



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ६७]

शुक्रवार, सप्टेंबर १, २०१७/भाद्र १०, शके १९३९

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असाधारण क्रमांक १३२

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 Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Act, 2017 (Mah. Act No. LI of 2017), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R. L. A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LI OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 1st September 2017).

An Act further to amend the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act.

Mah. Ord. III of 2017. WHEREAS the Governor of Maharashtra had promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 8th January 2017 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 6th March 2017, the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Bill, 2017 (L.A. Bill No. II of 2017), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 15th March 2017 and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 7th April 2017, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance had ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 16th April 2017 ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance and, therefore, the Governor of Maharashtra has promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2017 (hereinafter referred to as "the said Continuance Ordinance"), on the 6th May 2017 ;

Mah.
Ord.
VII of
2017.

AND WHEREAS the Governor of Maharashtra has, in exercise of the powers conferred by clause (1) of article 174 of the Constitution of India and in supersession of His Order dated the 25th April 2017, summoned the session of both Houses of the Maharashtra State Legislature on the 20th May 2017, only for the purpose of passing of the Maharashtra Goods and Services Tax Bill and other incidental Bills relating thereto and as such the said Bill could not be taken for consideration by the Legislative Council ;

AND WHEREAS as provided by article 213(2) (a) of the Constitution of India, the said Continuance Ordinance ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 30th June 2017;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Continuance Ordinance ;

AND 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 to continue the operation of the provisions of the said Continuance Ordinance, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Second Continuance) Ordinance, 2017 (hereinafter referred to as "the said Second Continuance Ordinance"), on the 14th July 2017 ;

Mah.
Ord.
XIII of
2017.

AND WHEREAS it is expedient to replace the said Second Continuance Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-eighth year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 8th January 2017.

CHAPTER II
AMENDMENT TO THE MUMBAI
MUNICIPAL CORPORATION ACT

- III of 1888. 2. In section 152A of the Mumbai Municipal Corporation Act, in sub-section (1), for the words " shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building", the following shall be substituted, namely :—
- Amendment of section 152A of III of 1888.
- " shall be liable to pay a penalty, at such rate as may be decided by the corporation, on such building".

CHAPTER III
AMENDMENT TO THE MAHARASHTRA
MUNICIPAL CORPORATIONS ACT

- LIX of 1949. 3. In section 267A of the Maharashtra Municipal Corporations Act, in sub-section (1), for the words " shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building", the following shall be substituted, namely :—
- Amendment of section 267A of LIX of 1949.
- "shall be liable to pay a penalty, at such rate as may be decided by the corporation, on such building".

CHAPTER IV
MISCELLANEOUS

- III of 1888. LIX of 1949. 4. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act or, as the case may be, the Maharashtra Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the relevant Act, as amended by this Act, as may appear 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 expiry of a period of two years from the date of commencement of this Act.

(2) Every order issued 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. XIII of 2017. III of 1888. LIX of 1949. 5. (1) The Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Second Continuance) Ordinance, 2017, is hereby repealed.
- Repeal of Mah. Ord. XIII of 2017 and saving.
- (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 and the Maharashtra Municipal Corporations Act, 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.

Removal of
doubt.

6. For the removal of doubt, it is hereby declared that all the provisions of the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporation Act, as amended by the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, shall with effect from 8th January 2017, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force.

III of
1888.
LIX of
1949.
Mah.
Ord. III
of 2017.