



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, ऑगस्ट २९, २००८/भाद्र. ७, शके १९३०

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 Housing and Area Development (Amendment) Ordinance, 2008 (Mah. Ord. VI of 2008) is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Housing and Area Development (Amendment) Ordinance, 2008 (Mah. Ord. VI of 2008), published under the authority of the Governor.)

HOUSING DEPARTMENT

Mantralaya, Mumbai 400 032, dated 29th August 2008.

MAHARASHTRA ORDINANCE No. VI OF 2008.

AN ORDINANCE

further to amend the Maharashtra Housing and Area Development Act, 1976.

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

AND WHEREAS the Governor of Maharashtra is satisfied that

Mah. XXVIII of 1977. circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Housing and Area Development Act, 1976, for the purposes hereinafter appearing;

(६९३)

NOW, THEREFORE, in exercise of the powers conferred 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
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Housing and Area Development (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

Amendment
of section
88 of Mah.
XXVIII of
1977.

2. In section 88 of the Maharashtra Housing and Area Development Act, 1976, in sub-section (3),—

Mah.
XXVIII
of 1977.

(a) in clause (a), for the words “ a building will exceed one thousand and two hundred rupees per square metre ” the words “ a building, per square metre, will exceed such amount, as may be specified by the State Government, by notification in the *Official Gazette*, to be the structural repairs cost per square metre ” shall be substituted ;

(b) in clause (b),—

(i) for the words “ a building will exceed one thousand and two hundred rupees per square metre ” the words “ a building, per square metre, will exceed the amount specified under clause (a) ” shall be substituted ;

(ii) for the words “ such building does not exceed one thousand and two hundred rupees per square metre ” the words “ such building, per square metre, does not exceed the amount specified under clause (a) ” shall be substituted ;

(c) in the second proviso, for the words “ one thousand and two hundred rupees per square metre ” the words “ the amount specified under clause (a) ” shall be substituted.

STATEMENT

Section 88 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), provides for undertaking structural repairs by the Mumbai Repairs and Reconstruction Board, to buildings which are in ruinous or dangerous condition and likely to deteriorate and fall, provided the cost of structural repairs to a building does not exceed one thousand and two hundred rupees, per square metre. It also provides that, in cases of special hardship, the Board may undertake structural repairs to buildings even if the cost thereof exceeds the limit as aforesaid. However, the expenditure on the structural repairs in excess of the permissible limit of one thousand and two hundred rupees, per square metre, is to be borne by the occupiers.

2. Having regard to the cost of building materials like cement, steel and labour charges, etc., the said limit of expenditure for undertaking the structural repairs by the Board, has been revised, from time to time, by amending section 88 of the said Act. Instead of amending section 88 of the said Act, time and again, for the purpose, the Government of Maharashtra considers it expedient to take the power to the State Government to specify, by notification in the *Official Gazette*, the structural repairs cost, so as to revise the said limit of expenditure for undertaking the structural repairs by the Board, by suitably amending sub-section (3) of the said section 88.

3. Although in the Monsoon session of the State Legislature, which commenced on the 16th July 2008, the Maharashtra Housing and Area Development (Amendment) Bill, 2008 (L. A. Bill No. XXXV of 2008), for amending sub-section (3) of section 88 of the Maharashtra Housing and Area Development Act, 1976, was introduced in the Maharashtra Legislative Assembly on the 21st July 2008, the said Bill could not be passed by the State Legislature, as the session of the State Legislature was prorogued on the 26th July 2008. The Government, therefore, considers it expedient to amend said section, 88 urgently.

4. 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 Housing and Area Development Act, 1976, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 27th August 2008.

S. C. JAMIR,

Governor of Maharashtra.

By order and the name of the Governor of Maharashtra,

SITARAM KUNTE,
Secretary to Government.