



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३७] मंगळवार, ऑगस्ट २५, २००९/भाद्र ३, शके १९३१ [पृष्ठे ७, किंमत : रुपये २०.००

असाधारण क्रमांक ६४

प्राधिकृत प्रकाशन

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) Ordinance, 2009 (Mah. Ord. XVII of 2009), 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 Regional and Town Planning (Amendment) Ordinance, 2009 (Mah. Ord. XVII of 2009), published under the authority of the Governor).

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 25th August 2009.

MAHARASHTRA ORDINANCE No. XVII OF 2009.

AN ORDINANCE

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

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 Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ;

Mah.
XXXVII
of 1966.

(१)

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 commencement.

1. (1) This Ordinance may be called the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2009.

(2) It shall come into force at once.

Insertion of Chapter III-A in Mah. XXXVII of 1966.

2. After Chapter III of the Maharashtra Regional and Town Planning Act, 1966, the following Chapter shall be inserted, namely :—

Mah. XXXVII of 1966.

“CHAPTER III-A

AREA DEVELOPMENT AUTHORITY

Declaration of development area.

42A. (1) The State Government may, for the purpose of securing planned development of areas within the State, declare by notification in the *Official Gazette*, any area in the State to be a development area.

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may, by notification in the *Official Gazette*, amalgamate two or more development areas into one development area, sub-divide any development area into different development areas and include such sub-divided areas in any other development area.

Exclusion of whole or part of development area from operation of Act.

42B. (1) The State Government may, by notification in the *Official Gazette*, withdraw from operation of the relevant provisions of this Act, the whole or part of any development area declared under section 42A.

(2) Where any notification is issued under sub-section (1) in respect of any development area or part thereof, the relevant provisions of this Act and all notifications, rules, regulations and orders made or directions issued and powers conferred thereunder, shall cease to apply to the said area or, as the case may be, part thereof.

Constitution of Area Development Authority.

42C. (1) As soon as may be after the declaration of a development area under section 42A, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Area Development Authority of that development area for the purpose of carrying out the functions assigned to an Area Development Authority under this Act.

(2) Every Area Development Authority constituted under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and by the said name sue and be sued.

(3) An Area Development Authority shall consist of the following members, namely :—

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| (a) Guardian Minister of the concerned district, | Chairman; |
| (b) the Presidents of <i>Zilla Parishads</i> and Chairmen of <i>Panchayat Samitis</i> functioning in the development area or in any part thereof, | <i>Ex officio</i> Members; |
| (c) Mayors of Municipal Corporations and Presidents of Municipal Councils, functioning in the development area or in any part thereof, | <i>Ex officio</i> Members; |
| (d) Municipal Commissioners of Municipal Corporations and Chief Officers of Municipal Councils, functioning in the development area or in any part thereof, | <i>Ex officio</i> Members; |
| (e) The Collectors of Districts or their representatives not below the rank of Deputy Collector having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Members; |
| (f) Chief Executive Officers of <i>Zilla Parishads</i> or their representatives not below the rank of Deputy Chief Executive Officer, functioning in the development area or any part thereof, | <i>Ex officio</i> Members; |
| (g) The Chief Engineer of the Maharashtra <i>Jeevan</i> Authority or his representative not below the rank of Superintending Engineer having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Member; |
| (h) Settlement Commissioner and Director of Land Records or his nominee not below the rank of Deputy Director of Land Records having jurisdiction over the development area or any part thereof, | <i>Ex officio</i> Member; |
| (i) Chief Executive Officer not below the rank of Joint Director of Town Planning or an officer appointed by Government for Metropolitan area and Deputy Director of Town Planning elsewhere, to be appointed by the State Government. | Member- Secretary. |

(4) The provisions of sections 9, 10 and 11 of this Act shall *mutatis mutandis* apply to an Area Development Authority constituted under sub-section (1) as they apply in relation to a Regional Planning Board.

Appoint-
ment of
Govern-
ment
company,
etc., as Area
Develop-
ment
Authority.

42D. The State Government may, instead of constituting an Area Development Authority for a development area, appoint any agency or authority or any company or corporation established by the State or Central Government to be the Area Development Authority for any development area.

Control by
Metropoli-
tan
Planning
Committee
and District
Planning
Committee.

42E. (1) Every Area Development Authority constituted under section 42C or appointed under section 42D shall carry out such directions or instructions as may be issued, from time to time, by the Metropolitan Planning Committee or the District Planning Committee, as the case may be, within whose jurisdiction the notified area of the Area Development Authority, is situated :

Provided that, if the notified area of an Area Development Authority is situated in the jurisdiction of a Metropolitan Planning Committee and also of a District Planning Committee, the directions issued by the Metropolitan Planning Committee shall prevail over the directions issued by the District Planning Committee.

(2) Any dispute between the Area Development Authority and the Metropolitan Planning Committee or, the District Planning Committee, as the case may be, shall be referred to the State Government whose decision thereon shall be final.

(3) In the discharge of its duties, the Area Development Authority shall be bound by the directions issued by the State Government.

Powers and
functions of
Area
Develop-
ment
Authority.

42F. (1) The powers and functions of an Area Development Authority shall be,—

(i) to undertake the preparation and execution of town planning schemes having regard to the draft development plan prepared by the Metropolitan Planning Committee or the District Planning Committee, as the case may be, under the provisions of this Act ;

(ii) to carry out surveys in the development area for the preparation of town planning schemes ;

(iii) to control the development activities in accordance with the development plan and town planning schemes in the development area excluding the area under the jurisdiction of a local authority, which is permitted to execute the functions of a Planning Authority, in the manner provided for in Chapter IV ;

(iv) to levy and collect such scrutiny fees for scrutiny of proposals submitted to the Area Development Authority for permission for development in accordance with the regulations, made in that behalf ;

(v) to enter into contracts, agreements or arrangements, with any person or organization as the Area Development Authority may deem necessary for performing its functions ;

(vi) to acquire, hold, manage and dispose of property, movable or immovable, as the Area Development Authority may deem necessary, subject, however, to the rules or regulations, if any, made in that behalf ;

(vii) to execute works in connection with supply of water, disposal of sewerage and provision of other services and amenities ;

(viii) to levy and collect such fees, for the execution of work referred to in clause (vii) and for provision of other services and amenities, as may be specified by the regulations ;

(ix) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.

(2) The Area Development Authority shall be a Planning Authority for the area under its jurisdiction excluding the area under the jurisdiction of a local authority under this Act which is permitted to execute the functions of a Planning Authority.

(3) On the constitution or, as the case may be, appointment of an Area Development Authority for any development area, the following consequences shall ensue, namely :—

(i) the authority or authorities functioning within the development area immediately before such constitution or appointment shall cease to exercise the powers and perform the functions and duties which the Area Development Authority is competent to exercise and perform under this Act ;

(ii) the provisions of Chapters VI-A, VIII and IX alongwith the First and Second Schedule of this Act shall apply to the Area Development Authority, as if it was a New Town Development Authority ;

(iii) the provisions of section 21 shall not apply to the Area Development Authority.

(4) The Area Development Authority may, with the approval of the State Government, delegate any of its powers and functions to any authority or authorities functioning within its jurisdiction.

(5) The Area Development Authority shall have its office at such place as the State Government may, by order, specify.

42G. (1) The State Government shall, by an order in writing, determine the amount which an authority or authorities functioning in the development area shall pay as contribution, either in one *lump sum* or in installments as may be specified in the order, towards the expenses incurred by an Area Development Authority in the discharge of its functions.

Expenses of
Area
Development
Authority.

(2) The authority, in respect of whom the order under sub-section (1) has been issued by the State Government, shall, not later than six months from the receipt of the order under sub-section (1), pay to the Area Development Authority concerned, the amount of contribution specified in the order in the manner indicated therein and if such authority fails to so pay such amount, the State Government shall, on receipt of necessary intimation from the Area Development Authority, recover the same from such authority, in the manner as the State Government may decide and pay it to such Area Development Authority.”

STATEMENT

The Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) provides for constitution of Special Planning Authorities for any "Notified Area" and "New Town Development Authority" for the site designated for the proposed New Town.

It had been observed that due to rapid urbanization, the peri-Urban area of the large cities are being developed in a haphazard and uncontrolled manner leading to mushroom growth of settlements. There was no specific authority for implementation of Regional Plans or draft Development Plans prepared by Regional Planning Boards or Metropolitan Planning Committees. There was also no Apex Authority who can co-ordinate, integrate and regulate the developmental activities of urban and rural local bodies.

2. Except Mumbai Metropolitan Region Development Authority (MMRDA) which is constituted under a separate Act, there was no apex authority for any region in the State for co-ordinating, integrating and regulating the developmental activities within the region. The issue of constitution of Pune Metropolitan Region Development Authority (PMRDA) for Pune Metropolitan Region was discussed in the State Legislature and the Government was urged to make an enabling law in this regard so that many development authorities can be constituted for any region in the State.

3. The Government, therefore, considered it expedient to make provisions in this regard by incorporating a separate Chapter III-A in the said Act regarding Area Development Authority by providing for declaration of the development area, constitution of the Area Development Authority for any development area and powers and functions of the Area Development Authority.

4. 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 for the purposes aforesaid, the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2009 (Mah. Ord. VII of 2009), was promulgated by the Governor of Maharashtra on the 16th May 2009.

5. Thereafter, upon the re-assembly of the State Legislature on the 1st June 2009, a Bill to convert the said Ordinance into an Act of the State Legislature was introduced in the Maharashtra Legislative Assembly as L. A. Bill No. VI of 2009, on the 2nd June 2009 and was passed by the Maharashtra Legislative Assembly on the 16th June 2009. However, the said Bill could not be transmitted to the Maharashtra Legislative Council, as the session of the Maharashtra Legislative Council was already prorogued on the 16th June 2009 before the said Bill was passed by the Maharashtra Legislative Assembly. As both Houses of the Maharashtra State Legislature had re-assembled on the 1st June 2009,

as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is after the 12th July 2009. The Government, therefore, considers it expedient to amend the Maharashtra Regional and Town Planning Act, 1966, urgently.

6. 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 Regional and Town Planning Act, 1966, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 24th August 2009.

S. C. JAMIR,
Governor of Maharashtra.

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

T. C. BENJAMIN,
Principal Secretary to Government.