



महाराष्ट्र शासन राजपत्र

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असाधारण
प्राधिकृत प्रकाशन

मंगळवार, मे १७, २००५/वैशाख २७, 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 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 Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Retrospective Extension of Duration and Amendment) Ordinance, 2005 (Mah. Ord. III of 2005), 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.

[Translation in English of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Retrospective Extension of Duration and Amendment) Ordinance, 2005 (Mah. Ord. III of 2005), published under the authority of the Governor].

HOUSING DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 17th May 2005.

MAHARASHTRA ORDINANCE No. III OF 2005.

AN ORDINANCE

further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

Mah. XLV WHEREAS the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, of 1963. was enacted to regulate the promotion of construction, sale, management and transfer of, flats taken on ownership basis initially for a temporary period of five years ;

AND WHEREAS the duration of the said Act was extended, from time to time, and the extended duration of the said Act expired on the 31st March 2005 ;

भाग आठ-१३

(४७४)

[किंमत : रुपये ९-००]

AND WHEREAS the existing acute shortage of housing in several areas of the State of Maharashtra, especially in metropolitan cities like Mumbai, Pune, Nagpur, etc., is increasing day by day due to continuous flow of population from rural areas to urban areas ;

AND WHEREAS it is considered expedient to have perpetual Act in order to prevent the mal-practices and also to overcome the difficulties relating to the promotion of construction, sale, management and transfer of, flats taken on ownership basis in the State, by retrospectively amending the said Act ;

AND WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, for the purposes aforesaid ;

Mah.
XLV
of
1963.

AND WHEREAS the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

NOW, THEREFORE, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title
and
commencement.

1. (1) This Ordinance may be called the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Retrospective Extension of Duration and Amendment) Ordinance, 2005.

(2) It shall be deemed to have come into force on the 1st April 2005.

Amendment
of long title
of Mah. XLV
of 1963.

2. In the long title of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (hereinafter referred to as " the principal Act "), the words " for a certain period " shall be deleted.

Mah.
XLV
of
1963.

Amendment
of section 1
of Mah. XLV
of 1963.

3. In section 1 of the principal Act,—

(a) sub-sections (4) and (5) shall be deleted ;

(b) in the marginal note, for the words " extent, commencement and duration " the words " extent and commencement " shall be substituted.

Mah. Ord. III of 2005. 4. Nothing in the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Retrospective Extension of Duration and Amendment) Ordinance, 2005, shall render any person liable to be convicted of any offence in respect of anything done or omitted to be done, during the period commencing on the 1st day of April 2005 and ending on the date of publication of this Ordinance in the *Official Gazette*, if such act or omission was not an offence but for the retrospective extension of duration of the principal Act by this Ordinance. Saving.

5. For the removal of doubt, it is hereby declared that the principal Act, which was to expire after the 31st March 2005, having been retrospectively extended with effect from the 1st April 2005 shall be deemed never to have expired at any time and all its provisions as amended and extended by this Ordinance shall, subject to the provisions of section 4 of this Ordinance, be deemed to be continuously in force. Removal of doubt.

STATEMENT

The Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963), has been enacted with a view to regulate the promotion of construction, sale, management and transfer of, flats taken on ownership basis, initially for a period of five years. The duration of the said Act has been extended from time to time and was last extended upto the 31st March 2005. The existing shortage of housing in several areas of the State of Maharashtra, especially in the metropolitan cities like Mumbai, Pune, Nagpur, etc., is increasing day by day due to continuous flow of population from rural to urban areas, for various reasons, especially for getting employments. In view of this, it is considered expedient to have a perpetual Act to prevent the mal-practices in the matter of construction, sale, management and transfer of, flats taken on ownership basis and also to overcome the difficulties relating to the promotion of the construction of ownership flats.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963, by making the said Act perpetual, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 17th May 2005.

S. M. KRISHNA,
Governor of Maharashtra.

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

N. RAMARAO,
Principal Secretary to Government.