



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक १०१

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) Bill, 2014 (L.A. Bill No. XXX of 2014), introduced in the Maharashtra Legislative Assembly on the 9th December 2014, is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXX OF 2014.

A BILL

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

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

AND WHEREAS the Governor of Maharashtra was satisfied that
Mah. XXXVII of 1966. circumstances existed which rendered it necessary for him to take immediate action
Mah. Ord. XV of 2014. 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, 2014, on
the 19th July 2014 ;

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2014.

(2) It shall be deemed to have come into force on the 4th October 2013.

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), for the third proviso, the following proviso shall be substituted, namely:—

Mah. XXXVII of 1966.

"Provided also that, the period so extended shall not in any case, exceed,—

(i) twenty-four months, in the aggregate, in case of Municipal Corporation having population of one crore or more, as per the latest census figures ;

(ii) twelve months, in the aggregate, in case of Municipal Corporation having population of ten lakhs or more but less than one crore, as per the latest census figures ; and

(iii) six months, in the aggregate, in any other case. "

Amendment of section 30 of Mah. XXXVII of 1966.

3. In section 30 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:—

" Provided that, the State Government may, on an application by a Planning Authority or the said officer, by an order in writing, and for adequate reasons which shall be recorded, extend from time to time, the said period by such further period as may be specified in the order, but not in any case exceeding,—

(i) twenty-four months, in the aggregate, in case of Municipal Corporation having population of one crore or more, as per the latest census figures ;

(ii) twelve months, in the aggregate, in case of Municipal Corporation having population of ten lakhs or more but less than one crore, as per the latest census figures ; and

(iii) six months, in the aggregate, in any other case. "

Amendment of section 31 of Mah. XXXVII of 1966.

4. In section 31 of the principal Act, in sub-section (1), —

(a) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that, the State Government may, if it thinks fit, whether the said period has expired or not, extend from time to time, by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,—

(i) twenty-four months, in the aggregate, in case, the area of such Development plan falls in the jurisdiction of a Metropolitan Planning Committee constituted under the Maharashtra Metropolitan Planning Committees (Constitutions and Functions) (Continuance of Provisions) Act, 1999 ;

Mah. V of 2000.

(ii) twelve months, in the aggregate, in any other case, as may be specified in such notification:—";

(b) after the second proviso, the following provisos shall be added, namely:—

“ Provided also that, if the Government does not publish its decision by notification in the *Official Gazette*, regarding sanctioning the draft Development plan submitted to it, for the whole area, or separately for any part thereof, either without modification, or subject to such modifications as it may consider proper, or return the draft Development plan to the Planning Authority, or as the case may be, the said Officer for modifying the plan as it may direct or refuse to accord sanction and direct the Planning Authority or the said Officer to prepare a fresh Development plan, within the period under this section, such draft Development plan shall be deemed to have been sanctioned as submitted to the Government under section 30, on the date immediately following the date of expiry of the period under this section :

Provided also that, where any modification submitted by the Planning Authority or, as the case may be, the said Officer, under section 30 is of substantial nature with respect to the draft Development plan published under section 26, such modification shall not be deemed to have been sanctioned and the Government shall publish a notice regarding such modifications of substantial nature and the provisions relating to publication of the notice in *the Official Gazette* and two local newspapers for obtaining suggestions and objections as stipulated in the second proviso, shall apply.”.

5. In section 148-A of the principal Act, after the words “due to any interim order of any court”, the words “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 inserted. Amendment of section 148-A of Mah. XXXVII of 1966.

Mah. Ord. XV of 2014.

6. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2014, is hereby repealed. Repeal of Mah. Ord. XV of 2014 and saving.

(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

Sections 21 to 31 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), deal with the preparation, submission and sanction to Development plan. By the Maharashtra Regional and Town Planning (Second Amendment) Act, 2010 (Mah. X of 2011), which has come into force on 5th April 2011, the time-limits for preparation, submission and sanction to the Development plan have been revised, with a view to expediting the process therefor so as to complete the same within a period of three and half years to four years.

2. The Act thus amended provided uniform time-limits for completing the various stages of preparation, submission and sanctioning of Development plan, irrespective of whether such plan was for a small town or a Metropolitan City like Mumbai. It was noticed that the Planning Authorities of the bigger cities, having regard to area, rapid urbanization and the complex problems arising therefrom, were experiencing time-constraints in preparing the Development plans and submitting them for sanctioning within the stipulated time-limits. In view of this and considering the above circumstances, the concerned Planning Authority had conveyed that it may not be possible for it to publish the revised draft Development plan for Brihan Mumbai, within the statutory time-limit, it became necessary to incorporate suitable provisions in the said Act of 1966, for granting extension of stipulated time-limits for the bigger cities having population of ten lakhs or more as per the latest census. It also became necessary to incorporate provisions for removal of doubt regarding application of the amended time-limits. Accordingly, amendments to that effect were carried out by the Maharashtra Regional and Town Planning (Amendment) Act, 2014 (Mah. V of 2014) with effect from 4th October 2013.

3. The work of preparation of the revised draft Development plan of Brihan Mumbai was in progress and due to the complexities of the urban issues in this large city, the Planning Authority had conveyed its inability to publish the draft Development plan within the statutory time-limit. After carefully considering the request of the said Planning Authority and the problems and complexities of Urban Planning in the Metropolitan areas, it was considered necessary to incorporate suitable provisions in said Act of 1966, for granting extension of stipulated time-limit for all such Planning Authorities and Special Planning Authorities within the jurisdiction of a Metropolitan Planning Committee constituted under the Maharashtra Metropolitan Planning Committees (Constitution and Functions) (Continuance of Provisions) Act, 1999. At the same time, it was also considered necessary to extend the time-limit stipulated for sanctioning the Development plan by the Government, in respect of other Planning Authorities also. Moreover, it seemed necessary to exclude the period of Model Code of Conduct for any election from the stipulated periods for the reason that such draft Development plan of any Planning Authority cannot be either published or sanctioned during such period. Furthermore, since then existing provisions in the said Act of 1966 did not spell out the effects of expiry of time-limit stipulated under section 31, it was considered necessary to incorporate specific provision in the said Act for deemed sanction of the Development plan in such circumstances.

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 (Mah. XXXVII of 1966), for the purposes aforesaid, the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2014 (Mah. Ord. XV of 2014), was promulgated by the Governor of Maharashtra on the 19th July 2014 with retrospective effect from the 4th October 2013.

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

Mumbai,
Dated the 29th November 2014.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of Legislative power, namely :—

Clause 3.—This clause, which seeks to amend sub-section (1) of section 30 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the principal Act”), empowers the State Government under the proviso, to extend from time to time, the said period by such further period as may be specified in the order, but not in any case exceeding,—

(i) twenty-four months, in the aggregate, in case of a Municipal Corporation having population of one crore or more, as per the latest census figures ;

(ii) twelve months, in the aggregate, in case of a Municipal Corporation having population of ten lakhs or more but less than one crore, as per the latest census figures ; and

(iii) six months, in the aggregate, in any other case.

Clause 4(a).—This clause which seeks to amend sub-section (1) of section 31 of the principal Act, empowers the State Government under the first proviso, to extend by notification in the *Official Gazette*, the period for sanctioning the draft Development plan or refusing to accord sanction thereto, by such further period not exceeding,—

(i) twenty-four months, in the aggregate, in case, the area of such Development plan falls in the jurisdiction of a Metropolitan Planning Committee constituted under the Maharashtra Metropolitan Planning Committees (Constitutions and Functions) (Continuance of Provisions) Act, 1999 ;

(ii) twelve months, in the aggregate, in any other case, as may be specified in such notification.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.