



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, एप्रिल १०, २००७/चैत्र २०

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 Regional and Town Planning (Amendment) Bill, 2007 (L.A. Bill No. XXVI of 2007), introduced in the Maharashtra Legislative Assembly on the 10th April 2007, is hereby published under the authority of the Governor.

er and in the name of the Governor of Maharashtra,

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

L. A. BILL No. XXVI OF 2007.

A BILL

further to amend the Maharashtra Regional and Town Planning Act, 1966.

Mah. XXXVII of 1966. WHEREAS it is expedient further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2007.

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

भाग आठ—४३

(२०६)

[किंमत : रुपये ९.००]

Short title and commencement.

Amendment of section 37 of Mah. XXXVII of 1966. 2. In section 37 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), in sub-section (1), for the words "shall, within sixty days from the date of such direction, publish a notice" the words "shall, within ninety days from the date of such direction, publish a notice" shall be substituted. Mah. XXXVII of 1966.

Amendment of section 48 of Mah. XXXVII of 1966. 3. In section 48 of the principal Act, for the second proviso, the following proviso shall be substituted, namely :—

" Provided further that, if the development is not completed upto plinth level or where there is no plinth, upto upper level of basement or stilt, as the case may be, within the period of one year or extended period, under the first proviso, it shall be necessary for the applicant to make application for fresh permission."

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 37 of the Maharashtra Regional and Town Planning Act, 1966 provides that where a modification of any part of or proposal made in a Final Development Plan is of such a nature that it will not change the character of such development, the Planning Authority shall, when so directed by the State Government, publish a notice inviting objections and suggestions to such modification, within a period of sixty days from the date of the direction. It has been brought to the notice of the Government by the Planning Authorities that the said period of sixty days is not adequate. The Government, therefore, considers it expedient to increase the said period from sixty days to ninety days.

2. As per the provisions obtaining in section 48 of the said Act, the development permission granted under section 45 or deemed to have been granted under section 47, is valid for a period of one year from the date of receipt of such permission and thereafter it shall lapse. This period can be extended upto 3 years. The permission for carrying out development is granted in the form of the Commencement Certificate. In most of the cases it is observed that even the excavation or foundation work is construed as commencement of the development. The Government, therefore, considers it expedient to amend the said section 48 suitably, with a view to provide that, if the construction is not completed upto plinth level or in case where there is no plinth, upto upper level of basement or stilt within the period of one year or extended period under the first proviso to the said section 48, it shall be necessary for the applicant to make an application for fresh permission for development.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 9th April 2007.

VILASRAO DESHMUKH,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal 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.

2. The abovementioned proposal for delegation of legislative power is of a normal character.