



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २९(९)]

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असाधारण क्रमांक ६३ 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 Regional and Town Planning (Amendment) Bill, 2020 (L.A. Bill No. XLII of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XLII OF 2020.

A BILL

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

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

Mah. XXXVII of 1966. Mah. Ord. XV of 2020. AND WHEREAS the Governor of Maharashtra was satisfied that the circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2020, on the 31st August 2020;

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

Short title and commencement. **1.** (1) This Act may be called Maharashtra Regional and Town Planning (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 23rd March 2020.

Amendment of section 26 of Mah. XXXVII of 1966 **2.** In section 26 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as " the principal Act "), in sub-section (1), in the third proviso, in clause (ii), for the words " in case of Municipal Corporation" the words " in case of Municipal Corporation or Planning Authority, as the case may be, " shall be substituted. Mah. XXXVII of 1966.

Amendment of section 148-A of Mah. XXXVII 1966. **3.** In section 148-A of the principal Act, after the words " in respect of any election" the words "or due to enforcement of any Guidelines or lockdown measures by the Government of India or the State Government, as the case may be, to prevent the spread of any pandemic or epidemic or disaster situation arising in the Country or State" shall be inserted.

Repeal of Mah. Ord. XV of 2020 and saving. **4.** (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2020, is hereby repealed. Mah. Ord. XV of 2020.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of 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 corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), has been enacted with a view to make provisions for planning the development and use of land in Regions established for that purpose and for the constitution of Regional Planning Boards therefor; to make better provisions for the preparation of Development Plans with a view to ensuring that town planning schemes are made in a proper manner and their execution is made effective; to provide for the creation of new towns by means of Development Authorities; to make provisions for the compulsory acquisition of land required for public purposes in respect of the plans, etc.

2. The said Act, *interalia*, provides for a time-bound programme for all the planning process and if the Planning Authority fails to make the planning within the specified period, the entire process of planning may get lapsed. The Act also provides for a timeline regarding development permission, acquisition of land and other permissions, and after the specified period, the relevant permissions are deemed to have been approved or, the relevant action are deemed to be lapsed, as the case may be.

3. In the backdrop of the lockdown to prevent the spread of pandemic Covid-19 Corona Virus, it was considered expedient to amend sections 26 and 148-A of the said Act. It was, therefore, considered expedient to provide that the said amendments shall be with effect from the 23rd March 2020, being the date of enforcement of the lockdown measures due to pandemic in the State.

4. The salient features of the said amendments are as under :—

(i) Amendment of section 26.—Section 26 of the said Act provides that every Planning Authority shall prepare and publish the draft Development plan for the area under its jurisdiction, within the period of two years from the date of declaration of intention to prepare the Development plan. The said section, *interalia*, also provides that such period may be extended by twenty-four months in case of Municipal Corporation having population of one crore or more and twelve months in case of Municipal Corporation having population ten lakh or more but less than one crore. It was proposed to provide that such period may also be extended in case of planning authorities having population of ten lakh or more.

(ii) Amendment of section 148-A.—Section 148-A of the said Act provides for exclusion of time in computing the period in relation to any Development plan, Regional plan or scheme under the provisions of Chapters II, III, IV and V of the Act. Said section 148-A provides that, in computing the period or periods during which any action could not be completed under the said Chapters due to any interim order of any court or due to enforcement of any Code of conduct by the Election Commission of India or the State Election Commission in respect of any election, shall be excluded. It was also proposed to exclude the period of enforcement of guidelines or lockdown measures of any pandemic or

epidemic or disaster situation in the Country or State, as the case may be, in computing the period in relation to any Development plan, Regional plan or scheme under the provisions of said Chapters.

5. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2020 (Mah. Ord. XV of 2020), was promulgated by the Governor of Maharashtra on the 31st August 2020.

6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 3rd September, 2020.

EKNATH SHINDE,
Minister for Urban Development.