



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, मार्च १३, २००६/फाल्गुन २२, शके १९२७

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 Corporation (Amendment) Bill, 2006 (L. A. Bill No. XIII of 2006) introduced in the Maharashtra Legislative Assembly on the 13th March 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.

L. A. BILL No. XIII OF 2006.

A BILL

*further to amend the Mumbai Municipal Corporation Act,
the Bombay Provincial Municipal Corporations Act, 1949 and
the City of Nagpur Corporation Act, 1948.*

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 and the City of Nagpur Corporation Act, 1948, for the purposes

(५३)

hereinafter appearing ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

Short title
and
commence-
ment.

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

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

Insertion of
section
144E in
Bom. III of
1888.

2. After section 144D 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.

Levy of
property
tax at
reduced
rates in
respect of
buildings
and lands
of Special
Develop-
ment
Projects.

“ 144E. Notwithstanding anything contained in section 140 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Explanation.—For the purposes of this section, “Special Development Project” means,—

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

Mah.
XXXVII
of 1966.

(ii) “a Mega Project” within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project.”.

Amendment
of section
192 of Bom.
III of 1888.

3. In section 192 of the Mumbai Corporation Act, after sub-section (4), the following sub-section shall be inserted, namely :—

“ (5) Notwithstanding anything contained in this section or any other provisions of this Act, the octroi on the entry of articles mentioned in Schedule H, into *Brihan Mumbai*, for the consumption and use of the Special Development Project declared under section 144E shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.”.

Bom. 4. After section 129 of the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Provincial Municipal Corporations Act"), the following section shall be inserted, namely :—

Insertion of section 129-1A in Bom. LIX of 1949.

"129-1A Notwithstanding anything contained in section 129 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Levy of property tax at reduced rates in respect of buildings and lands of Special Development Projects.

Explanation.—For the purposes of this section, "Special Development Project" means,—

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

Mah.
XXXVII
of 1966.

(ii) "a Mega Project" within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project. "

5. In section 149 of the Provincial Municipal Corporations Act, after sub-section (5), the following sub-section shall be added, namely :—

Amendment of section 149 of Bom. LIX of 1949.

"(6) Notwithstanding anything contained in this section or any other provisions of this Act, the octroi on the entry of articles into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects."

6. In section 152A of the Provincial Municipal Corporations Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment of section 152A of Bom. LIX of 1949.

"(1A) Notwithstanding anything contained in this section or any other provisions of this Act, the cess on the entry of goods into the City, for the consumption and use of the Special Development Project declared under section 129-1A shall be levied at such

reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.”.

Insertion of section 115AA in C. P. and Berar II of 1950.

7. After section 115A of the City of Nagpur Corporation Act, 1948, the following section shall be inserted, namely :—

C. P. and Berar II of 1950.

Levy of property tax and octroi at reduced rates in respect of buildings and lands of Special Development Projects.

“ 115AA. Notwithstanding anything contained in section 114, 115 or any other provisions of this Act,—

(a) the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects ;

(b) the cess or octroi on the entry of goods into the City, for the consumption and use of the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different Special Development Projects.

Explanation.—For the purposes of this section, “ Special Development Project ” means,—

(i) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (19) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 ; or

(ii) “ a Mega Project ” within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project. ”.

Mah. XXXVII of 1966.

STATEMENT OF OBJECTS AND REASONS

Under the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) and the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), the Municipal Corporations are empowered to levy property taxes on buildings and lands situated in the City and the octroi on the entry of goods into City for consumption, use or sale therein.

2. The various development projects are being undertaken by the Government, Municipal Corporations, the Planning or Development Authorities like, the Mumbai Metropolitan Region Development Authority, the City and Industrial Development Corporation of Maharashtra Limited, etc. It is brought to the notice of the State Government that the Special Development Project, namely, the Truck Terminal Project at Wadala, initiated by the Mumbai Metropolitan Region Development Authority, could not be economically viable due to heavy burden of the property taxes.

3. Government, therefore, considers it expedient to amend the said Municipal Corporation Acts so as to take power to the State Government to direct that the levy of property tax on the buildings and lands belonging to such Special Development Projects which are approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government ; and cess or octroi on the entry of goods or articles for the use and consumption by those projects, shall be at such reduced rates, as may be fixed by it, by notification in the *Official Gazette*.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 9th March 2006.

VILASRAO DESHMUKH,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2):—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.—Under this clause, which seeks to insert new section 144E in the Mumbai Municipal Corporation Act, power is taken to the State Government,—

(i) to declare, by notification in the *Official Gazette*, a development project or a Mega Project to be the Special Development Project; and

(ii) to fix, by notification in the *Official Gazette*, the reduced rate of property tax in respect of buildings and lands belonging to the Special Development Project and also to notify the different rates for different periods and for different Special Development Projects.

Clause 3.—Under this clause, which seeks to insert a new sub-section (5) in section 192 of the Mumbai Municipal Corporation Act, power is taken to the State Government to fix, by notification in the *Official Gazette*, reduced rate of the octroi on the entry of articles mentioned in Schedule H, into *Brihan Mumbai*, for the consumption and use of Special Development Project declared under section 144E and also to notify the different rates for different periods and for different Special Development Projects.

Clause 4.—Under this clause, which seeks to insert new section 129-1A in the Bombay Provincial Municipal Corporations Act, 1949, power is taken to the State Government,—

(i) to declare, by notification in the *Official Gazette*, a development project or a Mega Project to be the Special Development Project ; and

(ii) to fix, by notification in the *Official Gazette*, the reduced rate of the property tax in respect of buildings and lands belonging to the Special Development Project and also to notify the different rates for different periods and for different Special Development Projects.

Clause 5.—Under this clause, which seeks to add new sub-section (6) in section 149 of the Bombay Provincial Municipal Corporations Act, 1949, power is taken to the State Government to fix, by notification in the *Official Gazette*, the reduced rate of octroi on the entry of articles into the City, for the consumption and use of the Special Development Project declared under section 129-1A and also to notify the different rates for different periods and for different Special Development Projects.

Clause 6.—Under this clause, which seeks to insert new sub-section (1A) in section 152A of the Bombay Provincial Municipal Corporations Act, 1949, power is taken to the State Government to fix, by notification in the *Official Gazette*, the reduced rate of cess on the entry of goods into the City, for the consumption and use of the Special Development Project declared under section 129-1A and also to notify the different rates for different periods and for different Special Development Projects.

Clause 7.—Under this clause, which seeks to insert new section 115AA in the City of Nagpur Corporation Act, 1948, power is taken to the State Government,—

(i) to declare, by notification in the *Official Gazette*, a development project or a Mega Project to be the Special Development Project;

(ii) under clause (a), to fix, by notification in the *Official Gazette*, the reduced rate of the property tax in respect of buildings and lands belonging to the Special Development Project and also to notify the different rates for different periods and for different Special Development Projects; and

(iii) under clause (b), power is taken to the State Government to fix, by notification in the *Official Gazette*, the reduced rate of cess or octroi on the entry of goods into the City, for the consumption and use of the Special Development Project and also to notify the different rates for different periods and for different Special Development Projects.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.