GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. VIII OF 1961

[THE BOMBAY MUNICIPAL TAXES AND URBAN IMMOVABLE PROPERTY TAX (VALIDATION IN CERTAIN AREAS OF THE EXTENDED SUBURBS OF GREATER BOMBAY) ACT, 1960.]

(As modified up to the 22nd March 2012)

***[Price*—Rs. 5/-]**

PRINTED IN INDIA BY THE MANAGER, GOVERNMENT PHOTOZINCO PRESS, PUNE AND PUBLISHED BY THE DIRECTOR, GOVERNMENT PRINTING AND STATIONERY, MAHARASHTRA STATE, MUMBAI-400 004.

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1961 : Mah. VIII] *The Bombay Municipal Taxes and Urban Immoveable Property Tax* **MAHARASHTRA ACT No. VIII OF 1961.**[1] **6265**

(Validation in Certain Areas of the Extended Suburbs of Greater Bombay) Act, 1960.

[THE BOMBAY MUNICIPAL TAXESAND URBAN IMMOVEABLE PROPERTY TAX (VALIDATIONIN CERTAIN AREASOFTHE EXTENDED SUBURBSOF GREATER BOMBAY) ACT, 1960.]

[8th February 1961.]

An Act to validate the levy by the former municipalities of Malad, Kandivali, Borivali and Mulund of certain municipal taxes, and the collection thereof (including the collection of the arrears of taxes which vested by virtue of section 191 of the Bombay District Municipal Act, 1901, in the municipalities on the date of their establishment) by or on behalf of those municipalities, and by the Municipal Corporation of Greater Bombay as successor to the aforesaid municipalities; to provide for the recovery of the unpaid balance of those taxes (including the aforesaid arrears) by the Municipal Corporation of Greater Bombay; to validate the levy and collection of the Urban Immoveable Property tax in those areas during a certain period, and to provide for the recovery of the unpaid balance of that tax by the Municipal Corporation of Greater Bombay, and for purposes connected with the matters aforesaid.

WHEREAS, the notified area committees of Malad and Kandivali were, on the 1st day of May 1951, constituted municipalities by those names, under the Bombay District Municipal Act, 1901 (hereinafter in this Act referred to us " the District Municipal Act ") by Government Notification in the Health and Local Government Department No. 4456/33, dated the 22nd November 1950 and by Government Notification in the Local Self-Government and Public Health Department No. 8674, dated the 27th November 1950, respectively; Bom. III of 1901.

AND WHEREAS, the notified area committee of Borivali was, on the 1st day of June 1951, constituted a municipality by that name, under the District Municipal Act by Government Notification in the Local Self-Government and Public Health Department No. 4456/33, dated the 29th December 1950 and whereas, the municipality was superseded during the period commencing on the 14th day of May 1954 and ending on the 1st day of February 1957;

AND WHEREAS, the village *panchayat* of Mulund was, on the 15th day of June 1952, constituted a municipality by that name, under the District Municipal Act by Government Notification in the Local Self-Government and Public Health Department No. 6470/33, dated the 27th February 1952;

AND WHEREAS, the aforesaid municipalities were included within the limits of the Municipal Corporation of Greater Bombay on the 1st day of February 1957 under the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956; Bom. LVII of1956.

AND WHEREAS, the aforesaid municipalities levied or purported to levy, and during certain periods collected, certain municipal taxes, and also collected the arrears of the taxes levied by the notified area committees vested in them when they were constituted municipalities;

AND WHEREAS, the Urban Immoveable Property tax (including arrears thereof which vested in the municipalities at the date of their constitution) was also collected by those municipalities ;

AND WHEREAS, the Municipal Corporation of Greater Bombay as successor to the municipalities collected under paragraph 4 of Schedule FFA to the Bombay Municipal Corporation Act the municipal taxes and the arrears aforesaid, and also the Urban Immoveable Property tax ; Bom. III of 1888.

AND WHEREAS, doubts have arisen as to validity of the levy and collection of the municipal taxes, the collection of the arrears of taxes vested in the municipalities when they were constituted, as also the levy and collection of the Urban Immoveable Property tax in those areas ;

AND WHEREAS, it is expedient to remove those doubts and to validate the levy and collection of the municipal taxes, and of the collection of the arrears aforesaid, as also of the Urban Immoveable Property tax in those areas, and to provide for the continuance of the collection of the taxes aforesaid by the Municipal Corporation, and to provide for purposes connected with the matters aforesaid; It is hereby enacted in the Elevanth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Bombay Municipal Taxes and Urban Immoveable Property Tax (Validation in Certain Areas of the Extended Suburbs of Greater Bombay) Act, 1960.

Definitions. **2.** In this Act, unless the context requires otherwise,—

(*a*) " municipality " means the former municipality of Malad, Kandivali, Borivali or Mulund ;

(*b*) " municipal taxes " means any of the taxes levied or purported to be levied by the municipalities under section 59 of the Bombay District Municipal Act, 1901; Bom. III of 1901.

(*c*) " Schedule " means a Schedule to this Act :

The words " Urban Immoveable Property tax " have the same meaning as in the Bombay Finance Act, 1932 and the words " the Commissioner ", and " the Corporation" have the same meaning as in the Bombay Municipal Corporation Act. Bom. II of 1932. Bom. III of 1888.

Validation of certain municipal taxes. **3.** Notwithstanding anything contained in the District Municipal Act, or in any judgment, decree or order of a Court,

(*a*) the municipal taxes levied or purported to be levied by any of the municipalities, and collected or purported to be collected by or on behalf of them, in respect of the periods specified against each of them in the First Schedule, and the municipal taxes collected or purported to be collected under the Bombay Municipal Corporation Act, by the Corporation as successor to the municipalities; Bom. II of 1888.

(*b*) the arrears of taxes which vested in the municipalities by virtue of section 191 of the District Municipal Act on the date of their establishment, and which were collected or purported to be collected under that Act by or on behalf of any of the municipalities, or collected or purported to be collected under the Bombay Municipal Corporation Act, by the Corporation as successor to those municipalities, shall for all purposes be deemed to be, and always to have been, validly levied and collected ; and accordingly, anything done or omitted to be done (including in particular the things done or omitted to be done as set out in the Second Schedule) or action taken by or on behalf of the municipalities, or by the Corporation, or any officer of any of them, acting or purporting to act by or under any of the provisions of the District Municipal Act, or the Bombay Municipal Corporation Act, in connection with the levy or collection of any of the taxes, or as the case may be, the collection of any arrears of taxes vesting in the municipalities on the date of their establishment, during any period aforesaid, shall be deemed for all purposes to have been validly done, omitted to be done or taken, and no suit or other legal proceedings (including proceedings in execution) shall be entertained or continued in any Court on the ground only that the levy or collection of any tax, or of the arrears aforesaid, was illegal by reason of

anything done or purported to be done, or the omission of anything required to be done, by or under any of the laws aforesaid.

Explanation.—If any municipal tax or any arrears aforesaid, has been refunded under any judgment, decree or order of a Court declaring the levy or collection thereof illegal, by reason of anything done or purported to be done or the omission of anything required to be done, by or under any of the laws aforesaid, then notwithstanding any such judgment, decree or order or the refund in pursuance thereof, the tax or the arrears aforesaid, as the case may be, shall (subject to the provisions of section 5) be liable to be paid again to the Corporation.

Validation of II of Bom. Urban 1932. in the District Immoveable Property tax in certain areas.

4. Notwithstanding anything contained in the Bombay Finance Act, 1932 or Municipal Act, or in any judgment, decree or order of a Court, the Urban Immoveable Property tax, levied or purported to be levied by the State Government, and collected or purported to be collected by that Government, or on its behalf by any of the municipalities, or by the Corporation as successor to the municipalities under the Bombay Municipal Corporation Act, or by any officer if of any of them, in respect of the period commencing on the date of constitution of the relevant municipality and ending on the 31st day of March 1957 (including any arrears which vested in the municipalities under section 191 of the District Municipal Act at the date of their constitution), shall for all purposes be deemed to be and be deemed always to have been validly levied and collected, and accordingly, anything done or omitted to be done or action taken, by the State Government or by any of the municipalities aforesaid, or by the Corporation, or by any officer of any of them acting or purporting to act by or under the provisions of the Bombay Finance Act, 1932 or the District Municipal Act or the Bombay Municipal Corporation Act, in connection with the levy or collection of that tax, during the period aforesaid, shall be deemed for all purposes to have been validly done, omitted to be done or taken; and no suit or other legal proceedings (including proceedings in execution) shall be entertained or Bom. III of 1888. Bom. II of 1932.

continued in any Court on the ground only that the levy or collection of the tax was illegal by reason of anything done or purported to be done, or the omission of anything required to be done, by or under any of the laws aforesaid.

Explanation.—If any tax has been refunded under any judgment, decree or order of a Court declaring the levy or collection thereof illegal by reason of anything done or purported to be done, or the omission of anything required to be done, by or under any of the laws aforesaid, then notwithstanding any such judgment, decree or order, or the refund in pursuance thereof, the tax shall (subject to the provisions of section 5) be liable to be paid again to the Corporation.

Sums due on account of taxes to be paid to and recovered by Corporation.

5. (*1*) Notwithstanding anything contained in the District Municipal Act or the Bombay Finance Act, 1932 or the Bombay Municipal Corporation Act (including any rules or orders made thereunder), or anything in the Indian Limitation Act, 1908 or in any judgment, decree or order of a Court, if any sum, by way of any municipal tax aforesaid, or by way of the arrears of taxes which were vested in the municipalities on their establishment, or by way of Urban Immoveable Property tax, has not been paid to the relevant municipalities or to the Corporation (or having been paid is refunded and) is outstanding on the commencement of this Act, such sum shall be payable to the Corporation within thirty days of a demand being made therefor, as hereinafter by this section provided. Bom. II of 1932. Bom. III of 1888. IX of 1908.

(*2*) As soon as may be after the commencement of this Act, but before the expiry of three years therefrom, the Commissioner shall cause to be served on the person liable to pay any such tax, a bill for the sum due from him.

(*3*) The Commissioner may prepare and serve a consolidated bill for all the taxes (including any arrears which vested in the municipalities on the date of their establishment, and which are outstanding) due from the person liable, or the Commissioner may prepare

separate bills in respect of different taxes, or for different periods or for different properties, in such form or forms as he may determine. Every such bill shall, however, specify the period or periods (as far as is practicable) for which the tax is due, the property or the service in respect of which the tax is payable, the amount of tax assessed thereon or in respect thereof, the amount (if any) already paid and the balance due and also the time within which an appeal may be preferred as provided in the next succeeding sub-section.

(*4*) (*a*) An appeal shall lie,—

(*i*) in respect of any claim made under sub-section (*1*), within thirty days of the service of the bill for the taxes, or

(*ii*) in respect of the recovery of any tax to which this Act refers, which has been paid but in respect of the recovery of which no opportunity for appeal under section 86 of the District Municipal Act or the Bombay Municipal Corporation Act or the Bombay Finance Act, 1932 read with either of the foregoing Acts, was given (by reason of the Magistrate or Bench of Magistrates being directed , by the District Magistrate or the Sessions Judge to try such case or, as the case may be, by reason of there being no appallate authority, or the appellate authority being irregularly appointed or designated), within ninety days from the commencement of this Act, to the Chief Judge of the Court of Small Causes of Bombay on any one or more of the following grounds, that is to say, Bom. III of 1888. Bom. II of 1932. not

(*i*) that the appellant is not the person liable for the payment of the tax in respect of the property or service in question ;

(*ii*) that the property is exempt from tax;

(*iii*) that the annual letting value, or the amount of the tax, is not proper :

Provided that, no appeal shall be entertained unless the amount claimed from the appellant has been deposited by him with the Commissioner :

Provided further that, where any appeal has been filed or purported to be filed, under section 86 of the District Municipal Act, in respect of the annual letting value of any premises and a decision has been given thereon before the commencement of this Act, no appeal under the provisions of this sub-section shall lie against such decision, and any refunds or adjustments made by the municipality or the Corporation in pursuance thereof, shall be deemed to have been validly made.

(*b*) An appeal shall lie to the High Court,—

(*i*) from any decision of the Chief Judge of the Court of Small Causes of Bombay in appeal under clause (*a*), if the amount of the claim made under sub-section (*1*) exceeds three thousand rupees; and

(*ii*) from any other decision of the Chief Judge in appeal under that clause, upon a question of law or usage having the force of law or the construction of a document.

The provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under this clause, and orders passed therein by the High Court may on application to the Chief Judge be executed by him as if they were decrees made by himself : V of 1908.

Provided that, no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the decision of the Chief Judge.

(*5*) Subject to sub-section (*4*), if any person fails to pay any sum due from him in accordance with the bill served on him, within thirty days from the date of such service, the same shall be recoverable from him by the Commissioner under the provisions of the Bombay Municipal Corporation Act as if it were a property tax due under that Act and the person had failed to pay the sum due therefore, in accordance with a bill served under section 200 of that Act. Bom. III of 1888.

(*6*) Save as otherwise expressly provided in this section, the provisions of the Bombay Municipal Corporation Act or the Bombay Finance Act, 1932 and the rules and orders made thereunder, shall *mutatis mutandis* apply to the service of any bills, and the recovery of any sum claimed and any appeal made under this section. Bom. III of 1888. Bom. II of 1932.

6. Nothing in this Act shall render any person liable to be convicted of any offence in respect of any act done by him, or in respect of anything omitted to be done by him, before the date of the coming into force of this Act, if such act or omission was not an offence under the District Municipal Act or the Bombay Municipal Corporation Act or the Bombay Finance Act, 1932, but for the provisions of this Act. Saving. Bom. III of 1888. Bom. II of 1932.

FIRST SCHEDULE

(*See* section 3.)

Municipality.	Tax levied and recovered or collected or to be recovered or collected.	Year or period in respect of which such levy and recovery or collection was made or is to be made.
(1)	(2)	(3)
(1) The Municipality of Kandivali.	(*a*)House tax (Rate on buildings lands or both) at 6¼ per cent. on the annual letting value.	1951-52.
	(*b*)Halalkhor Cess (Special Sanitary Cess) at Rs. 24 per annum per privy.	Do.
	(*a*)Consolidated tax at 25 per cent. on 50 per cent. of the annual letting value, subject to a minimum of eight annas.	From 1st October 1952 to 31st March 1953 (both inclusive).
	(*b*)Special Sanitary Cess at Rs. 4 per month per privy seat.	Do.
	(*a*)Consolidated tax at 12½ per cent. on the annual letting value.	1953-1954, 1954-1955 1955-56, 1956-1957
	(*b*)Special Sanitary Cess at Rs. 24 per annum per privy seat.	Do. Do.
(2) The Municipality of Malad.	(*a*)House tax (Rate on buildings or lands or both) at 6¼ per cent. on the annual letting value.	1951-52.
	(*b*)Special Sanitary Cess at Rs.24 per annum per privy seat.	Do.
	(*a*)House tax (Rate on buildings or lands or both) at 6¼ per cent. on the annual letting value.	From the 1st July 1952 perto 31st March 1953 (both inclusive).
	(*b*)Special Sanitary Cess at Rs. 2 per month per privy seat.	Do. Do.
	(*c*)General Sanitary Cess at 3-1/8 per cent. on the annual letting value.	Do. Do.
	(*a*)House tax (Rate on buildings or lands or both) at 6¼ per cent. on the annual letting value.	From 1st April 1953 to 30th June 1953 (both inclusive).

FIRST SCHEDULE—*contd.*

Municipality.	Tax levied and recovered or collected or to be recovered or collected.	Year or period in respect of which such levy and recovery or collection was made or is to be made.
(1)	(2)	(3)
(2) The Municipality of Malad.-*contd.*	(*b*)Special Sanitary Cess at Rs. 2 per month per privy seat.	Do. do.
	(*c*)General Sanitary Cess–3 1/8 per cent. on the annual setting value.	Do. do.
	(*a*)House tax (Rate on buildings or lands or both) at 11 per cent. on the annual letting value.	1954-55.
	(*b*)Special Sanitary Cess at Rs. 2 per month per privy seat.	Do.
	(*c*)General Sanitary Cess–Occupier's Tax at annas eight per month per occupier.	Do.
	(*a*)House tax (Rate on buildings or lands or both) at 22 per cent. on the annual letting value.	From 1st October 1955 to 31st March 1956 (both inclusive).
	(*b*)Special Sanitary Cess at Rs. 2 per privy per month.	1955-56.
	(*c*)General Sanitary Cess–Occupier's Tax at annas eight per month per occupier.	Do.
	(*a*)House tax (Rate on buildings or lands or both) at 12½ per cent. on the annual letting value.	1956-57.
	(*b*)Special Sanitary Cess at	Rs. 2 per month per privy.
	(*c*)Special Sanitary Cess at	Rs. 4 per month per latrine.
From 1st April 1956 to 30th June 1956 (both inclusive).		
From 1st July 1956 to 31st March 1957 (both inclusive).		
(3) The Municipality of Borivali.	(*a*)House tax (Rate on buildings or lands or both) at 6¼per cent. on the annual letting value.	1951-52.
	(*b*)Halalkhor Cess (Special Sanitary Cess) at Rs. 24 per annum per privy.	Do.

FIRST SCHEDULE—*contd.*

Municipality.	Tax levied and recovered or collected or to be recovered or collected	Year or period in respect of which such levy and recovery or collection was made or is to be made
(1)	(2)	(3)
(3) The Municipality of Borivali.--*contd.*	(*a*)House tax (Rate on buildings or lands or both) at 20 per cent. on 50 per cent. of the annual letting value.	From the 1st October 1952 to 31st March 1953 (both inclusive).
	(*b*)Halalkhor Cess (Special Sanitary Cess) at Rs. 24 per privy seat.	Do. do.
	(*a*)House tax (Rate on buildings or lands or both) at 11 per cent. on the annual letting value.	1953-54 and 1954-55.
	(*b*)Halalkhor Cess (Special Sanitary Cess) at Rs. 2 per month per privy seat.	Do. do.
	(*a*)House tax (Rate on buildings or lands or both) at 15 per cent. on the annual letting value.	1955-56 and 1956-57.
	(*b*)Halalkhor Cess (Special Sanitary Cess) at Rs. 2 per month per privy seat.	Do. do.
(4) The Municipality of Mulund.	(*a*)House tax (Rate on buildings or lands or both) at 9 per cent. on the annual letting value.	From the 1st April 1953 to of 30th September 1953 (both inclusive).
	(*b*)Consolidated tax at 15 per cent. on the annual letting value.	From the 1st October 1953 to 31st March 1954 (both inclusive).
	(*c*)Special Sanitary Cess at Rs.9 per annum per tenement	1953-54.
	(*d*)General Sanitary Cess at Rs.2 per annum per structure.	From the 1st April 1953 to 30th September 1953 (both inclusive).
	(*a*)Consolidated tax at 15 per cent. on the annual letting value.	1954-55 and 1955-56.
	(*b*)Special Sanitary Cess at Rs. 9 per annum per tenement.	1954-55 and 1955-56.
	(*a*)Consolidated tax at 17 1/2 per cent on the annual letting value.	1956.
	(*b*)Special Sanitary Cess at 5 per cent on the gross annual letting value.	1956-57

SECOND SCHEDULE

(See section 3)

(Note.—In this Schedule, the sections referred to are of the District Municipal Act)

(1) A resolution was not passed at a general meeting before imposing the tax as required by section 60.

(2) The sanctioned rules were not properly published by the municipality with notice or further detailed rules were not published as required by section 62.

(3) The assessment list was not prepared or was prepared before the tax was imposed or did not show the amount of the tax assessed as required by section 63 or was prepared by persons not properly authorised.

(4) Public notice of assessment list was not given as required by section 64 or was given by a person not authorised.

(5) No public notice was given of the revised assessment list or individual notices were not given under section 65 when properties were for the first time assessed or the assessments were increased or amount of tax not shown in individual notice.

(6) The assessment list was authenticated by persons to whom the powers and functions of the managing committee were not delegated under sub-section *(4)* of section 65.

(7) The assessment list was not amended when necessary in accordance with the provisions of section 66.

(8) Bills for taxes giving the necessary details were not presented as required by section 82.

(9) No appellate authority was appointed under section 86 or the appointment was improper.

(10) Steps to recover arrears of taxes vested in the District Municipality were not taken within a period of three years.

(11) Rule regarding publication of notices as sanctioned by the Director of Local Authorities was not adopted by the General Board.

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