corporation Act, in sub-section (1), after the words "annual values" the words "or the capital values, as the case may be," shall be inserted.

Amendment
of section
134 of C.P.
and Berar II
of 1950.

60. In section 134 of the Nagpur Corporation Act, in sub-section (1), in the second proviso, after the words "Provided further that" the words, figures and brackets " , but save as provided in sub-section (5) of section 130," shall be inserted.

Amendment
of section
138 of C.P.
and Berar II
of 1950.

61. In section 138 of the Nagpur Corporation Act, after the word and figures "section 130" the words and figures "or an appeal or revision is preferred under section 388" shall be inserted.

Deletion of
section 139
of C.P. and
Berar II of
1950.

62. Section 139 of the Nagpur Corporation Act shall be deleted.

63. In section 143 of the Nagpur Corporation Act, in sub-section (2), after the word and figures "section 116" the words, figures and letter "and section 118A" shall be inserted.

Amendment of section 143 of C.P. and Berar II of 1950.

64. In section 145 of the Nagpur Corporation Act, in sub-section (1), after the words "for the purpose of assessment" the words "on the basis of annual value" shall be inserted.

Amendment of section 145 of C.P. and Berar II of 1950.

65. After section 147 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 147A of C.P. and Berar II of 1950.

"147A. (1) When any new building is erected or any building is rebuilt or enlarged or occupied or reoccupied or when there is change of user of part or whole of the building, the person primarily liable for the property taxes assessed on the building, shall within fifteen days give notice thereof, in writing, to the Commissioner.

Notice to be given to Commissioner of erection of new building, etc.

(2) The said period of fifteen days shall be counted from the date of the completion or the occupation, whichever occurs first, of the building which has been newly erected or rebuilt, or of the enlargement, or of the reoccupation, or of the change of user of part or whole of the building, as the case may be."

66. In section 148 of the Nagpur Corporation Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

Amendment of section 148 of C.P. and Berar II of 1950.

"(3A) Such notice shall be accompanied by such fees as the Commissioner may, from time to time, with the approval of the Standing Committee, prescribe; and such notice shall state clearly and correctly the particulars of transfer of land or building.

(3B) The transfer of title of any person primarily liable to the payment of property tax shall not be recorded by the Commissioner in the assessment list unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice."

67. In section 153A of the Nagpur Corporation Act, in sub-section (1), for the words "rateable value", at both the places where they occur, the words "annual value or the capital value, as the case may be," shall be substituted.

Amendment of section 153A of C.P. and Berar II of 1950.

68. In section 153B of the Nagpur Corporation Act, in sub-section (1),—
(1) for the words "rateable value", at both the places where they occur, the words "annual value or the capital value, as the case may be," shall be substituted ;

Amendment of section 153B of C.P. and Berar II of 1950.

(2) the words "Such tax may be levied, if the Corporation so determines, on a graduated scale" shall be deleted.

Amendment
of section
153C of
C.P. and
Berar II of
1950.

69. In section 153C of the Nagpur Corporation Act, in sub-section (2),—

(1) for the words "rateable value" the words "annual value or the capital value, as the case may be," shall be substituted ;

(2) after the word, brackets and figure "sub-section (2)" the words, brackets, figure and letter "or sub-section (2A)" shall be inserted.

Amendment
of section
154 of C.P.
and Berar
II of 1950.

70. In section 154 of the Nagpur Corporation Act,—

(1) in the marginal note, for the word "demands" the word "dues" shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Each of the property taxes shall be payable in advance in half yearly installments and other taxes and dues shall also be payable by the date as specified in a bill presented or served under sub-section (1).";

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3)(a) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and for the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year ; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid; a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Levy of
penalty on
unpaid
amount of
bill.

Provided that, if any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to pay penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(b) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of clause (a) shall *mutatis mutandis* apply to the amount which has so remained unpaid."

Mah.
X of
2010.

71. For section 155 of the Nagpur Corporation Act, the following sections shall be substituted, namely :—

Substitution of section 155 of C.P. and Berar II of 1950.

“155. (1) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served under this Act upon the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount upon the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill upon each of them for such portion of the sum due as bears to the whole amount due in the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

When occupiers may be held liable for payment of property taxes.

(2) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (2) of section 115A, but subject to the other provisions of this Act, the Commissioner may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises.

(3) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the provisions of this Act.

(4) No arrear of a property tax shall be recovered under this section from any occupier, who is not the owner, where such tax is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(5) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

155A. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Corporation in this behalf by giving a public notice in two leading newspapers in circulation within the area of jurisdiction of the Corporation; and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Commissioner.”

Special provision for facility for payment of property taxes.

Amendment
of section
156 of C.P.
and Berar II
of 1950.

72. In section 156 of the Nagpur Corporation Act, in sub-section (1),—

(1) for the portion beginning with the words "notice of demand" and ending with the words "service of such notice" the words, brackets and figures "bill has been served under sub-section (1) of section 154," shall be substituted;

(2) for clause (a), the following clause shall be substituted, namely :—

"(a) does not pay the tax together with penalty, interest, fees or any other dues as required under the provisions of this Act to pay the same on or before the date specified in the bill;"

(3) clause (b) shall be deleted;

(4) in clause (c), for the word "demand" the word "claim" shall be substituted.

Amendment
of section
157 of C.P.
and Berar II
of 1950.

73. In section 157 of the Nagpur Corporation Act, the words, brackets and figures "sub-section (2) of section 155 or" shall be deleted.

Amendment
of section
160 of C.P.
and Berar II
of 1950.

74. In section 160 of the Nagpur Corporation Act, in sub-section (2), after the words "public auction" the words ", or by auction inviting sealed bids" shall be inserted.

Amendment
of section
162 of C.P.
and Berar II
of 1950.

75. In section 162 of the Nagpur Corporation Act, the words "notice or" shall be deleted.

Amendment
of section
163 of C.P.
and Berar II
of 1950.

76. In section 163 of the Nagpur Corporation Act, in sub-section (2), the words "except that it shall not be necessary to serve upon him any notice of demand" shall be deleted.

Amendment
of section
164 of C.P.
and Berar
II of 1950.

77. In section 164 of the Nagpur Corporation Act,—

(1) in sub-section (1), for the words, brackets and figures "notice of demand issued under sub-section (1) of section 155" the words, brackets and figures "claim made in the bill presented or served under sub-section (1) of section 154" shall be substituted;

(2) in sub-section (2), in clause (b), for the words "fifteen days" the words "twenty-one days" shall be substituted;

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

"(2A) Where the appeal is not filed in accordance with the provisions of clauses (a) to (c) of sub-section (2), it shall be liable to be summarily dismissed."

78. In section 165 of the Nagpur Corporation Act, the proviso shall be deleted.

Amendment of section 165 of C.P. and Berar II of 1950.

79. In section 351 of the Nagpur Corporation Act, after clause (c), the following clause shall be inserted, namely :—

Amendment of section 351 of C.P. and Berar II of 1950.

“(c-i) by any other mode, including electronic media as the Commissioner may think fit, or”.

80. In section 374 of the Nagpur Corporation Act, after the word “rent” the word “, penalty” shall be inserted.

Amendment of section 374 of C.P. and Berar II of 1950.

81. In section 399 of the Nagpur Corporation Act, in the proviso, for the words and figures “Arbitration Act, 1940” the words and figures “Arbitration and Conciliation Act, 1996” shall be substituted.

Amendment of section 399 of C.P. and Berar II of 1950.

X of 1940.
26 of 1996.

82. In section 415 of the Nagpur Corporation Act, in clause (14),—

(1) in sub-clause (d), for the words “notices of demand” the word “warrant” shall be substituted ;

(2) in sub-clause (e), after the words “annual values” the words “or the capital values, as the case may be,” shall be inserted.

Amendment of section 415 of C.P. and Berar II of 1950.

83. In section 420 of the Nagpur Corporation Act, in sub-section (2), in clause (t), for the words “notices of demands” the word “warrants” shall be substituted.

Amendment of section 420 of C.P. and Berar II of 1950.

84. For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of annual value or rateable value relating to any period whatsoever, immediately before the date determined by the Corporation under sub-section (2) of section 115A to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Nagpur Corporation Act as if this Act has not been enacted.

Removal of doubt.

CHAPTER IV.

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Amendment
of section
105 of Mah.
XL of 1965.

85. In section 105 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as the "Municipal Councils Act"),—

Mah.
XL of
1965.

(1) in sub-section (1),—

(a) in clause (a), after the words "rateable value" the words "or their capital value, as the case may be," shall be inserted ;

(b) in the second proviso, after the words "property tax" the words "or all or any of the property taxes" shall be inserted ;

(2) after sub-section (2), the following sub-sections shall be added, namely :—

"(3) For the purposes of levy of property taxes, the expression "building" includes flat, a gala, a unit or any portion of building;

(4) Notwithstanding anything contained in any other provisions of this Act, the Council may pass a resolution to adopt levy of property tax on buildings and lands within the municipal area on the basis of capital value of the buildings and lands on and from such date, and at such rates, as the Council may determine in accordance with the provisions of this Act:

Provided that, for the period of five years from the date from which such property tax is levied on capital value, the tax shall not exceed,—

(i) in respect of building used for residential purposes, two times, and

(ii) in respect of building or land used for non-residential purposes, three times,

the amount of the property tax leviable in respect thereof in the year immediately preceding such date :

Provided further that, the property tax levied on the basis of capital value of any buildings or lands on revision made under sub-section (3) of section 114 shall not in any case exceed forty per centum of the amount of the property tax payable in the year immediately preceding the year of such revision :

Provided also that, for the period of five years commencing from the year of adoption of capital value as the base, for levy of property tax under this sub-section, the amount of property tax leviable in respect of a residential building or residential tenement, having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Council adopts the capital value as the basis of levy of property tax, the property tax in respect of any taxable building shall be revised after every five years and on each such revision, such amount of property tax, shall not in any case exceed the forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.

(5) Save as otherwise provided in this Act, it shall be lawful for the Council to continue to levy all or any of the property taxes or the consolidated tax on property on the basis of rateable value of lands and buildings until the Council adopts levy of any or all the property taxes or the consolidated tax on property on such lands and buildings on the basis of capital value thereof under sub-section (4)."

86. In section 112 of the Municipal Councils Act, in sub-section (1), in the proviso, in clause (a), after the words "such tax under" the words "the provisions of this Act or of" shall be inserted.

Amendment
of section
112 of Mah.
XL of 1965.

87. In section 114 of the Municipal Councils Act,—

(1) in the marginal note, after the words "rateable value" the words "or the capital value" shall be inserted ;

Amendment
of section
114 of Mah.
XL of 1965.

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

"(3) (a) In order to fix the capital value of any building or land assessable to a property tax, the Chief Officer shall have regard to the value of any building or land as indicated in the Stamp Duty Ready Reckoner for the time being in force as prepared under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1958, framed under the provisions of the Bombay Stamp Act, 1958, or where the Stamp Duty Ready Reckoner does not indicate value of any property in any particular area wherein a building or land in respect of which capital value is required to be determined is situate, or in case such Stamp Duty Ready Reckoner does not exist, then the Chief Officer may fix the capital value of any building or land taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely :—

(i) the nature and type of the land and structure of the building,

(ii) area of land or carpet area of building,

(iii) user category, that is to say, (a) residential, (b) commercial (shops or the like), (c) offices, (d) hotels (upto 4 stars), (e) hotels (more than 4 stars), (f) banks, (g) industries and factories, (h) school and college building or building used for educational purposes, (i) malls, and (j) any other building or land not covered by any of the above categories,

(iv) age of the building, or

(v) such other factors as may be specified by Regulations made under clause (b).

Bom.
LX of
1958.

(b) The Chief Officer shall, with the approval of the Standing Committee, frame such Regulations as respects the details of categories of building or land and the weightage by multiplication to be assigned to various such categories for the purpose of fixing the capital value under clause (a).

(c) The capital value of any building or land fixed under clause (a) shall be revised every five years :

Provided that, the Chief Officer may, for reasons to be recorded in writing, revise the capital value of any building or land any time during the said period of five years and shall accordingly amend the assessment list in relation to such building or land under section 123, or as the case may be, under section 124."

Amendment
of section
115 of Mah.
XL of 1965.

88. In section 115 of the Municipal Councils Act,—

(1) in sub-section (1), for the words "the prescribed form" the words "such form as the Chief Officer may, with the approval of the Standing Committee, determine" shall be substituted ;

(2) in sub-section (2),—

(a) after the words "as shall be specified", the following shall be inserted, namely:—

"including the details in respect of any or all the factors as enumerated in items (i) to (v) of clause (a) of sub-section (3) of section 114 in relation to such land or building or of any portion thereof,";

(b) for the word "value" the words "rateable value or the capital value, as the case may be," shall be substituted.

Amendment
of section
122 of Mah.
XL of 1965.

89. In section 122 of the Municipal Councils Act, in clause (i), after the words "on the basis" the words "of the rateable value or the capital value, as the case may be as" shall be inserted.

Amendment
of section
123 of Mah.
XL of 1965.

90. In section 123 of the Municipal Councils Act,—

(1) in sub-section (1),—

(a) for the words "or reconstructed" the words "reconstructed, occupied or re-occupied or user thereof is changed" shall be inserted;

(b) after the words "has been completed" the words "or occupation or re-occupation or the change of user occurs" shall be inserted;

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

"(2A) Where any new building or part thereof is constructed, altered, added to, re-occupied or user thereof is changed, the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Chief Officer.

(2B) The said period of fifteen days shall be counted from the date of the completion of construction, alteration, addition to, reconstruction, or from the date of occupation, re-occupation or change of user of, the building or part thereof." ;

(3) in sub-section (3), after the words "whichever first occurs," the words "or in the case of a building or part of a building which was vacant or in respect of which there is change of user, on the day on which it has been occupied or re-occupied or the change of user occurs," shall be inserted.

91. In section 124 of the Municipal Councils Act, after sub-section (2), the following sub-section shall be added, namely:—

Amendment
of section
124 of Mah.
XL of 1965.

"(3) On and from the date of adoption of capital value as the basis for assessment and levy of property taxes by the Council under sub-section (4) of section 105, the assessment on the basis of capital value determined in accordance with the provisions of this Act and the duration and revision thereof and matters incidental thereto shall be governed according to the provisions in relation to determination and revision of capital value and the assessment of the property tax made on the basis thereof."

92. In section 125 of the Municipal Councils Act, in sub-section (1), in clause (b), after sub-clause (iii), the following sub-clauses shall be inserted, namely:—

Amendment
of section
125 of Mah.
XL of 1965.

"(iv) if the premises are held or occupied by a person, who is not the owner and the whereabouts of the owner of the premises cannot be ascertained, from the holder or occupier; and

(v) if the premises are held or developed by a developer or an attorney or any person in whatever capacity such person may be holding the premises and in each of whom the right to sell the same exists or is acquired, from such holder, developer, attorney, or person, as the case may be:

Provided that, such holder, developer, attorney or person shall be liable until the actual sale is effected."

93. In section 126 of the Municipal Councils Act,—

Amendment
of section
126 of Mah.
XL of 1965.

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Notwithstanding anything contained in sub-section (1), on and from the date of adoption of capital value as the base for levy of property taxes under sub-section (4) of section 105, but subject to the other provisions of this Act, the Chief Officer may serve a bill for the amount of property tax on such occupier of the said premises, or, if there are two or more such occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount of tax based on the capital value, due in the same ratio which the capital value, of such portion of the premises of the occupier or occupiers bears to the aggregate amount of the tax based on the capital value, in respect of the said premises."

(2) in sub-section (3), the words "which has remained due for more than one year, or" shall be deleted.

Amendment
of section
130 of Mah.
XL of 1965.

94. In section 130 of the Municipal Councils Act,—

(1) in sub-section (1), after the words "as the case may be," the following shall be inserted, namely :—

"and shall be accompanied by such fees as the Chief Officer may, from time to time, with the approval of the Standing Committee, prescribe,";

(2) in sub-section (2), the word "Indian" shall be deleted ;

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3) The transfer of title of any person primarily liable to the payment of property tax shall not be recorded by the Chief Officer in the assessment book unless the property taxes due in respect of the property sought to be transferred are fully paid before giving such notice."

Amendment
of section
150 of Mah.
XL of 1965.

95. In section 150 of the Municipal Councils Act,—

(1) in the marginal note, after the word "payment" the words "or concession in tax" shall be added ;

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

"(2A) Each of the property taxes shall be payable in advance in half yearly installments and other dues shall also be payable by the date as specified in a bill presented or served under sub-section (1)."

Insertion of
sections
150A and
150B in
Mah. XL of
1965.

96. After section 150 of the Municipal Councils Act, the following sections shall be inserted, namely :—

Levy of
penalty on
unpaid
amount of
Bill.

"150A. (1) The amount of first half-yearly tax as specified in the bill which has been served as aforesaid shall be paid within three months from the date of service of the bill and for the second half-yearly tax as specified in the bill shall be paid before the 31st December of each year; and if a person liable to pay tax does not pay the same as required as aforesaid, then he shall be liable to pay by way of penalty in addition to the amount of such tax or part thereof which has remained unpaid, a sum equal to two per cent. of such tax for each month or part thereof after the last date by which he should have paid such tax and shall continue to be liable to pay such penalty until the full amount as per the bill is paid :

Mah. X of 2010. Provided that, if any property tax for which a bill is served under this Act before the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships, the Maharashtra (Urban Areas) Protection and Preservation of Trees and the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) (Amendment) Act, 2009 (hereinafter in this section referred to as "the Amendment Act of 2009") has remained unpaid in full or in part, a person who has not paid such tax shall be liable to pay penalty as provided under this section, on and from the date of commencement of the said Amendment Act of 2009.

(2) If the other taxes or dues claimed in the bill are not paid by the date specified in the bill, the provisions of sub-section (1) shall, *mutatis mutandis*, apply to the amount which has so remained unpaid.

150B. Any person who is liable to pay amount of taxes or any other dues under this Act may avail himself of the facility of making payment thereof in any bank or to any agency specified by the Council in this behalf by giving a public notice in two leading newspaper in circulation within the area of jurisdiction of the Council and the person availing himself of such facility shall be liable to pay such fees in respect thereof to such bank or agency, as the case may be, as may be determined by the Council."

Special provision for facility for payment of property taxes.

97. Section 151 of the Municipal Councils Act shall be deleted.

Deletion of section 151 of Mah. XL of 1965.

98. For section 152 of the Municipal Councils Act, the following section shall be substituted, namely :—

Substitution of section 152 of Mah. XL of 1965.

"152. If the person to whom a bill is presented or served as provided under sub-section (1) of section 150 does not, before expiry of the period within which an appeal may be preferred against such claim, either—

When warrant may be issued.

(a) pay the tax, penalty, interest, fees and any other dues as required under the provisions before the date specified in the bill; or

(b) prefer an appeal in accordance with the provisions of section 169 against the claim,

then such sum with all costs of the recovery may be levied under a warrant signed by the Chief Officer in the form of Schedule V, or to the like effect, by distress and sale of the movable or immovable property of the defaulter :

Provided that, where any measures, precautionary or otherwise, have been taken in respect of any such property for the recovery of any sum claimed by the State Government, any proceeding under this Chapter in respect of such property shall abate."

- Amendment of section 156 of Mah. XL of 1965. **99.** In section 156 of the Municipal Councils Act, in sub-section (1),—
- (1) the word "notice", where it occurs for the first time, shall be deleted;
 - (2) for the word "notice", where it occurs for the second time, the word "bill" shall be substituted;
 - (3) after the words "public auction" the words "or by auction inviting sealed bids" shall be inserted.
- Amendment of section 159 of Mah. XL of 1965. **100.** In section 159 of the Municipal Councils Act, the words and figures "every notice issued under section 151," shall be deleted.
- Amendment of section 160 of Mah. XL of 1965. **101.** In section 160 of the Municipal Councils Act, in sub-section (2), the words "except that it shall not be necessary to serve upon the defaulter any notice of demand" shall be deleted.
- Amendment of section 161 of Mah. XL of 1965. **102.** In section 161 of the Municipal Councils Act, after the words "public auction" the words "or by auction inviting sealed bids" shall be inserted.
- Deletion of section 166 of Mah. XL of 1965. **103.** Section 166 of the Municipal Councils Act shall be deleted.
- Amendment of section 168 of Mah. XL of 1965. **104.** In section 168 of the Municipal Councils Act, in sub-section (4), for the words and figures "Chapter X of the Bombay Land Revenue Code, 1879" the words and figures "Chapter XI of the Maharashtra Land Revenue Code, 1966" shall be substituted. Bom. V of 1879. Mah. XLI of 1966.
- Amendment of section 169 of Mah. XL of 1965. **105.** In section 169 of the Municipal Councils Act, in sub-section (2A), after the words "rateable values" the words "or the capital values, as the case may be," shall be inserted.
- Amendment of section 170 of Mah. XL of 1965. **106.** In section 170 of the Municipal Councils Act,—
- (1) in clause (a), the proviso shall be deleted ;
 - (2) in clause (c),—
 - (a) in sub-clause (i), after the words, brackets and figure "sub-section (1)" the words, brackets and figure "or sub-section (2), as the case may be" shall be inserted;
 - (b) for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) where the appeal is not filed in accordance with the provisions of section 169 and this section, it shall be liable to be summarily dismissed ;"

107. After section 171 of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 171A in Mah. XL of 1965.

"171A. Where the decision of the Magistrate or Bench of Magistrates is not final by virtue of the provisions of section 171 which provides for revision by the Court, and in pursuance of this provision if a revision or any further proceedings is filed and is pending, then, notwithstanding anything contained in this Act, it shall be lawful for the Chief Officer to assess the property taxes, from year to year, on the basis of rateable value or the capital value, as the case may be, determined under the provisions of this Act, subject, however, to the provisions of sections 169 and 170."

Power of Chief Officer to make fresh assessment.

108. In section 301 of the Municipal Councils Act, in sub-section (1), in clause (d), after the words "rateable value" the words "or a capital value, as the case may be," shall be inserted.

Amendment of section 301 of Mah. XL of 1965.

109. In section 326 of the Municipal Councils Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 326 of Mah. XL of 1965.

"(b-i) by any other mode, including electronic media as the Chief Officer may think fit; or"

110. In SCHEDULE IV to the Municipal Councils Act, shall be deleted.

Deletion of Schedule IV to Mah. XL of 1965.

111. In SCHEDULE V to the Municipal Councils Act,—

Amendment of Schedule V to Mah. XL of 1965.

(1) the words "and has not shown satisfactory cause for the non-payment of" shall be deleted;

(2) for the portion beginning with the words "fifteen days" and ending with the words "the same", the following shall be substituted, namely :—

"the sum so due has not been paid by the date specified in the bill presented to him for the same."

112. In SCHEDULE VI to the Municipal Councils Act, the words "of demand" shall be deleted.

Amendment of Schedule VI to Mah. XL of 1965.

113. For the removal of doubt it is hereby declared that all proceedings in connection with any assessment, reassessment, levy (including levy of penalty) and collection of any property tax levied on the basis of rateable value relating to any period whatsoever, immediately before the date determined by the Council under sub-section (4) of section 105 to adopt capital value to be the base for levy of property taxes shall, notwithstanding anything contained in this Act but save as otherwise expressly provided therein, be continued and dealt with under the Municipal Councils Act as if this Act has not been enacted.

Removal of doubt.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA (URBAN AREAS)

PROTECTION AND PRESERVATION OF

TREES ACT, 1975

Amendment
of section 18
of Mah.
XLIV of
1975.

114. In section 18 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975,—

Mah.
XLIV
of
1975.

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where under the relevant Act, an urban local authority is levying a property tax on buildings and lands on the Capital value thereof, the Tree Cess leviable under sub-section (1) shall be levied at such rate, not exceeding 0.5 per cent. of the capital value of such building and lands, as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, the Tree Cess so levied under this section shall not exceed,—

(i) in respect of buildings used for residential premises, two times, and

(ii) in respect of buildings used for non-residential premises, three times,

the amount of Tree Cess leviable in respect thereof in the year immediately preceding such date of adoption of capital value as the basis for assessment of property tax:

Provided further that, for the period of five years commencing from the levy of capital value as the basis for assessment of property tax, the Tree Cess leviable in respect of residential building or tenements having carpet area of 46.45 sq. meters (500 sq. feet) or less, shall not exceed the amount of Tree Cess levied and payable in the year immediately preceding the year of such adoption of capital value as the basis.

Explanation.—For the purposes of this section, after the Urban local authority adopts the capital value as the basis for levy of property tax, the Tree Cess, in respect of any taxable building shall be revised after every five years and on each such revision, such amount of Tree Cess, shall not in any case exceed the forty per cent. of the amount of the Tree Cess levied and payable in the year immediately preceding the year of the revision.”

(2) in sub-section (2), for the word, brackets and figure "sub-section (1)" the words, brackets, figures and letter "sub-section (1A) or, as the case may be, under sub-section (1A)" shall be substituted.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA TAX ON
BUILDINGS (WITH LARGER RESIDENTIAL PREMISES)
(RE-ENACTED) ACT, 1979.

Mah.
XXIX
of
1979.

115. In section 2 of the Maharashtra Tax on Buildings (with larger Residential Premises) (Re-enacted) Act, 1979 (hereinafter, in this Chapters, referred to as "Tax on Buildings Act"), after clause (e), the following clause shall be inserted, namely :—

Amendment
of section 2
of Mah.
XXIX of
1979.

"(e-1) "capital value" means capital value of a building or part thereof fixed or determined in accordance with the provisions of the relevant municipal law ;"

116. In section 3 of the Tax on Buildings Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment
of section 3
of Mah.
XXIX of
1979.

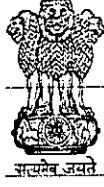
"(4) Where, the Corporation has levied the property tax on the land and buildings on the basis of capital value under the provisions of the relevant municipal law, the tax shall be levied on all buildings or parts thereof situated in Corporation areas, containing any residential premises,—

(i) if, situated in area of Brihan Mumbai, the floorage of such premises is more than 125 square metres ;

(ii) if, situated in other Corporation area, the floorage of such premises is more than 150 square metres ;

at such rate not exceeding 0.05 per cent. of the capital value, as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, where the property tax, on the basis of the capital value has been revised by the Corporation under the relevant municipal law, the tax levied under this Act shall not exceed forty per cent. of the tax payable in the year immediately preceding such revision."



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ४६ (२)]

शनिवार, डिसेंबर १८, २०१०/अग्रहायण २७, शके १९३२

[पृष्ठे ८

किंमत : रुपये १९.००

असाधारण क्रमांक ९०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010 (Mah. Act No. XXVII of 2010), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2010.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 18th December 2010.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to

take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and therefore, promulgated the Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2010, on the 2nd August 2010 and the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2010, on the 26th August 2010;

Bom.
III of
1888.
Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
IX of
2010.
Mah.
Ord. X
of
2010.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010.

(2) (i) Sections 1, 10 and 12 of this Act shall be deemed to have come into force on the 2nd August 2010.

(ii) Sections 2 to 9, 11 and 13 to 19 of this Act shall be deemed to have come into force on the 26th August 2010.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section
128 of
Bom. III of
1888.

2. In section 128 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"),—

Bom.
III of
1888.

(1) in sub-section (1), in clause (a),—

(a) for the words "official year; and" the words "official year:" shall be substituted;

(b) the following proviso shall be added, namely:—

"Provided that, the Corporation may determine different rates of property taxes for different categories of users of a building or land or part thereof; and";

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

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Corporation may at any time, after the 26th August 2010,

Mah.
XXVII of
2010.

being the date of the commencement of section 2 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, but before the expiry of the official year 2010-2011 (hereinafter, in this Act, referred to as "the year 2010-2011"), determine different rates of property taxes for different categories of users of a building or land or part thereof, which may be lived in the year 2010-2011. The rates of property taxes so determined shall be effective and shall be deemed to have been effective from the 1st April 2010 and the tax during the year 2010-2011 shall be leviable and payable at those rates."

3. Section 140A of the Mumbai Corporation Act shall be re-numbered as sub-section (1) thereof; and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely:—

Amendment
of section
140A of
Bom. III of
1888.

Mah.
XXVII of
2010.

"(2) Notwithstanding anything contained in sub-section (4) of section 139A or any other provisions of this Act or Resolution, if any, passed by the Corporation for adopting the levy of property tax on buildings and lands on the basis of capital value, but subject to the provisions of section 154A, buildings and lands in respect of which the process of fixing capital value is in progress on the 26th August 2010, being the date of coming into force of section 3 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, but before fixing the capital value thereof, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year, that is to say, for the year ending on the thirty-first day of March 2010; and on fixation of capital value of such buildings and lands during the year 2010-2011, a final bill based on the final assessment shall be issued for the total tax leviable and payable during the year 2010-2011. After such final assessment, if it is found that the assessee has paid excess amount, such excess amount shall, notwithstanding anything contained in section 179, be refunded within three months from the date of issuing the final bill, along with interest from such date as provided in the first proviso to sub-section (5) of section 217, or after obtaining the consent of the assessee shall be adjusted towards payment of property tax due, if any, or for the subsequent year; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee the difference shall be recovered from the assessee.

(3) Notwithstanding anything contained in section 163 or 217 or any other provisions of this Act and having regard to the fact that the property tax bill has been issued in accordance with the provisions of sub-section (2), not being a final bill, such bill shall not be questioned before any forum; and no complaint or appeal shall lie against such bill merely on the ground that capital value in respect of the property which is the subject matter of the bill is not yet fixed, or that the amount of tax leviable and payable at the rate of the property tax determined by the Corporation is not yet finally ascertained, or on any other ground whatever."

Amendment
of section
144A of
Bom. III of
1888.

4. To section 144A of the Mumbai Corporation Act, the following *Explanation* shall be added, namely :—

“Explanation.— For the purposes of this section, “ecologically beneficial scheme” includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like as the Corporation or the State Government may identify.”

Amendment
of section
154 of
Bom. III of
1888.

5. In section 154 of the Mumbai Corporation Act,—

(1) in sub section (1A),—

(a) after the words and figures “the Bombay Stamp Act, 1958” the words “as base value,” shall be inserted;

(b) for the words “taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors namely :—” the words “taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—” shall be substituted;

(2) in sub-section (1B), for the words “assigned to various such categories” the words “assigned to various such factors and categories” shall be substituted.

Insertion of
section 154A
in Bom. III
of 1888.

6. After section 154 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“154A. Notwithstanding anything contained in section 154, where in respect of any building or land or part thereof, the process of fixing capital value for the year 2010-2011 is in progress on the 26th August 2010, being the date of coming into force of section 6 of the Maharashtra Municipal Corporation's and Municipal Councils (Third Amendment) Act, 2010, the rateable value of such building or land or any part thereof during the year preceding the year 2010-2011 shall be the provisional capital value and shall be deemed to be the capital value validly and legally fixed under the provisions of this Act, pending fixing the final capital value thereof; and it shall be lawful for the Commissioner to treat it as such for the purposes of assessment book kept under the provisions of this Act, and the bill of property tax issued under sub-section (2) of section 140A shall be deemed to have been validly and legally issued under the provisions of this Act.”

Mah.
XXVII
of
2010.

Amendment
of section
156 of
Bom. III of
1888.

7. In section 156 of the Mumbai Corporation Act, for the words “prescribe by rules” the word “determine” shall be substituted.

8. In section 168 of the Mumbai Corporation Act, in sub-section (3) for the words "four years" the words "five years" shall be substituted.

Amendment of section 168 of Bom. III of 1888.

9. After section 219 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Insertion of section 219A in Bom. III of 1888.

Mah.
XXVII
of
2010.

"219A. The provisions of sections 128, 140A, 154A, 156 and 168, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, shall have effect notwithstanding anything inconsistent therewith contained in Chapter VIII or in any other provisions of this Act, or in any judgment, decree or order of any court."

Certain provisions to have overriding effect.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Bom.
LIX of
1949.

10. After section 99C of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as "the Provincial Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 99D in Bom. LIX of 1949.

"99D. (1) Notwithstanding anything contained in section 99B or 99C, the State Government may at any time, by notification in the *Official Gazette* and for reasons to be specified in such notification, revise the rates and extent of the Local Body Tax determined under section 99B, or, as the case may be, under section 99C.

Power of State Government to revise rates of Local Body Tax.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature."

11. In section 129 of the Provincial Corporations Act,—

(1) after the first proviso, the following proviso shall be inserted, namely :—

Amendment of section 129 of Bom. LIX of 1949.

"Provided further that, the Corporation may determine different rates of property tax for different categories of user of a building or land or a part thereof :";

(2) in the second proviso, for the words "Provided that" the words "Provided also that" shall be substituted.

12. In section 406 of the Provincial Corporations Act,—

(i) in sub-section (6),—

Amendment of section 406 of Bom. LIX of 1949.

(a) for the words, figures and letter "the demand notice in respect of levy of cess under Chapter XIA" the words, figures

and letters "the demand notice in respect of levy of cess under Chapter XIA or the Local Body Tax under Chapter XIB" shall be substituted ;

(b) in clause (i), after the words "by the Cess Officer" the words "or any other officer, not being the Deputy Commissioner" shall be inserted ;

(ii) after sub-section (7), the following sub-section shall be added, namely :—

"(8) No appeal under sub-section (6) shall be entertained by the Deputy Commissioner or, as the case may be, the Commissioner unless the amount of the disputed tax claimed from the appellant has been deposited by the appellant with the Commissioner."

Amendment
of Schedule
'D' to Bom.
LIX of 1949.

13. In Schedule 'D' of the Provincial Corporations Act, in Chapter VIII,—

(A) in rule 7A,—

(1) in sub-rule (1),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted ;

(b) for the words "taking into consideration the market value of such building or land, as a base value ; and also have regard to the following factors, namely :—" the words "taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely :—" shall be substituted ;

(2) in sub-rule (2), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted ;

(B) in rule 21, in sub-rule (2), for the words "four years" the words "five years" shall be substituted.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section
115A of C.P.
and Berar II
of 1950.

14. In section 115A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), to sub-section (1), the following proviso shall be added, namely :—

"Provided that, the Corporation may determine different rates of property tax for different categories of users of a building or land or a part thereof."

C.P.
and
Berar
II of
1950.

Amendment
of section
119 of C.P.
and Berar II
of 1950.

15. In section 119 of the Nagpur Corporation Act, in clause (B),—

(1) in sub-clause (a),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted ;

(b) for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely:—". the words "taking into consideration the market value of such building or land, as a base value. The Commissioner, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely:—" shall be substituted;

(2) in sub-clause (b), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 16. In section 105 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), to sub-section (1), after the second proviso, the following proviso shall be added, namely:—

Amendment of section 105 of Mah. XL of 1965.

"Provided also that, the Council may determine different rates of tax for different categories of users of a building or land or a part thereof."

17. In section 114 of the Municipal Councils Act, in sub-section (3),—

Amendment of section 114 of Mah. XL of 1965.

(1) in clause (a),—

(a) after the words and figures "the Bombay Stamp Act, 1958" the words "as a base value," shall be inserted;

(b) for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely:—" the words "taking into consideration the market value of such building or land, as a base value. The Chief Officer, while fixing the capital value as aforesaid, shall also have regard to the following factors, namely:—" shall be substituted.

(2) in sub-clause (b), for the words "assigned to various such categories" the words "assigned to various such factors and categories" shall be substituted.

18. In section 124 of the Municipal Councils Act, in sub-section (2), for the words "four years" the words "five years" shall be substituted.

Amendment of section 124 of Mah. XL of 1965.

CHAPTER VI

MISCELLANEOUS

Power to
remove
difficulty.

19. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in respect of the matters contained in this Act, the State Government may, as the occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, which appears to it to be necessary for the purpose of removing the difficulty :

Bom.
III of
1888.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.

Bom.
III of
1888.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of
Mah. Ord.
IX of 2010
and Mah.
Ord. X of
2010 and
saving.

20. (1) The Bombay Provincial Municipal Corporations (Amendment) Ordinance, 2010 and the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2010, are hereby repealed.

Mah.
Ord.
IX of
2010.

Mah.
Ord.
X of
2010.

(2) Notwithstanding such repeal, anything done or any action taken including any notification or order issued under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom.
III of
1888.

Bom.
LIX of
1949.

C.P.
and
Berar
II of
1950.

Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५४]

शुक्रवार, जानेवारी १४, २०११/पौष २४, शके १९३२

[पृष्ठे ७, किंमत : रुपये १९.००

असाधारण क्रमांक ३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि दिप्ती व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद):

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2010 (Mah. Act No. I of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. I OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 14th January 2011).

An Act further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Mah. XL of 1965. WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2010. Short title.

Mah. XL of 1965. 2. In section 179 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"),— Amendment of section 179 of Mah. XL of 1965.

(1) in sub-section (2),—

(a) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(२)

(b) for the words "twenty rupees" the words "two hundred rupees" shall be substituted;

(2) in sub-section (8),—

(a) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(b) for the words "twenty rupees" the words "two hundred rupees" shall be substituted.

Amendment
of section
180 of Mah.
XL of 1965.

3. In section 180 of the principal Act, in sub-section (7),—

(1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(2) for the words "twenty rupees" the words "two hundred rupees" shall be substituted.

Amendment
of section
181 of Mah.
XL of 1965.

4. In section 181 of the principal Act, in sub-section (3),—

(1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(2) for the words "twenty rupees" the words "two hundred rupees" shall be substituted.

Amendment
of section
183 of Mah.
XL of 1965.

5. In section 183 of the principal Act, in sub-section (6), for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted.

Amendment
of section
185 of Mah.
XL of 1965.

6. In section 185 of the principal Act, in sub-section (2), for the words "fifty rupees" the words "five hundred rupees" shall be substituted.

Amendment
of section
186 of Mah.
XL of 1965.

7. In section 186 of the principal Act, in sub-section (3), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.

Amendment
of section
189 of Mah.
XL of 1965.

8. In section 189 of the principal Act,—

(1) in sub-section (9), for the words "five thousand rupees" the words "fifty thousand rupees" shall be substituted;

(2) in sub-section (10), for the words "twenty-five rupees" the words "two hundred and fifty rupees" shall be substituted.

Amendment
of section
192 of Mah.
XL of 1965.

9. In section 192 of the principal Act, in sub-section (5),—

(1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(2) for the words "twenty-five rupees" the words "two hundred and fifty rupees" shall be substituted.

Amendment
of section
193 of Mah.
XL of 1965.

10. In section 193 of the principal Act, in sub-section (3),—

(1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted;

(2) for the words "twenty-five rupees" the words "two hundred and fifty rupees" shall be substituted.

11. In section 194 of the principal Act, in sub-section (2),—
 (1) for the words “ five hundred rupees ” the words “ five thousand rupees ” shall be substituted ;
 (2) for the words “ ten rupees ” the words “ one hundred rupees ” shall be substituted. Amendment of section 194 of Mah. XL of 1965.
12. In section 196 of the principal Act, for the words “ fifty rupees ” the words “ five hundred rupees ” shall be substituted. Amendment of section 196 of Mah. XL of 1965.
13. In section 202 of the principal Act, in sub-section (3),—
 (1) for the words “ one hundred rupees ” the words “ one thousand rupees ” shall be substituted ;
 (2) for the words “ ten rupees ” the words “ one hundred rupees ” shall be substituted. Amendment of section 202 of Mah. XL of 1965.
14. In section 210 of the principal Act, in sub-section (3), for the words “ one hundred rupees ” the words “ one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues ” shall be substituted. Amendment of section 210 of Mah. XL of 1965.
15. In section 211 of the principal Act, in sub-section (2), for the words “ one hundred rupees ” the words “ one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues ” shall be substituted. Amendment of section 211 of Mah. XL of 1965.
16. In section 215 of the principal Act,—
 (1) in sub-section (4), for the words “one hundred rupees ” the words “ one thousand rupees ” shall be substituted ;
 (2) in sub-section (7), for the words “ three hundred rupees ” the words “ three thousand rupees ” shall be substituted. Amendment of section 215 of Mah. XL of 1965.
17. In section 216 of the principal Act, in sub-section (2), for the words “ one hundred rupees ” the words “ one thousand rupees ” shall be substituted. Amendment of section 216 of Mah. XL of 1965.
18. In section 217 of the principal Act, in sub-section (2), —
 (1) for the words “ fifty rupees ” the words “ five hundred rupees ” shall be substituted ;
 (2) for the words “ five rupees ” the words “ fifty rupees ” shall be substituted. Amendment of section 217 of Mah. XL of 1965.
19. In section 221 of the principal Act, in sub-section (3), for the words “ fifty rupees ” the words “ five hundred rupees ” shall be substituted. Amendment of section 221 of Mah. XL of 1965.
20. In section 224 of the principal Act, in sub-section (2), for the words “ two hundred and fifty rupees ” the words “ two thousand and five hundred rupees ” shall be substituted. Amendment of section 224 of Mah. XL of 1965.

- Amendment of section 226 of Mah. XL of 1965. 21. In section 226 of the principal Act, in sub-section (2), —
 (1) for the words "fifty rupees" the words "five hundred rupees" shall be substituted;
 (2) for the words "ten rupees" the words "one hundred rupees" shall be substituted.
- Amendment of section 227 of Mah. XL of 1965. 22. In section 227 of the principal Act, in sub-section (2), —
 (1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted;
 (2) for the words "twenty-five rupees" the words "two hundred and fifty rupees" shall be substituted.
- Amendment of section 229 of Mah. XL of 1965. 23. In section 229 of the principal Act, —
 (1) in sub-section (1), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
 (2) in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.
- Amendment of section 230 of Mah. XL of 1965. 24. In section 230 of the principal Act, for the words "one hundred rupees" the words "one thousand rupees, and in the case of continuing offence with further fine which may extend to one hundred rupees for every day after the first during which such contravention continues" shall be substituted.
- Amendment of section 231 of Mah. XL of 1965. 25. In section 231 of the principal Act, —
 (1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
 (2) for the words "twenty rupees" the words "two hundred rupees" shall be substituted.
- Amendment of section 232 of Mah. XL of 1965. 26. In section 232 of the principal Act, —
 (1) in sub-section (3), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
 (2) in sub-section (4), in clause (b), for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted.
- Amendment of section 233 of Mah. XL of 1965. 27. In section 233 of the principal Act, for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.
- Amendment of section 236 of Mah. XL of 1965. 28. In section 236 of the principal Act, in sub-section (2), —
 (1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
 (2) for the words "ten rupees" the words "one hundred rupees" shall be substituted.
- Amendment of section 246 of Mah. XL of 1965. 29. In section 246 of the principal Act, —
 (1) in sub-section (1), —
 (a) for the words "two hundred rupees" the words "two thousand rupees" shall be substituted;

(b) for the words "twenty rupees" the words "two hundred rupees" shall be substituted ;

(2) in sub-section (2),—

(a) for the words "one thousand rupees" the words "ten thousand rupees" shall be substituted ;

(b) for the words "fifty rupees" the words "five hundred rupees" shall be substituted.

30. In section 249 of the principal Act, in sub-section (5), for the words "ten rupees" the words "one hundred rupees" shall be substituted. Amendment of section 249 of Mah. XL of 1965.

31. In section 251 of the principal Act, in sub-section (3), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted. Amendment of section 251 of Mah. XL of 1965.

32. In section 252 of the principal Act, in sub-section (5), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted. Amendment of section 252 of Mah. XL of 1965.

33. In section 253 of the principal Act, in sub-section (3), for the words "two hundred and fifty rupees" the words "two thousand and five hundred rupees" shall be substituted. Amendment of section 253 of Mah. XL of 1965.

34. In section 254 of the principal Act, in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted. Amendment of section 254 of Mah. XL of 1965.

35. In section 265 of the principal Act,—

(1) in sub-section (1), for the words "fifty rupees" the words "five hundred rupees" shall be substituted ; Amendment of section 265 of Mah. XL of 1965.

(2) in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.

36. In section 267 of the principal Act, in sub-section (2),— Amendment of section 267 of Mah. XL of 1965.

(1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted ;

(2) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted ;

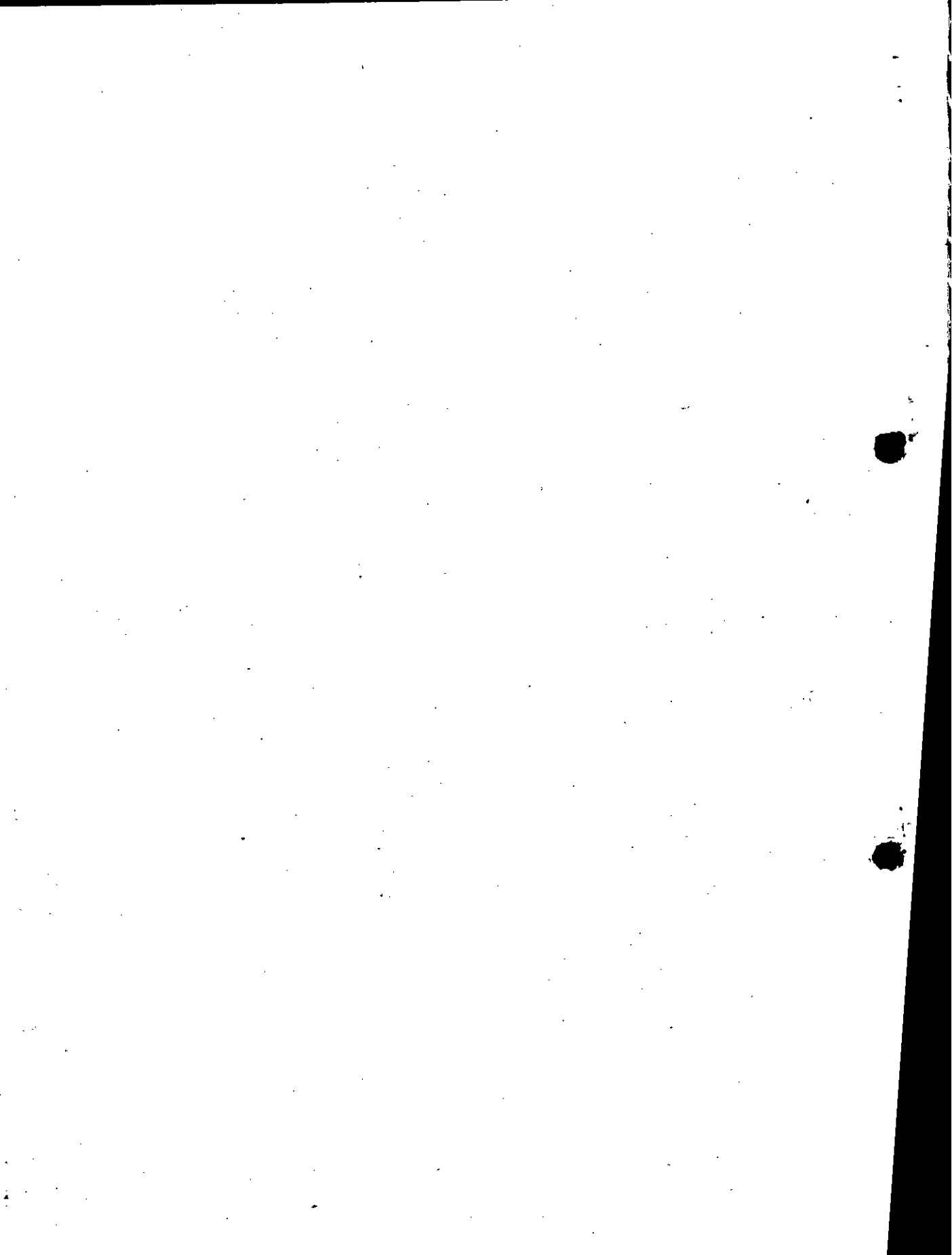
(3) for the words "fifty rupees" the words "five hundred rupees" shall be substituted ;

(4) for the words "ten rupees" the words "one hundred rupees" shall be substituted.

37. In section 269 of the principal Act, in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted. Amendment of section 269 of Mah. XL of 1965.

- Amendment of section 272 of Mah. XL of 1965. 38. In section 272 of the principal Act, in sub-section (3), for the words "fifty rupees" the words "five hundred rupees" shall be substituted.
- Amendment of section 274 of Mah. XL of 1965. 39. In section 274 of the principal Act, in sub-section (3),—
 (1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted ;
 (2) for the words "fifty rupees" the words "five hundred rupees" shall be substituted.
- Amendment of section 275 of Mah. XL of 1965. 40. In section 275 of the principal Act, in sub-section (3),—
 (1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted ;
 (2) for the words "fifty rupees" the words "five hundred rupees" shall be substituted.
- Amendment of section 276 of Mah. XL of 1965. 41. In section 276 of the principal Act, in sub-section (3),—
 (1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted ;
 (2) for the words "fifty rupees" the words "five hundred rupees" shall be substituted.
- Amendment of section 278 of Mah. XL of 1965. 42. In section 278 of the principal Act, in sub-section (3), for the words "one thousand rupees" the words "ten thousand rupees, and in the case of continuing offence with further fine which may extend to one thousand rupees for every day after the first during which such contravention continues" shall be substituted.
- Amendment of section 279 of Mah. XL of 1965. 43. In section 279 of the principal Act, in sub-section (2),—
 (1) for the words "fifty rupees" the words "five hundred rupees" shall be substituted ;
 (2) for the words "five rupees" the words "fifty rupees" shall be substituted.
- Amendment of section 280 of Mah. XL of 1965. 44. In section 280 of the principal Act, in sub-section (3),—
 (1) for the words "five hundred rupees" the words "five thousand rupees" shall be substituted ;
 (2) for the words "fifty rupees" the words "five hundred rupees" shall be substituted.
- Amendment of section 281 of Mah. XL of 1965. 45. In section 281 of the principal Act, in sub-section (3),—
 (1) for the words "two hundred rupees" the words "two thousand rupees" shall be substituted ;
 (2) for the words "twenty rupees" the words "two hundred rupees" shall be substituted.

46. In section 285 of the principal Act, in sub-section (3), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted. Amendment of section 285 of Mah. XL of 1965.
47. In section 291 of the principal Act,— Amendment of section 291 of Mah. XL of 1965.
- (1) in sub-section (1),—
- (a) in clause (i), for the words "three hundred rupees" the words "three thousand rupees" shall be substituted;
- (b) in clause (ii), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted;
- (2) in sub-section (2), in clause (a), for the words "two hundred and fifty rupees" the words "two thousand and five hundred rupees" shall be substituted.
48. In section 292 of the principal Act,— Amendment of section 292 of Mah. XL of 1965.
- (1) in clause (a), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
- (2) in clause (b), for the words "two hundred and fifty rupees" the words "two thousand and five hundred rupees" shall be substituted.
49. In section 294 of the principal Act, in sub-section (2), for the words "fifty rupees" the words "five hundred rupees" shall be substituted. Amendment of section 294 of Mah. XL of 1965.
50. In section 295 of the principal Act, in sub-section (2), for the words "one hundred rupees" the words "one thousand rupees" shall be substituted. Amendment of section 295 of Mah. XL of 1965.
51. In section 296 of the principal Act, in sub-section (6), for the words "five hundred rupees" the words "five thousand rupees" shall be substituted. Amendment of section 296 of Mah. XL of 1965.
52. In section 299 of the principal Act, — Amendment of section 299 of Mah. XL of 1965.
- (1) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;
- (2) for the words "ten rupees" the words "one hundred rupees" shall be substituted.
53. In section 300 of the principal Act, for the words "two hundred and fifty rupees" the words "two thousand and five hundred rupees" shall be substituted. Amendment of section 300 of Mah. XL of 1965.





महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५(४)]

रविवार, एप्रिल ३, २०११/चैत्र १३, शके १९३३

[पृष्ठे १४, किंमत : रुपये १४.००

असाधारण क्रमांक ३८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010 (Mah. Act No. IX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 3rd April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act,

1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2010.

Short title
and
commence-
ment.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act and for different areas.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

2. After section 354AA of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following sections shall be inserted, namely :—

Insertion of
sections
354AB and
354AC in
Bom. III of
1888.

Bom.
III of
1888.

Responsibility
of owner or
occupier to
keep and
maintain
exterior of
building in
good
condition.

" **354AB.** (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of
1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

354AC. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of Commissioner to make declaration of aesthetic harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting

all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Chief Judge of the Small Causes Court, but no such appeal shall be entertained by the said Chief Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Substitution of
section 520C
of Bom. III of
1888.

3. For section 520C of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Power of
State
Government
to issue
instructions
or
directions.

“ 520 C. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programmes, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why

such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

4. After section 185 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following sections shall be inserted, namely :—

Insertion of sections 185A and 185B in Bom. LIX of 1949.

Bom.
LIX of
1949.

“185A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah.
XXVIII
of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition ; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Judge, before whom an appeal may be filed under section 406 but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

185B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the

Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Judge, before whom an appeal under section 406 may be filed, but no such appeal shall be entertained by such Judge unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

5. After section 450 of the Provincial Corporations Act, the following section shall be inserted, namely :—

Insertion
of section
450A in
Bom. LIX
of 1949.

“450 A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions :

Power of
State
Government
to issue
instructions
or
directions.

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Insertion of sections 285A and 285B in C.P. and Berar II of 1950.

6. After section 285 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), the following sections shall be inserted, namely :—

C. P. and Berar II of 1950.

Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"285A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof :

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

Mah. XXVIII of 1971.

(2) If, on inspection of such building or a part thereof, the Commissioner is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Commissioner may, by notice in writing, require the owner or occupier thereof to carry out necessary work as may be specified in such notice so as to keep and maintain the exterior of the building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Commissioner under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Commissioner may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Commissioner may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Commissioner in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Commissioner, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

285B. (1) The Commissioner, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

Power of
Commissioner
to make
declaration
of aesthetic
harmony.

(2) Before publication of the notification under sub-section (1), the Commissioner shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Commissioner within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Commissioner shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Commissioner may take or cause to be taken such steps to carry out the work required to be executed under the declaration ; and the expenses incurred by the Corporation in respect thereof shall be

recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the District Court, but no such appeal shall be entertained by the said Court unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Corporation and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Corporation is more than the amount payable by the appellant, the Commissioner shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”

Insertion of
section 404A in
C. P. and
Berar II of
1950.

7. After section 404 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Power of
State
Government
to issue
instructions
or directions.

“404A. Notwithstanding anything contained in this Act, the State Government may issue to the Corporation general instructions as to matters of policy to be followed by the Corporation in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Corporation to give effect to such instructions or directions:

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Corporation to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah.
XL of
1965.

8. After section 194 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"), the following sections shall be inserted, namely:—

Insertion of sections 194A and 194B in Mah. XL of 1965. Responsibility of owner or occupier to keep and maintain exterior of building in good condition.

"194A. (1) It shall be the responsibility of every owner or occupier of a building to ensure that the exterior of the building is kept and maintained in good condition and, is not in a state of disrepair or spoiled on account of cracks, stains, shabby enclosures, hanging wires or cables or keeping of unwholesome articles which spoil the appearance of a building or part thereof:

Mah.
XXVIII
of
1971.

Provided that, nothing in this section shall apply to the area declared as slum area under sub-section (1) of section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and the buildings in respect of which the re-development plan is sanctioned by the Competent Authority or is under consideration of the Competent Authority.

(2) If, on inspection of such building or a part thereof, the Chief Officer is of the opinion that the exterior of any building or a part thereof is not kept and maintained in good condition and is spoiled on account of any of the factors mentioned in sub-section (1), the Chief Officer may, by notice in writing, require the owner or occupier thereof to carry out the necessary work as may be specified in such notice so as to keep and maintain the exterior of a building in good condition; and the owner, or as the case may be, the occupier shall comply with such notice.

(3) The owner or occupier of the building shall carry out the work mentioned in the notice issued by the Chief Officer under sub-section (2), within thirty days from the date of receipt of the notice or such longer period as the Chief Officer may, having regard to the nature and the extent of work to be carried out, specify.

(4) Where the owner or, as the case may be, the occupier fails to comply with the notice under sub-section (2), the Chief Officer may cause the work mentioned in such notice to be executed and the owner or, as the case may be, the occupier shall be liable to pay the expenses incurred by the Chief Officer in that behalf within thirty days from the date of the receipt of a demand notice, and if such owner or occupier fails to pay the same, there shall be levied an interest at the rate of two per cent. for each month or part thereof, on the amount of expenses incurred by the Chief Officer, till the entire amount of such expenses is paid.

(5) Save as otherwise provided in this section, the amount of such expenses together with interest, if any, shall be recoverable as if the amount thereof was due as a property tax.

(6) If there is any dispute about the amount of expenses for which demand is made under sub-section (4), an appeal may be preferred to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(7) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.

Power of
Chief officer
to make
declaration of
aesthetic
harmony.

194B. (1) The Chief Officer, after obtaining approval of the State Government, may, by notification in the *Official Gazette*, and by advertisement in not less than two local news papers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereon and a boundary wall, if any, either existing on the date of publication of declaration or proposed to be constructed and completed thereafter and located on any street in any locality or part thereof in the municipal area specified in such declaration, be kept and maintained in such manner and within such time as may be indicated in such declaration.

(2) Before publication of the notification under sub-section (1), the Chief Officer shall cause to be given a notice by advertisement in the *Official Gazette* and in not less than two local news papers announcing his intention to issue such declaration, and inviting all persons who entertain any objection or who desire to make any suggestions to the said proposal to submit the same in writing, with the reasons therefor, to the Chief Officer within one month from the date of the publication of such notice in the *Official Gazette*. After expiry of the said period of one month, the Chief Officer shall consider the objections and suggestions within one month.

(3) Where the owner fails to comply with the requirements under the declaration under sub-section (1), within the period specified, the Chief Officer may take or cause to be taken such steps to carry out the work required to be executed under the declaration; and the expenses incurred by the Council in respect thereof shall be recovered from the owner as if the amount thereof were arrears of property tax due by the said owner and shall be payable by the owner on demand.

(4) If there is any dispute about the amount of expenses for which demand is made under sub-section (3), an appeal may be preferred by the owner to the Property Tax Appeal Committee constituted under sub-section (2) of section 169, but no such appeal shall be entertained by the said Committee unless,—

(i) it is preferred within twenty-one days from the date of receipt of notice of such demand ;

(ii) the amount for which demand is made is deposited with the Council and a true copy of the receipt showing that the amount has been so deposited accompanies the appeal.

(5) In case the appeal is decided in favour of the appellant and the amount of expenses deposited with the Council is more than the amount payable by the appellant, the Chief Officer shall adjust the excess amount with interest at 6.25 per cent. per annum from the date on which the amount is so deposited by the appellant, towards the property tax payable by the owner in respect of such building thereafter.”.

Insertion of
section
312A in
Mah. XL of
1965.
Power of
State
Government
to issue
instructions
or directions.

9. After section 312 of the Municipal Councils Act, the following section shall be inserted, namely :—

“312 A. Notwithstanding anything contained in this Act, the State Government may issue to the Council general instructions as to matters of policy to be followed by the Council in respect of its duties and functions, and in particular it may issue directions in the larger public interest or for implementation of the policies of the Central Government or the State Government and the National or the State level programs, projects and schemes. Upon the issue of such instructions or directions, it shall be the duty of the Council to give effect to such instructions or directions :

Provided that, the State Government shall, before issuing any instructions or directions under this section, give an opportunity to the Council to make representation within fifteen days as to why such instructions or directions shall not be issued. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such instructions or directions is necessary, the State Government may issue the same.”.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक १०] सोमवार, एप्रिल १८, २०११/चैत्र २८, शके १९३३ [पृष्ठे ९, किंमत : रुपये १४.००

असाधारण क्रमांक ४३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 (Mah. Act No. XI of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XI OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 18th April 2011.)

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

(१)

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2011, on the 10th March 2011;

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.
Mah.
Ord.
X of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 10th March 2011.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section
128 of Bom.
III of 1888.

2. In section 128 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), for sub-section (3), the following sub-section shall be substituted, namely :—

Bom.
III of
1888.

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Corporation may, at any time during the official years 2010-2011 and 2011-2012, determine, separately for each of the said two years, the rates of property taxes for different categories of users of a building or land or part thereof. The rates of property taxes so determined shall be effective and shall be deemed to have been effective from the 1st of April of those two years and the taxes for the said two years shall be leviable and payable at the rates so determined."

Amendment
of section
140A of
Bom. III of
1888.

3. In section 140A of the Mumbai Corporation Act,—

(1) in sub-section (1),—

(a) after the first proviso, the following proviso shall be inserted, namely :—

" Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso it shall be lawful for the Commissioner to ascertain such tax leviable during such

immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book ;”;

(b) in the second proviso, for the word “ further” the word “also” shall be substituted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Notwithstanding anything contained in sub-section (4) of section 139A or any other provisions of this Act or Resolution, if any, passed by the Corporation for adopting the levy of property tax on the basis of capital value but subject to the provisions of section 154A, buildings and lands in respect of which the process of fixing capital value is in progress on the 26th August 2010, being the date of coming into force of section 3 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010, until it is so fixed; the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year, that is to say, for the year commencing on the first day of April 2009 and ending on the thirty-first day of March 2010 and such provisional tax shall be leviable and payable for each of the years 2010-2011 and 2011-2012 according to the provisional bills which may be issued separately for each such year; so, however, that on fixation of capital value of the respective buildings and lands, final bill of assessment of property taxes on the basis of capital value may then be issued for each such year as aforesaid. After such final assessment, if it is found that the assessee has paid excess amount, such excess shall, notwithstanding anything contained in section 179, be refunded within three months from the date of issuing the final bill, alongwith interest from such date as provided in the first proviso to sub-section (5) of section 217, or after obtaining the consent of the assessee, shall be adjusted towards payment of property tax due, if any, for the subsequent years; and if the amount of taxes on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.” .

4. For section 154A of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Substitution
of section
154A of
Born. III of
1888.

“154A. Notwithstanding anything contained in section 154, the rateable value of any building or land or part thereof, for the official year 2009-2010, shall be the provisional capital value of such buildings or lands in respect of the official years 2010-2011 and 2011-2012, and such provisional capital value shall be deemed to be the capital value validly and legally fixed under the provisions of this Act, pending fixing

Provisional
fixation of
capital value
in certain
cases.

Mah.
XXVII
of
2010.

the capital value thereof; and it shall be lawful for the Commissioner to treat it as such for the purposes of assessment book kept under the provisions of this Act, and the bill for property taxes issued under sub-section (2) of section 140A shall be deemed to have been validly and legally issued under the provisions of this Act.”

Substitution
of section
172 of
Bom. III of
1888.

5. For section 172 of the Mumbai Corporation Act, the following section shall be substituted, namely :—

Rules for
water taxes
and charges
and
sewerage
taxes and
charges and
amendment
thereof.

“172. (1) The provisions of sections 140A and 154A, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011, shall, *mutatis mutandis* apply, for the purposes of levy of water taxes and charges and sewerage taxes and charges for the years 2010-2011 and 2011-2012.

Mah.
XI of
2011.

(2) The Standing Committee may, from time to time, add to, amend or rescind any rules made or deemed to be made by it under sections 169 and 170 (both inclusive), but any such revision of the rules shall, subject to the provisions of sub-section (1), come into force on the date appointed by the Committee for this purpose so however that such date shall not be earlier than the 1st April of the official year during which the decision to make such revision is taken by the Standing Committee :

Provided that, the rules fixing the rates for the official years 2010-2011 and 2011-2012 shall be effective from the first day of each respective official year.”

Insertion of
section 216B
in Bom. III
of 1888.

6. After section 216A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Power to
assess in
case of
escape from
assessment.

“216B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

Amendment
of section
219A of
Bom. III of
1888.

7. In section 219A of the Mumbai Corporation Act, after the figures “2010”, the following shall be inserted, namely :—

“or, as the case may be, by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011,”

Mah
XI of
2011.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Bom. LIX of 1949. 8. In section 129 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as " the Provincial Corporations Act "), in sub-section (2), — Amendment of section 129 of Bom. LIX of 1949.

(a) after the first proviso, the following proviso shall be inserted, namely :—

" Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Commissioner to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book :";

(b) in the second proviso, for the word " further " the word " also " shall be substituted.

9. After section 129-1A of the Provincial Corporations Act, the following section shall be inserted, namely :— Insertion of section 129-2A in Bom. LIX of 1949.

" 129-2A. (1) Where a Corporation passes a resolution to adopt levy of property taxes on buildings and lands in the City, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax is levied on the basis of capital value of buildings and lands, namely :— Transitory provisions in respect of property taxes on capital value.

(i) until the capital value of the buildings and lands in the City are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Corporation to issue a provisional bill for the tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Corporation shall issue a final bill of assessment of property taxes ;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Corporation has decided to levy property tax on the basis of capital value of buildings and lands.”

Insertion of section 150A in Bom. LIX of 1949.

Power to assess in case of escape from assessment.

10. After section 150 of the Provincial Corporations Act, the following section shall be inserted, namely :—

“150A. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Act has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 115A of C.P. and Berar II of 1950.

11. In section 115A of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as “the Nagpur Corporation Act”), in sub-section (2),—

C.P. and Berar II of 1950.

(a) after the first proviso, the following proviso shall be inserted, namely :—

“Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, the property taxes leviable during such immediately preceding year shall be ascertained on the basis of the tax which could be leviable and payable as if the building or portion thereof were self-occupied and had been so entered in the assessment book :”;

(b) in the second proviso, for the word “further” the word “also” shall be substituted.

Insertion of section 115AAA in C.P. and Berar II of 1950.

12. After section 115AA of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Transitory provisions in respect of property tax on capital value.

“115AAA. (1) Where the Corporation passes a resolution to adopt levy of property taxes on buildings and lands in the City, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax on the basis of capital value of buildings and lands is levied, namely :—

(i) until the capital value of the buildings and lands in the City are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Corporation to issue a provisional bill for the tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Corporation shall issue a final bill of assessment of property taxes ;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes, due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Corporation has decided to levy property tax on the basis of capital value of buildings and lands.”.

13. After section 155A of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 155B in C.P. and Berar II of 1950.

“155B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Act has escaped assessment in any year, the Commissioner may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”.

Power to assess in case of escape from assessment.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 14. In section 105 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), in sub-section (4), —

Amendment of section 105 of Mah. XL of 1965.

(a) after the first proviso, the following proviso shall be inserted, namely :—

“ Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof

were on the basis of annual letting value arrived at considering leave and licence charges, by whatever name called, then for the purposes of the first proviso, it shall be lawful for the Chief Officer to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book”;

(b) in the second proviso, for the word “further” the word “also” shall be substituted.

Insertion of section 106B in Mah. XL of 1965.

15. After section 106A of the Municipal Councils Act, the following section shall be inserted, namely :—

Transitory provisions in respect of property tax on capital value.

“ 106B. (1) Where a Council passes a resolution to adopt levy of property taxes on buildings and lands in the municipal area, on the basis of capital value of buildings and lands, notwithstanding anything contained in any other provisions of this Act, the following provisions shall apply in the official year in which such tax on the basis of capital value of buildings and lands is levied, namely :—

(i) until the capital value of the buildings and lands in the municipal area are fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year and it shall be lawful for the Council to issue a provisional bill for tax accordingly ;

(ii) on fixation of the capital value of the buildings and lands, the Council shall issue a final bill of assessment of property taxes;

(iii) after such final assessment, if it is found that the assessee has paid excess amount, such excess shall be refunded within three months from the date of issuing the final bill, alongwith interest from the date of final bill, or after obtaining the consent of the assessee, shall be adjusted towards payment of property taxes due, if any, for the subsequent years; and if the amount of tax on final assessment is more than the amount of tax already paid by the assessee, the difference shall be recovered from the assessee.

(2) The provisions of this section shall cease to operate after expiry of the official year in which the Council has decided to levy property tax on the basis of capital value of buildings and lands.”

16. After section 150B of the Municipal Councils Act, the following section shall be inserted, namely :—

Insertion of section 150C in Mah. XL of 1965.

“150C. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Chief Officer may, at any time within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.”

Power to assess in case of escape from assessment.

CHAPTER VI

MISCELLANEOUS

Mah. Ord. X of 2011. 17. (1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2011, is hereby repealed.

Repeal of Mah. Ord. X of 2011 and saving.

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक १२(८)]

गुरुवार, एप्रिल २१, २०११/वैशाख १, शके १९३३ [पृष्ठे ४, किंमत : रुपये १४.००

असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011 (Mah. Act. No. XX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XX OF 2011

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st April 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2011.

भाग आठ—५५--१

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 5A
of Bom. III
of 1888.

2. In section 5A of the Mumbai Municipal Corporation Act,—

Bom.
III of
1888.

(1) in sub-section (2), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Castes, one of the two seats shall be reserved for women belonging to Scheduled Castes” shall be deleted;

(2) in sub-section (3), in clause (b),—

(a) for the words “one-third” the words “one-half” shall be substituted;

(b) in the proviso, the words “and where only two seats are reserved for the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Tribes” shall be deleted;

(3) in sub-section (4), in clause (b), for the words “one-third” the words “one-half” shall be substituted;

(4) in sub-section (5), for the words “one-third” the words “one-half” shall be substituted.

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL
CORPORATIONS ACT, 1949.

Amendment
of section 5A
of Bom. LIX
of 1949.

3. In section 5A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (1),—

Bom.
LIX of
1949.

(1) in clause (b),—

(a) in the first proviso, for the words “one-third” the words “one-half” shall be substituted ;

(b) in the second proviso, the words “and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes, or as the case may be, the Scheduled Tribes” shall be deleted ;

(2) in clause (c), in the proviso, for the words “one- third” the words “one-half” shall be substituted ;

(3) in clause (d), for the words “one- third” the words “one - half” shall be substituted.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

C.P. and Berar 1948,—
II of 1950.

4. In section 9A of the City of Nagpur Corporation Act, Amendment of section 9A of C.P. and Berar II of 1950.

(1) in sub-section (2),—

(a) in the first proviso, for the words "one-third" the words "one-half" shall be substituted;

(b) in the second proviso, the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, the Scheduled Tribes" shall be deleted;

(2) in sub-section (3), in the proviso, for the words "one-third" the words "one-half" shall be substituted;

(3) in sub-section (4), for the words "one-third" the words "one-half" shall be substituted.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965.

5. In section 9 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2),— Amendment of section 9 of Mah. XL of 1965.

(1) in clause (b), for the words "one-third" the words "one-half" shall be substituted;

(2) in clause (c), in the proviso,—

(a) for the words "one-third" the words "one-half" shall be substituted;

(b) the words "and where only two seats are reserved for the Scheduled Castes, or as the case may be, the Scheduled Tribes, one of the two seats shall be reserved for women belonging to Scheduled Castes or, as the case may be, to the Scheduled Tribes" shall be deleted;

(3) in clause (d), in the proviso, for the words "one-third" the words "one-half" shall be substituted.

CHAPTER VI

MISCELLANEOUS.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act or by reason of anything contained therein, or in giving effect to any of those Acts in respect of the matters contained in this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing such difficulty:

Bom. III
of 1888.

Bom. LIX
of 1949.

C.P and
Berar II of
1950.

Mah. XL
of 1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of State Legislature.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक २८(२)]

बुधवार, ऑगस्ट १०, २०११/श्रावण १९, शके १९३३

[पृष्ठे ३, किंमत : रुपये १४.००

असाधारण क्रमांक ८०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2011 (Mah. Act No. XXVI of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVI OF 2011.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 10th August 2011).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and,

Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.

therefore, promulgated the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, on the 26th May 2011 ;

Mah.
Ord.
XIII
of
2011.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 26th May 2011.

Amendment
of section 5
of Bom.
LIX of
1949.

2. In section 5 of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (3), for the words "elect only one Councillor" the words "elect as far as possible two Councillors but not less than two and not more than three Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward " shall be substituted.

Bom.
LIX
of
1949.

Amendment
of section 9
of C.P.
and Berar
II of 1950.

3. In section 9 of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the words "elect only one Councillor" the words "elect as far as possible two Councillors but not less than two and not more than three Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward" shall be substituted.

C.P.
and
Berar
II of
1950.

Amendment
of section
10 of Mah.
XL of 1965.

4. In section 10 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for sub-section (2), the following sub-section shall be substituted, namely :—

Mah.
XL
of
1965.

"(2) Each of the wards shall elect as far as possible four Councillors but not less than three and not more than five Councillors, and each voter shall, notwithstanding anything contained in sub-section (2) of section 14, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward."

Repeal of
Mah. Ord.
XIII of
2011 and
saving.

5. (1) The Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, is hereby repealed.

Mah.
Ord.
XIII
of
2011.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Acts, as amended by this Act.

Bom.
LIX of
1949.
C. P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३०]

मंगळवार, ऑगस्ट १६, २०११/श्रावण २५, शके १९३३

[पृष्ठे १०, किंमत : रुपये १४.००

असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. Act No. XXIX of 2011), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXIX OF 2011

(First published after having received the assent of the President in the "Maharashtra Government Gazette", on the 16th August 2011).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom.
LIX of
1949.
C.P. and
Berar II
of 1950.
Mah.
XI. of
1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965. for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL
CORPORATION ACT

Insertion of
heading and
sections 64A
to 64D in
Bom. III of
1888.

2. After section 64 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following heading and sections shall be inserted, namely:—

Bom.
III of
1888.

"Prevention of delay in discharge of official duties"

Citizens'
Charter.

64A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah.
XXIX
of
2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation
of power.

64B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah.
XXIX
of
2011.

64C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible :

Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

64D. Nothing in section 64C shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments ;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”

Non-
application
of provi-
sions of
section 64C
in certain
circum-
stances.

Insertion of section 86A in Bom. III of 1888.

Sanction for prosecution of officers and servants of Corporation.

3. After section 86 of the Mumbai Corporation Act, the following section shall be inserted, namely :—

“86A. Notwithstanding anything contained in this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Insertion of section 59A in Bom. LIX of 1949.

4. After section 59 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), the following section shall be inserted, namely :—

Bom. LIX of 1949.

Sanction for prosecution of officers and servants of Corporation.

“59A. Notwithstanding anything contained in section 53 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”

Insertion of heading and sections 72A to 72D in Bom. LIX of 1949.

5. After section 72 of the Provincial Corporations Act, the following heading and sections shall be inserted, namely :-

“Prevention of delay in discharge of official duties

Citizens' Charter.

72A. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

72B. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

Mah.
XXIX
of
2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

72C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible:

Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days:

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 72C in certain circumstances.

72D. Nothing in section 72C shall apply to,—

- (i) sub-judice matters;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Insertion of section 53A in C.P. and Berar II of 1950.
Sanction for prosecution of officers and servants of Corporation.

6. After section 53 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred, to as “ the Nagpur Corporation Act”), the following section shall be inserted, namely :—

C.P.
and
Berar
II of
1950.

“**53A.** Notwithstanding anything contained in section 49, 50 or any other provisions of this Act, the Commissioner shall be competent to sanction prosecution of any officer or servant of the Corporation which has been sought by the Police or any other Government agency. The Commissioner shall inform about grant of any such sanction to the Municipal Corporation in the next ensuing meeting of the Corporation.”.

Insertion of heading and sections 59-IA, 59-IB, 59-IC and 59-ID in C.P. and Berar II of 1950.

7. After section 59 of the Nagpur Corporation Act, the following heading and sections shall be inserted, namely :—

“Prevention of delay in discharge of official duties

Citizens' Charter

59-IA. (1) The Commissioner shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Corporation, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah.
XXIX
of
2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

59-IB. (1) The Commissioner shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision. Delegation
of powers.

(2) The Commissioner shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Corporation.

Mah.
XXIX
of
2011.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

59-IC. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible: Disciplinary
action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days:

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Corporation and not required to be submitted to any Statutory Committee, the concerned Department of the Corporation shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such

derelection on part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such derelection of duty in the Annual Confidential Report of such Municipal Officer or servant.

Non-application of provisions of section 59-IC in certain circumstances.

59-ID. Nothing in section 59-IC shall apply to,—

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc. ;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions.”.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Insertion of heading and sections 78A to 78D in Mah. XL of 1965.
Citizens' Charter.

8. After section 78 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following heading and sections shall be inserted, namely :—

Mah. XL of 1965.

“Prevention of delay in discharge of official duties

78A. (1) The Chief Officer shall prepare and publish Citizens' Charter, a list of facilities or services rendered by the office or Department of the Council, together with the time limit for providing such facilities or services to the general public, within a period of six months from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010.

Mah. XXIX of 2011.

(2) If no final decision is taken within the period specified in the Citizens' Charter by the concerned authorities, the responsibility for inaction shall be fixed on them and an action mentioned in the relevant Act, rules or regulations shall be taken against them.

Delegation of powers.

78B. (1) The Chief Officer shall publish the list of powers delegated to the subordinate officers working under him, for taking final decision.

(2) The Chief Officer shall determine, as far as possible, four or less number of levels of submission for any matter to reach the concerned Statutory Committee or the Authority competent to take final decision in the matter, in any office or Department in the Council.

(3) Lists of powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencement of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010, and shall be updated on the 1st April of every succeeding year.

Mah. XXIX of 2011.

78C. (1) Every Municipal Officer and servant shall be bound to discharge his official duties and the official work assigned or pertaining to him most diligently and as expeditiously as feasible : Disciplinary action.

Provided that, normally no file shall remain pending with any Municipal Officer or servant in any Department or office under the Corporation for more than seven working days :

Provided further that, immediate and urgent files shall be disposed of by any Municipal Officer or servant as per the urgency of the matter, as expeditiously as possible, and preferably the immediate file in one day or the next day morning and the urgent file in four days :

Provided also that, in respect of the files not required to be referred to any other Department within the Council and not required to be submitted to any Statutory Committee, the concerned Department of the Council shall take the decision and necessary action in the matter within forty-five days and in respect of the files required to be referred to any other Department but not to any Statutory Committee, decision and necessary action shall be taken within three months.

(2) Any willful or intentional delay or negligence in discharge of the official duties or in carrying out the official work assigned or pertaining to such Municipal Officer and servant shall amount to dereliction of official duties and shall make such Municipal Officer or servant liable for appropriate disciplinary action under the relevant disciplinary rules applicable to such employees.

(3) The concerned competent authority, on noticing or on being brought to its notice any such dereliction of duties on the part of any Municipal Officer or servant, after satisfying itself about such dereliction on the part of such Municipal Officer or servant shall, take appropriate disciplinary action against such defaulting Municipal Officer or servant under the relevant disciplinary rules including taking entry relating to such dereliction of duty in the Annual Confidential Report of such Municipal Officer or servant.

78D. Nothing in section 78C shall apply to,-

- (i) sub-judice matters ;
- (ii) cases referred to *Lokayukta* or *Upa-Lokayukta* and other Constitutional institutions, Commissions, etc.;
- (iii) quasi-judicial matters ;
- (iv) cases related to the Central or other State Governments;
- (v) cases related to Legislation ; and
- (vi) cases involving major policy decisions."

Non-application of provisions of section 78C in certain circumstances.

CHAPTER VI

MISCELLANEOUS

Power to
remove
difficulties.

9. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything, not inconsistent with the provisions of those Acts :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Bom.
III of
1888.
Bom.
LIX of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL of
1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४९(४)]

बुधवार, डिसेंबर २८, २०११/पौष ७, शके १९३३

[पृष्ठे ३, किंमत : रुपये १४.००

असाधारण क्रमांक १२८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011 (Mah. Act No. XLII of 2011), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government;
Law and Judiciary Department.

MAHARASHTRA ACT No. XLII OF 2011.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 28th December 2011).

An Act further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and,

Bom.
LIX
of
1949.
C.P.
and
Berar
II of
1950.
Mah.
XL
of
1965.

(१)

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, डिसेंबर २८, २०११/पोष ७, शके १९३३

therefore, promulgated the City of Nagpur Corporation (Amendment) Ordinance, 2011, on the 29th August 2011 and the Bombay Provincial Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, on the 24th October 2011 ;

Mah.
Ord.
XVIII
of 2011.

Mah.
Ord. XX
of 2011.

AND WHEREAS it is expedient to replace the said Ordinances by a consolidated Act of the State Legislature ; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011.

(2) (i) Sections 1 and 3 of this Act shall be deemed to have come into force on the 29th August 2011..

(ii) Sections 2, 4 and 5 of this Act shall be deemed to have come into force on the 24th October 2011.

CHAPTER II AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment
of section 3
of Bom.
LIX of
1949.

2. In section 3 of the Bombay Provincial Municipal Corporations Act, 1949, to sub-section (4), the following proviso shall be added, namely :—

Bom.
LIX
of
1949.

“ Provided that, where the population of any urban area, in respect of which a Council has been constituted under the provisions of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as per the latest census figures has exceeded three lakhs, the State Government may, for the purpose of constituting a Corporation under this Act for such urban area, with the same boundaries, dispense with the condition of previous publication of the notification under this section.”

Mah.
XL
of
1965.

CHAPTER III

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948

Amendment
of section 9
of C.P. and
Berar II of
1950.

3. In section 9 of the City of Nagpur Corporation Act, 1948, in sub-section (1), in clause (a), for the words “one hundred thirty-six” the words “one hundred forty-five” shall be substituted.

C.P.
and
Berar
II of
1950.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS*
AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL of 1965. 4. In section 6 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, to sub-section (2), the following proviso shall be added, namely :—

Amendment of section 6 of Mah. XL of 1965.

“ Provided that, the State Government may dispense with the provisions of sub-sections (3), (4) and (5) of section 3 regarding proclamation and of the proviso to sub-section (1) of this section regarding consultation, in respect of the municipal area, where the population, as per the latest census figures has exceeded three lakhs; and a Corporation under the provisions of the Bombay Provincial Municipal Corporations Act, 1949, is being constituted for such area, with the same boundaries.”

Bom. LIX of 1949.

CHAPTER V

MISCELLANEOUS

Bom. LIX of 1949. Mah. XL of 1965. 5. (1) If any difficulty arises in giving effect to the provisions of the Bombay Provincial Municipal Corporations Act, 1949 and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by order published in the *Official Gazette*, do anything not inconsistent with the provisions of the relevant law, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of the respective section of this Act.

(2) Every order under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

Mah. Ord. XVIII of 2011. Mah. Ord. XX of 2011. 6. (1) The City of Nagpur Corporation (Amendment) Ordinance, 2011 and the Bombay Provincial Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2011, are hereby repealed.

Repeal of Mah. Ord. XVIII of 2011 and Mah. Ord. XX of 2011 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinances, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.

Bom. LIX of 1949. C.P. and Berar II of 1950. Mah. XL of 1965.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५७]

मंगळवार, मार्च १३, २०१२/फाल्गुन २३, शके १९३३

[पृष्ठे ११, किंमत : रुपये १८.००

असाधारण क्रमांक ७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporation, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. Act No. II of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II OF 2012.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette" on the 13th March 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966.

Bom. III
of 1888.

Bom.
LIX of
1949.

C.P. and
Berar II
of 1950.

Mah. XL
of 1965.

Mah.
XXXVII
of 1966.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :—

भाग आठ-७-१

CHAPTER I

PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Corporations, Municipal Councils and Maharashtra Regional and Town Planning (Amendment) Act, 2010.

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

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 3 of Bom. III of 1888. 2. In section 3 of the Mumbai Municipal Corporation Act, (hereinafter, in this Chapter, referred to as "the Mumbai Municipal Corporation Act"), after clause (ea), the following clause shall be inserted, namely :—

Bom. III of 1888.

"(eb) " Designated Officer " means an officer designated under sub-section (1) of section 351; "

Amendment of section 351 of Bom. III of 1888. 3. In section 351 of the Mumbai Municipal Corporation Act,—
(1) existing sub-section (1) shall be renumbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

"(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 352, 352A and 354A. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas. ";

(2) in sub-section (1A) as so re-numbered, for the word " Commissioner ", at both the places where it occurs, the words " Designated Officer " shall be substituted ;

(3) in sub-section (2), for the word " Commissioner " wherever it occurs, the words " Designated Officer " shall be substituted.

Amendment of section 352 of Bom. III of 1888. 4. In section 352 of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(2) in sub-section (2), for the word " Commissioner " the words " Designated Officer " shall be substituted.

Amendment of section 352A of Bom. III of 1888. 5. In section 352A of the Mumbai Municipal Corporation Act,—
(1) in sub-section (1), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(2) in sub-section (2), for the word " Commissioner " the words " Designated Officer " shall be substituted;

(3) in sub-section (3), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

(4) sub-section (4) shall be deleted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

6. In section 354A of the Mumbai Municipal Corporation Act,—

(1) in sub-section (1), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted;

Amendment of section 354A of Bom. III of 1888.

(2) in sub-section (2), for the word "Commissioner" wherever it occurs, the words "Designated Officer" shall be substituted;

(3) in sub-section (3), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(4) in sub-section (4), for the word "Commissioner" the words "Designated Officer" shall be substituted;

(5) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

7. After section 475A of the Mumbai Municipal Corporation Act, the following sections shall be inserted, namely :—

Insertion of sections 475B and 475C in Bom. III of 1888.

" 475B. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 342, is commenced contrary to the provisions of section 342 or 347 or is otherwise unlawfully commenced or is being unlawfully carried on and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 351 or 354A, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Punishment for failure to take action under section 351 or 354A.

475C. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under section 475A.

Compounding of certain offences.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Insertion of section 515A in Bom. III of 1888.

8. After section 515 of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“515A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 351 or 354A shall not be questioned in any suit or other legal proceedings.”

Insertion of section 516B in Bom. III of 1888.

9. After section 516A of the Mumbai Municipal Corporation Act, the following section shall be inserted, namely :—

Offences under sections 475A and 475B to be cognizable and bailable.

“516B. The offences under sections 475A and 475B shall be cognizable and bailable.”

CHAPTER III

AMENDMENTS TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949

Amendment of section 2 of Bom. LIX of 1949.

10. In section 2 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter, in this Chapter, referred to as “the Provincial Corporations Act”), after clause (16A), the following clause shall be inserted, namely :—

Bom. LIX of 1949.

“(16B) “Designated Officer” means an officer designated under sub-section (1) of section 260;”

Amendment of section 260 of Bom. LIX of 1949.

11. In section 260 of the Provincial Corporations Act,—

(1) existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—

“(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of sections 261, 264, 267 and 478. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”;

(2) in sub-section (1A), as so re-numbered, for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted;

(3) in sub-section (2), for the words “the Commissioner”, at both the places where they occur, the words “the Designated Officer” shall be substituted.

Amendment of section 261 of Bom. LIX of 1949.

12. In section 261 of the Provincial Corporations Act,—

(1) in sub-section (1); for the words “the Commissioner” the words “the Designated Officer” shall be substituted;

(2) in sub-section (2), for the words "the Commissioner" the words "the Designated Officer" shall be substituted.

13. In section 264 of the Provincial Corporations Act,—

Amendment
of section
264 of Bom.
LIX of
1949.

(1) in sub-section (1), for the words "the Commissioner", at both the places where they occur, the words "the Designated Officer" shall be substituted;

(2) in sub-section (2), for the word "Commissioner", at both the places where it occurs, the words "Designated Officer" shall be substituted ;

(3) in sub-section (3), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(4) in sub-section (4), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(5) in sub-section (5), for the words "the Commissioner", wherever they occur, the words "the Designated Officer" shall be substituted.

14. In section 267 of the Provincial Corporations Act,—

Amendment
of section
267 of Bom.
LIX of 1949.

(1) in sub-section (1), for the words "the Commissioner" the words "the Designated Officer" shall be substituted ;

(2) in sub-section (2), for the word "Commissioner" the words "Designated Officer" shall be substituted ;

(3) in the marginal note, for the word "Commissioner" the words "Designated Officer" shall be substituted.

15. After section 397 of the Provincial Corporations Act, the following sections shall be inserted, namely :—

Insertion of
sections
397A and
397B in
Bom. LIX
of 1949.

"397A. (1) Any person to whom the notice under section 260, 261, 264, 267 or 478 has been served, shall on his failure to comply with such notice,—

Penalty for
failure to
comply with
notice
under
section
260, 261,
264, 267 or
478.

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend upto three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention; or

(b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(2) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 260, 264, 267 or 478, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.

Compounding
of certain
offences.

397B. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (1) of section 397A.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.”

Amendment
of section
427 in
Bom. LX
of 1949.

16. In section 427 of the Provincial Corporations Act, the existing sub-section (1) shall be re-numbered as clause (a) thereof ; and after clause (a) as so re-numbered, the following clause shall be inserted, namely :—

“(b) Offences under section 397A shall be cognizable and bailable.”

Insertion of
section
433A in
Bom. LX
of 1949.

17. After section 433 of the Provincial Corporations Act, after the heading “X. Miscellaneous”, the following section shall be inserted, namely :—

Bar of
jurisdiction.

“433A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued by the Designated Officer, under section 260, 261, 264, 267 or 478 shall not be questioned in any suit or other legal proceedings.”

18. In section 478 of the Provincial Corporations Act, in sub-sections (1) and (2), for the word "Commissioner", wherever it occurs, the words "Designated Officer" shall be substituted. Amendment of section 478 of Bom. LIX of 1949.

CHAPTER IV

AMENDMENTS TO THE CITY OF NAGPUR CORPORATION ACT, 1948

- C.P. and Berar II of 1950. 19. In section 5 of the City of Nagpur Corporation Act, 1948 (hereinafter, in this Chapter, referred to as "the Nagpur Corporation Act"), after clause (14), the following clause shall be inserted, namely :— Amendment of section 5 of C.P. and Berar II of 1950.
- "(14A) "Designated Officer" means an officer designated under sub-section (1) of section 281;"
20. In section 281 of the Nagpur Corporation Act,— Amendment of section 281 of C.P. and Berar II of 1950.
- (1) the existing sub-section (1) shall be re-numbered as sub-section (1A) thereof; and before sub-section (1A) as so re-numbered, the following sub-section shall be inserted, namely :—
- "(1) The Commissioner shall, by notification in the *Official Gazette*, designate an officer of the Corporation to be the Designated Officer for the purposes of this section and of section 282, sub-section (2) of section 283 and sub-sections (1), (2) and (3) of section 286. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas;"
- (2) in sub-section (1A), as so re-numbered, for the words "the Commissioner" the words "the Designated Officer" shall be substituted;
- (3) for sub-section (2), the following sub-sections shall be substituted, namely :—
- "(2) Any person to whom the notice under sub-section (1) of this section or sub-section (1) of section 286 has been served, shall on his failure to comply with such notice,—
- (a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, be punished with imprisonment for a term which shall not be less than three months but which may extend to three years and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;
- (b) for removing, pulling down the unauthorised work, be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and

where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.

(3) Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of section 273 or is commenced or carried out contrary to the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action as provided under section 281 or 286, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both."

Insertion of section 281A in C.P. and Berar II of 1950.

21. After section 281 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Compounding of certain offences.

" 281A. (1) The Commissioner may, by general or special order, either before or after institution of the proceedings, compound any offence made punishable under sub-section (2) of section 281.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

Amendment of section 283 of C.P. and Berar II of 1948.

22. In section 283 of the Nagpur Corporation Act, in sub-section (2), for the words "demolished by the Commissioner" the words "demolished by the Designated Officer" shall be substituted.

Amendment of section 286 of C.P. and Berar II of 1950.

23. In section 286 of the Nagpur Corporation Act,—

(1) in sub-section (1), for the words " the Commissioner " the words " the Designated Officer " shall be substituted;

(2) in sub-section (2), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(3) in sub-section (3), for the words " the Commissioner ", at both the places where they occur, the words " the Designated Officer " shall be substituted;

(4) in sub-section (4), for the words " the Commissioner ", where they occur for the third time, the words " the Designated Officer " shall be substituted.

24. In section 287 of the Nagpur Corporation Act, for the words "or the Commissioner" the words "the Commissioner or the Designated Officer" shall be substituted.

Amendment of section 287 of C.P. and Berar II of 1950.

25. After section 426 of the Nagpur Corporation Act, the following section shall be inserted, namely :—

Insertion of section 426A in C.P. and Berar II of 1950.

" 426A. The offences under section 281 shall be cognizable and bailable."

Offences under section 281 to be cognizable and bailable.

CHAPTER V

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah.
XL of
1965.

26. In section 189 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as "the Municipal Councils Act"),—

Amendment of section 189 of Mah. XL of 1965.

(1) for sub-section (9), the following sub-section shall be substituted, namely :—

"(9) Any person to whom the notice under sub-section (8) of this section or sub-section (2) of section 195 has been served, on his failure to comply with such notice,—

(a) for restoration of the foundation, plinth, floor or structural members or load bearing wall, thereby endangering the life and property of any person occupying, resorting to or passing by such building or any other building or place in the neighbourhood thereof, shall be punished with imprisonment for a term which shall not be less than three months but which may extend to three years; and with a fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees; and where the contravention is a continuing one, with a further fine which may extend to one thousand rupees for each day during which such contravention continues after conviction for the first such contravention;

(b) for removing, pulling down the unauthorised work, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year and with a fine which shall not be less than five thousand rupees but which may extend to twenty-five thousand rupees; and where the

contravention is a continuing one, with a further fine which may extend to five hundred rupees for each day during which such contravention continues after conviction for the first such contravention.”;

(2) after sub-section (12), the following sub-section shall be added, namely :—

“(13) Where it has been brought to the notice of the Chief Officer or any other officer of the Council, nominated by the Council in the prescribed manner, that erection of any building or execution of any work is carried out or commenced contrary to the provisions of the Act, rules or bye-laws and if such officer has failed, without sufficient reasons, to take action as provided under this section, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”.

Insertion of section 300A in Mah. XL of 1965.

27. After section 300 of the Municipal Councils Act, the following section shall be inserted, namely :—

Offences under section 189 to be cognizable and bailable.

“300A. The offences under sub-sections (9) and (13) of section 189 shall be cognizable and bailable.”.

Insertion of section 301A in Mah. XL of 1965.

28. After section 301 of the Municipal Councils Act, the following section shall be inserted, namely :—

Bar of jurisdiction.

“301A. Save as otherwise provided in this Act, any notice issued, order passed or direction issued under sub-section (8) of section 189 by the Chief Officer or, as the case may be, the officer nominated under sub-section (13) of section 189, shall not be questioned in any suit or other legal proceedings.”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

Amendment of section 2 of Mah. XXXVII of 1966.

29. In section 2 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter, in this Chapter, referred to as “the Town Planning Act”), after clause (6), the following clause shall be inserted, namely :—

Mah. XXXVII of 1966.

“(6A) “Designated Officer” means the officer designated under sub-section (8) of section 53;”.

30. In section 53 of the Town Planning Act, after sub-section (7), the following sub-section shall be added, namely :—

Amendment of section 53 of Mah. XXXVII of 1966.

“(8) The Planning Authority shall, by notification in the *Official Gazette*, designate an officer of the Planning Authority to be the Designated Officer for the purposes of exercise of the powers of the Planning Authority under this section and sections 54, 55 and 56. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.”

31. After section 56 of the Town Planning Act, the following section shall be inserted, namely :—

Insertion of section 56A in Mah. XXXVII of 1966.

“56A. Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action, as provided under section 53, 54, 55 or 56, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.”

Punishment for failure to take action against unauthorised construction.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २८(२) | शनिवार, ऑगस्ट ४, २०१२/श्रावण १३, शके १९३४ [पृष्ठे ११, किंमत : रुपये १८.००

असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township (Amendment) Act, 2011 (Mah. Act No. XV of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XV OF 2012.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 4th August 2012).

An Act further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

Mah. XL of 1965. WHEREAS it is expedient further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2011. Short title.

- Amendment of section 49 of Mah. XL of 1965. 2. In section 49 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act") in sub-section (3), in clause (w),—
- Mah. XL of 1965.
- (a) for the words, letters and figures "if the total expenditure during the year does not exceed Rs.30,000, Rs.20,000 and Rs.10,000 in the case of A class, B class and C class Councils, respectively" the words "within such limits of expenditure as may be prescribed" shall be substituted ;
- (b) the proviso shall be deleted.
- Amendment of section 50 of Mah. XL of 1965. 3. In section 50 of the principal Act, sub-sections (5), (6) and (9) shall be deleted.
- Amendment of section 51 of Mah. XL of 1965. 4. In section 51 of the principal Act, after sub-section (9), the following sub-section shall be added, namely :—
- "(10) The subsequent election to the post of the President after expiry of the first term of the two and a half years of the President elected under the provisions of sub-section (2), shall be held within a period of eight days prior to the expiry of the said term of the earlier President :
- Provided that, the newly elected President shall take charge on the last day of the term of the outgoing President or next day thereafter."
- Amendment of section 57 of Mah. XL of 1965. 5. In section 57 of the principal Act, in sub-section (2), for the portion beginning with the words "to the Collector or" and ending with the words "in this behalf." the following shall be substituted, namely :—
- "to the Vice-President, or if the post of Vice-President is also vacant or he cannot perform his duties as Vice-President, for whatever reason, then to the Collector or other suitable officer appointed by the Collector in this behalf."
- Amendment of section 61 of Mah. XL of 1965. 6. In section 61 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—
- "(2) A Council shall pay to each councillor including the President a meeting allowance for attending the meetings of the Council, Standing Committee, Subject Committee or Special Committee at such rate per meeting as may be prescribed."
- Amendment of section 62 of Mah. XL of 1965. 7. In section 62 of the principal Act, in clause (ii), for the word "Education" the words "Education, Sports and Cultural Affairs" shall be substituted.
- Amendment of section 63 of Mah. XL of 1965. 8. In section 63 of the principal Act, the existing sub-section (2A) shall be re-numbered as clause (i) thereof; and after clause (i) as so re-numbered, the following clause shall be added, namely :—
- "(ii) Notwithstanding anything contained in this Act, for regulating the procedure at meetings (including the quorum thereat), the Collector or such officer may, for reasons which in his opinion are sufficient,

refuse to adjourn the meeting convened as per the provisions of sub-section (2), after it was once cancelled or adjourned for want of quorum."

9. For section 72 of the principal Act, the following shall be substituted, namely :—

Substitution of section 72 of Mah. XL of 1965.

"72. The powers of financial sanction of the Standing Committees and the Subjects Committees of different classes of municipal councils shall not exceed such limits as may be prescribed :

Limits of powers of Committees and Council in respect of financial sanction."

Provided that, the Standing Committee or the Council shall not sanction any project or scheme involving construction such as a road, bridge, building or water supply or drainage scheme costing over such amount as may be prescribed, unless prior technical sanction therefor is obtained from such officer of the State Engineering Service, as the State Government may designate; or where the Council has appointed a Municipal Engineer or a Water Works Engineer referred to in sub-section (2) of section 75 and such Engineer is recognized by the State Government in this behalf, unless prior technical approval therefor is obtained from such Engineer."

10. In section 75 of the principal Act,—

Amendment of section 75 of Mah. XL of 1965.

(a) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) The State Government may create a post of Additional Chief Officer in A-Class Municipal Councils and appoint a suitable person on that post, who shall, subject to the control of the Chief Officer, exercise all or any of the powers and perform all or any of the duties and functions of the Chief Officer, as may be specified by the Collector.

(1B) Every person so appointed as an Additional Chief Officer shall be subject to the same liabilities, restrictions and terms and conditions of service which the Chief Officer is subjected to as per the provisions of this Act."

(b) in sub-section (3), for the words, figures and brackets "sub-sections (1) and (2)", the words, figures, brackets and letter "sub-sections (1), (1A) and (2)" shall be substituted.

11. In section 75A of the principal Act, in sub-section (1), in clause (a), in sub-clause (i) for the words "Chief Officers" the words "Chief Officers and Additional Chief Officers" shall be substituted.

Amendment of section 75A of Mah. XL of 1965.

12. For section 77A of the principal Act, the following shall be substituted, namely :—

Substitution of section 77A of Mah. XL of 1965.

"77A. The Council shall grant to its Chief Officer sumptuary allowance at such rates as may be prescribed."

Sumptuary allowance to Chief Officer.

Amendment
of section 81
of Mah. XL of
1965.

13. In section 81 of the principal Act, in sub-section (14), for the portion beginning with the words "Notwithstanding anything contained" and ending with the words "for such adjourned meeting" the following shall be substituted, namely:—

"Notwithstanding anything contained in clause (9), except for the meeting adjourned while having quorum, no quorum shall be necessary for an adjourned meeting."

Insertion of
section 83A in
Mah. XL of
1965.

14. After section 83 of the principal Act, the following section shall be inserted, namely:—

Deemed
sanction.

"83A. (1) Where, any proposal of the Chief Officer requires previous sanction or approval of the Council, the Council shall consider and dispose of any such proposal of the Chief Officer, within sixty days reckoned from the date of the meeting of the Council held immediately after the proposal is received by the President, whether the item pertaining to such proposal is taken on the agenda of the meeting or not.

(2) If the Council fails to take decision within the specified period referred to in sub-section (1), then the Chief Officer shall submit such proposal to the Collector for sanction or approval. The decision given by the Collector on such proposal shall be deemed to have been given by the Council, and report to that effect shall be made by the Chief Officer to the Council:

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the existing provisions of this Act or any other law, for the time being in force."

Amendment
of section 90
of Mah. XL
of 1965.

15. In section 90 of the principal Act, in sub-section (1), in the proviso in clause (b) for the words and figures "funds created under sections 50 and 91" the words and figures "fund created under section 91" shall be substituted.

Insertion of
sections 90A
to 90J in
Mah. XL of
1965.

16. After section 90 of the principal Act, the following sections shall be inserted, namely:—

Establishment
of
Consolidated
Water Supply
and Sewage
Disposal
Project Fund.

"90A. (1) The Council shall establish and set apart for the purposes of budget estimate 'B', a separate fund to be called "the Consolidated Water Supply and Sewage Disposal Project Fund" (hereinafter referred to as "Project Fund") for the purpose of carrying into effect the provisions of Chapters XIII and XIV.

(2) The following moneys shall be credited to the Project Fund, namely:—

(a) any sums borrowed in exercise of the powers conferred by or under this Act for the purposes of Chapters XIII and XIV;

(b) any grants received from the Government for the purposes of Chapters XIII and XIV;

(c) all monies received by or on behalf of the Council under clause (h) or (i) of sub-section (2) of section 105.

(3) The Project Fund so established shall be applied for,—

(a) the expenditure on capital works for the purposes of Chapters XIII and XIV;

(b) the repayment of the loans raised for such capital works.

(4) Any money of the Project Fund, not used or not immediately to be used in accordance with sub-section (3), shall be invested by the Chief Officer, on behalf of the Council, with the sanction of the Standing Committee in any Nationalized Bank, in such manner as he deems fit and proper.

90B. (1) The Council shall establish and set apart a separate fund to be called “the Water and Sewage Fund”.

Establishment
of Water and
Sewage Fund.

(2) The following moneys shall be credited to the Water and Sewage Fund, namely :—

(a) all moneys received by or on behalf of the Council under clauses (b) and (d) of sub-section (2) of section 105 and clauses (d), (e) and (f) of section 108 or any other money received for the purposes of Chapters XIII and XIV;

(b) such percentage of general revenues of last preceding year, for such number of years as the Council may decide on its own or as decided by the State Government at the time of sanctioning any Water Supply or Sewage Disposal Scheme or before giving any guarantee to any loan required by the Council to investigate, prepare plans and estimate and to execute the projected drinking water supply or sewage disposal scheme.

(3) All moneys payable to the credit of the Water and Sewage Fund shall be received by the Chief Officer on behalf of the Council and forthwith paid by him into the Nationalized Bank, approved by the Standing Committee from time to time in this behalf, to the credit of account, which shall be styled “the Account of the Water and Sewage Fund of -----Municipal Council” :

Provided that, the Chief Officer may retain such balance in cash as may be necessary for the purposes of Chapters XIII and XIV.

(4) The moneys credited to the said Fund from time to time shall be applied only for payment of sums, charges and costs necessary for the purposes of carrying into effect the provisions of Chapters XIII and XIV.

(5) Surplus money at the credit of the said Fund which cannot immediately or at an early date be applied as provided in sub-section (4) may, from time to time, be deposited by the Chief Officer at interest in any Nationalized Bank approved by the Standing Committee or be invested in public securities.

(6) All such deposits and investments shall be made by the Chief Officer on behalf of the Council, with the sanction of the Standing Committee, and with the like sanction, the Chief Officer may at any time withdraw any deposits so made or dispose of any securities and re-deposit or re-invest the moneys so withdrawn or the proceeds of

the disposal of the securities; but no order for making any such deposit or investment or withdrawal or disposal shall have any validity, unless the same be in writing signed by two persons specified for signing cheques.

(7) The loss, if any, arising from any such deposit or investment shall be debited to the Water and Sewage Fund.

Powers of
Council to
borrow
money.

90C. (1) The Council may, from time to time, borrow or re-borrow and take up at interest from the State Government or from any financial institution with the previous sanction of the State Government, by the issue of debentures or otherwise on the security of any immovable property vested in the Council or proposed to be acquired by it under this Act or of all the taxes or of any tax which it is authorised to levy for the purposes of this Act or of all or any of those securities, any sum necessary for the purpose of,—

(a) defraying any costs, charges or expenses, incurred or to be incurred by it, in the execution of this Act,

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which the Council is liable,

(c) making good any deficit in budget estimate,

(d) generally, carrying out the purposes of this Act, including the advance of loans authorized thereunder :

Provided that,—

(i) no loan shall be raised for the execution of any work other than a permanent work, which expression shall include any work of which the cost should, in the opinion of the State Government, be spread over a term of years;

(ii) no loan shall be raised unless the State Government has approved the terms on and the method by which the loan is to be raised and repaid;

(iii) the period within which the loan is to be repaid shall in no case exceed sixty years and, where a loan is raised for the repayment of a previous loan, the period within which the subsequent loan is to be repaid shall not extend beyond the unexpired portion of the period fixed for the repayment of the original loan, unless the State Government so directs, and shall in no case extend beyond the period of sixty years from the date on which the original loan was raised.

(2) When any sum of money has been borrowed or re-borrowed under sub-section (1),—

(a) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it was borrowed; and

(b) no portion of any sum of money borrowed or re-borrowed for the execution of any work shall be applied to the payment of salaries

or allowances of any municipal officer or servant other than those who are exclusively employed upon the work for the construction of which the money was borrowed:

Provided that, such share of the cost on account of the salaries and allowances of municipal officers and servants employed in part upon the preparation of plans and estimates or the construction or supervision of or upon the maintenance of the account of such work as the Council may fix may be paid out of the sum so borrowed or re-borrowed.

90D. Every loan raised by the Council under section 90C shall be repaid within the time approved under proviso to sub-section (1) of the said section and by such of the following methods as may be approved under the said proviso, namely :—

When and how loan shall be repaid.

(a) by payment from a sinking fund established under section 90E in respect of the loan ;

(b) by equal payments of principal and interest ;

(c) by equal payments of principal ;

(d) in the case of a loan borrowed before the appointed day by annual drawings if such method was in operation for the repayment of such loan immediately before such day;

(e) from any sum borrowed for the purpose under clause (b) of sub-section (1) of section 90C; or

(f) partly from a sinking fund established under section 90E in respect of the loan and partly from money borrowed for the purpose under clause (b) of sub-section (1) of section 90C.

90E. (1) Whenever the repayment of a loan from a sinking fund has been sanctioned under the proviso to sub-section (1) of section 90C, the Council shall establish such a fund and shall pay into it, on such dates as may have been approved under the said proviso, such sum as will, with accumulations of compound interest, be sufficient after payment of all expenses to pay off the loan within the period approved :

Maintenance and application of sinking fund.

Provided that, if at any time, the sum standing to the credit of the sinking fund established for the repayment of any loan is of such amount that if allowed to accumulate at compound interest, it will be sufficient to repay the loan within the period approved, then with the permission of the State Government further payments into such fund may be discontinued.

(2) The Council may apply a sinking fund, or any part thereof, in or towards the discharge of the loan for which such fund was established and, until such loan or part is wholly discharged, shall not apply the same for any other purpose.

90F. (1) All money paid into a sinking fund shall within one month of the date on which the payment was due to be made under sub-section (1) of section 90E be invested in public securities.

Investment of sinking fund.

(2) All interest and other sums received in respect of any such investment shall be paid into the sinking fund and shall, within one month of receipt, be invested in the manner provided by sub-section (1).

(3) Money standing to the credit of two or more sinking funds may, at the discretion of the Council, be invested in a common fund, and it shall not be necessary for the Council to allocate the securities held in such investments among the several sinking funds.

(4) Any investment made under sub-section (1) may be varied from time to time or may be transferred from one sinking fund to another:

Provided that, the fund from which the transfer is made shall be reimbursed the value of such investment as on the date on which the transfer is made.

(5) During the year in which the loan for the repayment of which a sinking fund is established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Council in such form as it thinks fit.

Annual
examination
of sinking
funds.

90G. (1) All sinking funds established or maintained under this Act shall be subject to annual examination by the Director, Local Fund Accounts Audit, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except for any loan raised before the appointed day for which the Council is liable, which shall always be valued at par.

(4) The Council shall forthwith pay, into any sinking fund any amount which the Director, Local Fund Accounts Audit may certify to be deficient, unless the State Government specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Director, Local Fund Accounts Audit shall certify the amount of such excess sum and the Council may thereupon transfer the excess sum to the Municipal Fund.

(6) If any dispute arises as to the accuracy of any certificate made by the Director, Local Fund Accounts Audit, under sub-sections (4) and (5), the Council may, after making the payment or transfer, refer the matter to the State Government whose decision shall be final.

90H. In the case of all loans raised before the appointed day for which the Council is liable, the following provisions shall apply :—

Provisions for loans raised before appointed day.

(a) if when such loans were raised, the loans were made repayable from sinking funds, the Council shall pay into such funds such sums on such dates as may have been fixed when the loans were raised;

(b) all securities and cash held on the date immediately preceding the appointed day in sinking funds established for the repayment of such loans shall be held by the Council as part of the sinking funds established under clause (a);

(c) the provisions of section 90E shall apply to such sinking funds ;

(d) if when any such loans were raised, the loans were made repayable by equal payments of principal and interest or by equal payments of principal or by annual drawings, the Council shall make such payments or annual drawings on such dates and in such manner as may have been fixed when the loans were raised ;

(e) the provisions of section 90I shall apply to such loans.

90I. (1) If any money borrowed by the Council or any interest or costs due in respect thereof is or are not repaid according to the conditions of the loan, the State Government, if it has itself given the loan, may, and in other cases shall, on the application of the lender, attach the Municipal Fund or a portion of the Municipal Fund.

Attachment of Municipal Fund in default of repayment of loan.

(2) After such attachment, no person, except an officer appointed in this behalf by the State Government shall, in any way deal with the attached Fund or portion thereof, but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place and may apply the proceeds in satisfaction of the arrears and of all interest and cost due in respect thereof and of all expenses caused by the attachment and subsequent proceedings :

Provided that, no such attachment shall defeat or prejudice any debt for which the Fund or portion thereof attached was previously pledged in accordance with law, and all such prior charges shall be paid out of the proceeds of the Fund or portion thereof before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

90J. (1) The Chief Officer shall, at the end of each year, prepare a statement showing,—

Annual statement to be prepared by Chief officer.

(a) the loans borrowed in previous years for which the Council is liable and which have not been completely repaid before the commencement of the year, with particulars of the amount

outstanding at the commencement of the year, the date of borrowing and the annual loan charges ;

(b) the loans borrowed by the Council in the year with particulars as to the amount and the date of borrowing and the annual loan charges ;

(c) in the case of every loan for which a sinking fund is maintained, the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year ;

(d) the loans repaid in the year, and in the case of the loans repaid in installments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year ;

(e) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Council and shall be published in the *Official Gazette* and a copy of such statement shall be sent to the State Government and to the Accountant General, Maharashtra, Mumbai."

17. In section 93 of the principal Act,—

(a) in sub-section (2),—

(1) in clause (c) for the letters, figures and word "Rs.7500, Rs.5000 and Rs.2500" the words "such amounts as may be prescribed." shall be substituted ;

(2) in clause (d), for the figures, words, brackets and letter "75 per cent. of the limits in clause (c) but not exceeding those limits" the figures, words, brackets and letter "75 per cent. of the limits prescribed under clause (c)" shall be substituted ;

(b) in sub-section (3), in the proviso, in clause (b), for the words "two thousand rupees" the words "such amounts as may be prescribed" shall be substituted ;

(c) in sub-section (6) for the words "ten thousand rupees" the words "such amounts as may be prescribed." shall be substituted.

18. In section 101 of the principal Act,—

(a) in sub-section (1), for clause (iii), the following clause shall be substituted, namely :—

"(iii) two estimates of the income and expenditure of the Council during the ensuing financial year and an estimate of the closing balance in the municipal fund at the end of the current year, as follows, namely :—

(a) an estimate 'A' of income and expenditure of the Council for the purposes of Chapters other than Chapters XIII and XIV ;

(b) an estimate 'B' of income and expenditure of the Council for the purposes of Chapters XIII and XIV, in which the Chief Officer shall,—

Amendment
of section 93
of Mah. XL
of 1965.

Amendment
of section 101
of Mah. XL of
1965.

(i) propose with reference to the provisions of Chapter IX such rates and extent of such municipal taxes as he thinks fit for the purposes of Chapters XIII and XIV;

(ii) state the estimate of receipt of the aforesaid taxes or of any other receipts;

(iii) provide for payment as they fall due, of all sums and of all installments of principal and interest for which the Council may be liable under this Act in respect of matters falling under Chapters XIII and XIV;

(iv) provide for such expenditure, if any, as he considers necessary to be incurred by the Council in the next ensuing financial year for the purposes of Chapters XIII and XIV.”;

(b) in sub-section (5), in clause (b), for the words “water supply reserve fund” the words, figures and letters “the Consolidated Water Supply and Sewage Disposal Project Fund and the Water and Sewage Fund established under sections 90A and 90B” shall be substituted.

19. In section 105 of the principal Act, in sub-section (2), after clause (g), the following clauses shall be added, namely :—

“ (h) Water benefit tax;

(i) Sewerage benefit tax;

(j) Street Tax.”.

Amendment
of section
105 of
Mah. XL of
1965.

20. In section 316 of the principal Act, the words, brackets and figure “sub-section (1) of ” shall be deleted.

Amendment
of section
316 of
Mah. XL of
1965.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक २८(४)] शनिवार, ऑगस्ट ४, २०१२/श्रावण १३, शके १९३४ [पृष्ठे ५, किंमत : रुपये १८.००

असाधारण क्रमांक ४६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012 (Mah. Act No. XVII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. XVII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 4th August 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

Bom. III
of 1888.
Bom. LIX
of 1949.
C.P. and
Berar II
of 1950.
Mah. XL
of 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965,

for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY.

Short title. 1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2012.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 50S of Bom. III of 1888. 2. In section 50S of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as "the Mumbai Corporation Act"), in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. III of 1888.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted:—"

Amendment of section 129A of Bom. III of 1888. 3. In section 129A of the Mumbai Corporation Act, after the words and figures "under section 125" the words, figures and letter "and estimates prepared by the General Manager under section 126A" shall be inserted.

Amendment of section 460A of Bom. III of 1888. 4. In section 460A of the Mumbai Corporation Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) Where, any proposal of the General Manager requires the sanction or approval of the Brihan Mumbai Electric Supply and Transport Committee or the corporation, the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, shall consider and dispose of any such proposal within forty-five days in case of the said Committee and ninety days in case of the corporation, reckoned from the date of the meeting of the Brihan Mumbai Electric Supply and Transport Committee

or, as the case may be, the corporation, held immediately after the proposal is received by the Secretary of the said Committee or as the case may be, the Municipal Secretary, whether the item pertaining to such proposal is taken on agenda of such meeting or not, failing which, sanction or approval to such proposal shall be deemed to have been given by the Brihan Mumbai Electric Supply and Transport Committee or, as the case may be, the corporation, and a report to that effect shall be made by the General Manager to the Government and it shall be lawful for the General Manager to take further action as per the directives of the Government :

Provided that, any such deemed sanction or approval shall be restricted to the extent the proposal conforms to the provisions of this Act or any other law for the time being in force."

5. In section 460K of the Mumbai Corporation Act,—

(1) in clause (c), for the words "ten lakhs rupees" the words "fifty lakhs rupees" shall be substituted;

(2) in clause (d), for the words "one lakh rupees" the words "five lakhs rupees" shall be substituted.

Amendment
of section
460K of
Bom. III of
1888.

6. In section 460L of the Mumbai Corporation Act, in the proviso, after the words "Transport Committee" the words "or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager" shall be added.

Amendment
of section
460L of
Bom. III of
1888.

7. In section 460M of the Mumbai Corporation Act, in sub-section (1),—

(1) for the words "fifty thousand rupees" the words "three lakhs rupees" shall be substituted;

(2) the following proviso shall be added, namely:—

"Provided that, the notice of any tender for contract not exceeding three lakhs rupees shall be uploaded on the official website of the Brihan Mumbai Electric Supply and Transport Undertaking."

Amendment
of section
460M of
Bom. III of
1888.

8. In section 460Q of the Mumbai Corporation Act,—

(1) in clause (a), for the words "two thousand rupees" the words "ten thousand rupees" shall be substituted;

(2) in clause (b), in the proviso, for the words "fifteen thousand rupees" the words "seventy-five thousand rupees" shall be substituted;

(3) in clause (c),—

(i) for the words "one lakh rupees" at the both places where they occur, the words "five lakhs rupees" shall be substituted;

(ii) for the words "for any period" the words "for any continuous period" shall be substituted;

(iii) for the words "ten thousand rupees" the words "fifty thousand rupees" shall be substituted.

Amendment
of section
460Q of
Bom. III of
1888.

Amendment of section 460R of Bom. III of 1888. **9.** In section 460R of the Mumbai Corporation Act, in sub-section (2), in the proviso, for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

Amendment of section 460T of Bom. III of 1888. **10.** In section 460T of the Mumbai Corporation Act,—
(1) in sub-section (1), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted;

(2) in sub-section (2), for the words "four hundred rupees" the words "ten thousand rupees" shall be substituted.

CHAPTER III

AMENDMENT TO THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.

Amendment of section 31A of Bom. LIX of 1949. **11.** In section 31A of the Bombay Provincial Municipal Corporations Act, 1949, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

Bom. LIX of 1949.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted."

CHAPTER IV

AMENDMENT TO THE CITY OF NAGPUR CORPORATION ACT, 1948.

Amendment of section 40A of C.P. and Berar II of 1950. **12.** In section 40A of the City of Nagpur Corporation Act, 1948, in sub-section (2), for the first proviso, the following proviso shall be substituted, namely:—

C.P. and Berar II of 1950.

"Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures

so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR* PANCHAYATS, AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Mah. XL of 1965. 13. In section 63 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (2B), for the first proviso, the following proviso shall be substituted, namely:-

Amendment of section 63 of Mah. XL of 1965.

“Provided that, the relative strength of the recognized parties or registered parties or groups or *aghadi* or front shall be calculated by first dividing the total number of Councillors by the total strength of members of the Committee. The number of Councillors of the recognized parties or registered parties or groups or *aghadi* or front shall be further divided by the quotient of this division. The figures so arrived at shall be the relative strength of the respective recognized parties or registered parties or groups or *aghadi* or front. The seats shall be allotted to the recognized parties or registered parties or groups or *aghadi* or front by first considering the whole number of their respective relative strength so ascertained. After allotting the seats in this manner, if one or more seats remain to be allotted, the same shall be allotted one each to the recognized parties or registered parties or groups or *aghadi* or front in the descending order of the fraction number in the respective relative strength starting from the highest fraction number in the relative strength, till all the seats are allotted.”.



RNI. No. MAHENG/2009/35528
Reg. No. MH/MR/South-344/2011-13

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ४२(३)] गुरुवार, डिसेंबर २०, २०१२/अग्रहायण २९, शके १९३४ [पृष्ठ ४, किंमत : रुपये १८.००

असाधारण क्रमांक ६९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012 (Mah. Act No. XXVIII of 2012), is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVIII OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 20th December 2012).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

III of 1888. LIX of 1949. Mah. XL of 1965. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012. Short title .

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Insertion of section 252A in III of 1888. 2. After section 252 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act"), the following section shall be inserted, namely :—

Obligation of corporation to partake common facility. "252A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section; give an opportunity to the corporation to make within fifteen days a representation, if any, in this regard. If the corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same."

Insertion of section 478-1AA in III of 1888. 3. After section 478-1A of the Mumbai Corporation Act, the following section shall be inserted, namely :—

Compounding of offence of evasion of octroi.

"478-1AA: (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorised in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 478-1A, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

LIX of 1949. 4. After section 194 of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter, referred to as "the Maharashtra Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 194A in LIX of 1949.

" 194A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Obligation of Corporation to partake common facility.

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Corporation to make within fifteen days a representation, if any, in this regard. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. "

5. In section 398 of the Maharashtra Corporations Act, the words "or to two hundred and fifty rupees, whichever may be greater" shall be deleted.

Amendment of section 398 of LIX of 1949.

6. After section 398 of the Maharashtra Corporations Act, the following section shall be inserted, namely :—

Insertion of section 398-1A in LIX of 1949.

" 398-1A. (1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

Compounding of offence of evasion of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged. "

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS*
AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Insertion of section 219A in Mah. XL of 1965. 7. After section 219 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the following section shall be inserted, namely :— Mah. XL of 1965.

Obligation of Council to partake common facility.

“ 219A. If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the *Official Gazette* :

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same. ”

RNI No. MAHENG/2009/35528

Reg. No. MH/MR/South-344/2011-13



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक ४३]

सोमवार, डिसेंबर २४, २०१२/पौष ३, शके १९३४

[पृष्ठे ३, किंमत : रुपये १८.००

असाधारण क्रमांक ७२

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2012 (Mah. Act No. XXXI of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXI OF 2012.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 24th December 2012).

An Act further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Ordinance, 2012, on the 8th October 2012 ;

भाग आठ-७२-१

(१)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 8th October 2012.

Amendment of section 9A of Mah. XL of 1965. 2. To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"), the following provisos shall be added, namely :—

Mah. XL of 1965.

" Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

Amendment of section 51-1B of Mah. XL of 1965. 3. To section 51-1B of the principal Act, the following provisos shall be added, namely :—

" Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 31st December 2013, in accordance with the election programme, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination paper,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that, he shall submit, within a period of six months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if the person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President.”.

Mah. 4. (1) The Maharashtra Municipal Councils, *Nagar Panchayats* and Repeal of
Ord. Industrial Townships (Second Amendment) Ordinance, 2012, is hereby Mah. Ord.
X of repealed. X of 2012
2012. and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the principal Act, as amended by this Act.