



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ३२

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 Mumbai Municipal Corporation (Amendment) Bill, 2019 (L.A. Bill No. XXII of 2019), introduced in the Maharashtra Legislative Assembly on the 19th June 2019, 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. XXII OF 2019.

A BILL

further to amend the Mumbai Municipal Corporation Act.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing; and, therefore, promulgated the Mumbai Municipal Corporation (Amendment) Ordinance, 2019, on the 10th March 2019;

Bom. III
of 1888.
Mah.
Ord. XI
of 2019.

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

(१)

- Short title and commencement. **1.** (1) This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2019.
- (2) It shall be deemed to have come into force on the 10th March 2019.
- Amendment of section 140 of Bom. III of 1888. **2.** In section 140 of the Mumbai Municipal Corporation Act (hereinafter referred to as “the principal Act”), in sub-section (1), to clause (c), the following proviso and the *Explanation* shall be added, namely :—
- “Provided that, the Corporation shall not levy property tax leviable under this clause, on residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less.
- Explanation.*— For the purposes of the above proviso, the term “residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less” means the residential buildings or residential tenements, existing on the date of coming into force of the Mumbai Municipal Corporation (Amendment) Act, 2019, having carpet area of 46.45 sq. meter (500 sq. feet) or less and recorded with such area in the Municipal records on the 1st January 2019 or in respect of which the permission to occupy has been granted by the Corporation permitting such area to be occupied after such date of coming into force of the said Act.”.
- Amendment of section 140A of Bom. III of 1888. **3.** In section 140A of the principal Act, in sub-section (1), after the fifth proviso, the following proviso shall be added, namely :—
- “Provided also that, for the Financial Year 2019-20, the provisions of the preceding proviso shall apply as if the general tax leviable under clause (c) of sub-section (1) of section 140 do not form part of the property tax leviable under that section.”.
- Power to remove difficulty. **4.** (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:
- Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.
- Repeal of Mah. Ord. XI of 2019 and saving. **5.** (1) The Mumbai Municipal Corporation (Amendment) Ordinance, 2019 is hereby repealed.
- (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 issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

Bom. III of 1888.

Mah. of 2019.

Mah. Ord. XI of 2019.

STATEMENT OF OBJECTS AND REASONS

The Mumbai Municipal Corporation has adopted the system of levy of property tax on buildings and lands in Brihan Mumbai, on the basis of their capital value with effect from the 1st April 2010.

The fifth proviso to section 140A of the Mumbai Municipal Corporation Act (Bom.III of 1888.) provides that, for the period of five years commencing on the 1st April 2015, the amount of property tax leviable in respect of residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable as on 31st March 2015.

2. It had been brought to the notice of State Government that, the property taxes leviable and payable on all buildings and lands has been increased. It had also been brought to the notice of the Government that, the occupiers of small residential tenements or residential buildings, who were new occupants of such small residential tenements or residential buildings were likely to be mostly affected by such revision and higher property tax.

It had also been brought to the notice that, since most of such small residential tenements or residential buildings are being developed under the various schemes of the State Government and of the Municipal Corporation, it was expedient to continue the benefit of lower property tax for these small residential tenements or residential buildings.

The Mumbai Municipal Corporation had also passed a resolution, for not to levy property tax on such small tenements or residential buildings.

It was, therefore, considered expedient to amend sections 140 and 140A of the said Act, suitably, so as to provide that the general tax referred to in clause (c) of sub-section (1) of section 140 of the said Act, shall not be levied in respect of residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less.

3. 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 Mumbai Municipal Corporation Act (Bom. III of 1888), for the purposes aforesaid, the Mumbai Municipal Corporation (Amendment) Ordinance, 2019 (Mah. Ord. XI of 2019), was promulgated by the Governor of Maharashtra on the 10th March 2019.

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

Mumbai,
Dated the 11th June 2019.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for the delegation of legislative power, namely :—

Clause 4(1).—Under this clause, power is taken to the State Government, to remove, by an order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of this Act within a period of two years from the date of commencement of the Act.

2. The above-mentioned proposal for delegation of the legislative power is of a normal character.