THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

[*Text as on 10th March 2025*]

CONTENTS

PREAMBLE.

SECTIONS.

CHAPTERI

PRELIMINARY 1.

Short title, extent and commencement.

2. Definitions.

CHAPTER II

PROVISIONS RELATING TO REGIONAL PLANS

(*a*)*Regions.*

3. Establishment of Region and alteration of its limits.

(*b*) *Constitution of Regional Planning Boards.*

4. Constitution of Regional Planning Boards.

5. Terms of office and conditions of service of members.

6. Resignation of members.

7. Vacancies.

8. Powers and duties of Board.

9. Meetings of Regional Board, etc.

10. Consultation or association with experts; Regional Planning Committee. 11. Power of Regional Board to appoint staff.

12. Expenses of Regional Board.

(*c*) *Regional Plans.*

13. Survey of Region and preparation of Regional plan.

14. Contents of Regional plan.

15. Submission of Regional plan to State Government for approval.

16. Procedure to be followed in preparing and approving Regional plans. 17. Publication of Regional plan and date of its operation.

18. Restriction on change of user of land or development thereof.

19. Exclusion of claims for compensation for injurious affection.

20. Revision or modification of Regional plan.

CHAPTER III

DEVELOPMENT PLAN

(*a*) *Declaration of intention, preparation, submission and sanction to Development plan.*

21. Development plan.

22. Contents of Development plan.

22A. Modification of a substantial nature.

(*b*) *Procedure to be followed in preparing and sanctioning Development plans.*

23. Declaration of intention to prepare Development plan.

24. Town Planning Officer.

25. Provision for survey and preparation of existing-land-use map.

26. Preparation and publication of notice of draft Development plan.

27. Provision of Regional plan to be considered.

28. Objections to draft Development plan.

29. [*Deleted*].

30. Submission of draft Development plan.

31. Sanction to draft Development plan.

(*c*) *Provisions for preparation of interim Development plans, plans for areas of Comprehensive development, etc.*

32. Interim Development plan.

33. Plans for areas of Comprehensive development.

34. Preparation of Development plan for additional area.

35. Development plans sanctioned by State Government before commencement of this Act.

36. Development plan prepared prior to this Act.

37. Modification of final Development plan.

37A. Power of State Government or Planning Authority to permit temporary change of user.

38. Revision of Development plan.

39. Variation of town planning scheme by the Development plan.

40. Special Planning Authority for developing certain notified areas.

41. Expenses of Social Planning Authority to be met by contribution by local authorities.

42. Implementation of plans.

CHAPTER III-A

AREA DEVELOPMENT AUTHORITY

42A. Declaration of development area.

42B. Exclusion of whole or part of development area from operation of Act.

42C. Constitution of Area Development Authority.

42D. Appointment of Government Company, etc., as Area Development Authority.

42E. Control by Metropolitan Planning Committee and District Planning Committee.

42F. Powers and functions of Area Development Authority.

42G. Expenses of Area Development Authority.

CHAPTER IV

CONTROL OF DEVELOPMENT AND USE OF LAND INCLUDED IN DEVELOPMENT PLANS

43. Restrictions on development of land.

44. Application for permission for development.

45. Grant or refusal of permission.

46. Provisions of Development plan to be considered before granting permission.

47. Appeal.

48. Lapse of permission.

49. Obligation to acquire land on refusal of permission or on grant of permission in certain cases.

50. Deletion of reservation of designated land for interim draft of final Development plan.

51. Power of revocation and modification of permission to development.

UNAUTHORISED DEVELOPMENT

52. Penalty for unauthorised development or for use otherwise than in conformity with Development plan.

52A. Provisions relating to certain developments as compounded structure.

53. Power to require removal of unauthorised development.

54. Power to stop unauthorised development.

55. Removal or discontinuance of unauthorised temporary development summarily.

56. Power to require removal of unauthorised development or use.

56A. Punishment for failure to take action against unauthorised construction.

57. Recovery of expenses incurred.

58. Development undertaken on behalf of Government.

CHAPTER V

TOWN PANNING SCHEMES

(*a*) *Making of town planning schemes.*

59. Preparation and contents of town planning scheme.

60. Power of planning Authority to resolve on declaration of intention to make scheme.

61. Making and publication of draft scheme by means of notice.

62. Inclusion of additional area in draft scheme.

63. Power of State Government to require Planning Authority to make scheme.

64. Contents of draft scheme.

65. Reconstituted plot.

66. Compensation for discontinuance of use.

67. Objections to draft scheme to be considered.

68. Power of State Government to sanction draft scheme.

68A. Effect of sanction of draft scheme.

69. Restrictions on use and development of land after declaration for town planning scheme.

70. Power of State Government to suspend rule, bye-law, etc.

71. Disputed ownership.

(*b*) *The Arbitrator and the Tribunal of appeal.*

72. Arbitrator; his powers and duties.

73. Certain decision of Arbitrator to be final.

74. Appeal.

75. Constitution of Tribunal of Appeal.

76. Arbitrator to assist Tribunal in advisory capacity and his remuneration.

77. Place where Tribunal may sit.

78. Decision of questions of law and other questions.

79. Powers of Tribunal to decide matter finally.

80. Tribunal not to be Court.

81. Remuneration of Arbitrator and Assessors and payment of incidental expenses of Tribunal.

82. Decisions of Arbitrator to be final in certain matters.

83. Possession of land in advance of town planning scheme.

84. Commissioner of Police or Magistrate to enforce delivery of possession of land.

85. Owner of land of which possession is taken entitled to interest.

86. Sanction by State Government to preliminary or final scheme.

87. Withdrawal for scheme.

88. Effect of preliminary scheme.

(*c*) *Enforcement of Schemes.*

89. Power of Planning Authority to evict summarily.

90. Power to enforce scheme.

(*d*) *Variation of Schemes.*

91. Power to vary scheme on ground of error, irregularity or informality.

92. Power to vary town planning scheme.

93. Apportionment of cost of scheme withdrawn or not sanctioned.

(*e*) *Proceedings before Arbitrator and Tribunal.*

94. Right to appear by recognised agent.

95. Power to compel attendance of witnesses.

(*f*) *Joint development plans and joint town planning schemes.*

96. Joint development plans and joint town planning schemes.

(*g*) *Finance of Schemes.*

97. Cost of scheme.

98. Calculation of increment.

99. Contribution towards cost of scheme.

100. Certain amount to be added to or deducted from contribution leviable from persons.

101. Transfer of right from original to reconstituted plot or extinction of such right.

(*h*) *Compensation.*

102. Compensation in respect of property or right injuriously affected by scheme.

103. Exclusion or limitation of compensation in certain cases.

104. Provision for cases in which amount payable to owner exceeds amount due from him.

105. Provision for case in which value of developed plot is less than amount payable by owner.

106. Payment by adjustment of account.

107. Payment of net amount due to Planning Authority.

(*i*) *Miscellaneous.*

108. Power of planning Authority to make agreement.

109. Recovery of arrears.

110. Disposal of surplus amount.

111. Execution of works in final scheme by Planning Authority.

112. Penalty for removal of boundary stones.

CHAPTER VI

NEW TOWNS

113. Designation of site for new town.

113A. Power of State Government to acquire land for Corporation or Company declared to be New Town Development Authority.

114. Objects of Development Authority.

115. Planning and control of development in new towns.

116. Acquisition of land by Development Authority constituted under Section 113(*2*).

117. Obligation to purchase designated land.

118. Disposal of land by Development Authority.

119. Directions by State Government for disposal of land.

120. Power to make agreement for provision of services.

121. Contributions by Development Authority towards expenditure of local authorities and statutory authority.

122. Advances and payments by State Government to Development Authorities.

122A. Power of development Authority to borrow and to accept deposits.

123. Transfer of undertaking of Development Authority.

124. Combination and transfer of Development Authorities.

CHAPTER VI-A

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

124A. Levy of development charge.

124B. Classification of user of lands and buildings, rates of development Charge and procedure for levy thereof.

124C. Development charge to be brought into force as specified by Government.

124D. Local publication of notification relating to development charge with notice.

124E. Assessment and recovery of development charge.

124F. Exemptions.

124G. Appeal.

124H. Procedure for filing appeal.

124I. Interest on amount of enhanced assessment or of refund.

124J. Development Fund.

124K. Stoppage of work of development and penalty.

124K-1. Provisions of sections 124A to 124K also to apply in certain cases.

124L. Chapter to have overriding effect, but shall be in addition to existing local authority laws.

CHAPTER VII

LAND ACQUISITION

125. Compulsory acquisition of land needed for purposes of Regional Plan, Development plan or Town planning schemes, etc.

126. Acquisition of land required for public purposes specified in plans.

127. Lapsing of reservations.

128. Power of State Government to acquire lands for purpose other than the one for which it is designated in any plan or scheme.

129. Possession of land in case of urgency.

CHAPTER VIII

FINANCE,ACCOUNT AND AUDIT

130. Funds.

131. Budget.

132. Accounts and Audit of Regional Board.

132A. Accounts and Audit of Special Planning Authority and Development Authority.

133. Submission of report.

134. Pension and provident funds.

CHAPTER IX

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

135. Power of entry.

136. Service of notice, etc.

137. Public notice how to be made known.

138. Notices, etc. to fix reasonable time.

139. Authentication of orders and documents.

140. Offences by companies.

141. Penalty for obstructing contractor or removing mark.

142. Sanction of prosecution.

143. Compounding of offences.

144. Jurisdiction of courts.

145. Magistrate‟s power to impose enhanced penalties.

146. Members and officers to be public servants.

147. Protection of action taken in good faith.

148. Registration of documents, plan or map in connection with final Plan or scheme not required.

148-A. Exclusion of time in certain cases.

149. Finality of orders.

150. Validation of acts and proceedings.

151. Power to delegate.

152. Powers of Planning Authority or Development Authority to be exercised by certain officers.

153. Power of Planning Authority to borrow money for Development Plan or for making or executing town planning scheme.

154. Control by State Government.

155. Returns and information.

156. Effect of laws.

157. Power to make agreements.

157A. Authentication of plans and scheme and custody thereof.

158. Power to make rules.

159. Power to make regulations.

159A. Special provisions relating to New Town Development Authority and Special Planning Authority.

160. Dissolution of Regional Planning Board, Special Planning Authority and New Town Development Authority.

161. Vesting of property and rights of local authority ceasing to exist or ceasing to have jurisdiction.

162. State Government or persons appointed by it may exercise power or perform duty conferred or imposed on Planning Authority and disbursement of expenses.

163. Special provision in case of dissolution etc., of Corporation or *Zilla Parishad*, etc.

164. [*Deleted*].

165. Repeal and saving.

SECOND SCHEDULE

LIST OF AMENDMENT ACTS

1. Amended by Mah. 24 of 1968
2. Amended by Mah. 14 of 1971
3. Amended by Mah. 21 of 1971[1]
4. Amended by Mah. 30 of 1972
5. Amended by Mah. 11 of 1973
6. Amended by Mah. 22 of 1973
7. Amended by Mah. 42 of 1973 (1-1-1974)[2]
8. Amended by Mah. 47 of 1974[3] (10-6-1974)[4]
9. Amended by Mah. 4 of 1975 (26-1-1975)[5]
10. Amended by Mah. 6 of 1976 (27-4-1976)[6]
11. Amended by Mah. 10 of 1977 (11-3-1977)[7]
12. Amended by Mah. 28 of 1977 (5-12-1977)[8]
13. Amended by Mah. 29 of 1978
14. Amended by Mah. 31 of 1983[9] (6-6-1983)[10]
15. Amended by Mah. 16 of 1992 (10-8-1992)[11]
16. Amended by Mah. 10 of 1994[12] (14-10-1993)[13]
17. Amended by Mah. 39 of 1994 (17-8-1994)[14]
18. Amended by Mah. 5 of 1996[15] (23-11-1995)[16]
19. Amended by Mah. 21 of 1997[17] (10-9-1996)[18]
20. Amended by Mah. 48 of 1997[19] (6-8-1997)[20]
21. Amended by Mah. 5 of 2000[21] (29-6-1999)[22]

1 Maharashtra Ordinance No. I of 1971 was repealed by Mah. 21 of 1971, s. 18. 2 This indicates the date of commencement of Act.

3 Maharashtra Ordinance No. X of 1974 was repealed by Mah. 47 of 1974, s. 4. 4 This indicates the date of commencement of Act.

5 This indicates the date of commencement of Act.

6 This indicates the date of commencement of Act.

7 This indicates the date of commencement of Act.

8 This indicates the date of commencement of Act.

9 Maharashtra Ordinance No. XIII of 1983 was repealed by Mah. 31 of 1983, s. 8. 10 This indicates the date of commencement of Act.

11 This indicates the date of commencement of Act.

12 Maharashtra Ordinance No. XIV of 1993 was repealed by Mah. 10 of 1994, s. 16. 13 This indicates the date of commencement of Act.

14 This indicates the date of commencement of Act.

15 Maharashtra Ordinance No. XVIII of 1995 was repealed by Mah. 5 of 1996, s. 7. 16 This indicates the date of commencement of Act.

17 Maharashtra Ordinance No. II of 1997 was repealed by Mah. 21 of 1997, s. 3. 18 This indicates the date of commencement of Act.

19 Maharashtra Ordinance No. XIV of 1997 was repealed by Mah. 48 of 1997, s. 3. 20 This indicates the date of commencement of Act.

21 Maharashtra Ordinance No. XXVI of 1999 was repealed by Mah. 5 of 2000, s. 15. 22 This indicates the date of commencement of Act.

22. Amended by Mah. 10 of 2000[1] (11-10-1999)[2]

23. Amended by Mah. 7 of 2002[3] (9-10-2000)[4]

24. Amended by Mah. 24 of 2002 (1-6-2002)[5]

25. Amended by Mah. 6 of 2004 (20-6-2005)[6]

26. Amended by Mah. 22 of 2005 (20-6-2005)[7]

27. Amended by Mah. 16 of 2007 (13-7-2007)[8]

28. Amended by Mah. 16 of 2009 (29-9-2009)[9]

29. Amended by Mah. 25 of 2009[10] (25-8-2009)[11]

30. Amended by Mah. 29 of 2010[12, 13] (21-9-2010)[14]

31. Amended by Mah. 34 of 2010[15] (1-3-2011)[16]

32. Amended by Mah. 10 of 2011[17] (5-4-2010)[18]

33. Amended by Mah. 2 of 2012 (22-3-2012)[19]

1 Maharashtra Ordinance No. XXXII of 1999 was repealed by Mah. 10 of 2000, s. 3.

2 This indicates the date of commencement of Act.

3 Maharashtra Ordinance No. I of 2000 was repealed by Mah. 7 of 2001, s. 3.

4 This indicates the date of commencement of Act.

5 This Act came into force *vide* G.N., U.D.D., No. TPS/HISC - 1002/180/CR-5/2002/UD-13, dated 24th May 2002.

6 This Act came into force *vide* G.N., U.D.D., No. TPB. 4302/2080/CR-215/02/UD-11, dated the 20th June 2005.

7 This Act came into force *vide* G.N., U.D.D., No. TPB. 4302/2080/CR-215/02/ UD-11, dated the 20th June 2005.

8 This Act came into force *vide* G.N., U.D.D., No. TPS. 1206/2986/CR-318/06/UD-12, dated the 13th July 2007. 9 This Act came into force *vide* G.N., U.D.D., No. TPS. 1809/UOR-96/CR-1835/09/UD-13, dated the 29th September 2009. 10 Maharashtra Ordinance No. XVII of 2009 was repealed by Mah. 25 of 2009, s. 3.

11 This indicates the date of commencement of Act.

12 Maharashtra Ordinance No. XIII of 2010 was repealed by Mah. 29 of 2010, s. 4.

13 Section 3 of Mah. 29 of 2010 reads as under :—

"3.Validation.— Notwithstanding anything contained in the principal Act, or in any rules or regulations made thereunder or in the Development plan or in any judgement, decree or order of any court, tribunal or other authority, any levy and collection of fees, charges and premium by the State Government or the Planning Authority for grant of an additional Floor Space Index or for the special Permissions or for the use of discretionary powers under the provisions of the principal Act, or any rules or regulations made thereunder, prior to the date of commencement of the Maharashtra Regional and Town Planning (Amendment and Validation) Act, 2010 (Mah. XXIX of 2010), shall be deemed to be validly levied and collected and shall be deemed always to have been validly levied and collected, under the regulations made under section 22 of the principal Act, as amended by the said Act, and accordingly no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the principal Act or the Development plan prepared thereunder, prior to such commencement, did not provide for making of the regulations regarding levy and collection of such fees, charges and premium by the State Government or the Planning Authority. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court, or before any tribunal or other authority, for the refund of any such fees, charges and premium, so levied and collected.".

14 This indicates the date of commencement of Act.

15 This Act came into force *vide* G.N., U.D.D., No. TPS. 1810/85/CR-2118/2010/UD-13, dated the 1st March 2011. 16 This indicates the date of commencement of Act.

17 Section 13 of Mah. 10 of 2011 reads as under :—

"13. Power to remove difficulties.— (*1*) if any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*,give such direction, not inconsistent with the provisions of 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 the period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as many be, after it is made, before each House of the State Legislature.".

18 This indicates the date of commencement of Act.

19 This Act came into force *vide* G.N.U.D.D. No. MMC. 2009/72/C.R.48/2009/UD-32, dated the 22nd March 2012.

34. Amended by Mah. 5 of 2014[1] (4-10-2013)[2]

35. Amended by Mah. 35 of 2014 (24-12-2014)[3]

36. Amended by Mah. 38 of 2014[4] (4-10-2013)[5]

37. Amended by Mah. 43 of 2014 (22-4-2015)[6]

38. Amended by Mah. 32 of 2015[7] (28-4-2015)[8]

39. Amended by Mah. 37 of 2015 (21-8-2015)[9]

40. Amended by Mah. 42 of 2015[10] (29-8-2015)

41. Amended by Mah. 32 of 2017

42. Amended by Mah. 19 of 2020[11] (23-3-2020)[12]

43. Amended by Mah. 36 of 2023[13] (19-6-2023)[14]

44. Amended by Mah. 29 of 2024[15] (15-3-2024)[16]

1 Maharashtra Ordinance No. XV of 2013 and VI of 2014 was repealed by Mah. 5 of 2014, s. 11.

Section 12 of Mah. 5 of 2014, read as under :—

"12. Power to remove difficulties.— (*1*) if any difficulty arises in giving effect to the provisions of principal Act, inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Provide that, no such order shall be made after the expiry of a period of two years from the date of commencement of the Maharashtra Regional and Town Planning (Amendment and Continuance) Act, 2014 (Mah. V of 2014).

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.".

2 This indicates the date of commencement of Act.

3 This Act came into force, *vide* G.N. U.D.D. No. TPB-4312/CR-16/2013/UD-11, dated the 24th December 2014. 4 Maharashtra Ordinance No. XV of 2014 was repealed by Mah. XXXVIII of 2014, s. 6.

5 This indicates the date of commencement of Act.

6 This Act came into force, *vide* G.N. U.D.D. No. TPS-1814/CR-349/UD-13, dated the 22nd April 2015. 7 Maharashtra Ordinance No. VI of 2015 was repealed by Mah. XXXII of 2015, s. 3.

8 This indicates the date of commencement of Act.

9 This indicates the date of commencement of Act.

10 Maharashtra Ordinance No. XVII of 2015 was repealed by Mah. 42 of 2015, s. 10.

11 Maharashtra Ordinance No. XV of 2020 was repealed by Mah. XIX of 2020, s. 4.

12 This indicates the date of commencement of Act.

13 Maharashtra Ordinance No. III of 2023 was repealed by Mah. XXXVI of 2023, s. 3.

14 This indicates the date of commencement of Act.

15 Maharashtra Ordinance No. III of 2024 was repealed by Mah. XXIX of 2024, s. 4.

16 This indicates the date of commencement of Act.

MAHARASHTRA ACT No. XXXVII OF 1966[1]

[THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.]

[This Act received the assent of the President on the 13th December 1966; assent was first published in the *Maharashtra Government Gazette*,Extraordinary No. 40,Part IV, on the 20th December 1966.]

An Act to make provision for planning the development and use of land in Regions established for that purpose and for the constitution of Regional Planning Boards therefore; to make better provisions for the preparation of Development Plans with a view to ensuring that town planning schemes are made in a proper manner and their execution in made effective; to provide for the creation of new towns by means of Development Authorities; to make provisions for the compulsory acquisition of land required for public purposes in respect of the plans; and for purposes connected with the matters aforesaid.

WHEREAS, it is expedient to make provision for planning the development and use of land is Regions established for that purpose and for the constitution of Regional Planning Boards thereof; to make better provisions for the preparation of Development plans with a view to ensuring that town planning schemes are made in a proper manner and their execution in made effective; to provide for the creation of new towns by means of Development Authorities; to make provision for the compulsory acquisition of land required for public purpose in respect of the plans; and for purposes connected with the matters aforesaid; It is hereby enacted in the Seventeenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (*1*) This Act may be called the Maharashtra Regional and Town Planning Act, 1966.

(*2*) It shall extend to the whole of the State of Maharashtra.

(*3*) It shall come into force on such date[2] as the State Government may, by notification in the *Official Gazette*, appoint but the State Government may if it thinks fit bring different provisions of this Act into force at different times.

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

(*1*) "agriculture" includes horticulture, poultry farming, the raising of crops, fruits, vegetables, flowers, grass or trees of any kind, breeding of livestock including cattle, horses, donkeys, mules, pigs, breeding of fish and keeping of bees, the use of land for grazing cattle and for any purpose which is ancillary to its cultivation or other agricultural purpose; but does not included the use of land as a garden which is an appendage to a building; and "agricultural" shall be construed accordingly;

[3][(*2*) "amenity" means roads, streets, open space, parks, recreational grounds, play grounds, sports complex, parade grounds, gardens, markets, parking lots, primary and secondary school and colleges and polytechnics, clinics, dispensaries and hospitals, water supply, electricity supply, street lighting, sewerage, drainage, public works and includes other utilities, services and conveniences];

(*3*) "Appropriate Authority" means any public authority on whose behalf land is designated for a public purpose in any plan or scheme and which it is authorised to acquire;

1 For Statement of Objects and Reasons of the L. A. Bill No. XXVI of 1966, *see Maharashtra Government Gazette*, 1966, Extraordinary No. 33, Part V, dated the 4th August 1966, pages 205-207.

2 11th day of January 1967 (*vide* G.N, U.D., P.H. and H.D., No. TPA. 1166/72383-Uni-II, dated 11th January 1967). 3 Clause (*2*) was substituted for the original and shall be deemed to have substituted on the 25th March 1991, by Mah. 10 of 1994, s. 2(*a*).

(*4*) "Arbitrator" means a person appointed as the Arbitrator for the purposes of any scheme or schemes under section 72;

(*5*) "Building operations" includes erection or re-erection of a building or any part thereof, roofing or re-roofing of any part of a building or of any open space, any material alteration or enlargement of a building, any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangement or materially affect its security or the construction of a door opening on any streets or land not belonging to the owner;

[1][(*5A*) "compounded structure" means any development of land in respect of which the compounding charges, infrastructure charges and premium as levied by the Collector under the provisions of sub-section (*2B*) of section 18 or by the Planning Authority under section 52A, are paid by the owner or occupier of such structure and which upon such payment has been declared as compounded structure by the Collector or Planning Authority, as the case may be;]

(*6*) "Court" means in Greater Bombay, the Bombay City Civil Court; and elsewhere, the principal civil court of original jurisdiction; and includes any other civil court of a Judge of Senior

Division or a Judicial Officer empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

[2][(*6A*) "Designated Officer" means the officer designated under sub-section (*8*) of section 53;]

(*7*) "development" with its grammatical variations means the carrying out of buildings, engineering, mining or other operations in or over or under, land or the making of any material change, in any building or land or in the use of any building or land [3][or any material or structural change in any heritage building or its precinct] [4][and includes [5][demolition of any existing building, structure or erection or part of such building, structure of erection; and] [6][reclamation,] redevelopment and lay-out and sub-division of any land; and "to develop" shall be construed accordingly];

(*8*) "Development Authority" means a New Town Development Authority [7][constituted or declared under section 113];

(*9*) "Development plan" means a plan for the development or re-development of the area within the jurisdiction of a Planning Authority [8][9][and includes revision of a development plan and] proposals of a special planning Authority for development of land within its jurisdictions];

[10][(*9A*) "Development right" means right to carry out development or to develop the land or building or both and shall include the transferable development right in the form of right to utilise the Floor Space Index of land utilisable either on the remainder of the land partially reserved for a public purpose or elsewhere, as the final Development Control Regulations in this behalf provide;]

(*10*) "Director of Town Planning" means the officer appointed by the State Government as the Director of Town Planning;

(*11*) "engineering operations" includes the formation or laying out of a street or means of access to a road or laying out of means of water-supply, drainage, electricity, gas or other public service;

1 Clause (*5A*) was substituted by Mah. 32 of 2017, s. 2.
2 Clause (*6A*) was inserted by Mah. 2 of 2012, s. 29, *w.e.f.* 22-3-2012.
3 These words were inserted by Mah. 39 of 1994, s. 2(*a*).
4 These words were substituted for the words "and includes lay-out and sub-division of any land" by Mah. 21 of 1971, s. 2(*1*).
5 These words were inserted by Mah. 10 of 1994, s. 2(*b*).
6 This word was inserted by Mah. 31 of 1983, s. 2.
7 These words were substituted for the word "constituted" by Mah. 21 of 1971, s. 2(*2*).
8 These words were inserted by Mah. 30 of 1972, s. 2(*1*).
9 These words were substituted for the word "and includes" by Mah. 6 of 1976, s. 2.
10 Clause (*9A*) was inserted and shall be deemed to have been inserted on the 25th March 1991 by Mah. 10 of 1994, s. 2(*c*).

(*12*) "existing-land-use map" means a map indicating the use to which lands in any specified area are put at the time of preparing the map;

(*13*) "Final plot" means a plot allotted in a final town planning scheme;

[1][(*13A*) "Floor Space Index" means the quotient or the ratio of the combined gross floor area area to the total area of the plot, *viz* :—

$$\text{Floor Space Index} = \frac{\text{Total covered area of all floors}}{\text{Plot area}};$$

(*13B*) "Heritage building" means a building possessing architectural, aesthetic, historic or cultural values which is declared as heritage building by the Planning Authority in whose jurisdiction such building is situated;

(*13C*) "Heritage precinct" means an area comprising heritage building or buildings and precincts thereof related places;]

[2][(*13D*) "Integrated Township Project" means an Integrated Township Project declared under section 18 or 44, as the case may be;]

(*14*) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(*15*) "local authority" means—

(*a*) the Bombay Municipal Corporation constituted under the Bombay Municipal Corporation Act (Bom. III of 1888) or the Nagpur Municipal Corporation constituted under the [3]City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), or any Municipal corporation constituted under the [4]Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949),

[5][(*b*) a Council and a *Nagar Panchayat* constituted under the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965),]

(*c*) (*i*) a *Zilla Parishad* constituted under the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961 (Mah.V of 1962),

[6][(*ii*) the Authority constituted under the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977)],

(*iii*) the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936),]

Which is permitted by the State Government for any area under its jurisdiction to exercise the powers of a Planning Authority under this Act;

(*16*) "local newspaper" in relation to any area within the jurisdiction of a Regional Planning Board, Planning Authority or of a Development Authority, means any newspaper published or circulating within that area;

(*17*) "occupier" includes a tenant, an owner in occupation of, or otherwise using his land, a rent-free tenant in any land, and any person in lawful possession of any land who is liable to pay to the owner compensation for the use and occupation of the land;

1 Clause (*13A*), (*13B*) and (*13C*) were inserted by Mah. 39 of 1994, s. 2(*b*).

2 Clause (*13D*) was inserted by Mah. 43 of 2014, s. 5 (*b*), *w.e.f.* 22-4-2015.

3 This Act was repealed by Mah. 23 of 2012, s. 7.

4 Name of the "Bombay Provincial Municipal Corporation Act, 1949" is substitute as "Maharashtra Municipal Corporation Act," by Mah. 23 of 2012, s. 4.

5 Sub-clause (*b*) was substituted by Mah. 10 of 2000, s. 2.

6 Sub-paragraph (*ii*) was substituted by Mah. 28 of 1977, s. 191(*a*).

(*18*) "owner" includes any person for the being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rents or profits of the property in connection with which it is used;

[1][(*19*) "Planning Authority" means a local authority; and shall includes,—

(*a*) a Special Planning Authority constituted or appointed or deemed to have been appointed under section 40; and

(*b*) in respect of the slum rehabilitation area declared under section 3C of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971), the Slum Rehabilitation Authority appointed under section 3A of the said Act;]

(*20*) "prescribed" means prescribed by rules made under this Act;

(*21*) "plot" means a portion of land held in one ownership and numbered and shown as one plot in a town planning scheme;

(*22*) "reconstituted plot" means a plot which is altered in ownership or in any other way by the making of a town planning scheme;

(*23*) "Region" means any area established to be a Region under section 3;

(*24*) "Regional Board" or "Board" means a Regional Planning Board constituted under section 4;

(*25*) "Regional plan" means a Plan for the development or re-development of a Region which is approved by the State Government and has come into operation under this Act;

(*26*) "Regional Planning Committee" means a committee appointed under section 10;

(*27*) "Regulation" means a regulation made under section 159 of this Act and includes [2][zoning, special development control regulations] and other regulations made as a part of a Regional Plan, Development plan, or town planning scheme;

(*28*) "Residence" includes the use for human habitation of any land or building, or part thereof including gardens, grounds, garages, stables and outhouses, if any, appertaining to such land or building;

(*29*) "Rule" means a rule made under this Act;

(*30*) "scheme" includes a plan relating to a town planning scheme;

[3]* * *

(*31*) "Town Planning Officer" means the officer appointed for the time being to be the Town Planning Officer for all or any of the provisions of this Act;

[4][(*31A*) "Undeveloped area" means an area within the jurisdiction of one or more local authority (not being an area within the jurisdiction of a cantonment board constituted under the Cantonment Act, 1924 (2 of 1924)) which is in the opinion of the State Government in a neglected condition, or which is being developed or is in imminent likelihood of being developed in an uncontrolled or haphazard manner, and requires, in the public interest, to be developed in a proper and orderly manner;]

(*32*) "*Zilla Parishad*" means a *Zilla Parishad* constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962).

1 Clause (*19*) was substitute for the original by Mah.5 of 1996, s. 4.

2 These words were substituted for the word "zoning" by Mah. 22 of 2005, s. 2(*a*). 3 Clause (*30A*) was deleted by Mah. 43 of 2014, *w.e.f.* 22-4-2015.

4 Clause (*31A*) was inserted by Mah. 30 of 1972, s. 2(*2*).

CHAPTER II

PROVISIONS RELATING TO REGIONAL PLANS

(*a*) *Regions.*

3. Establishment of Region and alteration of its limits.— (*1*) Subject to the provisions of this section, the State Government may, by notification in the *Official Gazette*,establish any area in the State, by defining its limits, to be a Region for the purposes of this Act, and may name and alter the name of any such Region. In any case, where any Region is renamed, then all references in any law or instrument or other document to the Region shall be deemed to be a reference to the Region as renamed, unless expressly otherwise provided or the context so requires.

(*a*) alter the limits of a Region, so as to include therein or to exclude therefrom, such area as may be specified in the notification; or

(*b*) amalgamate two or more Regions so as to form one Region; or

(*c*) split up any Region into two or more Regions; or

(*d*) declare that the whole or part of the area comprising a Region shall cease to be a Region or part thereof.

(*3*) A plan showing the boundaries of the Region as established under this section shall be available for inspection at the office of the Collector and the Mamlatdar or Tahsildar concerned, and on the constitution of the Regional Board therefor, also at the office of the Board.

(*b*) *Constitution of Regional Planning Boards.*

4. Constitution of Regional Planning Boards.— (*1*) For the purpose of planning the development and use of land in the Region, the State Government shall, by notification in the *Official Gazette*,constitute a Regional Planning Board for the Region consisting of a Chairman appointed by the State Government; the Director of Town Planning (or a person nominated by him); such number of persons not exceeding four appointed by the State Government as are members of local authorities functioning in the whole or part of the Region; such number of persons [1][not exceeding ten] appointed by the State Government who in the opinion of that Government have special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry, commerce or agriculture [2][; a Town Planning Officer appointed by the State Government and such number of persons not exceeding four appointed by the State Government from the two Houses of the State legislature, representing the whole or part of the Region, so that not more than two members are appointed from each of the said Houses.

If any Region includes any area which in the opinion of the State Government is important from the military or defence point of view, the members appointed for their special knowledge or practical experience shall include a person suggested by the Government of India in that behalf.]

The State Government may appoint a Vice-Chairman from amongst the other members.

The Town Planning Officer shall be the Secretary to the Regional Board.

[3][(*1A*) Notwithstanding anything contained in sub-section (*1*), the provisions of that sub-section shall not be applicable to the Metropolitan area as defined in clause (*c*) of section 2 of the Maharashtra Metropolitan Planning Committees (Constitution and Functions) Act, 1999 (Mah. V of 2000)].

(*2*) The Regional Board shall have its office at such place as the State Government may appointed, and shall be known by the name specified in the notification constituting it.

1 These words were substitute for the words “not exceeding six” Mah. 24 of 1968, s. 2(*a*).

2 This portion was substituted for the words “and a Town Planning Officer appointed by the State Government” by Mah. 24 of 1968, s. 2(*b*).

3 Sub-section (*1A*) was inserted by Mah. 5 of 2000, Sch.

5. Terms of office and conditions of service of members.— (*1*) [1][Subject to the provisions of sub-section (*3*), the term of office] and conditions of service of the members of a Regional Board shall be such as may be prescribed; and the members shall be entitled to receive such remuneration or allowances, or both, as the State Government may be order determine.

(*2*) If the State Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such members, or should for any other good and sufficient reason be removed, the State Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

[2][(*3*) A member of the State Legislature while holding the office of a member of the Board shall not be entitled to receive any remuneration or allowance other than travelling allowance, daily allowance or such other allowance which is paid to the holder of such office for the purpose only of meeting the

personal expenditure incurred in attending the meeting of the Board or in performing any other functions as holder of such office.]

6. Resignation of members.— Any member of a Regional Board may at any time resign his office by writing under his hand addressed to the State Government, and upon the acceptance thereof, the office of the member shall become vacant.

7. Vacancies.— In the event of a vacancy in the office of any member of a Regional Board, the vacancy shall be filled by the State Government, and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.

8. Powers and duties of Board.— Subject to the provisions of this Act and the rules and regulations made thereunder, it shall be the duty of a Regional Board—

(*a*) to carry out a survey of the Region, and prepare reports on the surveys so carried out;

(*b*) to prepare an existing-land-use map, and such other maps as may be necessary for the purpose of preparing a Regional plan;

(*c*) to prepare a Regional plan;

(*d*) to perform any other duties or functions as are supplemental, incidental or consequential to any of the foregoing duties, or as may be prescribed by regulations.

9. Meeting of Regional Board, etc.— (*1*) The Regional Board shall meet at such times and places as the Chairman may determine and may, subject to the provisions of sub-sections (*2*) and (*3*), make regulations for regulating its procedure and the conduct of its business:

Provided that, after the submission of draft Regional plan to the State Government, the Board shall meet only if so directed by the State Government.

(*2*) The Chairman and in his absence the Vice-Chairman (if any) and in the absence of the Chairman and the Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meetings of the Board.

(*3*) All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting; and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(*4*) Minutes shall be kept of the names of the members present, and others who attend the meetings of the Board under the provisions of this Act, and of the proceedings at each meeting, in a minute book to be kept for this purpose. The minutes shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any member during the office hours.

1 These words, brackets and figure were substituted for the words "The term of office" by Mah. 14 of 1971, s. 2(*a*). 2 Sub-section (*3*) was added by Mah. 14 of 1971, s. 2(*b*).

10. Consultation or association with experts; Regional Planning Committee.— (*1*) A regional Board may, with the previous sanction of the State Government, associate with itself or consult such persons whose assistance or advise it may desire for the purpose of performing any of its functions under this Act. Such persons may be paid by the Regional Board such remuneration or fees as may be sanctioned by the State Government.

(*2*) The person so assisting or advising the Regional Board may take part in the discussions of the Regional Board relevant to the purpose for which he is associated or consulted, but shall not have the right to *vote* at a meeting, or take part in the discussions of the Regional Board relating to matters connected with any other purpose.

(*3*) For the purpose of hearing any suggestions and abjections received after the publication of a draft Regional plan under section 16, a Regional Board shall appoint a Regional Planning Committee consisting of the Town Planning Officer and two other members of the Regional Board.

(*4*) The members of a Regional Planning Committee shall be entitled to such allowances for performing its functions under this Act as may be prescribed.

11. Power of Regional Board to appoint staff.— (*1*) For the efficient performance of its functions under this Act, a Regional Board, or an officer authorised by it, may appoint such officer and other staff as may be necessary. The officers and staff so appointed shall be entitled to receive such salaries or allowances, and shall be governed by such terms and conditions of service, as may be determined by the State Government.

(*2*) The officers and staff appointed by the Regional Board shall work under the superintendence and control of the Chairman.

12. Expenses of Regional Board.— All expenses incurred by a Regional Board, including expenses incurred on account of salaries, allowances, fees and other remunerations payable to its members and to its officer and other staff (not being salaried Government officers or staff) shall be met from such funds as may be placed at the disposal of the Board by the State Government.

(*c*) *Regional plans.*

13. Survey of Region and preparation of Regional plan.— Subject to the provisions of this Act and the rules and regulations made thereunder, a Regional Board shall, with a view to securing planned development and use of land in a Region, carry out a survey thereof, prepare an existing-land-use map thereof, and other maps as are necessary for the purpose of preparing the Regional plan, and shall, within such period or periods as the State Government may from time to time determine in this behalf, prepare a report of the surveys, prepare the Regional plan and such other documents, maps and information as the Regional Board may deem fit for illustrating or explaining the provisions of the Regional plan.

14. Contents of Regional plan.— Subject to the provisions of this Act and any rules made thereunder for regulating the form of a Regional plan and the manner in which it may be published, any such Regional plan shall indicate the manner in which the Regional Board propose that land in the Region should be used, whether by carrying out thereon development or otherwise, the stages by which any such development is to be carried out, the net-work of communications and transport, the proposals for conservations and development of natural resources, and such other matters as are likely to have an important influence on the development of the Region; and any such plan in particular, may provide for all or any of the following matters, or for such matters thereof as the State Government may direct, that is to say—

(*a*) allocation of land for different uses, general distribution and general locations of land, and the extent to which the land may be used as residential, industrial, agricultural, or as forest, or for mineral exploitation;

(*b*) reservation of areas for open spaces, gardens, recreation, zoological gardens, nature reserves, animal sanctuaries, dairies and health resorts;

(*c*) transport and communications, such as roads, highways, railways, waterways, canals and airports, including their development;

(*d*) water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas;

(*e*) reservation of site for new towns, industrial estates and may other large scale development or project which is required to be undertaken for proper development of the Region or new town;

(*f*) preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources, and land-scaping;

(*g*) preservation of objects, features, structures or places of historical, natural, architectural or scientific interest and educational value;

(*h*) areas required for military and defence purposes;

(*i*) prevention of erosion, provision for afforestation, or reforestation, improvement and redevelopment of water front areas, river and lakes;

(*j*) proposals for irrigation, water supply and hydro-electric works, flood control and prevention of river pollution;

(*k*) providing for the relocation of population or industry from over-populated and industrially congested areas, and indicating the density or population or the concentration of industry to be allowed in any areas;

[1][(*l*) provision for permission to be granted for controlling and regulation the use and development of land within the jurisdiction of a local authority or the Collector, as the case may be, including imposition of fees, charges and premium, at such rate as may be fixed by the State Government or the Planning Authority, from time to time, for grant of an additional Floor Space Index or for the special permissions or for the use of discretionary powers under the relevant Development Control Regulations, and also for imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of population allowed in a specified area, the use and purposes to which buildings or specified areas of land may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking spaces and loading and unloading space for any building and the sizes of projections and advertisement signs and hoardings and other matters may be considered necessary for carrying out the objects of this Act.]

15. Submission of Regional plan to State Government for approval.— (*1*) Every Regional plan shall be submitted to the State Government together with all connected documents, maps and plans for approval. The State Government may within the prescribed period, by notification in the *Official Gazette*,either approve the Regional plan without modification for the whole Region, or any part thereof, or with such modifications as it may consider necessary, or reject the plan with a direction to the Regional Board to prepare a fresh plan according to such direction.

(*2*) The State Government may, pending approval of the entire Regional plan, by a like notification approve separately any proposals or part of the Regional plan; and any proposals or part so approved shall, on approval of the entire Regional plan, from part of the entire plan so approved.

16. Procedure to be followed in preparing and approving Regional plans.— (*1*) Before preparing any Regional plan and submitting it to the State Government for approval, every Regional Board shall, after carrying out the necessary surveys and preparing an existing-land-use map of the Region, or such other maps as are considered necessary, prepare a draft Regional plan [2][and publish a notice in the *Official Gazette* and in such other manner as may be prescribed, stating that the draft

1 Clause (*l*) was added by Mah. 43 of 2014, s. 6, *w.e.f.* 22-4-2015.

2 This portion was substituted for the portion beginning with "and publish it" and ending with "by rules made in this behalf inviting" by Mah. 6 of 1976, s. 3(*1*)(*a*).

Regional plan has been prepared. The notice shall state the name of the place where a copy of such plan shall be available for inspection by the public at all reasonable hours mentioned therein and that copies thereof or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price and invite] objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice, such date not being earlier than four months from the publication of the notice. [1][The notice shall also state that copies of the following particulars in relation to the draft Regional plan are also available for inspection by the public and copies thereof or extracts therefrom certified to be correct are also available for sale to the public at a reasonable price at the place so named, namely :—]

(*a*) a report on the existing-land-use map and the regional survey carried out as aforesaid;

(*b*) maps, charts and a report illustrating and explaining the provisions of the draft Regional plan and indicating the priorities of work to be executed thereunder;

(*c*) a report of the stages of the development programme by which it is proposed to execute the Regional plan; and

(*d*) recommendations to the State Government regarding the directions to be issued to the local authority in the Region and the different departments of the State Government, if any, in respect of enforcement and implementation of the proposals contained in the draft Regional plan.

(*2*) The Regional Board shall refer the objections, suggestions and representations received by it to the Regional Planning Committee appointed under section 10 for consideration and report.

(*3*) The Regional Planning Committee shall, after giving a reasonable opportunity to all persons affected by the Regional plan of being heard, submit its report to the Regional Board together with all connected documents, maps, charts and plans within such time as may from time to time be fixed in that behalf by the Regional Board.

(*4*) After considering the report of the Regional Planning Committee, and the suggestions, objections and representation, the Regional Board shall prepare the Regional plan containing such modifications, if any, as it considers necessary, and submit it to the State Government for approval, together with the report of the Regional Planning Committee and all connected documents, plans, maps and charts.

17. Publication of Regional plan and date of its operation.— Immediately after a Regional plan is approved by the State Government, the State Government shall publish, in such manner as may be prescribed by rules as is calculated to bring to the notice of all persons concerned; and in particular, to all persons affected by the Regional plan, a notice stating that the Regional plan has been approved, and naming a place where a copy of the Regional plan may be inspected at all reasonable hours, [2][and stating also that copies thereof or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price,] and shall specify therein a date (not being earlier that sixty days from the date of publication of the said notice) on which the Regional plan shall come into operation and the plan which has come into operation shall be called the "final Regional plan".

18. Restriction on change of user of land or development thereof.— [3][(*1*) No person shall, on or after the publication of the of the notice that the draft Regional plan has been prepared or the draft Regional plan has been approved, institute or change the use of any land for any purpose other than agriculture or carry out any development in respect of any land without the previous permission,—

(*i*) in case the land is situated in the limits of Municipal Corporation or a Municipal Council, or a *Nagar Panchayat* or a Special Planning Authority or any other planning authority, of such Municipal Corporation or Municipal Council, *Nagar Panchayat* or Special Planning Authority or other planning Authority, as the case may be, or

1 These words were substituted for the words "The publication of a draft Regional plan may in particular include—" by Mah. 6 of 1976, s. 3(*1*)(*b*).

2 These words were inserted by Mah. 6 of 1976, s. 4.

3 Sub-section (*1*) was substituted by Mah. 43 of 2014, s. 7(*a*), *w.e.f.* 22-4-2015.

(*ii*) in case the land is situated in the *gaothan,* with the meaning of clause (*10*) of sections 2 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), of the village panchayat concerned, or

(*iii*) in case the land is situated in areas other than those mentioned in clauses (*i*) and(*ii*) above, of the Collector of the District:

Provided that, the Collector may delegate his powers under this clause to an officer not below the rank of Tahsildar.

Explanation.— For the removal of doubt, it is hereby declared that, no such permission of the Collector shall be required in the gaothan area of a revenue village within the meaning of clause (*10*) of section 2 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).]

[1][(*2*) Notwithstanding anything contained in any other law for the time being in force, the Village Panchayat or, as the case may be, the Collector, in considering application for permission shall have due regard to the provisions of any draft or Regional plan or proposal published by means of a notice under this Act.]

[2][(*2A*) (*i*) The provisions of section 52, 53, 54, 55, 56, 57 and 58 shall apply *mutatis mutandis* to the unauthorized development carried out in the area of Regional plan, as they apply to the unauthorized development carried out in the area of a Planning Authority; and

(*ii*) the Collector shall be authority Competent to take action in respect of such unauthorized development.

(*2B*) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may, upon a request made by the Collector, specify the terms and conditions on compliance of which and the compounding charges [3][, infrastructure charges and premium] on payment of which the Collector may declare an unauthorized structure to be a compounded structure:

Provided that, on declaration of an unauthorised structure as compounded structure, the proceedings under any law for the time being in force against such structure initiated by the Collector shall stand abated, and if such proceedings are yet to be initiated, no proceedings shall be maintainable:

Provided further that, no further construction shall be permissible in any compounded structure, other than repairs and maintenance, and any redevelopment or reconstruction of such structure shall be only as per the provisions of the prevailing Development Control Regulations.]

[4][(*3*) Without prejudice to the provisions of sub-sections (*1*) and (*2*) or any other provisions of this Act, any person intending to execute [5][an Integrated Township Project] on any land, may make an application to the State Government, and on receipt of such application the State Government may, after making such inquiry as it may deem fit in that behalf, grant such permission and declare such project to be [6][an Integrated Township Project] by notification in the *Official Gazette* or reject the application.]

19. Exclusion of claims for compensation for injurious affection.— No compensation shall be awarded—

(*a*) if and in so far as any property or any right or interest therein alleged to be injuriously affected by reason of the provisions contained in any plan or scheme, is subject to substantially similar restrictions in force, under some other law which was in force on the date on which, such injurious affection took place or the restrictions were imposed by this Act;

(*b*) if compensation in respect of such injurious affection or restrictions imposed under this Act or substantially similar injurious affection or restriction in force under any other law has

1 Sub-section (*2*) was substituted by Mah. 43 of 2014, s. 7(*b*), *w.e.f.* 22-4-2015.

2 Sub-section (*2A*) and (*2B*) were inserted by Mah. 43 of 2014, s. 7(*c*), *w.e.f.* 22-4-2015.

3 These words were inserted by Mah. 32 of 2017, s. 3.

4 This sub-section was added by Mah. 22 of 2005, s. 3.

5 These words were substituted for the words "a Special Township Project" by Mah. 43 of 2014, s. 7(*d*), *w.e.f.* 22-4-2015. 6 These words were substituted for the words "a Special Township Project" by Mah. 43 of 2014, s. 7(*d*), *w.e.f.* 22-4-2015.

already been paid in respect of the property or any right or interest therein to the claimant or to any predecessor in interest of the claimant.

20. [1][Revision or modification] of Regional plan.— (*1*) If the State Government at any time after a Regional plan has come into operation, but not earlier than ten years therefrom is of the opinion that revision of such Regional plan is necessary and there is no Regional Board for the Region to which plan relates, to undertake such revision, the State Government may constitute a Regional Planning Board under

section 4, or a Regional Board may, with the previous approval of the State Government, also revise the Regional plan; and thereupon, the foregoing provisions of this Chapter shall, so far as they can be made applicable, apply to the revision of the Regional plan as those provision apply in relation to the preparation, [2][publication of notice] an approval of a Regional plan.

[3][(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may, at any time after a Regional Plan has come into operation, make any modification in such plan in the manner hereinafter provided if in its opinion such modification is necessary for the [4][development] of the Region for which such plan has been prepared and approved.

(*3*) For the purpose of modifying a Regional plan under sub-section (*2*) the State Government shall publish a notice in the *Official Gazette* announcing its intention to make the modification specified in the notice and invite objections or suggestions from any person with respect to such modification in writing with reasons therefor within such period as may be specified in the notice. The notice shall also be published in at least one newspaper having wide circulation in the Region and in such other manner as the State Government may think fit in the circumstances of each case.

(*4*) After considering the objections and suggestions in respect of the draft modification under sub-section (*2*), the State Government may approve the modification of the Regional plan with such amendments, if any, as it may think fit, [5][or decide not to accord approval] and shall publish a notification in the *Official Gazette*,stating that the modification of the Regional plan specified therein [6][has been approved with or without amendment or has not been approved, as the case may be. In case the modification is approved, then such notification] shall also state the place where a copy of modification to the Regional plan may be inspected at all reasonable hours, and shall specify therein a date on which the modification of the plan shall come into operation.]

CHAPTER III

DEVELOPMENT PLAN

[7][(*a*)*Declaration of intention, preparation, submission and sanction to Development plan.*]

21. Development plan.— (*1*)As soon as may be after the commencement of this Act, but not later than three years after such commencement, and subjects however to the provisions of this Act, every Planning Authority shall carry out a survey, prepare an existing land-use map and prepare [8]* a draft Development plan for the area within its jurisdiction, in accordance with the provisions of a Regional plan, where there is such a plan [9][, publish a notice in the *Official Gazette* and in such other manner as may be prescribed stating that the draft Development plan has been prepared] and submit the plan to the State Government for sanction. The Planning Authority shall also submit a quarterly Report to the State Government about the progress made in carrying out the survey and preparing the plan.

1 These words were substituted for the word "Revision" by Mah. 6 of 1976, s. 6(*c*).

2 These words were substituted for the word "publication" by Mah. 6 of 1976, s. 6(*a*).

3 Sub-section (*2*), (*3*) and (*4*) were substituted for sub-section (*2*) and (*3*) by Mah. 6 of 1976, s. 6(*b*).

4 This word was substituted for the words "balance development" by Mah. 43 of 2014, s. 8(*a*), *w.e.f.* 22-4-2015. 5 These words were inserted by Mah. 43 of 2014, s. 8(*b*)(*i*).

6 This portion was substituted for the portion beginning with the words "has been approved" and ending with the words "the notice" by Mah. 43 of 2014, s. 8(*b*)(*ii*).

7 This sub-heading was substituted for the sub-heading "(*a*) *Preparation, submission and sanction to Development plan.*" by Mah. 5 of 2014, s. 2, *w.e.f.* 4-10-2013.

8 The words "and publish" were deleted by Mah. 6 of 1976, s. 7(*a*)(*i*).

9 These words were inserted by Mah. 6 of 1976, s. 7(*a*)(*ii*).

(*2*) Subject to the provisions of this Act, every Planning Authority constituted after the commencement of this Act shall, not later than three years from the date of its constitution, [1][[2][declare [1][[2][declare its intention to prepare a draft Development plan, prepare such plan and publish a notice of such preparation in the *Official Gazette*] and in such other manner as may be prescribed] and [3][submit the draft Development plan] to the State Government for sanction.

[4][(*3*) On an application made by any Planning Authority, the State Government may, having regard to the permissible period specified in the preceding sections, from time to time, by order in writing and for adequate reasons to be adequate reasons to be specified in such order, extend such period.]

(*4*) [5][If the declaration of intention to prepare Development plan under section 23 is not made of if the draft Development plan is not submitted] to the State Government as aforesaid for sanction by any Planning Authority within the period specified or within the extended period, [6][the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an officer not below the rank of an Assistant Director of Town Planning nominated by him, as the case may be, may after declaring the intention, carry out necessary survey of the area and prepare an existing-land-use map in consultation with the Director of Town Planning and] [7][prepare such Development plan and such plan has been prepared and submit it to the State Government for sanction,] any may recover the cost thereof from the funds of that Planning Authority, notwithstanding anything contained in any law relating to the said fund. Such officer shall exercise all the powers and perform all the functions of a Planning Authority which may be necessary for the purposes of preparing [8][a Development plan and publishing a notice as aforesaid and submitting to the State Government for sanction].

[9][(*4A*) If at any stage of preparation of the draft Development plan, the time fixed under sections [10]* 25, 26 [11]* and 30 for doing anything in the said sections lapses, the Planning Authority shall be deemed to have failed to perform its duty imposed upon it by or under the provisions of this Act and any work remaining to be done upto the stage of submission of the draft Development plan under section 30 shall be completed by [12][the concerned Divisional Joint Director or Deputy Director of Town Planning and Valuation Department or an officer nominated by him not below the rank of an Assistant Director of Town Planning, as the case may be.] The said officer shall exercise all the powers and perform all the duties of a Planning Authority which may be necessary for the purpose of preparing a Development plan and submitting it to the State Government for sanction and may, notwithstanding anything contained in any other law relating to the funds of the Planning Authority, recovery the cost thereof from such funds:]

1 These words were substituted for the words "prepare a draft Development plan and publish a notice of such preparation of the *Official Gazette*" by Mah. 5 of 2014, s. 3(*a*), *w.e.f.* 4-10-2013.

2 These words were substituted for the words "and publish in the prescribed manner a draft Development plan," by Mah. 6 of 1976, s. 7(*b*)(*i*).

3 These words were substituted for words "submit it" by Mah. 6 of 1976, s. 7(*b*)(*ii*).

4 Sub-section (*3*) was substituted by Mah. 10 of 2011, s. 2(*1*).

5 These words and figures were substituted for the words "If the draft Development plan is not submitted" by Mah. 5 of 2014, s. 3(*b*)(*1*), *w.e.f.* 4-10-2013.

6 These words were substituted for the words "the concern Divisional Deputy Director of Town Planning or an officer nominated by him who is not below the rank of Assistant Director of Town Planning may, after carrying out the necessary survey of the area and preparing and existing-land-use map in consultation with the Director of Town Planning" by Mah. 5 of 2014, s. 3(*b*)(*2*), *w.e.f.* 4-10-2013.

7 These words were substituted for the words "prepare and publish in the prescribed manner, such Development plan" by Mah. 6 of 1976, s. 7(*c*)(*i*).

8 These words were substituted for the words "and publishing a Development Plan" by Mah. 6 of 1976, s. 7(*c*)(*ii*). 9 Sub-section (*4A*) was inserted by Mah. 10 of 2011, s. 2(*3*).

10 The figures "23," and ", 28" were deleted by Mah. 5 of 2014, s. 3(*c*)(*1*), *w.e.f.* 4-10-2013.

11 The figures "23," and ", 28" were deleted by Mah. 5 of 2014, s. 3(*c*)(*1*), *w.e.f.* 4-10-2013.

12 These words were substituted for the words "the concern Divisional Deputy Director of Town Planning or an officer nominated by him who is not below the rank of Assistant Director of Town Planning" by Mah. 5 of 2014, s. 3(*c*)(*2*), *w.e.f.* 4-10-2013.

[1][Provided that, the said Officer shall exercise all the power and perform all the duties of the Planning Authority within such period as may be specified by an order by the Director of Town Planning, having regard to the stage of preparation of Development plan:

Provided further that, the said period specified under the first proviso shall not exceed the original period stipulated under the relevant section.]

(*5*) If any local authority which is a Planning Authority is converted into, or amalgamated with, any other local authority or is sub-divided into two or more local authorities, the Development plan prepared for the area by that Planning Authority so converted, amalgamated or sub-divide shall, with such alterations and modifications, as the State Government may approve be the Development plan for the area of the new Planning Authority or Authorities into or with which the former Planning Authority is converted, amalgamated or sub-divided.

22. Contents of Development plan.— A Development plan shall generally indicate the manner in which the use of land in the area of a Planning Authority shall be regulated, and also indicate the manner in which the development of land therein shall be carried out. In particular, it shall provide so far as may be necessary for all or any of the following matters, that is to say,—

(*a*) proposals for allocating the use of land for purposes, such as residential, industrial, commercial, agricultural, recreational;

(*b*) proposals for designation of land for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment, or public assembly, museums, art galleries, religious buildings and government and other public buildings as may from time to time be approved by the State Government;

(*c*) proposals for designation of areas for open spaces, playgrounds, stadia, zoological gardens, green belts, nature reserves, sanctuaries and dairies;

(*d*) transport and communications, such as roads, high-ways, park-ways, railways, water-ways, canals and air ports, including their extension and development;

(*e*) water supply, drainage, sewerage, sewage disposal, other public utilities, amenities and services including electricity and gas;

(*f*) reservation of land for community facilities and services;

(*g*) proposals for designation of sites for service industries, industrial estates and any other development on an extensive scale;

(*h*) preservation, conservation and development of areas of natural scenery and landscape;

(*i*) preservation of features, structures or places of historical, natural, architectural and scientific interest and educational value [2][and of heritage buildings and heritage precincts];

(*j*) proposals for flood control and prevention of river pollution;

(*k*) proposals of the Central Government, a State Government, Planning Authority or public utility undertaking or any other authority established by law for designation of land as subject to acquisition for public purpose or as specified in a Development plan, having regard to the provisions of section 14 or for development or for securing use of the land in the manner provided by or under this Act;

(*l*) the filling up or reclamation of low lying, swampy or unhealthy areas or levelling up of land;

(*m*) provisions for permission to be granted for controlling and regulating the use and development of land within the jurisdiction of a local authority [3][including imposition of fees,

1 These provisos were added by Mah. 5 of 2014, s. 3(*c*)(*3*), *w.e.f.* 4-10-2013.

2 These words were added by Mah. 39 of 1994, s. 3.

3 This portion was substituted for the words "including imposition of" *w.e.f.* 11th January 1967 by Mah. 29 of 2010, s. 2.

charges and premium, at such rate as may be fixed by the State Government or the planning Authority, from time to time, for grant of an additional Floor Space Index or for special permissions

or for the use of discretionary powers under the relevant Development Control Regulations, and also for imposition of] conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of population allowed in a specified area, the use and purposes to which buildings or specified areas of land may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable users of land in any area in reasonable periods, parking space and loading and unloading space for any building and the sizes of projections and advertisement signs and boardings and other matters as may be considered necessary for carrying out the objects of this Act.

[1][**22A. Modifications of a substantial nature.—** In section 31, the expression "of a substantial nature" used in relation to the modifications made by the State Government in the draft Development Plan means,—

(*a*) any modification to a reserved site resulting in reduction of its area by more than fifty per cent. or reduction of such amenity in that sector by an area of more than ten per cent. in the aggregate;

(*b*) insertion of a new road or a new reservation or modification of a reserved site or a proposed road or a proposed road widening resulting in inclusion of any additional land not so affected previously;

(*c*) change in the proposal of allocating the use of certain lands from one zone to any other zone provided by clause (*a*) of section 22, which results in increasing the area in that other zone by more than ten per cent. in the same planning unit or sector in a draft Development plan;

(*d*) alteration in the Floor Space Index beyond ten per cent. of the Floor Space Index prescribed in the Development Control Regulation.]

(*b*) *Procedure to be followed in preparing and sanctioning Development plans.*

23. Declaration of intention to prepare development plan.— (*1*) A planning Authority shall, before carrying out a survey and preparing an existing-land-use map of the area as provided in section 21, by a resolution make a declaration of its intention to prepare a Development plan; and shall despatch a copy of such resolution with a copy of a plan showing only the boundary of the entire area proposed to be included in the Development plan to the State Government. [2][The said Officer] shall also make a similar declaration and submit a copy thereof to the State Government. The Planning Authority or the said Officer, as the case may be, shall also publish a notice of such declaration in the *Official Gazette*, and also in one or more local newspapers in the prescribed manner, inviting suggestions or objections from the public within a period of not less than sixty days from the publication of the notice in the *Official Gazette*.

(*2*) A copy of the aforesaid plan shall be open to the inspection of the public at all reasonable hours at the head office of the Planning Authority and Local Authority.

[3][**24.Town Planning Officer.—** Every Planning Authority shall, at the time of declaration of intention to prepare Development plan, resolve to appoint a person possessing such qualification as may be prescribed, to be the Town Planning Officer for carrying out survey of the area of a Planning Authority, preparing an existing-land-use map thereof and formulating proposals of a Development plan of that area for submission to the Planning Authority. Thereafter, the Planning Authority shall, with the previous sanction of the State Government, appoint such person as a Town Planning Officer.]

1 Section 22A was substituted by Mah. 10 of 2011, s. 3.

2 These words were substituted for the portion beginning with the words "The Officer" and ending with the words and bracket "the said Officer," by Mah. 39 of 1994, s. 5.

3 Section 24 was substituted by Mah. 10 of 2011, s. 4.

25.Provision for survey and preparation of existing-land-use map.— After the declaration of intention of a Planning Authority or the said Officer to prepare a Development plan but not later than six

months from the date of such declaration or not later than such further time as the State Government may from time to time extend, a Planning Authority or the said Officer shall carry out a survey of the lands within the jurisdiction of the Planning Authority and prepare an existing-land-use map indicating the existing use of land therein:

[1][Provided that, the period so extended shall not in any case exceed one year in the aggregate.]

26.[2][Preparation and publication of notice] of draft Development plan.— (*1*) Subject to the provisions of section 21, a Planning Authority, or the said Officer shall, not later than two years from the date of notice published under section 23, [3][prepare a draft Development plan and publish a notice in the *Official Gazette*, and in such other manner as may be determined by it stating that the Development plan has been prepared. The notice shall state the name of the place where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to the public at a reasonable price, and inviting] objections and suggestions within a period of [4][thirty days] from the date of notice in the *Official Gazette*:

[5][Provided that, in case of a Municipal Corporation having population of ten lakhs or more as per the latest census, the period for inviting objections and suggestions shall be sixty days from the date of notice in the *Official Gazette*:]

[6][Provided further that], the State Government may, on an application of the Planning Authority, by an order in writing, and for reasons to be recorded from time to time extend the period for preparation [7][and publication of notice] of the draft Development plan.

[8][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, [9][in case of Municipal Corporation or Planning Authority, as the case may be,] having population of ten lakhs or more but less than one crore, as per the latest census figure; and

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

(*2*) [10][The notice shall also state that copies of the following particulars in relation to the draft Development plan are also available for inspection by the public and copies thereof, or extracts therefrom certified to be correct, are also available for sale to the public at a reasonable price at the place so named, namely :—]

(*i*) a report on the existing-land-use map and the surveys carried out for the purpose of preparation of the draft plan;

(*ii*) maps, charts and a report explaining the provisions of the draft Development plan;

[11][(*ii-a*) map showing the planning units or sectors unalterable till the Development plan is revised;]

1 This proviso was added by Mah. 5 of 2014, s. 4, *w.e.f.* 4-10-2013.

2 These words were substituted for the word "publication" by Mah. 6 of 1976, s. 8(*3*).

3 This portion was substitute for the words beginning with "prepare and publish" and ending with the words "inviting" by Mah. 6 of 1976, s. 8(*1*)(*a*).

4 These words were substituted for the words "sixty days" by Mah. 10 of 2011, s. 5(*1*).

5 This proviso was inserted by Mah. 5 of 2014, s. 5(*1*), *w.e.f.* 4-10-2013.

6 These words were substituted for the words "Provided that" by Mah. 5 of 2014, s. 5(*2*), *w.e.f.* 4-10-2013.

7 These words were substituted for the words "and publication" by Mah. 6 of 1976, s. 8(*1*)(*b*).

8 This proviso was substituted by Mah. 38 of 2014, s. 2, *w.e.f.* 4-10-2013.

9 These words were substituted for the words "in case of Municipal Corporation" by Mah. 19 of 2020, s. 2.

10 This portion was substituted for the words "The following particular shall be published alongwith the draft Development Plan namely :—" by Mah. 6 of 1976, s. 8(*2*).

11 Clause (*ii-a*) was inserted by Mah. 39 of 1994, s. 6.

(*iii*) regulations for enforcing the provisions of the draft Development plan and explaining the manner in which the permission for developing any land may be obtained from the Planning Authority or the said officer, as the case may be;

(*iv*) a report of the stages of development by which it is proposed to meet any obligation imposed on the Planning Authority by the draft Development plan;

(*v*) an approximate estimate of the cost involved in acquisition of lands required by the Planning Authority for the public purposes, and also cost of works, as may be necessary.

27. Provision of Regional plan to be considered.— Where any area within the jurisdiction of a Planning Authority is included in a Region, the Planning Authority or as the case may be, the said Officer shall have regard to, and be guided by, the proposals made in any draft Regional plan or any final Regional plan, as the case may be, while preparing the draft Development plan:

Provided that, where the Planning Authority or the said Officer is of the opinion that any provision of a draft Regional plan or the final Regional plan, as the case may be needs any modification, the Planning Authority or as the case may be, the said Officer may carry out such modification—

(*a*) in the case of a draft Regional plan, with the concurrence of the Regional Board; and

(*b*) in the case of a final Regional plan, with the approval of the State Government.

28. Objections to draft Development plan.— (*1*) Subject to the provisions of this Act, if within the time allowed under sub-section (*1*) of section 26 any person communicates in writing to the Planning Authority or the said Officer any suggestion or objection relating to the draft Development plan, the Planning Authority or the said officer may, after considering the report of the Planning Committee under sub-section (*2*) and the suggestions or objections received by it or him, modify or change the plan in such manner as it or he thinks fit.

(*2*) The Planning Authority or the said Officer shall forward all objections and suggestions received by it to a Planning Committee [1][consisting of three members of the Standing Committee of the Planning Authority and such additional number of persons, not exceeding four, [2][appointed by the Director of Town Planning] having special knowledge or practical experience of matters relating to town and country planning or environment or relating to both] for consideration and report:

Provided that, where a Planning Authority is not a local authority, the Planning Committee shall consist of such members as the Planning Authority [3]* * * may determine:

[4][Provided further that, where the Divisional Joint Director or Deputy Director of the Town Planning and Valuation Department or an Officer nominated by him under sub-section (*4*) of section 21, as the case may be, exercises the powers and performs the duties of the Planning Authority, then the Planning Committee may consist of such Divisional Joint Director or Deputy Director or, as the case may be, of such officer.]

[5][[6][Provided also that], where the State Government or any person or persons appointed under section 162, exercise the powers and perform the duties of a Planning Authority or Development Authority, then the Planning Committee may consist of the State Government or the person or persons so appointed:]

[7][Provided also that, the Planning Committee contemplated in the preceding provisos shall also consist of such additional number of persons, not exceeding four, appointed by [8][the Director of Town

1 This portion was substitute for the portion beginning with the words "consisting of" and ending with the words "Planning Authority" by Mah. 39 of 1994, s. 7(*a*).

2 These words were substituted for the words "appointed by the State Government" by Mah. 10 of 2011, s. 6(*1*)(*a*). 3 The words "or as the case may be, the said Officer" were deleted by Mah. 6 of 1976, s. 9(*a*)(*i*).

4 This proviso was substituted for the second proviso by Mah. 5 of 2014, s. 6(*a*).

5 This proviso was added by Mah. 30 of 1972, s. 3.

6 These words were substituted for the words "Provided further that" by Mah. 6 of 1976, s. 9(*a*)(*iii*).

7 This proviso was added by Mah. 39 of 1994, s. 7(*b*).

8 These words were substituted for the words "the State Government" by Mah. 10 of 2011, s. 6(*1*)(*c*).

Planning] having special knowledge or practical experience of matters relating to town and country planning or environment or relating to both].

(*3*) The Planning Committee, [1]* * * * shall, on receipt of objections and suggestions, make such enquiry as it [2]* * * may consider necessary, and give a reasonable opportunity of being being heard to any person including representatives of Government departments who may have filed any objection or made any suggestions in respect of the draft Development plan and after considering the same, the Planning Committee shall submit its report to the Planning Authority or as the case may be, the said Officer [3][within a period of two months from the date of its appointment or within such extended period as the Planning authority may specify] [4]* * *.

[5][(*4*) Not later than two months, after the receipt of the report of the Planning Committee, the Planning Authority or the said officer shall consider the report including the objections and suggestions received by it or him and make a list of such modifications or changes and carry out the same in the draft Development plan, as it or he may consider proper. The Planning Authority or the said officer shall publish, in the *Official Gazette* and in not less than two local newspapers, the list of modifications or changes made in the draft Development plan for information of the public.]

29. [6]* * *

30. Submission of draft Development plan.— (*1*) The Planning Authority or as the case may be, the said Officer shall submit the draft Development Plan [7][along with the list of modifications or changes made in the draft Development plan under sub-section (*4*) of section 28 to the State Government for sanction within a period of [8][twelve months]] [9][from the date of publication of the notice in the *Official Gazette* regarding its preparation] under section 26:

[10][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, extended 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 [11][in case of Municipal Corporation or Planning Authority, as the case may be] 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.]

(*2*) The [1][particulars referred to in] sub-section (*2*) of section 26 shall also be submitted to the State Government.

1 The words "or as the case may be, the said Officer" were deleted by Mah. 6 of 1976, s. 9(*b*)(*i*).

2 The words "or he" were deleted by Mah. 6 of 1976, s. 9(*b*)(*ii*).

3 These words were substituted for the words "Not later than two months from the date of its appointment" by Mah. 5 of 2014, s. 6(*b*), *w.e.f.* 4-10-2013.

4 The portion beginning with the words "or such further time" and ending with the words "or the said officer in this behalf" was deleted by Mah. 10 of 2011, s. 6(*2*).

5 Sub-section (*4*) substituted by 10 of 2011, s. 6(*3*).

6 Section 29 was deleted by Mah. 10 of 2011, s. 7.

7 This portion was substituted by for the portion beginning with the words "to State Government" and ending with the words "twelve months" by Mah. 10 of 2011, s. 8(*1*).

8 These words were substituted for the words "six months" and shall be substituted with effect from 23rd March 2020 by Mah. 29 of 2024, s. 2.

9 These words were substituted for the words "from the date of application" by Mah. 6 of 1976, s. 11(*a*).

10 This proviso was substituted by Mah. 38 of 2014, s. 3, *w.e.f.* 4-10-2013.

11 These words were substituted for the words "in case of Municipal Corporation" by Mah. 36 of 2023, s. 2.

31.Sanction to draft Development plan.— (*1*) Subject to the provisions of this section, and not later than [2][twelve months] from the date of receipt of such plan from the Planning Authority, or as the case may be, from the said Officer, [3]* * * * the State Government may, after consulting the Director of Town Planning by notification in the *Official Gazette* sanction the draft Development plan submitted to it for the whole area, or separately for any part thereof, either with 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:

[4][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 as may be specified in the notification:]

[5][Provided further that, where the modifications proposed to be made by the State Government or submitted by the Planning Authority under section 30 and proposed to be approved by the State Government without any further change are of a substantial nature with respect to the draft Development plan published under section 26, the Government shall publish a notice in the *Official Gazette* and also in not less than two local newspapers inviting objections and suggestions from any person in respect of the proposed modifications within a period of one month, from the date of such notice:]

[6]* * * * *

(*2*) The State Government may appoint an officer of rank not below that of a [7][Group A officer] and direct him to hear any such person in respect of such objections and suggestions and submit his report thereon to the State Government [8][within one year from the date of publication of notice under second proviso to sub-section (*1*)].

(*3*) The State Government shall before according sanction to the draft Development plan take into consideration such objections and suggestions and the report of the officer:

[9][Provided that, the time-limits as provided in sub-sections (*1*) and (*2*) shall not apply for according sanction to the modifications published under sub-section (*1*):

Provided further that, the Government shall take final decision regarding such modifications within one year from the date of receipt of the report from the officer appointed under sub-section (*2*).]

(*4*) The State Government shall fix in the notification under sub-section (*1*) a date not earlier than one month from its publication on which the final Development plan shall come into operation.

[10][(*4A*) The State Government may, by notification in the *Official Gazette*, delegate all the powers and functions under this section to the Director of Town Planning in such cases and subject to such conditions, if any, as may be specified in such notification.]

(*5*) If a Development plan contains any proposal for the designation of any land for a purpose specified in clauses (*b*) and (*c*) of section 22, and if such land does not vest in the Planning Authority,

1 These words were substituted for the words "particulars published under" by Mah. 6 of 1976, s. 11(*b*).

2 These words were substituted for the words "six months" and shall be substituted with effect from 23rd March, 2020 by Mah. 29 of 2024, s. 3(*i*).

3 The words "or not later than such further period not exceeding twelve months as it may decide" were deleted by Mah. 6 of 1976, s. 12(*a*).

4 This proviso was substituted by Mah. 29 of 2024, s. 3(*ii*), *w.e.f.* 23-3-2020.

5 This proviso was substituted for the second proviso by Mah. 10 of 2011, s. 9(*1*)(*c*).

6 The third and fourth provisos shall be deleted by Mah. 29 of 2024, s. 3(*iii*).

7 These words and letter were substituted for the words and figure "Class I officer" by Mah. 5 of 2014, s. 8(*b*)(*i*), .-*w.e.f.* 4-10-2013.

8 These words were inserted by Mah. 5 of 2014, s. 8(*b*)(*ii*), *w.e.f.* 4-10-2013.

9 These provisos were added by Mah. 5 of 2014, s. 8(*c*), *w.e.f.* 4-10-2013.

10 Sub-section (*4A*) was inserted by Mah. 10 of 2011, s. 9(*2*).

the State Government shall not include that purpose in the Development plan, unless it is satisfied that the Planning Authority will be able to acquire such land by private agreement or compulsory acquisition not later than ten years from the date on which the Development plan comes into operation.

(*6*) A Development plan which has come into operation shall be called the "final Development plan" and shall, subject to the provisions of this Act, be binding on the Planning Authority.

(*c*) *Provisions for preparation of interim Development plans, plans for areas of Comprehensive development, etc.*

32.Interim Development plan.— (*1*) Pending the preparation of a draft Development plan, a Planning Authority may, where it considers it expedient, and shall, when so directed by the State Government, prepare [1]* * an interim Development plan for the entire area within the jurisdiction of the the Planning Authority, or for any part thereof [2][and publish a notice in the *Official Gazette* and in such such other manner as may be prescribed regarding its preparation]; and thereupon, the provisions of sections 25, 26, 27, 28, [3]* * 30 and 31 shall, so far as may be, but subject to the provisions of this sections, apply in relation to such interim Development plan as they apply in relation to the preparation [4][and publication of notice] of a Development plan.

(*2*) The Planning Authority shall prepare [5][such plan and publish the notice referred to in sub-section (*1*)] not later than one year from the date of notice in the *Official Gazette* of its declaration of intention to prepare a draft Development plan or not later than such further period not exceeding twelve months as may be extended by the State Government.

(*3*) The interim Development plan shall provide only for matters mentioned clauses (*a*), (*b*) and (*c*) of section 22, and if necessary, such other matters of that section as the Planning Authority may decide to include or as may be directed by the State Government.

(*4*) The interim Development plan shall consist of such maps and such descriptive matter as the Planning Authority may consider necessary to explain and illustrate the proposals made in such plan.

33.Plans for areas of Comprehensive development.— (*1*) Any time after [6][the publication of notice regarding preparation] of draft Development plan under section 26, a Planning Authority may prepare plan or plans showing proposals for the development of an area or areas which in the opinion of the Planning Authority should be developed or re-developed as a whole (hereinafter referred to as "the area or areas of Comprehensive development"); and in particular, such plans shall provide for—

(*a*) detailed development of specific areas for urban renewal, housing, shopping centres, industrial areas, civic centres, educational and cultural institutions;

(b) control of architectural features, elevation and frontage of buildings and structures;

(*c*) dealing satisfactorily with areas of bad layout, obsolete development and slum areas and re-location of population;

(*d*) open spaces, gardens, playgrounds and recreation areas.

(*2*) When the plans for an area or areas of Comprehensive development are prepared, whether or not separately, the Planning Authority shall follow the same procedure before submission of these plans to the State Government for sanction as is provided by sections 25, 26, 27, 28, [7]* * 30 and 31 as respect a draft Development plan and submit such plan or plans from time to time to the State Government for sanction, along with a report—

(*a*) explaining the proposals and the stages of the development programme by which it is proposed to execute the plan or plans;

1 The words "and publish" were deleted by Mah. 6 of 1976, s. 13(*a*)(*i*).

2 These words were inserted by Mah. 6 of 1976, s. 13(*a*)(*ii*).

3 The figures "29" were deleted by Mah. 10 of 2011, s. 10.

4 These words were substituted for the words "and publication" by Mah. 6 of 1976, s. 13(*a*)(*iii*). 5 These words were substituted for the words "and publish such plan" by Mah. 6 of 1976, s. 13(*b*).

6 These words were substituted for the words "the publication" by Mah. 6 of 1976, s. 14. 7 The figures "29" were deleted by Mah. 10 of 2011, s. 11.

(*b*) giving an appropriate estimate of the cost involved in executing the proposals of the plan or plans.

(*3*) The State Government may, after consulting the Director of Town Planning by notification in the *Official Gazette*, sanction the plan or plans for the area or areas of Comprehensive development either without, or subject to such, modifications as it may consider necessary not later than three months of the date of receipt of such plans from the Planning Authority or not later than such further period as may be extended by the State Government.

34. Preparation of Development plan for additional area.— (*1*) If at any time after a Planning Authority has declared its intention to prepare a Development plan or after a Development plan prepared by a Planning Authority has been sanctioned, the jurisdiction of the Planning Authority is extended by inclusion of a an additional area, the Planning Authority shall make a fresh declaration of intention to prepare a Development plan for the additional area; and after following the provisions of this Act for the preparation of a draft Development plan, [1][prepare a draft Development plan and publish a notice regarding its preparation], for such additional area either separately or jointly with the draft or final Development plan prepared or to be prepared for the area originally under its jurisdiction, and submit it to the State Government for sanction after following the same procedure as is followed for submission of a draft Development plan to the State Government;

Provided that, where a draft Development plan for the additional area requires modification of the final Development plan or where the State Government directs any such modification, the Planning Authority shall revise the final Development plan after following the procedure laid down in section 38 so far as may be relevant.

(*2*) Where any area is withdrawn from the jurisdiction of a Planning Authority the proposals, if any, made for that area so withdrawn in a Development plan shall also be deemed to be withdrawn therefrom.

35. Development plans sanctioned by State Government before commencement of this Act.— If any Planning Authority has prepared a Development plan which has been sanctioned by the State Government before the commencement of this Act, then such Development plan shall be deemed to be final Development plan sanctioned under this Act.

36. Development plan prepared prior to this Act.— If any Planning Authority has prepared a draft Development plan for the area within its jurisdiction before the commencement of this Act, such Development plan shall be deemed to be a draft Development plan for that area for the purposes of this Act, and thereupon, the foregoing provisions of this Chapter in relation to the submission of draft Development plan to the State Government for sanction shall *mutatis mutandis* apply.

37.[2][Modification] of final Development plan.— (*1*) Where a modification of any part of or any proposal made in, a final Development plan [3]* * *, the Planning Authority may, or when so directed by the State Government [4][shall, within ninety days from the date of such direction. publish a notice] in the *Official Gazette*[5][and in such other manner as may be determined by it] inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice; and shall also serve notice on all persons affected by the proposed modification and after giving a hearing to any such persons, submit the proposed modification (with amendments, if any,) [6][to the State Government for sanction within one year from the date of publication of notice in the *Official Gazette*. If such modification proposal is not submitted within the period stipulated above, the proposal of modification shall be deemed to have lapsed:

1 These words were substituted for the words "prepare and publish a draft Development plan" by Mah. 6 of 1976, s. 15. 2 These words was substituted for words "Minor modification" by Mah. 39 of 1994, s. 9.

3 The words "is of such a nature that it will not change the character of such Development plan" were deleted by Mah. 43 of 2014, s. 9(*a*), *w.e.f.* 22-4-2015.

4 These words were substituted for the words "shall, within sixty days from the date of such direction, publish a notice" by Mah. 16 of 2007, s. 2.

5 These words were inserted by Mah. 6 of 1976, s. 16.

6 This portion was substituted for the words "to the State Government for sanction" by Mah. 43 of 2014, s. 9(*b*), *w.e.f.* 22-4-2015.

Provided that, such lapsing shall not bar the Planning Authority from making a fresh proposal.]

1[(*1A*) If the Planning Authority fails to issue the notice as directed by the State Government, the State Government shall issue the notice, and thereupon the provisions of sub-section (*1*) shall apply as they apply in relation to a notice to be published by a Planning Authority.]

2[(*1AA*)(*a*) Notwithstanding anything contained in sub-sections (*1*), (*1A*) and (*2*), where the State Government is satisfied that in the public interest it is necessary to carry out urgently a modification of any part of, or any proposal made in, a final Development plan of such a nature that it will not change the character of such Development plan, the State Government may, on its own, publish a notice in the *Official Gazette*, and in such other manner as may be determined by it, inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice and shall also serve notice on all persons affected by the proposed modification and the Planning Authority.

(*b*) The State Government shall, after the specified period, forward a copy of all such objections and suggestions to the Planning Authority for its say to the Government within a period of one month from the receipt of the copies of such objections and suggestions from the Government.

(*c*) The State Government shall, after giving hearing to the affected persons and the Planning Authority and after making such inquiry as it may consider necessary and consulting the Director of Town Planning, by notification in the *Official Gazette*, publish the approved modifications with or without changes, and subject to such conditions as it may deem fit, or may decide not to carry out such modification. On the publication of the modification in the *Official Gazette*, the final Development plan shall be deemed to have been modified accordingly.]

3[(*1-B*) Notwithstanding anything contained in sub-section (*1*), if the Slum Rehabilitation Authority appointed under section 3A of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971) is satisfied that a modification of any part of, or any proposal made in, a final Development plan is required to be made for implementation of the Slum Rehabilitation Scheme declared under the said Act, then, it may publish a notice in the *Official Gazette*, and in such other manner as may be determined by it, inviting objections and suggestions from any person with respect to the proposed modification not later than one month from the date of such notice; and shall also serve notice on all persons affected by the proposed modification, and after giving a hearing to any such persons, submit the proposed modification (with amendments, if any) to the State Government for sanction.]

(*2*) The State Government may, 4[make such inquiry as it may consider necessary] and after consulting the Director of Town Planning by notification in the *Official Gazette*, sanction the modification 5* * * with or without such changes, and subject to such conditions as it may deem fit or refuse to accord sanction. If a modification is sanctioned, the final Development plans shall be deemed to have been modified accordingly.

6**[37A. Power of State Government or Planning Authority to permit temporary change of user.—** Notwithstanding anything contained in this Act or any other law for the time being in force, or in any judgement, order or direction of any Court or any draft or final Development plan, the State Government or the Planning Authority may, in respect of any plot of land reserved, designated or allocated for the purpose of play-ground in such draft or final Development plan, which is in the possession of the State Government or the Planning Authority, by an order issued from time to time, permit any organisation, body of persons or association to use such play-ground for functions organised on the occasions of Independence Day, Republic Day, Maharashtra Day and similar National events, and the *Jayanties or Punnyatithies* of National Leaders 7[, religious functions and public

1 Sub-section (*1A*) was inserted by Mah. 14 of 1971, s. 3(*2*).

2 Sub-section (*1AA*) was inserted by Mah. 7 of 2002, s. 2 and shall deemed to have effect from the 9th October 2000. 3 Sub-section (*1-B*) was inserted by Mah. 5 of 1996, s. 5.

4 These words were substituted for the words "after making such inquiry as it may consider necessary after hearing the persons served with the notice" by Mah. 21 of 1997, s. 2.

5 The words "submitted to it" were deleted by Mah.14 of 1971, s. 3(*3*).

6 Section 37A was inserted by Mah. 48 of 1997, s. 2 and small deemed to have effect from the 6th August 1997.

7 These words were substituted for the words "and religious function" by Mah. 43 of 2014, s. 10(*a*), *w.e.f.* 22-4-2015.

meetings], on terms and conditions specified by the State Government or the Planning Authority, as the case may be, in such order, for a period not exceeding 12 days at a time and 1[in any case not exceeding forty-five days in the aggregate, in a calendar year); and such use shall not be deemed to be a change of user:]

2[Provided that, temporary use of any plot of land, reserved, designated or allocated for the purpose of play-ground, for management of any disaster or emergency such as Helipad or other essential use, shall also not be deemed to be a change of user.]

38. Revision of Development plan.— At least once in 3[twenty years] from the date on which a Development plan has come into operation, and where a Development plan is sanctioned in parts, then at least once in 4[twenty years] from the date on which the last part has come into operation, a Planning Planning Authority may 5[and shall at any time when so directed by the State Government], revise the Development plan 6[(either wholly, or the parts separately)] after carrying out, if necessary, fresh survey and preparing an existing-land-use map of the area within its jurisdiction, and the provisions of sections 7* * * 22, 23, 24, 25, 26, 27, 28, 8* * 30 and 31 shall, so far as they can be made applicable, apply in respect of such revision of the Development plan.

39.Variation of town planning scheme by Development plan.— Where a final Development plan contains proposals which are in variation, or modification of those made in a town planning scheme which has been sanctioned by the State Government before the commencement of this Act, the Planning Authority shall vary such scheme suitably under section 92 to the extent necessary by the proposals made in the final Development plan.

9**[40.Special Planning Authority for developing certain 10[notified areas].—** (*1*) The State Government may, by notification in the *Official Gazette*11* * * for any undeveloped area specified in the notification in this Act referred to as "the notified area" either—

(*a*) 12[constitute an authority consisting of] a Chairman, a Vice-Chairman, a member of the Maharashtra Legislative Assembly representing the notified area, one member representing the municipal area, if any, included in the notified area, the Deputy Director of Town Planning, and the Executive Engineer, Public Health Works Division, each having jurisdiction over the notified area, and an officer not below the rank of an Assistant Collector; or

13[(*aa*) appoint the Authority constituted under the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), or]

(*b*) appoint any Development Authority declared under sub-section (*3A*) of section 113, 14[or

(*c*) appoint the Bombay Metropolitan Region Development Authority establish under the Bombay Metropolitan Region Development Authority Act, 1974 (Mah. IV of 1975), to be the Special Planning Authority for developing the notified area.]

1[(*1A*) Notwithstanding anything contained in sub-section (*1*), any area where Chapter VI of the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962) (hereinafter, in this section, referred

1 These words were substituted for the words and figures "in any case not exceeding 30 days in the aggregate, in a calendar year" by Mah. 43 of 2014, s. 10(*b*), *w.e.f.* 22-4-2015.

2 This proviso was added by Mah. 43 of 2014, s. 10(*c*), *w.e.f.* 22-4-2015.

3 These words were substituted for the words "ten years" by Mah. 39 of 1994, s. 10.

4 These words were substituted for the words "ten years" by Mah. 39 of 1994, s. 10.

5 These words were inserted by Mah. 6 of 1976, s. 17(*1*).

6 These brackets and words were substituted for the brackets and word "(including all parts if sanctioned separately)" by Mah. 6 of 1976, s. 17(*2*).
7 The figures "21," were deleted by Mah. 6 of 1976, s. 17(*3*).
8 The figures "29," were deleted by Mah. 10 of 2011, s. 12.
9 Section 40 was substituted by Mah. 30 of 1972, s. 4.
10 These words were substituted for the words "undeveloped areas" by Mah. 10 of 1994, s. 4(*c*).
11 The word "constituted" was deleted by Mah. 11 of 1973, s. 3(*a*).
12 These words were substituted for the words "an authority consisting of" by Mah. 11 of 1973, s. 3(*b*).
13 This clause (*aa*) was inserted by Mah. 28 of 1977, s. 191(*b*).
14 The word "or" and clause (*c*) were inserted by Mah. 4 of 1975, Sch. II.

to as "the said Act"), applies, or any other area comprising Government land handed over to the Maharashtra Industrial Development Corporation established under section 3 of the said Act, shall be deemed to be "the notified area"; and the Maharashtra Industrial Development Corporation shall be the Special Planning Authority in respect of such notified area, and shall be deemed to have been appointed as such under this section for the purposes of this Act:

Provided that, at any time, as provided in the first proviso to sub-section (*3*) of section 1 of the said Act, where the State Government by notification in the *Official Gazette*,directs that the said Chapter VI shall cease to be in force in that area or any part thereof, from the date specified in such notification, then from such date, the said area or part thereof, as the case may be, shall cease to be the notified area and the Maharashtra Industrial Development Corporation shall cease to be the Special Planning Authority for the purposes of this Act for such area or part thereof:

Provided further that, the provisions of clauses (*e*) and (*f*) of sub-sections (*3*) or of sections 116, 117, 126, 127 and Chapter VIII shall not be applicable to such Special Planning Authority.]

2[(*1B*) Notwithstanding anything contained in sub-section (*1*), the State Government may, by notification in the *Official Gazette*, appoint any agency or authority created by or in accordance with Government order or instrument, or any company or corporation established by or under any State or Central law, to be the Special Planning Authority for any notified area.]

(*2*) The Chairman and Vice-Chairman of the Special Planning Authority constituted under clause (*a*) of sub-section (*1*) shall be appointed by the State Government; but if any municipal area forms part of any notified area, then the President of the Municipal Council of such municipal area shall be the Vice-Chairman. The Officer not below the rank of an Assistant Collector shall be the Secretary and Chief Executive Officer.

(*3*) 3[The] provisions of Chapter VI of this Act shall, subject to the provisions of this section and section 41, apply *mutatis mutandis* to the Special Planning Authority as they apply in relation to a Development Authority, as if the notified area were a new town subject to the following modification, namely :—

(*a*) in section 113—

(*i*) in sub-section (*6*), after the words "Regional Board" the words and figure "with the modification that section 8 shall not apply in relation to notified area" shall be added;

(*ii*) to sub-section (*8*), the following proviso shall be added, namely :—

"Provided that, it shall not be necessary for a Special Planning Authority to make any development plan or town planning scheme for any notified area for the purpose of carrying out its objects under this Act. It may submit its proposals for the development of the land in the notified area (being land either vesting in it or land which has been acquired or is proposed to be acquired under section 116) as provided in section 115.";

(*b*) section 113A shall be omitted;

(*c*) in section 114,—

(*1*) in sub-section (*1*),—

(*i*) the words, figures and letter "subject to the provisions of section 113A" shall be omitted;

(*ii*) in the proviso, for the words, brackets and figures "constituted under sub-section (*2*) of section 113" the words, ", unless empowered by the State Government so to do," shall be substituted;

1 Sub-section (*1A*) was inserted by Mah. 10 of 1994, s. 4(*a*).

2 Sub-section (*1B*) was inserted by Mah. 24 of 2002, s. 2.

3 This word was substituted for the words "On the reconstitution of the Special Planning Authority the" by Mah. 10 of 1994, s. 4(*b*).

(*2*) in sub-sections (*2*), in the proviso, in clause (*a*), for the portion beginning with the word "constituted" and ending with the words "such Authority", the following shall be substituted, namely :—

"and if both the Chairman and Vice-Chairman are not available, with such officer or officers as may be authorised by such Authority.";

(*d*) for section 115, the following shall be substituted, namely :—

"115. Planning and control in notified area.— 1[(*1*)] A Special Planning Authority shall, from time to time, submit to the State Government its proposals for the development of land (being land either belonging to, or vesting in, it or acquired or proposed to be acquired under section 116), and the State Government may, after consultation with the Director of Town Planning, approve such proposals either with or without modification.

2[(*2*) Before submitting the proposals to the State Government, the Special Planning Authority shall carry out a survey and prepare an existing land-use map of the area, and prepare and publish the draft proposals for the lands within its jurisdiction together with a notice in the *Official Gazette* and local newspapers in such manner as the Special Planning Authority may determine, inviting objections and suggestions from the public within a period of not more than 30 days from the date of notice in the *Official Gazette*. The Special Planning Authority may, if it thinks fit, give individual notices to persons affected by the draft proposals.

(*3*) The Special Planning Authority may after duly considering the objections or suggestions, received by it, if any, and after giving an opportunity, to persons affected by such draft proposals of being heard modify its proposals, if necessary, and then submit them to the State Government for its approval. The orders of the State Government approving such proposals shall be published in the *Official Gazette*.]";

(*e*) for section 116, the following shall be substituted, namely :—

"116. Power of Special Planning Authority to acquire land in notified area.—Every Special Planning Authority shall have all the powers of a Planning Authority under this Act as provided in Chapter VII for the purposes of acquisition of such land in the notified area as it considers to be necessary for the purpose of development in that area either by agreement or 3[under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013] (30 of 2013), or any land adjacent to such area which is required for the development of the notified area and land whether adjacent to that area or not which is required for provision for services or amenities for the purposes of the notified area.";

(*f*) for section 117, the following shall be substituted, namely :—

"117. Obligation to purchase land in notified area.— Where any land has not been acquired within a period of ten years from the date of a notification under sub-sections (*1*) of section 40, any owner of the land may, by notice in writing served on the Special Planning Authority, require it to acquire his interest therein; and thereupon, the provision of section 127

providing for lapsing of reservations shall apply in relation to such land as they apply in relation to land reserved under any plan under this Act.";

(*g*) in section 122, in sub-section (*1*), the words, brackets and figures "constituted under sub-section (*2*) of section 113" shall be omitted.

(*4*) In preparing and submitting its proposals for developing any land under section 115 and in a approving them under that section, the Special Planning Authority and the State Government shall take particular care to take into consideration the provisions of any draft or final Regional Plan, draft or

1 Section 115 was renumbered as sub-section (*1*) thereof and sub-sections (*2*) and (*3*) were added by Mah. 22 of 1973, s. 2. 2 Section 115 was renumbered as sub-section (*1*) thereof and sub-sections (*2*) and (*3*) were added by Mah. 22 of 1973, s. 2. 3 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 2, *w.e.f.* 29th August 2015.

final development plan; or any draft or final town planning scheme, or any building, bye-laws or regulations, which may already be in force in the notified area or in any part thereof.

(*5*) Where any proposals for development of any land are approved by the State Government under section 115, the provisions of the proposals approve by the State Government shall be final, and shall prevail, and be deemed to be in force, in such notified area; and to that extent the provisions of any such plan or scheme applicable to and in force in the notified area or any part thereof shall stand modified by the proposals approved by the State Government.]

41. Expenses of Special Planning Authority to be met by contribution by local authorities.— (*1*) The State Government shall by an order in writing determine the amount which a local authority or each of the local authorities in respect of whose area the Special Planning Authority has been constituted shall pay as contribution either in lump sum or in such instalments as may be specified in the order, for meeting the expenses of the Special Planning Authority for the purposes of this Act.

(*2*) Not later than thirty days of the receipt of the order under sub-section (*1*), the local authority or local authorities shall pay to the Special Planning Authority the amount of contribution specified in the order in the manner indicated therein:

Provided that, where the local authorities or authorities fail to pay such amount of contribution the State Government shall, on receipt of necessary intimation from the Special Planning Authority, recover it from the local authority or authorities and pay it to the Special Planning Authority. 1[If any 2[local authority] fails to pay any sum under sub-section (*1*), the State Government may make an order directing any person who for the time being has custody of any moneys on behalf of the 3[local authority] as its officer, treasure, banker or otherwise to make the payment from such moneys as he may have in his hands or may from time to time receive either in one instalment or in any such number of instalments as may be specified in the order; and such person shall be bound to obey the order. Every payment made pursuant to such order shall be a sufficient discharge to such person from all liability to 4[local authority] in respect of any sum or sums so paid by him out of the money of the 5[local authority] held or receive by him.]

42.Implementation of plans.— On the coming into operation of any plan or plans referred to in this Chapter, it shall be the duty of every Planning Authority to take such steps as may be necessary to carry out the provisions of such plan or plans.

6[CHAPTER III-A

AREA DEVELOPMENT AUTHORITY

42A.Declaration of development area.— (*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, be 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.

1 This portion was added by Mah. 30 of 1972, s. 5.

2 These words were substituted for the words "Municipal Council" by Mah. 11 of 1973, s. 4(*a*). 3 These words were substituted for the words "Council" by Mah. 11 of 1973, s. 4(*b*).

4 These words were substituted for the words "Council" by Mah. 11 of 1973, s. 4(*b*).

5 These words were substituted for the words "Council" by Mah. 11 of 1973, s. 4(*b*).

6 Chapter III-A was inserted by Mah. 25 of 2009, s. 2.

42B. Exclusion of whole or part of development area from operation of Act.— (*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 notification, 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.

42C. Constitution of Area Development Authority.— (*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 :—

(*a*) Guardian Minister of the concerned district,	Chairman;
(*b*) The Presidents of *Zilla Parishads* and Chairman of *Panchayat Samitis* functioning in the development area or in any part thereof,	*Ex officio* Members;
(*c*) Mayors of Municipal Corporations and Presidents of Municipal Councils, functioning the development area or in any part thereof,	*Ex officio* Members; in
(*d*) Municipal Commissioners of Municipal Corporation and Chief Officers of Municipal Councils, functioning in the development area or in any part thereof,	*Ex officio* Members;
(*e*) The Collectors of Districts or their representatives not below the rank of Deputy Collector having jurisdiction over the development area or in any part thereof,	*Ex officio* Members;
(*f*) Chief Executive Officers of *Zilla Parishads* or their representatives not below the rank of Deputy Chief Executive Officer, functioning in the development area or in any part thereof,	*Ex officio* Members;

(*g*) The Chief Engineer of Maharashtra *Jeevan* Authority or his representative not below the rank of Superintending Engineer having jurisdiction over the development area or in any part thereof,	*Ex officio* Members;	
(*h*) Settlement Commissioner and Director Land Records or his nominee not below the rank of Deputy Director of Land Records having jurisdiction over the development area or in any part thereof,	*Ex officio* of Members;	

(*i*) Chief Executive Officer not below the 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* rank 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.

42D. Appointment of Government company, etc., as Area Development Authority.— 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.

42E. Control by Metropolitan Planning Committee and District Planning Committee.— (*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 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.

42F.Powers and functions of Area Development Authority.— (*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 an perform such other functions as are supplemental, incidental or consequential to any of the forgoing 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 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 Chapter 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. Expenses of Area Development Authority.— (*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 instalments as may be specified in the order, towards the expenses incurred by an Area Development Authority, in the discharge of its functions.

(*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.]

CHAPTER IV

CONTROL OF DEVELOPMENT AND USE OF LAND INCLUDED IN DEVELOPMENT PLANS

43.Restrictions on development of land.— After the date on which the declaration of intention to prepare a Development plan for any area in published in the *Official Gazette* [1][or after the date on which a notification specifying any undeveloped area as a notified area, or any area designated as a site for a new town, is published in the *Official Gazette*], no person shall institute or change the use of any land or carry out any development of land without the permission in writing of the Planning Authority:

Provided that, no such permission shall be necessary—

(*i*) for carrying out works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance thereof [2][except in case of heritage building or heritage precinct;]

1 These words were inserted by Mah. 30 of 1972, s. 6.

2 These words were added by Mah. 39 of 1994, s. 11.

(*ii*) the carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force;

(*iii*) the carrying out of works by any authority in exercise of its powers under any law for the time being in force;

(*iv*) for the carrying out by the Central or the State Government or any local authority of any works—

(*a*) required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;

(*b*) for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cable, telephone or other apparatus including the breaking open of any street or other land for that purpose;

(*v*) for the excavation (including wells) made in the ordinary course of agricultural operation;

(*vi*) for the construction of a road intended to give access to land solely for agricultural purposes;

(*vii*) for normal use of land which has been used temporarily for other purposes;

(*viii*) in case of land, normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose on occasions;

(*ix*) for use, for any purpose incidental to the use of a building for human habitation of any other building or land attached to such building.

44. Application for permission for development.— [1][(*1*)] Except as otherwise provided by rules made in this behalf, any person not being Central or State Government or local authority intending to carry out any development on any land shall make an application in writing to the Planning Authority for permission in such form and containing such particulars and accompanied by such documents, as may be prescribed:

[2][Provided that, save as otherwise provided in any law, or any rules, regulations or bye-laws made under any law for the time being in force, no such permission shall be necessary for demolition of an existing structure, erection or building or part thereof, in compliance of a statutory notice from a Planning Authority or a Housing and Area Development Board, the Bombay Repairs and Reconstruction Board or the Bombay Slum Improvement Board established under the Maharashtra Housing and Area Development Act, 1976 (Mah. XXXVIII of 1977).]

[3][(*2*) Without prejudice to the provisions of sub-section (*1*) or any other provisions of this Act, any person intending to execute [4][an Integrated Township Project] on any land, may make an application to the State Government, and on receipt of such application the State Government may, after making such

inquiry as it may deem fit in that behalf, grant such permission and declare such project to be [5][an Integrated Township Project] by notification in the *Official Gazette* or, reject the application.]

45. Grant or refusal of permission.— (*1*) On receipt of an application under section 44 the Planning Authority may, subject to the provisions of this Act, by order in writing—

(*i*) grant the permission, unconditionally;

[1] Section 44 was re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, sub-section (*2*) was added by Mah. 22 of 2005, s. 4.

[2] This provision was added by Mah. 10 of 1994, s. 5.

[3] Section 44 was re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, sub-section (*2*) was added by Mah. 22 of 2005, s. 4.

[4] These words were substituted for the words "a Special Township project" by Mah. 43 of 2014, s. 11, *w.e.f.* 22-4-2015.

[5] These words were substituted for the words "a Special Township project" by Mah. 43 of 2014, s. 11, *w.e.f.* 22-4-2015.

(*ii*) grant the permission, subject to such general or special conditions as it may impose with the previous approval of the State Government; or

(*iii*) refuse the permission.

(*2*) Any permission granted under sub-section (*1*) with or without conditions shall be contained in a commencement certificate in the prescribed form.

(*3*) Every order granting permission subject to conditions, or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(*4*) Every order under sub-section (*1*) shall be communicated to the applicant in the manner prescribed by regulations.

(*5*) If the Planning Authority does not communicate its decision whether to grant or refuse permission to the applicant within sixty days from the date of receipt of his application, or within sixty days from the date of receipt of reply from the applicant in respect of any requisition made by the Planning Authority, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of sixty days:

[1][Provided that, the development proposal, for which the permission was applied for, is strictly in conformity with the requirements of all the relevant Development Control Regulations framed under this Act or bye-laws or regulations framed in this behalf under any law for the time being in force and the same in no way violates either the provisions of any draft or final plan or proposals published by means of notice, submitted for sanction under this Act:

Provided further that, any development carried out in pursuance of such deemed permission which is in contravention of the provisions of the first proviso, shall be deemed to be an unauthorised development for the purposes of sections 52 to 57.]

[2][(*6*) The Planning Authority shall, within one month from the date of issue of commencement certificate, forward duly authenticated copies of such certificate and the sanctioned building or development plans to the Collector concerned.]

46. Provisions of Development plan to be considered before granting permission.— The Planning Authority in considering application for permission shall have due regard to the provisions of any draft or final plan [3][or proposal] [4][published by means of notice] [5][submitted] or sanctioned under this Act:

[6][Provided that, if the Development Control Regulations for an area over which a planning Authority has been appointed or constituted, are yet to be sanctioned, then in considering application for permission referred to in sub-section (*1*), such planning Authority shall have due regard to the provisions of the draft or sanctioned Regional plan, till the Development Control Regulations for such area are sanctioned:

Provided further that, if such area does not have draft or sanctioned Regional plan, the Development Control Regulations applicable to the area under any Planning Authority, as specified by the Government

by a notification in the *Official Gazette*, shall apply till the Development Control Regulations for such area as sanctioned.]

47. Appeal.— (*1*) Any applicant aggrieved by an order granting permission on conditions or refusing permission under section 45 may, within forty days of the date of communication of the order to him, prefer an appeal to the State Government or to an officer appointed by the State Government in this behalf, being an officer not below the rank of a Deputy Secretary to Government; and such appeal shall be made in such manner and accompanied by such fees (if any) as may be prescribed.

1 These provisos were added by Mah. 10 of 1994, s. 6(*a*).

2 Sub-section (*6*) was added by Mah. 10 of 1994, s. 6(*b*).

3 These words were inserted by Mah. 30 of 1972, s. 7.

4 These words were inserted for the words "published" by Mah. 6 of 1976, s. 18. 5 These words were inserted by Mah. 30 of 1972, s. 7.

6 These provisos were added by Mah. 43 of 2014, s. 12, *w.e.f.* 22-4-2015.

(*2*) The State Government or the officer so appointed may, after giving a reasonable opportunity to the appellant and the Planning Authority to be heard, by order dismiss the appeal, or allow the appeal by granting permission unconditionally or subject to the conditions as modified.

48. Lapse of permission.— Every permission for development granted or deemed to be granted under section 45 or granted under section 47 shall remain in force for a period of one year 1[from the date of receipt of such grant], and thereafter it shall lapse:

Provided that, the Planning Authority may, on application made to it extend such period from year to year; but such extended period shall in no case exceed three years:

2[Provided further that, if the development is not completed upto plinth level or where there is no plinth, upto upper level of basement or stilt, as the case may be, within the period of one year or extended period, under the first proviso, it shall be necessary for the applicant to make application for fresh permission.]

49. Obligation to acquire land on refusal of permission or on grant of permission in certain cases.— (*1*) Where—

(*a*) any land is designated by a plan as subject to compulsory acquisition, or

(*b*) any land is allotted by a plan for the purpose of any functions of a Government or local authority or statutory body, or is land designated in such plan as a site proposed to be developed for the purposes of any functions of any such Government, authority or body, or

(*c*) any land is indicated in any plan as land on which a highway is proposed to be constructed or included, or

3[(*d*) any land for the development of which permission is refused or is granted subject to conditions,

and any owner of land referred to in clause (*a*), (*b*), (*c*) or (*d*) claims—

(*i*) that the land has become incapable of reasonably beneficial use in its existing state, or

(*ii*) (where planning permission is given subject to conditions) that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions; or]

(*e*) the owner of the land because of its designation or allocation in any plan claims that he is unable to sell it except at a lower price than that at which he might reasonably have been excepted to sell if it were not so designated or allocated,

the owner or person affected may serve on the State Government within such time and in such manner, as is prescribed by regulations, a notice (hereinafter referred to as "the purchase notice") requiring the Appropriate Authority to purchase the interest in the land in accordance with the provisions of this Act.

(*2*) The purchase notice shall be accompanied by a copy of any application made by the applicant to the Planning Authority, and of any order or decision of that Authority and of the State Government, if any, in respect of which the notice is given.

(*3*) On receipt of a purchase notice, the State Government shall forthwith call from the Planning Authority and the Appropriate Authority such report or records or both, as may be necessary, which those authorities shall forward to the State Government as soon as possible but not later than thirty days from the date of their requisition.

(*4*) On receiving such records or reports, if the State Government is satisfied that the conditions specified in sub-section (*1*) are fulfilled, and that the order or decision for permission was not duly made on the ground that the applicant did not comply with any of the provisions of this Act or rules or

1 These words were substituted for the words "from the date of such grant" by Mah. 6 of 1976, s. 19. 2 This Proviso was substituted for the second proviso by Mah. 16 of 2007, s. 3.

3 Clause (*d*) was substituted for the original by Mah. 14 of 1971, s. 4(*1*).

regulations, it may confirm the purchase notice, or direct that planning permission be granted without condition or subject to such conditions as will make the land capable of reasonably beneficial use. In any other case, it may refuse to confirm the purchase notice, but in that case, it shall give the applicant a reasonable opportunity of being heard.

(*5*) If within a period of six months from the date on which a purchase notice is served the State Government does not pass any final order thereon, the notice shall be deemed to have been confirmed at the expiration of that period.

[1]* * * * * * *

[2][(*7*) If within one year from the date of confirmation of the notice, the Appropriate Authority fails to make an application to acquire the land in respect of which the purchase notice has been confirmed as required under section 126, the reservation, designation, allotment, indication or restriction on development of the land shall be deemed to have lapsed; and thereupon, the land shall be deemed to be released from the reservation, designation, or, as the case may be, allotment, indication or restriction and shall become available to the owner for the purpose of development otherwise permissible in the case of adjacent land, under the relevant plan.]

50. Deletion of reservation of designated land for interim draft of final Development plan.— (*1*) The Appropriate Authority [3][(other than the Planning Authority)], if it is satisfied that the land is not or no longer required for the public purpose for which it is designated or reserved or allocated in the interim or the draft Development plan or plan for the area of Comprehensive development or the final Development plan, may request—

(*a*) the Planning Authority to sanction the deletion of such designation or reservation or allocation from the interim or the draft Development plan or plan for the area of Comprehensive development, or

(*b*) the State Government to sanction the deletion of such designation or reservation or allocation from the final Development plan.

(*2*) On receipt of such request from the Appropriate Authority, the Planning Authority, or as the case may be, the State Government may make an order sanctioning the deletion of such designation or reservation or allocation from the relevant plan:

Provided that, the Planning Authority, or as the case may be, the State Government may, before making any order, make such enquiry as it may consider necessary and satisfy itself that such reservation or designation or allocation is no longer necessary in the public interest.

(*3*) Upon an order under sub-section (*2*) being made, the land shall be deemed to be released from such designation, reservation, or, as the case may be, allocation and shall become available to the owner

for the purpose of development as otherwise permissible in the case of adjacent land, under the relevant plan.

51. Power of revocation and modification of permission to development.— (*1*) If it appears to a Planning Authority that it is expedient, having regard to the Development plan prepared or under preparation that any permission to develop land granted [4][or deemed to be granted] under this Act or any other law, should be revoked or modified, the Planning Authority may, after giving the person concerned an opportunity of being heard against such revocation or modification, by order, revoke or modify the permission to such extent as appears to it to be necessary:

Provided that—

(*a*) where the development relates to the carrying out of any building or other operation, no such order shall affect such of the operations as have been previously carried out; or shall be passed after these operations have substantially progressed or have been completed;

1 Sub-section (*6*) was deleted by Mah. 6 of 1976, s. 20.

2 Sub-section (*7*) was added by Mah. 14 of 1971, s. 4(*2*).

3 These brackets and words were inserted by Mah. 39 of 1994, s. 12. 4 These words were inserted by Mah. 10 of 1994, s. 7.

(*b)* where the development relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(*2*) Where permission is revoked or modified by an order made under sub-section (*1*) and any owner claims within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out the development in accordance with such permission which has been rendered abortive by the revocation or modification, the Planning Authority shall, after giving the owner reasonable opportunity of being heard by the Town Planning Officer, and after considering his report, assess and offer, subject to the provisions of section 19, such compensation to the owner as it thinks fit.

(*3*) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the Planning Authority shall refer the matter for the adjudication of the court; and the decision of the court shall be final and be binding on the owner and Planning Authority.

UNAUTHORISED DEVELOPMENT

52. Penalty for unauthorised development or for use otherwise than in conformity with Development plan.— (*1*) Any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out development or institutes, or changes the use of any land—

(*a*) without permission required under this Act; or

(*b*) which is not in accordance with any permission granted or in contravention of any condition subject to which such permission has been granted;

(*c*) after the permission for development has been duly revoked; or

(*d*) in contravention of any permission which has been duly modified,

shall, on conviction, [1][be punished with imprisonment for a term [2][which shall not be less than one month but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees, and in the case of a continuing offence with a further daily fine which may extend to two hundred rupees]] for every day during which the offence continues after conviction for the first commission of the offence.

(*2*) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Development plan without being allowed to do so under section 45 or 47, or where the continuance of such use has been allowed under the section continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall on conviction be punished [3][with fine which may extend to five thousand

rupees]; and in the case of a continuing offence, with a further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

[4][52A.Provisions relating to certain developments as compounded structure.—](*1*) Notwithstanding anything contained in this Act or any other law, for the time being in force, or in any judgment, order or direction of any Court where unauthorised development has been carried out on or before 31st December 2015, in the area of Development Plan, the State Government may, the request of the Planning Authority, specify the terms and conditions, not inconsistent with the rules made in this behalf, on compliance of which and the compounding charges, infrastructure charges and premium on payment of which, the Planning Authority may declare such development as compounded structure.

1 These words were substituted for the words "be punished with fine which may extend to five thousand rupees," by Mah. 31 of 1983, s. 3(*a*).

2 This portion was substituted for the portion beginning with the words "which may extend to three years" and ending with the words "one hundred rupees" by Mah. 10 of 1994, s. 8.

3 These words were substituted for the words "with fine which may extend to five thousand rupees" by Mah. 31 of 1983, s. 3(*b*).

4 Section 52A was inserted by Mah. 32 of 2017, s. 4.

(*2*) On declaration of such development as compounded structure under sub-section (*1*), no further proceeding under any law for the time begins in force against the owner or occupier of such structure shall be taken or continued:

Provided that, no further development shall be permissible in any compounded structure, other than repairs and maintenance, and any development or reconstruction of such structure shall be only as per the provisions of the prevailing Development Control Regulations.]

53. Power to require removal of unauthorised development.—[1][(*1*) (*a*) Where any development of land has been carried out as indicated in clause (*a*) or (*c*) of sub-section (*1*) of section 52, the Planning Authority may, subject to the provisions of this section, serve on the owner, developer or occupier a prior notice of 24 hours requiring him to restore the land to conditions existing before the said development took place;

(*b*) if the owner, developer or occupier fails to restore the land accordingly, the Planning Authority shall immediately take steps to demolish such development and seal the machinery and materials used or being used therefor.

(*1A*) Where any development of land has been carried out as indicated in clause (*b*) or (*d*) of sub-section (*1*) of section 52, the Planning Authority may, subject to the provisions of this section, serve one months‟ notice on the owner, developer or occupier requiring him to take necessary as specified in the notice.]

(*2*) In particular, such notice may, for purpose of sub-section (*1*), require—

(*a*) the demolition or alteration of any building or works;

(*b*) the carrying out on land of any building or other operations; or

(*c*) the discontinuance of any use of land.

(*3*) Any person aggrieved by such notice may, within the period specified in the notice and in the manner prescribed, apply for permission under section 44 for retention on the land of any building or works or for the continuance of any use of the land, to which the notice relates, and pending the final determination or withdrawal of the application, the mere notice itself shall not affect the retention of buildings or works or the continuance of such use.

(*4*) The foregoing provisions of this Chapter shall, so far as may be applicable, apply to an application made under sub-section (*3*).

(*5*) If the permission applied for is granted, the notice shall stand withdrawn; but if the permission applied for is not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings, or works, or for the continuance of use of only a part of the land, the notice shall stand withdrawn as respects such buildings or works or such part of the land, but shall stand as respects other buildings or works or other parts of the land, as the case may be; and thereupon, the owner shall be required to take steps specified in the notice under sub-section (*1*) as respects such other buildings, works or part of the land.

(*6*) If within the period specified in the notice or within the same period after the disposal of the application under sub-section (*4*), the notice or so much of it as stands is not complied with, the Planning Authority may—

(*a*) prosecute the owner for not complying with the notice; and where the notice requires the discontinuance of any use of land any other person also who uses the land or causes or permits the land to be used in contravention of the notice; and

(*b*) where the notice requires the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified by taking such steps as the Planning Authority may consider necessary including demolition or alteration of any building or works or carrying

1 These sub-section were substituted for sub-section (*1*) by Mah. 32 of 2017, s. 5.

out of any building or other operations; and recover the amount of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(*7*) Any person prosecuted under clause (*a*) of sub-section (*6*) shall, on conviction, 1[be punished with imprisonment for a term 2[which shall not be less than one month but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees, and in the case of a continuing offence with a further daily fine which may extend to two hundred rupees] for every day during which such offence continues after conviction for the first commission of the offence.]

3[(*8*) The Planning Authority shall, by notification in the *Official Gazette*, designate an officer of the Planning Authority to be the Designated Officer for the purposes of exercise of the powers of the Planning Authority under this section and sections 54, 55 and 56. The Designated Officer shall have jurisdiction over such local area as may be specified in the notification and different officers may be designated for different local areas.]

54. Power to stop unauthorised developments.— (*1*) Where any development of land as indicated in sub-section (*1*) of section 52 is being carried out but has not been completed, the Planning Authority may serve on the owner and the person carrying out the development a notice requiring the development of land to be discontinued from the time of the service of the notice; and thereupon, the provisions of sub-sections (*3*), (*4*), (*5*) and (*6*) of section 53 shall so far as may be applicable apply in relation to such notice, as they apply in relation to notice under section 53.

(*2*) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served shall, on conviction, 4[be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both]; and when the non-compliance is a continuing one, with a further fine which may extend to one hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

55. Removal or discontinuance of unauthorised temporary development summarily.—(*1*) Notwithstanding anything hereinbefore contained in this Chapter, where any person has carried out any development of a temporary nature unauthorisedly as indicated in sub-section (*1*) of section 52, the Planning Authority may by an order in writing direct that person to remove any structure or work erected,

or discontinue the use of land made, unauthorisedly as aforesaid, within fifteen days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the Planning Authority may request the District Magistrate or the Commissioner of Police, as the case may be, [5][or authorise any of its officers or servants,] to have such work summarily removed or such use summarily discontinued without any notice as directed in the order; and any development unauthorisedly made again, shall be similarly removed or discontinued summarily without making any order as aforesaid.

(*2*) The decision of the Planning Authority on the question of what is development of a temporary nature shall be final.

56. Power to require removal of unauthorised development or use.— (*1*) If it appears to a Planning Authority that it is expedient in the interest of proper planning of its areas (including the interest of amenities) having regard to the Development plan prepared,—

(*a*) that any use of land should be discontinued, or

(*b*) that any conditions should be imposed on the continuance thereof, or

1 These words were substituted for the words "be punished with fine which may extend to five thousand rupees" by Mah. 31 of 1983, s. 4(*b*).

2 This portion was substituted for the portion beginning with the words "which may extend to three days" and ending with the words "one hundred rupees" by Mah. 10 of 1994, s. 9.

3 Sub-section (*8*) was added by Mah. 2 of 2012, s. 30, *w.e.f.* 22-3-2012.

4 These words were substituted for the words "be punished with fine which may extend to five thousand rupees" by Mah. 31 of 1983, s. 5.

5 These words were inserted by Mah. 31 of 1983, s. 6.

(*c*) that any buildings or works should be altered or removed, the Planning Authority may, by notice served on the owner,—

(*i*) require the discontinuance of that use; or

(*ii*) impose such conditions as may be specified in the notice on the continuance thereof; or

(*iii*) require such steps, as may be specified in the notice to be taken for the alteration or removal of any buildings or works, as the case may be,

within such period, being not less than one month, as may be specified therein, after the service of the notice.

(*2*) Any person aggrieved by such notice may, within the said period and in the manner prescribed, appeal to the State Government.

(*3*) On receipt of an appeal under sub-section (*2*), the State Government or any other person appointed by it in this behalf may, after giving a reasonable opportunity of being heard to the appellant and the Planning Authority, dismiss the appeal or allow the appeal by quashing or varying the notice as it may think fit.

(*4*) If any person,—

(*i*) who has suffered damage in consequence of the compliance with the notice by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land or otherwise; or

(*ii*) who has carried out any works in compliance with the notice, claims, from the Planning Authority, within the time and in the manner prescribed compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, then the provisions of sub-sections (*2*) and (*3*) of section 51 shall apply in relation to such claim as those provisions apply to claims for compensation under those provisions.

(*5*) If any person having interest in land in respect of which a notice is issued under this section claims that by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (*2*) and in the manner prescribed, serve on the State Government a purchase notice requiring his interest in the land to be acquired; and thereupon, the provisions of section 49 for dealing with a purchase notice shall, so far as can be made applicable, apply as they apply to a purchase notice under that section.

[1][**56A. Punishment for failure to take action against unauthorised construction.—** Where it has been brought to the notice of the Designated Officer that erection of any building or execution of any work is carried out in contravention of the provisions of the Act, rules or bye-laws and if such Designated Officer has failed, without sufficient reasons, to take action, as provided under section 53, 54, 55 or 56, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both.]

57. Recovery of expenses incurred.— Any expenses incurred by a Planning Authority under sections 53, 54, 55 and 56 shall be a sum due to the Planning Authority under this Act from the person in default or the owner of the plot.

58. Development undertaken on behalf of Government.— (*1*) When any Government intends to carry out development of any land for the purpose of any of its departments or offices or authorities, the officer in charge thereof shall inform in writing the Planning Authority the intention of Government to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development.

1 Section 56A was inserted by Mah. 2 of 2012, s. 31, *w.e.f.* 22-3-2012.

(*2*) Where a Planning Authority raises any objection to the proposed development on the ground that the development is not in conformity with the provisions either of any Development plan under preparation or of any building bye-laws in force for the time being, or for any other material consideration the officer shall—

(*i*) either make necessary modifications in the proposals for development to meet the objections raised by the Planning Authority, or

(*ii*) submit the proposals for development together with the objections raised by the Planning Authority to the State Government for decision.

(*3*) The State Government, on receipt of the proposals for development together with the objections of the Planning Authority shall, in consultation with the Director of Town Planning, either approve the proposals with or without modifications or direct the officer to make such modifications in the proposals as it considers necessary in the circumstances.

[1][(*3A*) The development proposals approved by the State Government under sub-section (*3*) shall remain in force for a period of one year from the date of grant of such approval, and thereafter it shall lapse:

Provided that, the Officer in charge of the development may apply under intimation to the Planning Authority to the State Government, for extension of such period; and thereupon the State Government may extend such period from year to year; but such extended period shall in no case exceed three years:

Provided further that, such lapse shall not bar any subsequent application by the officer in charge of the development, for fresh approval to the development under the preceding sub-sections.]

(*4*) The provisions of sections 44, 45 [2][and 47 shall not, and section 46 shall, *mutatis mutandis* and section 48 shall, as modified by sub- section (*3A*),] apply to development carried out under this section.

CHAPTER V

TOWN PLANNING SCHEMES

(*a*)*Making of town planning schemes.*

59. Preparation and contents of town planning scheme.— [3][(*1*)] Subject to the provisions of this Act or any other law for the time being in force—

(*a*) a Planning Authority may for the purpose of implementing the proposals in the final Development plan, [4][or in respect of any land which is likely to be in the course of development or which is already built upon], prepare one or more town planning schemes for the area within its jurisdiction, or any part thereof;

(*b*) a town planning scheme may make provision for any of the following matters, that is to say—

(*i*) any of the matters specified in section 22;

(*ii*) the laying out or re-laying out of land, either vacant or already built upon, including areas of comprehensive development;

[5][(*ii-a*) the filling-up or reclamation of low-lying, swampy or unhealthy area, or levelling-up of land;

1 Sub-section (*3A*) was inserted by Mah. 39 of 1994, s. 14(*a*).

2 These words, figures and brackets were substituted for the figures and words "46, 47 and 48 shall not" by Mah. 39 of 1994, s. 14(*b*).

3 Section 59 was renumbered as sub-section (*1*) by Mah. 6 of 1976, s. 21.

4 These words were inserted by Mah. 35 of 2014, s. 2(*a*), *w.e.f.* 24-12-2014.

5 These sub-clauses were inserted by Mah. 35 of 2014, s. 2(*b*), *w.e.f.* 24-12-2014.

(*ii-b*) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;

(*ii-c*) the construction, alteration and removal of buildings, bridges and other structures;

(*ii-d*) the allotment or reservation of land for open spaces, gardens, recreation grounds, schools, markets, green-belts, dairies, transport facilities and public purposes of all kinds;

(*ii-e*) drainage, inclusive of sewerage, surface or sub-drainage and sewage disposal;

(*ii-f*) lighting;

(*ii-g*) water supply;

(*ii-h*) the preservation of objects of historical or national interest or natural beauty, and of building actually used for religious purposes;]

(*iii*) the suspension, as far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any law for the timebeing in force which the Legislature of the State is competent to make;

(*iv*) such other matter not inconsistent with the object of this Act, as may be directed by the State Government.

[1][(*2*) In making provisions in a draft town planning scheme for any of the matters referred to in clause (*b*) of sub-section (*1*), it shall be lawful for a Planning Authority with the approval of the Director of Town Planning and subject to the provisions of section 68 to provide for suitable amendment of the Development plan.]

60. Power of planning Authority to resolve on declaration of intention to make scheme.— (*1*) A Planning Authority may by resolution declare its intention to make a town planning scheme in respect of any part of the area within its jurisdiction.

(*2*) Not later than thirty days from the date of such declaration of intention to make a scheme (hereinafter referred to as the declaration), the Planning Authority shall publish the declaration in the *Official Gazette*,and in such other manner as may be prescribed and despatch a copy thereof (together with

a copy of the plan showing the area to be included in the scheme) to the State Government and also to the Director of Town Planning.

(*3*) A copy of the plan shall be open to the inspection of the public at all reasonable hours at the head office of the Planning Authority.

61. Making and publication of draft scheme [2][by means of notice].— (*1*) Not later than [3][nine months] from the date of the declaration, subject, however, to sub-section (*3*), the Planning Authority shall, in consultation with the Director of Town Planning, make a draft scheme for the area in respect of which the declaration was made, [4][and publish a notice in the *Official Gazette*,and in such other manner as may be prescribed stating that the draft scheme in respect of such area has been made. The notice shall state the name of the place where a copy thereof shall be available for inspection by the public and shall also state that copies thereof or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.]

(*2*) If the Planning Authority fails to [5][make a draft scheme and publish a notice regarding its making] within the period specified in sub-section (*1*) or within the period extended under sub-section (*3*), the declaration shall lapse, unless the State Government appoints an Officer to prepare

1 Sub-section (*2*) was inserted by Mah. 6 of 1976, s. 21.

2 These words were added by Mah. 6 of 1976, s. 22(*3*).

3 These words were substituted for the words "twelve months" by Mah. 35 of 2014, s. 3(*a*), *w.e.f.* 24-12-2014.

4 This portion was substituted for the portion beginning with "and publish" and ending with "for sanction" by Mah. 6 of 1976, s. 22(*1*).

5 These words were substituted for the words "make and publish such draft scheme" by Mah. 6 of 1976, s. 22(*2*)(*a*).

[1]* * * and submit the draft scheme to the State Government on behalf of the Planning Authority not later than [2][nine months] from the date of such appointment or the extended period under sub-section (*3*); but any such lapse of declaration shall not debar the Planning Authority from making a fresh declaration any time in respect of the same area.

(*3*) The State Government may, on application made by the Planning Authority or, as the case may be, the officer, [3]* * * by notification in the *Official Gazette*,extend the period specified in sub-section (*1*) or (*2*) by such period not exceeding [4][three months] as may be specified in the notification.

62. Inclusion of additional area in draft scheme.— If at any time before a draft scheme is prepared and submitted to the State Government for sanction, the Planning Authority or the officer is of the opinion, or on any representation made to it or him that an additional area be included within the said scheme, the Planning Authority or the officer may, after informing the State Government and giving notice in the *Official Gazette*,and also in one or more local newspapers, include such additional area in the scheme; and thereupon, all the provisions of sections 59, 60 and 61 shall apply in relation to such additional area as they apply to any original area of the scheme and the draft scheme shall be prepared for the original area and such additional area and submitted to the State Government for sanction.

63. Power of State Government to require Planning Authority to make scheme.— (*1*) Notwithstanding anything contained in this Act, the State Government may, in respect of any Planning Authority after making such inquiry as it deems necessary, direct that Authority to make [5]* * * * and submit for its sanction, a draft scheme in respect of any land in regard to which a town planning scheme may be made [6][after a notice regarding its making has been duly published in the prescribed manner.]

(*2*) If the Planning Authority fails to make the declaration of intention to make a scheme within three months from the date of direction made under sub-section (*1*), the State Government may by notification in the *Official Gazette*,appoint an officer to make [7]* * and submit the draft scheme for the land to the State Government [8][after a notice regarding its making has been duly published as aforesaid] and thereupon the provisions of sections 60, 61 and 62 shall, as far as may be applicable, apply to the making of such a scheme.

64. Contents of draft scheme.— A draft scheme shall contain the following particulars so far as may be necessary, that is to say,—

(*a*) the ownership, area and tenure of each original plot;

(*b*) reservation, acquisition or allotment of land required under sub-clause (*i*) of clause (*b*) of section 59 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which, such land is to be put to such uses;

(*c*) the extent to which it is proposed to alter the boundaries of the original plots by reconstitution;

(*d*) an estimate of the total cost of the scheme and the net cost to be borne by the Planning Authority;

(*e*) a full description of all the details of the scheme with respect to such matters referred to in clause (*b*) of section 59 as may be applicable;

1 The word "publish" was deleted by Mah. 6 of 1976, s. 22(*2*)(*b*).

2 These words were substituted for the words "twelve months" by Mah. 35 of 2014, s. 3(*b*), *w.e.f.* 24-12-2014. 3 The words "from time to time" were deleted by Mah. 35 of 2014, s. 3(*c*)(*i*), *w.e.f.* 24-12-2014.

4 These words were substituted for the words "six months" by Mah. 35 of 2014, s. 3(*c*)(*ii*), *w.e.f.* 24-12-2014. 5 The words "and publish in the prescribed manner" were deleted by Mah. 6 of 1976, s. 23(*a*).

6 These words were added by Mah. 6 of 1976, s. 23(*a*).

7 The words "and publish" were deleted by Mah. 6 of 1976, s. 23(*b*).

8 These words were added by Mah. 6 of 1976, s. 23(*b*).

(*f*) the laying out or re-laying out of land either vacant or already built upon including areas of comprehensive development;

(*g*) the filling up or reclamation of low lying swamp or unhealthy areas or levelling up of land;

1[(*g-1*) the allotment of land from the total area covered under the scheme, to the extent of,—

(*i*) the reservation of land to the extent of ten per cent. of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of economically weaker section and for lower income group and for persons dispossessed in the scheme;

(*ii*) the allotment of land to the extent of forty per cent. of the total area covered under the scheme, in the aggregate, for any or all of the following purposes, namely :—

(*A*) for roads;

(*B*) for parks, playgrounds, garden and open spaces;

(*C*) social infrastructure such as schools, dispensary, fire brigade and public utility place;

(*D*) sale by Planning Authority for residential, commercial or industrial use depending upon the nature of development:

Provided that,—

(I) the proceeds from the sale of land referred to in sub-clause (*D*) of this clause shall be used for the purpose of providing infrastructural facilities in the area covered under the scheme;

(II) the use of land allotted for the purposes referred to in sub-clause (*B*) of this clause shall not be changed by variation of scheme for a purpose other than the purpose for which it is so allotted;

(III) the land allotted for the purposes referred to in sub-clause (*C*) of this clause may be allowed to be developed, without variation of scheme, for any public purpose not contrary to the intent of the provisions of the draft scheme;]

(*h*) any other prescribed particulars.

65. Reconstituted plot.— (*1*) In the draft scheme, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is

already built upon, to ensure that the buildings as far as possible comply with the provisions of the scheme as regards open spaces.

(*2*) For the purpose of sub-section (*1*), a draft scheme may contain proposals—

(*a*) to form a final plot by reconstitution of an original plot by alteration of the boundaries of the original plot, if necessary;

(*b*) to form a final plot from an original plot by the transfer wholly or partly of the adjoining lands;

(*c*) to provide, with the consent of the owners, that two or more original plots each of which is held in ownership in severally or in joint ownership shall hereafter, with or without alteration of boundaries be held in ownership in common as a final plot;

(*d*) to allot a final plot to any owner dispossessed of land in furtherance of the scheme; and

(*e*) to transfer the ownership of an original plot from one person to another.

1 Clause (*g-1*) was inserted by Mah. 35 of 2014, s. 4, *w.e.f.* 24-12-2014.

66. Compensation for discontinuance of use.— Where under sub-clause (*i*) of clause (*b*) of section 59 the purposes to which the buildings or areas may not be appropriated or used in pursuance of clause (*m*) of section 22 have been specified, then the building or area shall cease to be used for a purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme; and the person affected by this provision shall be entitled to such compensation, from the Planning Authority as may be determined by the Arbitrator:

Provided that, in ascertaining whether compensation be paid, the time within which the person affected was permitted to change the user shall be taken into consideration.

67. Objections to draft scheme to be considered.— If within thirty days from the date of the 1[publication of notice regarding the preparation of the draft scheme], any person affected thereby communicates in writing any objection relating to such scheme, the Planning Authority, or the officer appointed under sub-section (*2*) of section 61 or section 63 shall consider such objection and may, at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it or he thinks fit.

68. Power of State Government to sanction draft scheme.— (*1*) The Planning Authority or, as the case may be, the officer aforesaid shall, not later than 2[three months] 3[from the date of the publication of the notice in the *Official Gazette*,regarding the making of the draft scheme], submit the same with any modifications which it or he may have made therein together with a copy of objections received by it or him to the State Government, and shall at the same time apply for its sanction.

(*2*) On receiving such application, after making such inquiry as it may think fit and consulting the Director of Town Planning, the State Government may, not later than 4[three months] from the date of its submission, by notification in the *Official Gazette*, 5***,either sanction such draft scheme with or without modifications and subject to such conditions as it may think fit to impose or refuse to give sanction.

(*3*) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public 6[and the State Government shall also state therein that copies of the scheme or any extract therefrom certified to be correct shall on application be available for sale to public at a reasonable price.]

7**[68A. Effect of sanction of draft scheme.—** (*1*) Where a draft scheme has been sanctioned by the State Government under sub-section (*2*) of section 68 (hereinafter in this section, referred to as "the sanctioned draft scheme"),all lands required by the Appropriate Authority for the purposes specified in sub-clauses (*ii-b*), (*ii-e*), (*ii-f*), and (*ii-g*) of clause (*b*) of sub-section (*1*) of section 59 shall vest absolutely in the Appropriate Authority free from all encumbrances.

(*2*) Nothing in sub-section (*1*) shall affect any right of the owner of the land vesting in the Appropriate Authority under that sub-section.

(*3*) The provisions of sections 89 and 90 shall, *mutatis mutandis* apply, to the sanctioned draft scheme as if,—

(*i*) san ctioned draft scheme were a preliminary scheme, and

(*ii*) in sub-section (*1*) of section 89 and sub-section (*1*) of section 90, for the words "the day on which a final scheme comes into force" the words, brackets and figures "the date on which the draft scheme is sanctioned under sub-section (*2*) of section 68" were substituted.]

1 These words were substituted for the words "publication of a draft scheme" by Mah. 6 of 1976, s. 24.

2 These words were substituted for the words "six months" by Mah. 35 of 2014, s. 5(*a*), *w.e.f.* 24-12-2014.

3 These words were substituted for the words "from the date of the publication of the draft scheme in the *Official Gazette*," by Mah. 6 of 1976, s. 25(*1*).

4 These words were substituted for the words "six months" by Mah. 35 of 2014, s. 5(*a*), *w.e.f.* 24-12-2014.

5 The words "or not later than such further time as the State Government may extend" were deleted by Mah. 35 of 2014, s. 5(*b*), *w.e.f.* 24-12-2014.

6 This portion was added by Mah. 6 of 1976, s. 25(*2*).

7 Section 68A was inserted by Mah. 35 of 2014, s. 6, *w.e.f.* 24-12-2014.

69. Restrictions on use and development of land after declaration for town planning scheme.— (*1*) On or after the date on which a declaration of intention to make a scheme is published in the *Official Gazette*—

(*a*) no person shall within the area included in the scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the Planning Authority in the prescribed form;

(*b*) the Planning Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and

(*i*) in the case of a Planning Authority other than a municipal corporation, after inquiry and where an Arbitrator has been appointed in respect of a draft scheme after obtaining his approval; or

(*ii*) in the case of a municipal corporation, after inquiry, may either grant or refuse such certificate, or grant it subject to such conditions as the Planning Authority may, with the previous approval of the State Government thinks fit to impose.

(*2*) If a municipal corporation gives permission under clause (*b*) of sub-section (*1*), it shall inform the Arbitrator accordingly, and shall send him a copy of the plan:

Provided that, a municipal corporation shall not grant a commencement certificate for any purpose which is in conflict with the provisions of the draft scheme, unless the corporation first obtains concurrence of the Arbitrator for the necessary change in the proposal of the draft scheme.

(*3*) If a Planning Authority communicates no decision to the applicant within two months from the date of such acknowledgment, the applicant shall be deemed to have been granted such certificate.

(*4*) If any person contravenes the provisions contained in clause (*a*) or clause (*b*) of sub-section (*1*), the Planning Authority may direct such person by notice in writing to stop any development in progress, and after making inquiry in the prescribed manner, remove,pulldown or alter any building or other development or restore the land in respect of which such contravention is made to its original condition.

(*5*) Any expense incurred by the Planning Authority under sub-section (*4*) shall be a sum due to the Planning Authority under this Act from the person in default or the owner of the plot.

[1][(*6*) The provisions of Chapter IV shall, *mutatis mutandis* apply in relation to the development and use of land included in a town planning scheme in so far as they are not inconsistent with the provisions of the Chapter.]

(*7*) The restrictions imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the event of the withdrawal of the schemeunder section 87 or in the event of the declaration lapsing under sub-section (*2*) of section 61.

70. Power of State Government to suspend rule, bye-law, etc.— (*1*) Where a Planning Authority has published a declaration under section 61 the State Government may, on an application of the Planning Authority by order published in the *Official Gazette,* suspend to such extent only as may be necessary for the proper carrying out of the scheme any rule, bye law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.

(*2*) Any order issued under sub-section (*1*) shall cease to operate in the event of the State Government refusing to sanction the scheme, or in the event of the withdrawal of the scheme under section 87 or in the event of the coming into force of the final scheme or in the event of the declaration lapsing under sub-section (*2*) of section 61.

71. Disputed ownership.— (*1*) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which a declaration of intention to make a town planning

1 Sub-section (*6*) was substituted for the original by Mah. 6 of 1976, s. 26.

scheme has been made and any entry in the record of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the Planning Authority or the Arbitrator at any time prior to the date on which the arbitrator draws up the final scheme under clause (*xviii*) of sub-section (*3*) of section 72 by such officer as the State Government may appoint for the purpose of deciding who shall be deemed to be owner for the purposes of this Act.

(*2*) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(*3*) Such decision shall, in the event of a civil court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Planning Authority either by the Civil Court or by some person affected by such decree.

(*4*) Where such a decree of the civil court is passed after final scheme has been sanctioned by the State Government under section 86, such final scheme shall be deemed to have been suitably varied by reason of such decree.

(*b*) *The Arbitrator and the Tribunal of appeal.*

72. Arbitrator; his powers and duties.— (*1*) Within one month from the date on which the sanction of the State Government to the draft scheme is published in the *Official Gazette*,the State Government shall for purposes of one or more planning schemes received by it for sanction appoint any person possessing such qualifications as may be prescribed to be an Arbitrator with sufficient establishment and his duties shall be as hereinafter provided.

(*2*) The State Government may, if it thinks fit at any time, remove for incompetence or misconduct or replace for any good and sufficient reason an Arbitrator appointed under this section and shall forthwith appoint another person to take his place and any proceeding pending before the Arbitrator immediately before the date of his removal or replacement shall be continued and disposed of by the new Arbitrator appointed in his place.

[1][(*3*) The Arbitrator shall, after following the prescribed procedure, sub-divide the town planning scheme into a preliminary scheme and a final scheme. The Arbitrator shall prepare preliminary scheme within nine months and as far as possible the final scheme within eighteen months, from the date of his appointment:

Provided that, the State Government may, by an order in writing, extend the said period by such further period not exceeding three months in the aggregate and any such order extending the period may be made so as to have retrospective effect:

Provide also that, where the town planning scheme pending before the Arbitrator on the date of commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 2011 (Mah. XXXV of 2014), which has not been sub-divided into a preliminary scheme and a final scheme within the period so extended under the preceding proviso, the State Government may, by an order and for reasons to be recorded in writing, extend the period by such further period not exceeding two years in aggregate from the date of expiry of the period so extended under the said proviso and any such order extending the period may be made so as to have retrospective effect.

(*4*) In the preliminary scheme, the Arbitrator shall,—

(*i*) after notice given by him in the prescribed manner, define, demarcate and decide the areas allotted to, or reserved for the public purpose or purposes of the Planning Authority, and also the final plots;

(*ii*) after notice given by him in the prescribed manner, decide the person or persons to whom a final plot is to be allotted; when such plot is to be allotted; and when such plot is to be allotted to persons in ownership in common, decide the shares of such person;

1 These sub-sections were substituted for sub-sections (*3*) and (*4*) by Mah. 35 of 2014, s. 7, *w.e.f.* 24-12-2014.

(*iii*) provide for the total or partial transfer of any right in an original plot to a final plot or provide for the transfer of any right in an original plot in accordance with the provisions of section 101;

(*iv*) determine the period within which the works provided in the scheme shall be completed by the Appropriate Authority.

(*5*) The Arbitrator shall submit the preliminary scheme so prepared to the State Government for sanction and shall also prepare and submit to the State Government the final scheme for sanction in accordance with the provisions of sub-section (*6*).

(*6*) In the final scheme, the Arbitrator shall,—

(*i*) estimate the amount of compensation payable under section 66;

(*ii*) calculate the proportion in which the increment in respect of the final plots included in the final scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions contained in section 97;

(*iii*) estimate the value of and fix the difference between the values of the original plots and the values of the final plots included in the final scheme, in accordance with the provisions contained in clause (*f*) of sub-section (*1*) of section 97;

(*iv*) estimate the compensation payable for the loss of the area of the original plot in accordance with the provisions contained in clause (*f*) of sub-section (*1*) of section 97 in respect of any original plot which is wholly acquired under the scheme;

(*v*) estimate the value of final plots included in the final scheme and the increment to accrue in respect of such plots in accordance with the provisions of section 98;

(*vi*) determine the amount to be deducted from or added to, as the case may be, the contribution leviable from a person in accordance with the provisions contained in section 100;

(*vii*) estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town planning scheme in accordance with the provisions contained in section 102;

(*viii*) determine whether the areas allotted or reserved for the public purpose or purposes of the Planning Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(*ix*) estimate the proportion of the sums payable as compensation of each plot used, allotted or reserved for the public purpose or purposes of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the cost of the scheme;

(*x*) determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(*xi*) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes on the date on which the final scheme is drawn up under sub-section (*7*);

(*xii*) calculate the contribution to be levied on each final plot included in the final scheme;

(*xiii*) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on one hand and the mortgagor or lessor on the other.

(*7*) The Arbitrator shall draw in the prescribed from the preliminary and final schemes in accordance with the draft scheme:

Provided that,—

(*a*) he may make variation in the draft scheme;

(*b*) he may, with the previous sanction of the State Government, after hearing the Planning Authority and any owners who may objections, make substantial variations in the draft scheme.

Explanation.— For the purposes of clause (*b*) of this proviso, "substantial variation" means increase in the total cost of the draft scheme by more than twenty per cent. or, two lakhs rupees, whichever is higher, on account of the provision of new works or the reservation of additional sites for public purposes included in the final scheme drawn up by the Arbitrator.]

73. Certain decisions of Arbitrator to be final.— Except in matters arising out of [1][clauses (*i*), (*ii*), (*iv*), (*v*), and clauses (*vii*) to (*xiii*)(both inclusive) of sub-section (*6*)] of section 72, every decision of the Arbitrator shall be final and conclusive and binding on all parties including the Planning Authority.

74. Appeal.— (*1*) Any decision of the Arbitrator under [2][clauses (*i*), (*ii*), (*iv*), (*v*), and clauses (*vii*) to (*xiii*)(both inclusive) of sub-section (*6*)] of section 72 shall be forthwith communicated to the party concerned including the Planning Authority; and any party aggrieved by such decision may, within two months from the date of communication of the decision, apply to the Arbitrator to make a reference to the Tribunal of Appeal for decision of the appeal.

(*2*) The provision of section 5, 12, and 14 of the Indian Limitation Act, 1963 (36 of 1963) shall apply to appeals submitted under this section.

75. Constitution of Tribunal of Appeal.— (*1*) The Tribunal of Appeal shall consist of a President and two Assessors.

(*2*) The President shall—

(*a*) in Greater Bombay, be the Principal Judge of the Bombay City Civil Court or such other Judge of the said Court as may be appointed by the State Government on the recommendation of the Principal Judge; and

(*b*) elsewhere, be the District Judge or the Civil Judge of the Senior Division as may be appointed by the State Government on the recommendation of the District Judge:

Provided that, the State Government may, if it thinks fit, appoint as President any person who has held the post (*i*) in Greater Bombay of a Judge of the High Court or of the Bombay City Civil Court, and (*ii*) elsewhere of a Judge of the District Court.

(*3*) The President shall appoint fit and proper persons as Assessors, who shall as far as possible have knowledge, or experience of town planning, valuation of land or civil engineering.

(*4*) The President and the Assessors shall be appointed members of the Tribunal of Appeal for such period as may be required by such Tribunal to decide an appeal made against the decision under clauses (*iv*) to (*xi*) (both inclusive), and clauses (*xiv*), (*xv*) and (*xvi*) of the sub-section (*3*) of section 72.

(*5*) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason any Assessor appointed under sub-section (*3*).

(*6*) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the President shall appoint forthwith a fit and proper person to take the place of such Assessor.

76. Arbitrator to assist Tribunal in advisory capacity and his remuneration.— (*1*) The Arbitrator shall be present at the proceedings before the Tribunal of Appeal. He shall not be required to

1 These words, brackets and figures were substituted for the words, brackets and figures "clauses (*iv*) to (*xi*) (both inclusive) and clauses (*xiv*), (*xv*) and (*xvi*) of sub-section (*3*)" by Mah. 35 of 2014, s. 8, *w.e.f.* 24-12-2014.

2 These words, brackets and figures were substituted for the words, brackets and figures "clauses (*iv*) to (*xi*) (both inclusive) and clauses (*xiv*), (*xv*) and (*xvi*) of sub-section (*3*)" by Mah. 35 of 2014, s. 9, *w.e.f.* 24-12-2014.

give evidence in such proceedings but the President may require him to assist the Tribunal in an advisory capacity.

(*2*) Where the Arbitrator is required under sub-section (*1*) to assist the Tribunal of Appeal, he shall, save where he is a salaried officer of Government, be entitled to such fees as the State Government may from time to time determine.

77. Place where Tribunal may sit.— The Tribunal of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Tribunal.

78. Decision of question of law and other questions.— All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by a majority.

79. Powers of Tribunal to decide matter finally.— (*1*) The Tribunal of Appeal shall, after making such inquiry as it may think fit, decide all matters arising out of clauses (*iv*) to (*xi*) (both inclusive) and clauses (*xiv*), (*xv*) and (*xvi*) only of sub-section (*3*) of section 72 in respect of appeals referred to the Tribunal: and may either confirm the proposals of the Arbitrator or direct him where necessary to reconsider, vary or modify his proposals only in respect of such matters aforesaid.

(*2*) Every decision of the Tribunal of Appeal shall be final and conclusive and binding on all persons and parties including the Planning Authorities.

80. Tribunal not to be Court.— Nothing contained in this Act shall be deemed to constitute the Tribunal of Appeal to be a Court.

81. Remuneration of Arbitrator and Assessors and payment of incidental expenses of Tribunal.— (*1*) The President and the Assessors shall, save where they are salaried Government Officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the State Government may, from time to time, decide:

Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the State Government may authorise the President and the Assessors, even if they are salaried Government Officers to receive such special salary or remuneration, as the State Government may by order, decide from time to time.

(*2*) The salary of the President of the Tribunal of Appeal or an Assessor who is a salaried Government Officer, and any remuneration payable under sub-section (*1*) of this section and fees payable to an Arbitrator under sub-section (*2*) of section 76 and all expenses incidental to the working of the Tribunal of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Planning Authority and shall be added to the cost of the scheme.

82. Decision of Arbitrator to be final in certain matters.— (*1*) Where no appeal has been made under section 74, the decisions of the Arbitrator under clauses (*iv*) to (*xi*) and clauses (*xiv*), (*xv*) and (*xvi*) of sub-section (*3*) of section 72 shall be final and binding on the parties.

(*2*) The Tribunal of Appeal shall send a copy of its decision in appeal to the Arbitrator who shall then, where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to his notice after publication of the final scheme as drawn up by him under clause (*xviii*) of sub-section (*3*) of section 72; and the Arbitrator shall forward such final scheme together with a copy of his decisions under section 72 and a copy of the decision of the Tribunal of Appeal in appeal to the State Government for the sanction of the final scheme.

83. Possession of land in advance of town planning scheme.— (*1*) Where a Planning Authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works included in a draft scheme for a public purpose, the Planning Authority shall make an application through the Arbitrator to the State Government to vest in it the land (without any building) shown in the draft scheme.

(*2*) The State Government may, if satisfied that it is urgently necessary in the public interest to empower the Planning Authority to enter on such land for the purpose of executing any of such works, direct the Arbitrator, by notification in the *Official Gazette*,to take possession of the land, or may, after recording its reasons refuse to make any such direction:

Provided that, no such direction shall be made without the Arbitrator giving a hearing to any person or Planning Authority affected by such direction, and considering the report of the Arbitrator in that behalf.

(*3*) The Arbitrator shall then give a notice in the prescribed manner to the person interested in the land the possession of which is to be taken by Arbitrator requiring him to give possession of his land to the Arbitrator or any person authorised by him in this behalf within a period of one month from the date of service of notice; and if no possession is delivered within the period specified in the notice, the Arbitrator shall take possession of the land and shall handover the land to the Planning Authority. Such land shall thereupon, notwithstanding anything contained in this Act, vest absolutely in the Planning Authority free from all encumbrances.

84. Commissioner of Police or Magistrate to enforce delivery of possession of land.— (*1*) If the Arbitrator is opposed or impeded in taking possession of the land under section 83, he shall request the Commissioner of Police, or as the case may be, the District Magistrate to enforce the delivery of possession of the land to the Arbitrator. The Commissioner or the District Magistrate, as the case may be, shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Arbitrator.

(*2*) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (*1*) includes the power to enter upon any land or other property whatsoever.

85. Owner of land of which possession is taken entitled to interest.— (*1*) Where possession of land is taken by the Arbitrator under section 83 or 84, the person interested in such land shall be entitled to interest at the rate of 4 per cent. per annum on the amount of compensation payable to him under the final scheme in respect of the said land from the date on which such possession is taken till the date on which amount of compensation is paid to him by the Planning Authority.

(*2*) The Planning Authority may, at the request of the person interested, pay after consulting the Arbitrator, an advance as provided in sub-section (*3*) of section 129.

[1][86. **Sanction of State Government to preliminary or final scheme.—** (*1*) On receipt of the preliminary scheme or, as the case may be, the final scheme, the State Government may,—

(*a*) in the case of the preliminary scheme, within a period of two months from the date of its receipt, and

(*b*) in the case of the final scheme, within a period of three months from the date of its receipt,

by notification in the *Official Gazette*,sanction the preliminary scheme or the final scheme or refuse to give such sanction, provided that in sanctioning any scheme, the State Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.

(*2*) Where the State Government sanctions the preliminary scheme or the final scheme, it shall state in the notification,—

(*a*) the place at which the scheme shall be kept open for inspection by the public; and

(*b*) a date (which shall not be earlier than one month after the date of the publication of the notification) on which all the liabilities created by the scheme shall come into force:

1 This section was substituted by Mah. 35 of 2014, s. 10, *w.e.f.* 24-12-2014.

Provided that, the State Government may, from time to time, by notification in the *Official Gazette*,extend such date, by such period, not exceeding three months at a time,as it thinks fit.

(*3*) On and after the date fixed in such notification, the preliminary scheme or the final scheme, as the case may be, shall have effect as if it were enacted in this Act.]

87. Withdrawal of scheme.— (*1*) If at any time before the [1][preliminary scheme] is forwarded by the Arbitrator to the State Government, a representation is made to the Arbitrator by the Planning Authority and a majority of the owners in the area that the scheme should be withdrawn, the Arbitrator shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the State Government.

(*2*) After making such inquiry as it may think fit, the State Government may, by notification in the *Official Gazette*, direct that the scheme shall be withdrawn; and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.

88. Effect of [2][preliminary scheme].— On and after the day on which a [3][preliminary scheme] comes into force—

(*a*) all lands required by the Planning Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Planning Authority free from all encumbrances;

(*b*) all rights in the original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by Arbitrator;

[4]* * *

(*c*) *Enforcement of Schemes.*

89. Power of Planning Authority to evict summarily.— (*1*) On and after the day on which a [5][preliminary scheme] comes into force, any person continuing to occupy any land which he is not entitled to occupy under the [6][preliminary scheme] may, in accordance with the prescribed procedure, be summarily evicted by the Planning Authority or any of its officers authorised in that behalf by that Authority.

(*2*) If the Planning Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the Commissioner of Police, or as the case may be, the District Magistrate shall at the request of the Planning Authority enforce the eviction of such person or secure delivery of possession of the land to the Planning Authority as may be necessary.

90. Power to enforce scheme.— (*1*) On and after the day on which a [7][preliminary scheme] comes into force, the Planning Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme,—

(*a*) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection of which or carrying out of which, any provision of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme, in any case where it appears to the Planning Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

1 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 11, *w.e.f.* 24-12-2014. 2 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 12(*c*), *w.e.f.* 24-12-2014. 3 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 12(*a*), *w.e.f.* 24-12-2014. 4 Clause (*c*) was deleted by Mah. 35 of 2014, s. 12(*b*), *w.e.f.* 24-12-2014.

5 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 13, *w.e.f.* 24-12-2014.

6 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 13, *w.e.f.* 24-12-2014. 7 These words were substituted for the words "final scheme" by Mah. 35 of 2014, s. 14(*a*), *w.e.f.* 24-12-2014.

(*2*) Any expenses incurred by the Planning Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the Planning Authority under the provisions of this Act.

(*3*) If any action taken by the Planning Authority is questioned, the matter shall be referred to the State Government or any officer authorised by the State Government in this behalf; and the decision of the State Government or of the officer, as the case may be, shall be final and conclusive and binding on all persons.

[1][(*4*) No person shall be entitled to compensation in respect of any damage, loss or injury resultingfrom any action taken by the Appropriate Authority under the provisions of this section except in respect of the building constructed or work begun before the date referred to in sub-section (*1*) and only in so far as such building or work has proceeded until that date:

Provided that, any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Appropriate Authority.

(*5*) The provisions of this section shall not apply to any operational construction undertaken by the State Government or the Central Government.]

(*d*) *Variation of Schemes.*

91. Power to vary scheme on ground of error, irregularity or informality.— (*1*) If after the final scheme has come into force, the Planning Authority considers that the scheme is defective on account of an error, irregularity or informality or that the scheme needs variation or modification of a minor nature, the Planning Authority may apply in writing to the State Government for variation of the scheme.

(*2*) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the *Official Gazette*, authorise or direct the Planning Authority to prepare [2][a draft of such variation and publish a notice in the *Official Gazette*,and in such other manner as may be prescribed stating that a draft variation has been prepared].

(*3*) [3][The notice of preparation of draft variation published] under sub-section (*2*) shall state every every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the sub-clauses (*i*) to (*ii*) of clause (*b*) of section 59, the draft variation shall also contain such other particulars as may be prescribed.

(*4*) The draft variation shall be open to the inspection of the public at the office of the Planning Authority during office hours [4][and copies of such draft variation or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.]

(*5*) Not later than one month of the date of the [5][publication of the notice regarding preparation of of draft variation], any person affected thereby may communicate in writing his objections to such variation to the State Government, and send a copy thereof to the Planning Authority.

(*6*) After receiving the objections under sub-section (*5*), the State Government may, after consulting the Planning Authority and after making such enquiry as it may think fit, by notification in the *Official Gazette*,—

(*a*) appoint an Arbitrator, and thereupon the provisions of this Chapter shall, so far as may be, apply to such draft variation, as if it were a draft scheme submitted to the State Government for sanction;

1 Sub-sections (*4*) and (*5*) were added by Mah. 35 of 2014, s. 14(*b*), *w.e.f.* 24-12-2014.

2 These words were substituted for the words "and publish a draft of such variation in the prescribed manner" by Mah. 6 of 1976, s. 28(*a*).

3 These words were substituted for the words "The draft variation published" by Mah. 6 of 1976, s. 28(*b*).

4 This portion was added by Mah. 6 of 1976, s. 28(*c*).

5 These words were substituted for the words "publication of a draft variation" by Mah. 6 of 1976, s. 28(*d*).

(*b*) sanction the variation with or without modifications; or

(*c*) refuse to sanction the variation.

(*7*) From the date of the notification sanctioning the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

92. Power to vary town planning scheme.— Notwithstanding anything contained in section 86, a town planning scheme may at any time be varied by a subsequent scheme made, [1][published by means of notice] and sanctioned in accordance with this Act:

Provided that, when a scheme is so varied, the provisions of this Chapter shall so far as may be applicable, apply to such variation and making of subsequent scheme; and the date of the declaration of intention of the Planning Authority to vary the scheme shall, for the purposes of sections 69, 70, 97, 98 and 100, be deemed to be the date of declaration of intention to make a scheme referred to in those sections.

93. Apportionment of cost of scheme withdrawn or not sanctioned.— In the event of a town planning scheme being withdrawn or sanction to a final scheme being refused by the State Government, the State Government may direct that the costs of the scheme shall be borne by the Planning Authority or be paid to the Planning Authority by the owners concerned, in such proportion as the State Government may in each case determine.

(*e*) *Proceedings before Arbitrator and Tribunal.*

94. Right to appear by recognised agent.— Every party to any proceeding before an Arbitrator or the Tribunal of Appeal shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

95. Power to compel attendance of witnesses.— For the purpose of this Act, an officer appointed under sub-section (*1*) of section 71 or an Arbitrator or the Tribunal of Appeal may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908 (V of 1908).

(*f*) *Joint development plans and joint town planning schemes.*

96. Joint development plans and joint town planning schemes.— (*1*) When the State Government or two or more Planning Authorities are of opinion that the interests of contiguous areas within the jurisdiction of such Planning Authorities can best be served by the making of a joint development plan or a joint town planning scheme, the State Government shall after necessary enquiry constitute a Special Planning Authority as provided in section 40.

(*2*) Such Special Planning Authority, when duly constituted, shall make a declaration of the intention to make a joint development plan or a joint town planning scheme in respect of the contiguous areas in the manner provided in section 23 or section 60, as the case may be, and thereafter, the Special Planning Authority shall have all the powers and be liable to all the duties of a Planning Authority under this Act and all the foregoing provisions of this Act in respect of the procedure to be followed in preparing, publishing and submitting a development plan, or, as the case may be, a town planning scheme for sanction of the State Government shall apply so far as may be applicable.

(*3*) The joint development plan or the joint town planning scheme shall specify the parts of the joint development plan or the joint town planning scheme to be executed by the several Planning Authorities in the several contiguous areas, and the several parts of the joint development plan or joint town planning scheme shall, when the joint development plan or the joint town planning scheme is sanctioned by the State Government under section 31 or 86, as the case may be, have effect in the several contiguous areas as if they are separate development plans or town planning schemes:

1 These words were substituted for the words "published" by Mah. 6 of 1976, s. 29.

Provided that, a joint development plan, or a joint town planning scheme may be executed partly or wholly by the two or more Planning Authorities concerned jointly as they may decide in this behalf.

(*g*) *Finance of Schemes.*

97. Cost of scheme.— (*1*) The cost of a town planning scheme shall include,—

(*a*) all sums payable by a Planning Authority under the provisions of this Act which are not specifically excluded from the costs of the scheme;

1[(*b)* all sums spent or estimated to be spent by a Planning Authority with reference to the period during which the preliminary scheme is to be implemented, after it is sanctioned under section 86;]

(*c*) all sums payable as compensation for land reserved or allotted for any public purpose or purpose of a Planning Authority which is solely beneficial to the owners or residents within the area of the scheme;

(*d*) such portion of the sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owner or residents within the area of the scheme from such reservation or allotment;

(*e*) all legal expenses incurred by the Planning Authority in the making and in the execution of the scheme;

(*f*) the amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of declaration of intention to make a scheme, with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

2[(*g*) twenty per cent. of the amount of the cost of the infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme.]

(*2*) If in any case the total of the values of the plots included in the final scheme exceeds the total of the value of the original plots, each of such plots being estimated in the manner provided in clause (*f*) of sub-section (*1*), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (*1*).

98. Calculation of increment.—For the purposes of this Act, the increment shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme, the market value of any

plot with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference to such improvements:

Provided that, in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

99. Contribution towards cost of scheme.— (*1*) The cost of the scheme shall be met wholly or in part by a contribution to be levied by the Planning Authority on each final plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Arbitrator:

Provided that—

(*i*) no such contribution shall exceed half the increment estimated by the Arbitrator to accrue in respect of such final plot, subject to the condition that where the total cost of a scheme exceeded half the total amount of increments, the proportion of such contribution shall not be less than half the increment;

1 Clause (*b*) was substituted by Mah. 35 of 2014, s. 15(*a*), *w.e.f.* 24-12-2014. 2 Clause (*g*) was added by Mah. 35 of 2014, s. 15(*b*), *w.e.f.* 24-12-2014.

(*ii*) no such contribution shall be levied on a plot used, allotted or reserved, for a public purpose or purpose of the Planning Authority, such plot being solely for the benefit of the owners or residents within the area of the scheme;

(*iii*) the contribution levied on a plot used, allotted or reserved for a public purpose or purposes of the Planning Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in the proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(*2*) The owner of each final plot included in a final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

100. Certain amount to be added to or deducted from contribution leviable from person.— The amount by which the total value of final plots included in a final scheme with all the buildings and works thereon allotted to the person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contribution leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contempted in the scheme other than improvements due to the alteration of its boundaries.

1[Provided that, in lieu of the amount that qualifies to be deducted from the contribution leviable from a person, the Planning Authority or the Arbitrator may, at the request of such person, grant FSI (Floor Space Index) or TDR (Transferable Development Right) equivalent to the reduction in the area of his original plot resulting from reconstitution.]

101. Transfer of right from original to reconstituted plot or extinction of such right.— Any right in an original plot which in the opinion of the Arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme to a final plot shall be so transferred and any right in an original plot which in the opinion of the Arbitrator is not capable of being so transferred shall be extinguished:

Provided that, an agricultural lease shall not be transferred from an original plot to a final plot without the consent of all the parties to such lease.

(*h*) *Compensation.*

102. Compensation in respect of property or right injuriously affected by scheme.— The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, subject to provisions of section 101, if he makes a claim before the Arbitrator within sixty days of the

receipt of the notice from the Arbitrator, be entitled to obtain compensation in respect thereof from the Planning Authority or from any person benefited or partly from the Planning Authority and partly from such person as the Arbitrator may in each case determine.

103. Exclusion or limitation of compensation in certain cases.— (*1*) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made, no compensation is payable for such injurious affection.

(*2*) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (*b*) of section 64.

104. Provision for cases in which amount payable to owner exceeds amount due from him.— If the owner of an original plot is not provided with a final plot in the final scheme or if the contribution to be levied from him under section 100 is less than the total amount to be deducted

1 The proviso was added by Mah. 35 of 2014, s. 16, *w.e.f.* 24-12-2014.

therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Planning Authority in cash or in such other way as may be agreed upon by the parties.

105. Provision for case in which value of developed plot is less than amount payable by owner.—(*1*) If from any cause the total amount which would be due to a Planning Authority under the provisions of this Act from the owner of a final plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Arbitrator shall, at the request of the Planning Authority, direct the owner of such plot to make payment to the Planning Authority of the amount of such excess.

(*2*) If such owner fails to make such payment within the prescribed period, the Arbitrator shall, if the Planning Authority so requests acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Planning Authority of the value of such plot estimated as its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme ; and thereupon, the plot included in the final scheme shall vest absolutely in the Planning Authority free from all encumbrances but subject to the provisions of this Act:

Provided that, the payment made by the Planning Authority on account of the value of the original plot shall not be included in the costs of the scheme.

106. Payment by adjustment of account.— All payments due to be made to any person by a Planning Authority under this Act shall, as far as possible, be made by an adjustment in such person‟s account with the Planning Authority in respect of the final plot concerned or of any other plot in which he has an interest, and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

107. Payment of net amount due to Planning Authority.—(*1*) The net amount payable under the provisions of this Act by the owner of a final plot included in a final scheme may at the option of the contributor be paid in one sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at 6 per cent. per annum shall be charged on the net amount payable. If the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the Planning Authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid:

Provided that, where an owner elects to pay the amount in one sum but fails to do so, interest at 6 per cent. per annum shall be payable by him to the Planning Authority from the date specified in the notice to the date of payment.

(*2*) Where two or more final plots included in a final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several final plots in proportion to the increment which is estimated to accrue in respect of each final plot unless the owner and the Planning Authority agree to a different method of distribution.

(*i*) *Miscellaneous.*

108. Power of Planning Authority to make agreement.— (*1*) A Planning Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town planning scheme comes into force.

(*2*) Such agreement shall not in any way affect the duties of the Arbitrator as stated in section 72 or the rights of third parties, but it shall be binding on the parties to the agreement, notwithstanding any decision that may be passed by the Arbitrator:

Provided that, if any agreement contains any provisions which are inconsistent with the final scheme as drawn up by the Arbitrator under section 72 or the final scheme as sanctioned by the State Government under section 86 such an agreement shall be void:

Provided further that, if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.

109. Recovery of arrears.— (*1*) Any sum due to a Planning Authority under this Act, rule or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

(*2*) Any sum due to the Planning Authority under this Act, rule or any regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed by the Planning Authority, shall be recoverable by the Planning Authority from the defaulter as if they were arrears of land revenue.

(*3*) If any question arises whether a sum is due to the Planning Authority within the meaning of sub-section (*2*), it shall be referred to a tribunal constituted by the State Government consisting of one or more persons not connected with the Planning Authority or any authority subordinate to it or with the person by whom the sum is alleged to be payable which the tribunal shall, after making such inquiry at it may deem fit and after giving to the person by whom the sum is alleged to be payable, an opportunity of being heard, decided the question; and the decision of the tribunal thereon shall be final and shall not be called in question in any court or before any other authority.

(*4*) The procedure to be followed by the tribunal in deciding questions referred to it under sub-section (*2*) shall be such as may be prescribed by the State Government.

110. Disposal of surplus amount.— Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Planning Authority under this Act remains as surplus, the Planning Authority shall, in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.

111. Execution of works in final scheme by Planning Authority.— (*1*) A Planning Authority shall complete all the works provided in a final scheme within the period prescribed in the final scheme by the Arbitrator under clause (*xvii*) of subsection (*3*) of section 72:

Provided that, in exceptional circumstances on application by the Planning Authority, the State Government may by an order in writing specifying those circumstances grant to the Planning Authority in this behalf further extension of time as it may think fit.

(*2*) If the Planning Authority fails to complete the work within the prescribed period or within the period extended under sub-section (*1*), the State Government may, notwithstanding anything contained in sub-section (*1*), require the Planning Authority to complete the works within a further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Planning Authority and recover the cost from the Planning Authority in the manner provided by sub-section (*2*) of section 162 of this Act.

112. Penalty for removal of boundary stones.— Whoever wilfully destroys or injures or without lawful authority removes, a boundary stone or mark lawfully fixed or constructed, the Collector, on receipt of the intimation from the Arbitrator or the Planning Authority, may order such person to pay a fine, not exceeding twenty rupees for each stone or mark so destroyed, injured or removed as may in his opinion be necessary to defray the expenses of restoring the same.

CHAPTER VI

NEW TOWNS

113. Designation of site for new town.— (*1*) If the State Government is satisfied that it is expedient in the public interest that any area should be developed as a site for a new town as reserved

or designated [1-2][in any draft or final Regional Plan], it may, by notification in the *Official Gazette*, designate that area as the site for the proposed new town. The new town shall be known by the name specified in the notification.

(*2*) After publication of the notification under sub-section (*1*), for the purpose of acquiring, developing and disposing of land in the area of a new town, the State Government shall by another notification in the *Official Gazette* constitute a New Town Development Authority. The New Town Development Authority shall consist of a Chairman, a Vice-Chairman, [3][two members representing the local authorities functioning in the Region and such number of other members not exceeding seven] as in the opinion of the State Government have special knowledge or practical experience in matters relating to town and country planning, an officer to be called the Town Planning Officer and a Chief Executive Officer. The Chairman and the Vice-Chairman and all other members shall be appointed by the State Government.

(*3*) The Chief Executive Officer shall be the Secretary of the Development Authority [4][constituted under sub-section (*2*)].

[5][(*3A*) Having regard to the complexity and magnitude of the work involved in developing any area as a site for the new town, the time required for setting up new machinery for undertaking and completing such work of development, and the comparative speed with which such work can be undertaken and completed in the public interest, if the work is done through the agency of a corporation including a company owned or controlled by the State or a subsidiary company thereof, set up with the object of developing an area as a new town, the State Government may, notwithstanding anything contained in sub-section (*2*), require the work of developing and disposing of land in the area of a new town to be done by any such corporation, company or subsidiary company aforesaid, as an agent of the State Government; and thereupon, such corporation or company shall, in relation to such area, be declared by the State Government, by notification in the *Official Gazette*, to be the New Town Development Authority for that area.]

(*4*) Every Development Authority shall be a body corporate with perpetual succession and a common seal with power to acquire, hold and dispose of property, both moveable and immoveable, and contract and sue or be sued by such name as may be specified in the notification under [6][sub-section (*2*)].

(*5*) [7][On the constitution of, or on the declaration of any corporation or company as], a Development Authority for any new town, the local authority or authorities functioning, within the area designated under this Act as a site for the new town, immediately [8][before such constitution or declaration] shall cease to exercise the powers and perform the functions and duties which the said Development Authority is competent to exercise and perform under this Act.

(*6*) The provisions of sections 5, 6, 7, 8, 9, 10 and 11 shall apply *mutatis mutandis* to a [9][Development Authority constituted under sub-section (*2*)] as they apply in relation to a Regional Board.

(*7*) The Development Authority shall have its office at such place as the State Government may appoint in this behalf.

1 Sub-section (*2*) of section 5 of Mah. 14 of 1971 reads as follows :—

"(*2*) Notwithstanding anything contained in sub-section (*1*) the New Town Development Authority in existence at the commencement of this Act, shall continue to function until such time as the New Town Development Authority is duly constituted under sub-section (*1*) of section 113 of the principal Act, as amended by sub-section (*1*) of this section.". 2 These words were substituted for the words "in Regional Plan" by Mah. 14 of 1971, s. 5(*1*)(*a*).

3 These words were substituted for the words "and such number of other members not exceeding four" by Mah. 14 of 1971, s. 5(*1*)(*b*).

4 This portion was added by Mah. 21 of 1971, s. 3(*1*).

5 Sub-section (*3A*) was inserted by Mah. 21 of 1971, s. 3(*2*).

6 This portion was substituted for "sub-section (*1*)(*a*)" by Mah. 21 of 1971, s. 3(*3*).

7 These words were substituted for the words "On the constitution of a Development Authority" by Mah. 21 of 1971, s. 3(*4*)(*b*).

8 These words were substituted for the words "before such constitution" by Mah. 21 of 1971, s. 3(*4*)(*b*).

9 This portion was substituted for the words "Development Authority" by Mah. 21 of 1971, s. 3(*5*).

(*8*) A Development Authority shall have all the powers and shall carry out all the duties of a Planning Authority under this Act [1][(including all powers and duties under Chapters III and IV and also under other provisions of this Act)] as may be relevant for carrying out of its objects and all the provisions in respect of procedure under this Act shall apply so far as may be necessary in this behalf.

[2]**[113A. Power of State Government to acquire land for Corporation or Company declared to be New Town Development Authority.—** Notwithstanding anything contained in this Act, or in any law for the time being in force, where any corporation or company is declared to be the New Town Development Authority under sub-section (*3A*) of section 113, the State Government shall acquire either by agreement or [3][under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] (and such acquisition may have been commenced before the coming into force of this section) any land within the area designated under this Act, as the site of the new town, any land adjacent to that area which is required for the purposes connected with the development of the new town, and any land whether adjacent to that area or not, which is required for provisions of services or amenities for the purposes of the new town; and vest such land in such Authority for the purposes of this Chapter] [4][by an order duly made in that behalf].

114. Objects of Development Authority.— (*1*) The objects of a Development Authority shall be to secure the laying out and development of the new town in accordance with proposals approved in that behalf under the [5][provisions] of this Act, and for that purpose every such Authority shall [6][subject [6][subject to the provisions of section 113A] have power to acquire, hold, manage and dispose of land and other property to carry out buildings and other operations, to provide water, electricity, gas, sewerage and other services, amenities and facilities and generally to do anything necessary or expedient for the purpose of the new town or for purposes incidental thereto.

[7]* * * * *

(*2*) Without prejudice to any provision of this Act requiring the consent of the State Government to be obtained for anything to be done by a Development Authority, the State Government may give directions to any such Development Authority for restricting the exercise by it of any of its powers under this Act, or for requiring it to exercise those powers in any manner specified in the directions:

Provided that—

(*a*) before giving any such directions, the State Government [8][shall consult with the Chairman, or if the Chairman is not available, with the Vice-Chairman, of the Development Authority constituted under sub-section (*2*) of section 113, or as the case may be, with the officer or officers of the Development Authority declared under sub-section (*3A*) of that section who is or are duly

authorised by such Authority], unless the State Government is satisfied that, on account of urgency, such consultation is impracticable; and

(*b*) any transaction between any person and any such Development Authority acting in the purported exercise of their powers, under this Act shall not be void by reason only that it was carried out in contravention of such directions, unless that person had actual notice of the directions.

(*3*) For the avoidance of doubt, it is hereby declared that the provisions of sub-section (*1*) with respect to the powers of Development Authorities relate only to their capacity as statutory corporation;

1 This portion was deemed always to have been inserted by Mah. 30 of 1972, s. 8.

2 Section 113A was inserted by Mah. 21 of 1971, s. 4.

3 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 3, *w.e.f.* 29th August 2015.

4 These words were added by Mah. 22 of 1973, s. 3.

5 This word was substituted for "following provisions" by Mah. 30 of 1972, s. 9.

6 This portion was inserted by Mah. 21 of 1971, s. 5(*1*)(*a*) and (*b*).

7 The existing proviso was deleted by Mah. 6 of 1976, s. 30.

8 This was substituted for the words "shall consult with the Chairman of the Development Authority, or, if the Chairman is not available, with the Vice-Chairman" by Mah. 21 of 1971, s. 5(*2*).

and nothing in this section shall be construed as authorizing the disregard by a Development Authority of any enactment or rule of law.

115. Planning and control of development in new towns.—[1][Without prejudice to the provisions of sub-section (*8*) of section 113, the Development Authority] shall from time to time submit to the State Government in accordance with any directions that may be given by the State Government in that behalf, its proposals for the development of land within the area designated under this Act as the site of the new town, and the State Government [2][after consultation with the Director of Town Planning], may approve any such proposals either with or without modification.

116. Acquisition of land by Development Authority [3][constituted under section 113 (*2*)].— A Development Authority [4][constituted under subsection (*2*) of section 113] shall have all the powers of a Planning Authority under this Act as provided in Chapter VII for the purpose of acquisition either by agreement or [5][under the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)] of—

(*a*) any land within the area designated under this Act as the site of the new town;

(*b*) any land adjacent to that area which is required for purposes connected with the development of the new town; and

(*c*) any land whether adjacent to that area or not which is required for provision of services of amenities for the purposes of the new town.

117. Obligation to purchase designated land.— Where any land within the area designated by a notification under section 113 of this Act as the site of the new town has not been [6][acquired by the State Government or a Development Authority constituted under sub-section (*2*) of section 113] within a period of ten years from the date of the notification, any owner of the land may by notice in writing [7][served on the State Government or the Development Authority] require it to acquire his interest therein; and thereupon, the provisions of section 127 providing for lapsing of reservations shall apply in relation to such land as they apply in relation to land reserved under any plan under this Act.

118. Disposal of land by Development Authority.— (*1*) Subject to any directions given by the State Government under this Act, a Development Authority may dispose of any land acquired by it [8][or vesting in it] to such persons, in such manner, and subject to such terms or conditions as they consider expedient for securing the development of the new town in accordance with proposals approved by the State Government under this Act:

Provided that, a Development Authority shall not have power, except with the consent of the State Government, to sell any land or to grant a lease of any land for a term of more than ninety-nine years, and

the State Government shall not consent to any such disposal of land unless it is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient.

(*2*) The powers of a Development Authority with respect to the disposal of [9][land acquired for it for the purposes of this Act] shall be so exercised as to secure, so far as practicable, that persons who were living or carrying on business, or other activities on land so acquired shall, if they desire to obtain a plot or accommodation [10][on land belonging to, or vesting in,] the Development Authority and are

1 This portion was deemed always to have been substituted for "The Development Authority," by Mah. 30 of 1972, s. 10. 2 These words were substituted for the words "after consultation with the local authority within whose area the land is situated and with any other local authority who appear to the State Government to be concerned" by Mah. 11 of 1973, s. 5.

3 This portion was substituted for the words "acquired by a Development Authority" by Mah. 21 of 1971, s. 7(*a*). 4 This portion was inserted by Mah. 21 of 1971, s. 6.

5 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 4, *w.e.f.* 29th August 2015.

6 This portion was substituted for the words "acquired by a Development Authority" by Mah. 21 of 1971, s. 7(*a*).

7 These words were substituted for the words "served on the Development Authority" by Mah. 21 of 1971, s. 7(*b*). 8 These words were inserted by Mah. 21 of 1971, s. 8(*a*).

9 These words were substituted for the words "land acquired by them under this Act" by Mah. 21 of 1971, s. 8(*b*)(*1*). 10 These words were substituted for the words "on land belonging to" by Mah. 21 of 1971, s. 8(*b*)(*2*).

willing to comply with any requirements of the Development Authority as to its development and use, have an opportunity to obtain a plot or accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(*3*) Nothing in this Act shall be construed as enabling a Development Authority to dispose of land by way of gift, mortgage or charge, but subject as aforesaid, references in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease by the creation of any easement, right or privilege or otherwise.

119. Directions by State Government for disposal of land.— The State Government may give to any Development Authority such directions with respect to the disposal of land acquired by the Authority [1][or vested in it] under this Act and with respect to the development by that Authority of such land, as appear to the State Government to be necessary or expedient for securing so far as practicable, the preservation of any features or objects of special architectural or historic interest.

120. Power to make agreement for provision of services.— A Development Authority may make any agreement or enter into any contract with any local authority, Planning Authority or statutory body in order to secure the provision of services, such as water-supply, drainage, including sewerage, electricity, gas within the area of the new town, subject to the power of the State Government to modify or disallow such agreement or contract.

121. Contributions by Development Authority towards expenditure of local authorities and statutory authority.— Without prejudice to the generality of the powers conferred on a Development Authority under this Chapter, any Development Authority may, with the consent of the State Government contribute such sums as the State Government may determine towards expenditure incurred or to be incurred by any local authority, Planning Authority or statutory body in the performance, in relation to the new town, of any of their statutory functions, including expenditure so incurred in the acquisition of land.

122. Advances and payments by State Government to Development Authorities.— (*1*) For the purpose of enabling a Development Authority [2][constituted under sub-section (*2*) of section 113] to to defray expenditure properly chargeable to capital account including the provision of working capital, the State Government may, after due appropriation made by the State Legislature by law in this behalf, make advances to the Development Authority repayable over such periods and on such terms as may be approved by the State Government.

(*2*) For the purpose of enabling [3][such Development Authority] to defray any other expenditure, the State Government may, after due appropriation made by the State Legislature by law in this behalf, make grants to the Development Authority of such amounts it may decide in this behalf.

(*3*) All sums received by the State Government by way of interest on an advance made to a Development Authority under sub-section (*1*) and all sums received by way of repayment of the principal of such an advance shall be paid into the Consolidated Fund of the State; and the State Government shall lay before each House of the Legislature of the State a statement of any sums due from a Development Authority by way of interest on or repayment of any such advances which are not duly paid to the State Government in accordance with the terms approved under sub-section (*1*).

(*4*) It shall be a condition of the making of advances to a Development Authority under this section that [4][the plans or proposals] for development submitted to the State Government [5][under this Act] shall be approved by the State Government as being likely to secure for the Development Authority an overall return which is reasonable, having regard to all the circumstances, when compared with the cost of carrying out those proposals.

1 These words were inserted by Mah. 21 of 1971, s. 9.

2 This portion was inserted by Mah. 21 of 1971, s. 10(*a*).

3 These words were substituted for the words "a Development Authority" by Mah. 21 of 1971, s. 10(*b*). 4 These words were substituted for the words "the proposals" by Mah. 30 of 1972, s. 11.

5 These words were substituted for the words and figures "under section 115" by Mah. 30 of 1972, s. 12.

(*5*) The provisions of Chapter VIII in regard to budget, accounts and audit shall [1][except as provided in that Chapter] apply to every Development Authority.

(*6*) Every Development Authority shall provide the State Government with such information relating to the undertaking of the Authority as the State Government may from time to time require, and for that purpose shall permit any person authorised by the State Government in that behalf to inspect and make copies of the accounts, books, documents or papers of the Development Authority and shall afford such explanation thereof as that person or the State Government may reasonably require.

[2][**122A. Power of Development Authority to borrow and to accept deposits.—** (*1*) Without prejudice to the provisions of section 122, a Development Authority constituted under subsection (*2*) of section 113 may,—

(*a*) subject to such conditions as may be determined in this behalf by the Government, borrow money in the open market or otherwise with a view to provide itself with adequate resources;

(*b*) accept deposits on such conditions as it deems fit from persons to whom allotment or sale of land or building or any structure is made, or is likely to be made, in furtherance of the objects of this Chapter.

(*2*) All moneys borrowed under sub-section (*1*) may be guaranteed by the State Government as to the repayment of principal and interest at such rates and on such conditions as the State Government may determine at the time the money, are borrowed].

123. Transfer of undertaking of Development Authority.— (*1*) Without prejudice to the power of a Development Authority under this Act to dispose of any of their property, a Development Authority may by an agreement made with any local authority, or Planning Authority and approved by the State Government, transfer to that local authority or Planning Authority any part of the property of the Development Authority upon such terms as may be prescribed by the agreement:

Provided that, before approving such agreement, the State Government shall publish in the *Official Gazette* and in one or more local newspapers a notice stating that the agreement has been submitted for approval, and describing the general effect of the agreement.

(*2*) If the State Government is satisfied that it is expedient, having regard to any agreement made or proposed to be made under sub-section (*1*) that the liability of the Development Authority in respect of advances made to it under this Act, should be reduced, the State Government may, by an order reduce that liability to such extent as may be specified in the order.

(*3*) The payment of any sums payable by a local authority or Planning Authority for the purposes of an agreement under this section shall be a purpose for which that authority may, notwithstanding anything contained in any law constituting such authority, borrow money.

124.Combination and transfers of Development Authorities.— (*1*) If it appears to the State Government in the case of any area designated under this Act as the site of a new town, that there are exceptional circumstances which render it expedient that the functions of a Development Authority under this Act should be performed by the Development Authority established for the purpose of any other new town instead of by a separate Development Authority established for the purpose, it may, in lieu of establishing such a separate Development Authority by order direct that the said functions shall be performed by the Development Authority established for the said other new town.

(*2*) If it appears to the State Government that there are exceptional circumstances which render it expedient that the functions of a Development Authority established for the purposes of a new town should be transferred to the Development Authority established for the purposes of any other new

1 These words were inserted by Mah. 21 of 1971, s. 10(*c*).

2 Section 122A was inserted by Mah. 6 of 1976, s. 31.

town, or to a new Development Authority to be established for the purposes of the first mentioned new town, it may by order provide for the dissolution of the first mentioned Development Authority and for the transfer of its functions property, rights and liabilities to the Development Authority established for the purposes of the said other new town or, as the case may be, to a new Development Authority established for the purposes of the first mentioned new town by the order.

(*3*) Without prejudice to the provisions of this Act with respect to the variation of orders made thereunder, an order under this section, providing for the exercise of functions in relation to purposes of another new town, or for the transfer of such functions to such a Development Authority, may modify the name and constitution of that Development Authority in such a manner as appears to the State Government to be expedient, and for the purposes of this Act that Development Authority shall be deemed to have been established for the purposes of each of those new towns.

(*4*) Before making an order under this section providing for the transfer of functions from or to a Development Authority or for the exercise of any functions to such a Development Authority, the State Government shall consult with that Development Authority.

[1][CHAPTER VI-A

LEVY, ASSESSMENTAND RECOVERY OF DEVELOPMENT CHARGE

124A. Levy of development charge.— (*1*) Subject to the provisions of this Act, the Planning Authority or the Development Authority (hereinafter in this Chapter collectively referred to as "the Authority"), shall levy within the area of its jurisdiction development charge on the institution of use or change of use of any land or building, or development of any land or building, for which permission is required under this Act, at the rates specified by or under the provisions of this Chapter:

Provided that, where land appurtenant to a building is used for any purpose independent of the building, development charge may be levied separately for the building and the land.

(*2*) The development charge shall be leviable on any person who institutes or changes the use of any land or undertakes or carries out any development:

[2][Provided that,—

(*i*) no such development charge shall be leviable under the provisions of this Chapter in respect of use or change of use of any land or building, or development of any land or building, or both, for which a development permission has had already been granted or deemed to have been granted by the Planning Authority or the Development Authority either by way of commencement certificate or by way of any other mode of permission for development granted under this Act or any other law for the time being in force or by way of approval subject to condition in the form of a written notice

(Intimation of Disapproval) by the Commissioner under section 346 of the Bombay Municipal Corporation Act (Bom. III of 1888), before the 10th day of August 1992, being the date of commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 1992 (Mah. XVI of 1992) (hereinafter in this section referred to as "the said date"), irrespective of whether or not the institution of use or change of use or actual development work of land or building or both, has been effected or commenced or completed, as the case may be, and whether or not the completion certificate for any such use, change of use or development is granted by the Planning Authority or Development Authority, before the said date;

(*ii*) where the development permission for land development, including permission for sub-division of a land, land development or land reclamation not involving any building or construction operations has had already been granted by the Planning Authority or the Development Authority before the said date, no development charge in respect of such land shall be leviable for the land development activities, irrespective of whether or not development of such land (not involving any building or constructions operations) has actually been commenced

1 Chapter VI-A was inserted by Mah. 16 of 1992, s. 2.

2 These provisos were added and the first proviso was deemed to have been added with effect from the 10th August 1992 by Mah. 10 of 1994, s. 10.

or completed before the said date. However, if at a later date, a permission for construction operations is granted, the development charge in respect of such land shall be leviable only for the building or construction activities:

Provided further that, nothing in this chapter shall apply to demolition of any existing building, structure or erection, or part of such building, structure or erection.]

124B. Classification of user of lands and buildings, rates of development charge and procedure for levy thereof.— (*1*) (*a*) For the purposes of assessing the development charge, the user of land and building shall be classified under the following categories, namely :—

(*i*) Industrial;

(*ii*) Commercial;

(*iii*) Residential;

(*iv*) Institutional.

(*b*) In classifying the user of land and building under any of the categories mentioned in clause (*a*), the predominant purpose for which such land and building is used shall be the basis for such classification.

1[(*2*) On and from the date of commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 2010 (Mah. XXXIV of 2010), development charge shall be levied and collected by the Authority at the rates specified in column (*4*) of the Second Schedule; and the Authority may, subject to the other provisions of this Chapter, enhance, from time to time, the rate specified in column (*4*) of the Second Schedule and levy the development charge at such enhanced rate:

Provided that, the Authority may, subject to the other provisions of this Chapter, reduce, from time to time, the enhanced rate and levy development charge at such reduced rate, so however that in no case the rate shall be reduced below the rate specified in column (*4*) of the Second Schedule.]

2[(*2-1A*) In respect of the area under the jurisdiction of any Planning Authority or a New Town Development Authority under this Act, where State Government declares its intention to undertake one or more Vital Urban Transport Projects, the development charges levied and collected under the provisions of sub-section (*2*) shall be increased by one hundred per cent.

Explanation.— For the purpose of this section, the term "Vital Urban Transport Project" means a project related to Mass Rapid Transport System such as Metro Rail, Mono Rail Bus Rapid Transport System an includes Freeway, Sealink, etc., in respect of which the State Government has by notification in

the *Official Gazette*, declared the intention to undertake such project either on its own behalf or through the Planning Authority, a New Town Development Authority, any other statutory authority, an agency owned and controlled by the Central Government or State Government, or a Government company incorporated under the provisions of the companies Act, 2013 (18 of 2013) or any other law relating to companies for the being in force.]

[3][(*2A*) Notwithstanding anything contained in sub-section (*1*), when the Maharashtra Industrial Development Corporation is the Special Planning Authority deemed to have been appointed as such under sub-section (*1A*) of section 40, for a notified area under its jurisdiction as provided in the said

1 Sub-section (*2*) was substituted by Mah. 34 of 2010, s. 2.

2 This sub-section was inserted by Mah. 37 of 2015, s. 2.

3 Sub-section (*2A*) was inserted by Mah. 10 of 1994, s. 11.
Section 12 of Mah. 10 of 1994 reads as under :—

"12. Removal of doubt.— For the removal of doubt it is hereby declared that, sub-section (*2*) of section 124A of the principal Act, having been retrospectively amended, that sub-section (*2*) as it existed before the commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 1993 (Mah. X 1994), shall, notwithstanding anything contained in any judgement, order or decree of any Court, be deemed never to have authorised any Planning Authority or Development Authority to levy any development charge in respect of any development referred to in the first proviso to that sub-section (*2*); and where on or after the 10th day of August 1992, any Planning or the Development Authority has levied and collected any development charges under this Chapter in respect of any land or building or, both, covered by the said proviso, then, the Planning Authority or the Development Authority shall refund the amount of such development charges to the person from whom such charges have been collected either by way of payment, or by adjusting the same against any other dues payable by such person under the provisions of this Act to the Planning Authority, with interest on such amount of refund or adjustments at the rate of 14 per cent. per annum.".

sub-section (*1A*), it shall be lawful for such Planning Authority to levy within such notified area, the development charges at such rate which may be lower than the [1]* * rates specified by or under the provisions of this Chapter, as it may fix, from time to time.]

(*3*) The Authority, before enhancing or reducing the rate and levying the development charge at such rate shall observe the following preliminary procedure, namely :—

(*a*) the Authority shall, by a resolution passed at a special meeting, approve the regulations prescribing the rates of the development charge proposed to be levied by it;

(*b*) when such a resolution is passed, the Authority shall take further action to obtain the previous sanction of the State Government to the regulations.

124C. Development charge to be brought into force as specified by Government.—After the regulations in respect of development charge are sanctioned by the State Government under section 124B, such development charge shall be brought into force on or after the date to be specified by the State Government in its sanction.

124D. Local publication of notification relating to development charge with notice.—(*1*) The regulations referred to in sections 124B and 124C, as sanctioned and published in the *Official Gazette*, shall be displayed by the Authority on notice board in its office. The Authority shall also publish a notice in a local newspaper, informing the inhabitants of the area within its jurisdiction, of the subject matter of the regulations so displayed and the date on which they shall come into force.

(*2*) When the rates at which the development charge is leviable are enhanced or reduced under sub-section (*2*) of section 124B, it shall not be necessary to give any separate notice thereof to the owners or occupiers of the lands or buildings affected thereby.

124E. Assessment and recovery of development charge.— (*1*) Any person who, after the commencement of the Maharashtra Regional and Town Planning (Amendment) Act, 1992 (Mah. XVI of 1992), intends to carry out any development or institute or change any use of any land or building for which permission is required under this Act, whether he has applied for such permission or not, or who has commenced carrying out any such development or has carried out such development or instituted or

changed any such use, shall apply to the Authority within such time and in such manner as may be prescribed, for the assessment of development charge payable in respect thereof.

(*2*) The Authority shall, on such application being made or if no such application is made, by a person instituting or changing any use of any land or building, then after serving a notice in writing on the person liable to such payment and after calling is made, by a person instituting or changing any use of any land or building, then after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the concerned officer of the Authority, after taking into consideration the report aforesaid, determine whether or not and if so, what development charge is leviable in respect of that development or, institution of use or change of use, and after giving the person concerned an opportunity to be heard, shall then assess the amount of development charge payable by such person and give to such person a notice in writing of such assessment:

Provided that,—

(*a*) where permission under this Act has not been granted for carrying out the said development, the Authority may postpone the assessment of the development charge;

(*b*) where the application relates to the carrying out of any development, the Authority may refuse to assess the amount of development charge payable by such person concerned unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out such development or that the applicant is able to acquire such interest and that the applicant shall carry out the development within such period as the Authority may determine.

(*3*) The amount of Development charge as shown in the notice of assessment shall be paid within thirty days of the date of receipt thereof by such person and where the amount has not been so paid or

1 The word "minimum" was deleted by Mah. 34 of 2010, s. 2.

has been partly paid an interest at the rate of eighteen per cent. per annum upon any amount outstanding shall be payable from the date immediately following the date on which the period of thirty days as aforesaid expires till the date of payment of such amount.

(*4*) The Authority shall, in regard to the area lying within its jurisdiction, collect all development charges due under this Act in respect of any development in that area.

(*5*) (*a*) The development charge together with interest, if any, payable in respect of any land or building shall, subject to the provisions of sub-section (*6*), be the first charge on such land or building, subject to the prior payment of land revenue, if any, due to the Government thereon.

(*b*) The development charge payable in respect of any land or building by any person shall, together with interest due upto the date of realisation, be recoverable from such person or his successor-in-interest in such land or building, as arrear of land revenue.

(*6*) Notwithstanding anything contained in sub-section (*5*), where a promoter as defined in clause (*c*) of section 2 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963), intends to carry out any development or institute or change any use of any land or building, the liability to pay the development charge in respect of any such land or building and interest, if any, shall be that of such promoter; and any amount of such development charge and interest remaining outstanding shall, without prejudice to any other mode of recovery thereof available against such promoter, be the first charge on any other property which he owns or in which he has a right, title or interest (in which case such charge shall be limited to the extent of his such right, title or interest), subject to the prior payment of land revenue, if any, due to Government thereon.

124F. Exemptions.— (*1*) No development charge shall be levied on institution of use or of change of use, or development of, any land or building vested in or under the control or possession of the Central or State Government or of any local authority.

(*2*) Subject to such conditions as it may impose, the State Government may, by notification in the *Official Gazette*, exempt partially from the payment of development charge payable [1][on the development of any land or building which is proposed for warehouse or godown or by any educational institution, medical institution or charitable institution.]

[2][(*3*) Notwithstanding anything contained in sub-section (*1*) and (*2*), the State Government may, by notification in the *Official Gazette* and subject to such terms and conditions as may be specified therein, exempt partially a Special Township Project undertaken by a private developer under the Special Development Control Regulations made under the provisions of this Act, from payment of the development charges.]

124G. Appeal.— (*1*) Any person aggrieved by an order passed by the Authority under section 124E may prefer an appeal to the State Government or to such an officer as may be appointed by the State Government in this behalf, being an officer not below the rank of Deputy Secretary to the Government; and such appeal shall be made in such manner and accompanied by such fees, as may be prescribed.

(*2*) The State Government or the officer so appointed may, after giving a reasonable opportunity to the appellant and the Authority, of being heard, by an order confirm, reduce, enhance or annul the assessment.

(*3*) Where the assessment is annulled or set aside in an appeal, the State Government or such officer deciding the appeal may direct the Authority to make a fresh assessment after such further enquiry as may be directed.

(*4*) Every order passed in appeal under this section shall be final and shall not be questioned in any suit or other legal proceedings.

1 These words were substituted for the words "on the development of any land or building which is proposed for warehouse or godown or by any educational institution, medical institution or charitable institution" by Mah. 32 of 2015, s. 2.

2 Sub-section (*3*) was inserted by Mah. 6 of 2004, s. 2.

124H. Procedure for filing appeal.— No appeal under section 124G shall be entertained unless,—

(*a*) the appeal is brought within forty-five days next after the receipt of notice of assessment under sub-section (*2*) of section 124E by the person concerned:

Provided that, the State Government or the officer so appointed may, admit an appeal preferred after the expiration of the forty-five days as aforesaid if, the Government or such officer is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period;

(*b*) the amount claimed in the notice of assessment from the appellant together with the amount of interest, if any due thereon, has been deposited by him in the office of the Authority.

124I. Interest on amount of enhanced assessment or of refund.— If, as a result of an order passed in appeal under section 124G, the assessment is enhanced and any amount of difference is required to be recovered from the appellant or any amount from out of the amount paid under clause (*b*) of section 124H is required to be refunded to the appellant, an interest at the rate of eighteen per cent. per annum shall be payable,—

(*a*) in the case of amount to be so recovered, from the date of the notice of original assessment till the date of recovery thereof; and

(*b*) in the case of amount to be so refunded, from the date on which the amount was paid under clause (*b*) of section 124H till the date of refund thereof.

124J. Development Fund.— (*1*) There shall be established and set apart a separate fund to be called "the Development Fund" and an Authority shall separately show the same in its budget.

(*2*) All moneys received by the Authority as development charge together with interest thereon, if any, under this Chapter shall be credited to the Development Fund.

[1][(*3*) The moneys credited, from time to time, to the said Fund, shall be utilized only for the purposes of acquisition and development of any land reserved for any of the public purposes specified in any plan or scheme under this Act and for providing public amenities in the area under the jurisdiction of the said Authority and maintenance and improvement thereof.]

[2][Provided that, the additional amount levied and collected as a result of increase in the development charge in accordance with the provisions of sub-section (*2-1A*) of section 124B, shall be applied, subject to the directions issued by the State Government, from time to time, only for the purposes of one or more Vital Urban Transport Projects, within the meaning of the said sub-section.]

(*4*) Surplus moneys at the credit of the said Fund, which cannot immediately or at an early date be applied for the purposes aforesaid, shall, from time to time, be deposited by the Authority in the bank.

Explanation.— For the purposes of this sub-section, the expression "bank" means,—

(*i*) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1995);

(*ii*) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (38 of 1959);

(*iii*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(*iv*) any other bank, being a scheduled bank as defined in clause (*e*) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), or being such a bank as may be approved by the State Government.

1 Sub-section (*3*) was substituted by Mah. 43 of 2014, s. 13, *w.e.f.* 22-4-2015. 2 This proviso was added by Mah. 37 of 2015, s. 3.

124K. Stoppage of work of development and penalty.— (*1*) Where any person who, whether at his own instance or at the instance of any other person commences, undertakes or carries out development or institutes or changes the use of any land or building without the payment of development charge payable under this Chapter, the Authority may serve on such person a notice requiring to stop the development work or the change of any such land or building and from the time of the service of such notice, such person shall discontinue such development or change of use of land or building.

(*2*) The notice issued under sub-section (*1*) and served upon such person may require,—

(*a*) the demolition of the development work, if any carried out, within the time specified in such notice, and

(*b*) the discontinuance of any further development or change of use of such land or building.

(*3*) Any person, who continues to carry out the development or change of use of any such land or building, whether for himself or on behalf of the owner any other person, after such notice has been served upon him, shall, on conviction, be punished with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than one thousand rupees, but which may extend to five thousand rupees; and when the non-compliance with notice is a continuing one, with further fine which may extend to hundred rupees for every day after the date of the service of the notice during which the non-compliance has continued or continues.

(*4*) On the failure of such person to demolish the work of development, if any, as required under such notice, the Authority may itself demolish such development and any expenses incurred by the Authority for doing so shall be recoverable from such person as arrears of land revenue.

[1][**124K-1. Provisions of sections 124A to 124K also to apply in certain cases.—** Notwithstanding anything contained in the draft or final Regional plan, the provisions of sections 124A to 124K shall apply, *mutatis mutandis*,to cases where the permission to carry out the development in under clause (*ii*) or (*iii*) of sub-section (*1*) of section 18:

Provided that, the development charge collected under this section shall be assigned to the Village Panchayat, within whose limits the land proposed to be developed is situated. The amount so collected and assigned shall be utilised by the Village Panchayat, to provide or develop basic amenities and infrastructure.]

124L. Chapter to have overriding effect, but shall be in addition to existing local authority laws.— (*1*) The provision of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law for the time being in force.

(*2*) Subject to the provisions of sub-section (*1*), the provisions of this Chapter shall be in addition to, and not in derogation of, any other provisions of this Act or any law relating to municipal corporation, municipal council or other local authority of any urban area].

CHAPTER VII

LAND ACQUISITION

125. Compulsory acquisition of land needed for purposes of Regional plan, Development plan, or town planning schemes etc.— Any land required, reserved or designated in a Regional plan, Development plan or town planning scheme for a public purpose or purposes including plans for any area of Comprehensive development or for any new town shall be deemed to be land needed for a public purpose 2[within the meaning of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)]:

1 Section 124K-1 was inserted by Mah. 43 of 2014, s. 14, *w.e.f.* 22-4-2015.

2 These words and figures were substituted for the words and figures "within the meaning of the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 5(*i*), *w.e.f.* 29th August 2015.

1[Provided that, the procedure specified in section 4 to 15 (both inclusive) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) shall not be applicable in respect of such lands.]

126. Acquisition of land required for public purposes specified in plans.— (*1*) Where after the publication of a draft Regional plan, a Development or any other plan or town planning scheme, any land is required or reserved for any of the public purposes specified in any plan or scheme under this Act at any time, the Planning Authority, Development Authority, or as the case may be, 2[any Appropriate Authority may, expect as otherwise provided in section 113A] 3[acquire the land,—

(*a*) by agreement by paying an amount agreed to, or

(*b*) in lieu of any such amount, by granting the land-owner or the lessee, subject, however, to the lessee paying the lessor or depositing with the Planning Authority, Development Authority or Appropriate Authority, as the case may be, for payment to the lessor, an amount equivalent to the value of the lessor"s interest to be determined by any of the said Authorities concerned 4[on the basis of the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], Floor Space Index (FSI) or Transferable Development Rights (TDR) against the area of land surrendered free of cost and free from all encumbrances, and also further additional Floor Space Index or Transferable Development Rights against the development or construction of the amenity on the surrendered land at his cost, as the Final Development Control Regulations prepared in this behalf provide, or

(*c*) by making an application to the State Government for acquiring such land 5[under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)],

and the land (together with the amenity, if any so developed or constructed) so acquired by agreement or by grant of Floor Space Index or additional Floor Space Index or Transferable Development Rights under this section 6[or under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], as

the case may be, shall vest absolutely free from all encumbrances in the Planning Authority, Development Authority, or as the case may be, any Appropriate Authority.]

(*2*) On receipt of such application, if the State Government is satisfied that the land specified in the application is needed for the public purpose therein specified, or [7][if the State Government (except in cases falling under section 49 [8][and except as provided in section 113A)] itself is of opinion] that any land included in any such plan is needed for any public purpose, it may make a declaration to that effect in the *Official Gazette*, [9][in the manner provided in section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section:

1 This proviso was added by Mah. 42 of 2015, s. 5(*ii*), *w.e.f.* 29th August 2015.

2 This portion was substituted for the words "any Appropriate Authority may, acquire the land" by Mah. 21 of 1971, s. 11(*1*).

3 This portion was substituted and shall be deemed to have been substituted on the 25th March 1991 for the words and figures "acquire the land either by agreement or makes an application to the State Government for acquiring such land under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 10 of 1994, s. 13(*a*).

4 These words and figures were substituted for the words and figures "on the basis of the principles laid down in the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 6 (*i*)(*a*), *w.e.f.* 29th August 2015.

5 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 6(*i*)(*b*), *w.e.f.* 29th August 2015.

6 These words and figures were substituted for the words and figures "or under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 6(*i*)(*c*), *w.e.f.* 29th August 2015.

7 These words were substituted for the words "if the State Government itself is of opinion" by Mah. 14 of 1971, s. 6(*1*)(*a*). 8 This portion was inserted by Mah. 21 of 1971, s. 11(*2*).

9 These words and figures were substituted for the words and figures "in the manner provided in section 6 of the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 6(*ii*), *w.e.f.* 29th August 2015.

[1][Provided that, subject to the provisions of sub-section (*4*), no such declaration shall be made after the expiry of one year from the date of publication of the draft Regional Plan, Development Plan or any other Plan, or Scheme, as the case may be.]

[2][(*3*) On publication of a declaration under the said [3][section 19], the collector shall proceed to take order for the acquisition of the land under the said Act; and the provisions of that Act shall apply to the acquisition of the said land with the modification that the market value of the land shall be,—

(*i*) where the land is to be acquired for the purposes of a new town, the market value prevailing on the date of publication of the notification constituting or declaring the Development Authority for such town;

(*ii*) where the land is acquired for the purposes of a Special Planning Authority the market value prevailing on the date of publication of the notification of the area as undeveloped area; and

(*iii*) in any other case, the market value on the date of publication of the interim development plan, the draft development plan or the plan for the area or areas for comprehensive development, whichever is earlier, or as the case may be, the date or publication of the draft Town Planning Scheme:

Provided that, nothing in this sub-section shall affect the date for the purpose of determining the market value of land in respect of which proceedings for acquisition commenced before the commencement of the Maharashtra Regional and Town Planning (Second Amendment) Act, 1972 (Mah. XI of 1973):

Provided further that, for the purpose of clause (*ii*) of this sub-section, the market value in respect of land included in any undeveloped area notified under sub-section (*1*) of section 40 prior to the commencement of the Maharashtra Regional and Town Planning (Second Amendment) Act, 1972 (Mah. XI of 1973), shall be the market value prevailing on the date of such commencement.]

[4][(*4*) [5][(Notwithstanding anything contained in the proviso to sub-section (*2*) and sub-section (*3*), (*3*), if a declaration,] is not made, within the period referred to in sub-section (*2*) (or having been made, the aforesaid period expired on the commencement of the Maharashtra Regional and Town Planning [6][(Amendment) Act, 1993) (Mah. X of 1994),] the State Government may make a fresh declaration for acquiring the land [7][under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], in the manner provided by sub-sections (*2*) and (*3*) of this section, subject to the modification that the market value of the land shall be the market value at the date of declaration in the *Official Gazette*, made for acquiring the land afresh.]

127. Lapsing of reservations.—[8][(*1*)] If any land reserved, allotted or designated for any purpose specified in any plan under this Act is not acquired by agreement within ten years from the date on which a final Regional Plan, or final Development Plan comes into force [9][or if a declaration under sub-section (*2*) or (*4*) of section 126 is not published in the *Official Gazette* within such period, the owner or any person interested in the land may serve notice, alongwith the documents showing his title or interest in the said land, on the Planning Authority, the Development Authority or, as the case may be, the Appropriate Authority to that effect; and if within [10][twenty-four months]] from the date of

1 This proviso was substituted by Mah. 10 of 1994, s. 13(*b*).

2 Sub-section (*3*) was substituted by Mah. 11 of 1973, s. 6.

3 This word and figures were substituted for the word and figure "section 6" by Mah. 42 of 2015, s. 6(*iii*), *w.e.f.* 29th August 2015.

4 Sub-section (*4*) was added by Mah. 14 of 1971, s. 6(*3*).

5 These words were substituted for the words "If a declaration" by Mah. 10 of 1994, s. 13(*c*)(*i*).

6 These brackets, words and figures were substituted for the brackets, words and figures "(Amendment) Act, 1970," by Mah. 10 of 1994, s. 13(*c*)(*ii*).

7 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 6(*iv*), *w.e.f.* 29th August 2015.

8 This section was re-numbered as sub-section (*1*) by Mah. 16 of 2009, s. 2.

9 This portion was substituted for the portion beginning with "or if proceedings for the acquisition of such land" and ending with the words "if within six months" by Mah. 16 of 2009, s. 2(*a*).

10 These words were substituted for the words "twelve months" by Mah. 42 of 2015, s. 7, *w.e.f.* 29th August 2015.

the service of such notice, the land is not acquired or no steps as aforesaid are commenced for its acquisition, the reservation, allotment or designation shall be deemed to have lapsed, and thereupon, the land shall be deemed to be released from such reservation, allotment or designation and shall become available to the owner for the purpose of development as otherwise, permissible in the case of adjacent land under the relevant plan.

[1][(*2*) On lapsing of reservation, allocation or designation of any land under sub-section (*1*), the Government shall notify the same, by an order published in the *Official Gazette*.]

128. Power of State Government to acquire lands for purpose other than the one for which it is designated in any [2]* plan or scheme.— (*1*) Where any land is included in [3][any plan or scheme] scheme] as being reserved, allotted or designated for any purpose therein specified or for the purpose of Planning Authority or Development Authority or Appropriate Authority and the State Government is satisfied that the same land is needed for a public purpose different from any such public purpose or purpose of the Planning Authority, Development Authority or Appropriate Authority, the State Government may, notwithstanding anything contained in this Act, acquire such land [4][under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)].

[5][(*1A*) Save as otherwise provided in this Act or any other law for the time being in force where any land included in any plan or scheme as being reserved, allotted or designated for any purpose therein specified or for the purposes of a Planning Authority or Development Authority or Appropriate Authority, is being acquired by the State Government under the provisions of the Maharashtra Industrial Development Act, 1961 (Mah. III of 1962), for the Maharashtra Industrial Development Corporation (being the Special Planning Authority deemed to have been appointed as such under sub-section (*1A*) of

section 40, the provisions of sub-sections (*2*) and (*3*) of this section shall *mutatis mutandis*, apply to such acquisition proceedings.]

(*2*) In the proceedings [6][under the provisions of the Right to Fair Compensation and Transparency Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], the Planning Authority or Development Authority or Appropriate Authority, as the case may be, shall be deemed to be a person interested in the land acquired; and in determining the amount of compensation to be awarded, the market value of the land shall be assessed as if the land had been released from the reservation, allotment or designation made in the [7][any plan or scheme] or new town, as the case may be, and the Collector or the Court shall take into consideration the damage, if any, that Planning Authority or Development Authority or Appropriate Authority, as the case may be, may sustain by reason of acquisition of such land [8][under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], or otherwise, and the proportionate cost of the Development plan or town planning scheme or new town, if any, incurred by such Authority and rendered abortive by reason of such acquisition.

(*3*) On the land vesting in the State Government under [9][sections 38 or 40 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], as the case may be, the [10][relevant plan or scheme] shall be deemed to be suitably varied by reason of acquisition of the said land.

1 Sub-section (*2*) was added by Mah. 16 of 2009, s. 2(*b*).

2 The word "draft" was deleted by Mah. 6 of 1976, s. 32(*c*).

3 These words were substituted for the words "any draft plan or scheme" by Mah. 11 of 1973, s. 7.

4 This word and figures were substituted for the words and figures "under the provisions of the Land Acquisition Act 1894 (I of 1894)" by Mah. 42 of 2015, s. 8(*i*), *w.e.f.* 29th August 2015.

5 Sub-section (*1A*) was inserted by Mah. 10 of 1994, s. 14.

6 This words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 8(*ii*), *w.e.f.* 29th August 2015.

7 These words were substituted for the words "draft Regional Plan, draft Development plan or draft Town Planning Scheme" by Mah. 6 of 1976, s. 32(*a*).

8 These words and figures were substituted for the words and figures "under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s.8 (*ii*), *w.e.f.* 29th August 2015.

9 These words and figures were substituted for the words and figures "section 16 or 17 of the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 8(*iii*), *w.e.f.* 29th August 2015.

10 These words were substituted for the words "relevant draft plan or scheme" by Mah. 6 of 1976, s. 32(*b*).

129. Possession of land in case of urgency.— (*1*) At any time after the publication of a notification under sub-section (*2*) of section 126, where the State Government, on an application of the Planning Authority, Development Authority or Appropriate Authority, is satisfied that the possession of any land which is reserved or designated for a public purpose either under a Regional plan or Development plan [1]* * * * * is urgently required [2][for defence of India or national security or for natural calamities or for any other emergency, by that authority with the approval of the State Government], the State Government may, by an order in writing authority the Collector to enter on and take possession of the land under acquisition after giving a notice of fifteen days; and thereupon, the right or interest in that land shall be extinguished from the date specified in the order; and on the date on which possession is taken, the land shall vest without any further assurance and free from encumbrances in the State Government:

Provided that, before or at the time of taking possession of any land under this sub-section, the Collector shall offer to the person interested compensation for the standing crops and trees, if any, on such land; and for any damage sustained by him which is caused by such sudden dispossession and not excepted [3][in section 28 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], and if such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed in awarding compensation for the land under the provisions of the said Act.

(*2*) Where possession of land is taken under sub-section (*1*), the Planning Authority, the Development Authority or as the case may be, Appropriate Authority shall subject to the provisions of

sub-section (*1*), pay to the owner concerned [4][interest and other compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)], from the date of taking possession of the land under acquisition to the date of payment.

(*3*) Where possession of land is taken under sub-section (*1*), the Planning Authority, or Development Authority, or as the case may be, the Appropriate Authority may, at the request of the person interested, pay an advance not exceeding two-thirds of the amount estimated to be payable to such person on account of the land after executing an agreement in that behalf under section 157.

CHAPTER VIII

FINANCE, ACCOUNT AND AUDIT

130. Funds.— (*1*) Every Regional Board [5][Special Planning Authority (other than a Special Planning Authority appointed under clause (*b*) of subsection (*1*) of section 40] or Development Authority [6][constituted under sub-section (*2*) of section 113] shall have and maintain its own fund to which shall be credited—

(*a*) all moneys received by such Board or Authority from the State Government by way of grants, loans, advance or otherwise;

(*b*) all fees or charges received by such Board or Authority under this Act or rules or regulations thereunder;

(*c*) all moneys received from any other source.

(*2*) The fund shall be applied towards meeting—

(*a*) the expenditure incurred in the administration of this Act;

1 The words "whether arable, waste or open" were deleted by Mah. 42 of 1973, s. 4.

2 These words were substituted for the words "in the public interest by that authority" by Mah. 42 of 2015, s. 9 (*i*)(*a*), *w.e.f.* 29th August 2015.

3 These words and figures were substituted for the words and figures "in section 24 of the under the Land Acquisition Act, 1894 (I of 1894)" by Mah. 42 of 2015, s. 8(*i*)(*b*), *w.e.f.* 29th August 2015.

4 This words and figures were substituted for the words and figures "interest at 4 per cent. per annum, on the amount of compensation" by Mah. 42 of 2015, s. 9(*ii*), *w.e.f.* 29th August 2015.

5 This portion was substituted for the words "Planning Authority" by Mah. 11 of 1973, s. 8.

6 This portion was inserted by Mah. 21 of 1971, sections 12, 13 and 14.

(*b*) the cost of acquisition of land in the area of the Authority concerned incurred for purposes of development;

(*c*) the expenditure for any development of land in the area of the Authority concerned undertaken by such Authority; and

(*d*) the expenditure for such other purposes as the State Government may direct.

(*3*) Every Regional Board, [1][Special Planning Authority (other than a Special Planning Authority appointed under clause (*b*) of sub-section (*1*) of section 40)] or Development Authority [2][constituted under subsection (*1*) of section 113] may keep in current account in the Reserve Bank of India or the State Bank of India or any other Bank approved by the State Government in this behalf, such sum of money out of its funds as may be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(*4*) The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make such grants, advances and loans to the Board or the Authority concerned as it may deem necessary for the performance of the functions under this Act; and all grants, loans and advances so made shall be on such terms and conditions as the State Government may determine.

131. Budget.— Every Regional Board, [3][Special Planning Authority (other than a Special Planning Authority appointed under clause (*b*) of sub-section (*1*) of section 40)] or Development Authority

[4][constituted under sub-section (*2*) of section 113] shall prepare in such form and at such time every year as may be prescribed by rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of such Board or Authority and shall forward to the State Government such number of copies thereof as may be prescribed by rules.

[5][**132. Accounts and Audit of Regional Board.—** (*1*) Every Regional Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts including the balance sheet in such form as the State Government may by rules prescribe.

(*2*) The accounts of every Regional Board shall be subject to audit annually by the Chief Auditor, Local Fund Accounts of the State; and any expenditure incurred by him in connection with such audit shall be payable by that Board to the Chief Auditor.

(*3*) The Chief Auditor or any person appointed by him in connection with the audit of accounts of the Board shall have the same right, privilege and authority in connection with such audit as the Chief Auditor has in connection with the accounts of local authorities; and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and paper and to inspect the office of the Board.

(*4*) The accounts of every Regional Board as certified by the Chief Auditor or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government.

132A. Accounts and audit of Special Planning Authority and Development Authority.—(*1*) Every Special Planning Authority [6][other than a Special Planning Authority appointed under clause clause (*b*) of sub-section (*1*) of section 40)] and Development Authority constituted under sub-section (*2*) of section 113 (hereinafter in this section collectively referred to as "the said Authorities") shall maintain books of accounts and other books in relation to its functioning under this Act in such from and in such manner as the State Government may by rules prescribe.

(*2*) The accounts of the said Authorities shall be audited by an auditor appointed by the State Government in consultation with the Comptroller and Auditor General of India.

1 This portion was substituted for the words "Planning Authority" by Mah. 11 of 1973, s. 8. 2 This portion was inserted by Mah. 21 of 1971, sections 12, 13 and 14.

3 This portion was substituted for the words "Planning Authority" by Mah. 11 of 1973, s. 8. 4 This portion was inserted by Mah. 21 of 1971, sections 12, 13 and 14.

5 Sections 132 and 132A were substituted for sections 132 by Mah. 6 of 1976, s. 33. 6 These words were substituted for the words "Planning Authority" by Mah. 11 of 1973, s. 8.

(*3*) As soon as the accounts of the said Authorities are audited, the said Authorities shall send a copy thereof together with the copy of the report of the auditor thereon to the State Government.

(*4*) The State Government shall cause accounts of the said Authorities together with the audit report thereon forwarded to it under subsection (*3*) to be laid annually before each House of the State Legislature].

133. Submission of report.— (*1*) Every Regional Board [1][Special Planning Authority] or Development Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form on or before such date as may be prescribed by rules.

(*2*) The State Government shall prepare for every year a report of the activities including the accounts of every Regional Planning Board, [2][Special Planning Authority] or Development Authority during that year. The State Government shall cause a copy of the report to be laid before the State Legislature.

134. Pension and Provident Funds.— (*1*) Every Regional Board [3][Special Planning Authority] or Development Authority may constitute for the benefit of its whole time paid members and of its officers and other employees, in such manner and subject to such conditions as may be prescribed by rules, such pension or provident fund or both as it may deem fit.

(*2*) Where any such pension or provident fund has been constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925) shall apply to such fund as if it were a Government Provident Fund.

CHAPTER IX

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

135. Power of entry.— (*1*) The Director of Town Planning or any officer authorised by him, the Town Planning Officer of any Regional Board or Planning Authority, the Arbitrator, or any person authorised by the State Government, Regional Board, Planning Authority, Development Authority or Arbitrator may enter into or upon any land or building with or without assistants or workmen for the purpose of the preparation of a plan or scheme under this Act by—

(*a*) making any measurement or survey or taking levels of such land or building;

(*b*) setting out and marking boundaries and intended lines of development;

(*c*) marking such levels, boundaries and lines by placing marks and cutting trenches;

(*d*) examining works under construction and ascertaining the course of sewers and drains;

(*e*) ascertaining whether any land is being or has been developed in contravention of any provision of this Act, or rules or regulations thereunder:

Provided that,—

(*i*) in the case of any building used as a dwelling-house, or upon any enclosed part of garden attached to such a building, no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours[1] notice in writing of the intention to enter;

(*ii*) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(*iii*) due regard shall always be had, so far may be compatible, with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

1 These words were substituted for the words “Planning Authority” by Mah. 11 of 1973, s. 9. 2 These words were substituted for the words “Planning Authority” by Mah. 11 of 1973, s. 9. 3 These words were substituted for the words “Planning Authority” by Mah. 11 of 1973, s. 9.

(*2*) The power of the Director of Town Planning shall extend to the whole of the State; and the power of any Town Planning Officer or any person authorised by the Regional Board, Planning Authority or Development Authority shall extend only to the area under the jurisdiction of such Board or Authority; and the power of the person authorised by the Arbitrator or State Government shall extend to such area as the Arbitrator or State Government may specify in this behalf.

(*3*) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such persons after such entry shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

136. Service of notice, etc.— (*1*) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or rule or regulation, be deemed to be duly served—

(*a*) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway, secretary or principal officer of the local authority, statutory authority, company, corporation, society or any other body at its principal, branch, local or registered office, as the case may be, and is either—

(*i*) sent by registered post to such office; or

(*ii*) delivered at such office;

(*b*) where the person to be served is a partnership, and if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(*i*) sent by registered post to such office; or

(*ii*) delivered at the said place of business;

(*c*) in any other case, if the document is addressed to the person to be served and—

(*i*) is given or tendered to him; or

(*ii*) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates; or

(*iii*) if sent by registered post to that person.

(*2*) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building) without further name or description and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with clause (*c*) of sub-section (*1*); or

(*b*) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.

(*3*) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(*4*) For the purpose of enabling any documents to be served on the owner of any property, the Secretary to the Regional Board or the Planning Authority or Development Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(*5*) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(*6*) A domestic servant is not a member of the family within the meaning of this section.

137. Public notice how to be made known.— Every public notice given under this Act or rules or regulations thereunder shall be in writing over the signature of the Secretary to the Regional Board or Planning Authority or Development Authority or such other officer who may be authorised in this behalf by such Board or Authority and shall be widely made known in the locality to be affected thereby, affixing copies thereof in conspicuous public places within the said locality and by publishing the same by beat of drum or by advertisement in one or more local newspapers, and by such other means which the Secretary thinks fit.

138.Notices, etc. to fix reasonable time.— Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

139. Authentication of orders and documents.— All permissions, orders, decisions, notice and all documents of a Regional Board, Planning Authority or Development Authority shall be authenticated by the signature of the Secretary to the Regional Board or Planning Authority or Development Authority or such other officer as may be authorised by such Board or Authority in this behalf.

140. Offences by Companies.— (*1*) If the person committing an offence under this Act is a company, every person, who, at the time of the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in the sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officers shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section—

(*a*) "company" means a body corporate and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm means a partner in the firm.

141. Penalty for obstructing contractor or removing mark.— If any person—

(*a*) obstructs, or molests any person engaged or employed by a Regional Board, Planning Authority or Development Authority or any person with whom any such Board or Authority has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or

(*b*) remove any mark or boundary stone set up for the purpose of indicating any level or direction necessary to the execution of any development authorised under this Act, he shall on conviction, [1][be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both].

142. Sanction of prosecution.— No prosecution for any offence punishable under this Act or rules made thereunder shall be instituted or no prosecution instituted shall be withdrawn, except with the previous sanction of the Regional Board, Planning Authority, or as the case may be, a Development Authority or any officer authorised by such Board or Authority in this behalf:

1 These words were substituted for the words "be punished with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months," by Mah. 31 of 1983, s. 7.

[1][Provided that, no sanction shall be necessary where unauthorised development has been carried out on the plot having area more than 1000 square meters.]

143. Compounding of offences.— (*1*) The Regional Board or Planning Authority or Development Authority concerned or any person authorised in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act or rules made thereunder.

(*2*) When an offence has been compounded, the offender, if in custody, shall be discharged; and no further proceedings shall be taken against him in respect of the offence compounded.

144. Jurisdiction of courts.— No court inferior to that of a judicial magistrate of the first class shall try an offence punishable under this Act.

145. Magistrate's power to impose enhanced penalties.— Notwithstanding anything contained in section 32 of the [2]Code of Criminal Procedure, 1898 (V of 1898), it shall be lawful for any Presidency Magistrate or Magistrate of the First Class to pass any sentence authorised by this Act in excess of its power under the said section.

146. Members and officers to be public servants.— Every member and every officer and other employee of a Regional Board or Planning Authority or Development Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

147. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

148. Registration of documents, plan or map in connection with final plan or scheme not required.— (*1*) Nothing in the Indian Registration Act, 1908 (XVI of 1908), shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final Regional plan or final Development plan or final town planning scheme which has come into force.

(*2*) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908 (XVI of 1908), be deemed to have been and to be registered in accordance with the provisions of that Act:

Provided that, documents, plans and maps relating to the sanctioned plan or scheme shall be accessible to the public in the manner prescribed.

[3][**148-A. Exclusion of time in certain cases.—** In computing the period, in relation to any Development plan, Regional plan or scheme under the provisions of Chapters II, III, IV and V of this Act, the period or periods during which any action could not be completed under the said Chapters, due to any interim order of any Court [4][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] [5][or due to enforcement of any Guidelines or lockdown measures by the Government of India or State Government, as the case may be, to prevent the spread of any pandemic or epidemic or disaster situation arising in the Country or State] shall be excluded.]

149. Finality of orders.— Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or order passed or notice issued by any Regional Board, Planning Authority or Development Authority under this Act shall be final and shall not be questioned in any suit or other legal proceedings.

1 This proviso was added by Mah. 32 of 2017, s. 6.

2 Now *see* Code of Criminal Procedure, 1973 (2 of 1974).

3 Sections 148-A was inserted by Mah. 5 of 2014, s. 9, *w.e.f.* 4-10-2013. 4 These words were inserted by Mah. 38 of 2014, s. 5, *w.e.f.* 4-10-2013. 5 These words were inserted by Mah. 19 of 2020, s. 3.

150. Validation of acts and proceedings.— (*1*) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(*a*) the existence of any vacancy in, or any defect in the constitution of a Regional Board, Planning Authority or Development Authority;

(*b*) any person having ceased to be a member;

(*c*) any person associated with a Regional Board, under section 10 having voted in contravention of the said section; or

(*d*) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or

(*e*) any ommission, defect or irregularity not affecting the merits of the case.

(*2*) Every meeting of a Regional Board, Planning Authority or [1][Development Authority, constituted under sub-section (*2*) of section 113], the minutes of the proceedings of which have been duly signed as prescribed shall be taken to have been duly convened and to be free from all defects and irregularity.

151. Power to delegate.— (*1*) The State Government may, by a notification in the *Official Gazette*, delegate any power exercisable by it under this Act, or rules thereunder to any officer of the State Government [2][in such case and subject to such conditions, if any, as may be specified in such notification].

(*2*) The Director of Town Planning may, by an order in writing, delegate any power exercisable by him under this Act or rules thereunder to any officer subordinate to him in such case and subject to such conditions, if any, or may be specified therein.

(*3*) Any Regional Board, Planning Authority or Development Authority may, by a resolution, direct that any power exercisable by it under this Act, rules, or regulations thereunder (except the power to prepare any Regional plan, Development plan, town planning scheme or the plan of the New Town or to make regulations) may also be exercised by any officer of the State Government with the previous consent of the State Government, the Regional Board, Planning Authority or local authority or Development Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(*4*) The Town Planning Officer of any Regional Board, Planning Authority or Development Authority may, by an order in writing, delegate any power exercisable by him under this Act, or rules or regulations thereunder to any officer of the Regional Board, Planning Authority or local authority or Development Authority concerned, in such cases and subject to such conditions, if any, as may be specified therein.

152. Powers of Planning Authority or Development Authority to be exercised by certain officers.— Notwithstanding anything contained in section 151, the powers and functions of a Planning Authority or New Town Development Authority shall, for the purposes of sections 25, 43, 44, 45, 46, 49, 51, 53, 55, 56, 58, 89, 90, 107, 112, [3][126 (*1*)(*b*)], 135, 136 and 142 be exercised and performed by the following officers, namely :—

(*1*) in the case of a Municipal Corporation, by the Municipal Commissioner or such other officer as he may appoint in this behalf;

(*2*) in the case of a *Zilla Parishad*, by the Chief Executive Officer or such other officers as he may appoint in this behalf;

(*3*) in the case of a Municipal Council, by the Chief Officer of the Council; and

1 This portion was substituted for the words "Development Authority" by Mah. 21 of 1971, s. 15. 2 These words were added by Mah. 6 of 1976, s. 34.

3 These figures, brackets and letter were inserted by Mah. 10 of 1994, s. 15.

(*4*) in the case of any other local authority, Special Planning Authority or New Town Development Authority, by the Chief Executive Officer or person exercising such powers under Acts applicable to such authorities:

[1][Provided that, in the case of a New Town Development Authority declared under sub-section (*3A*) of section 113, that Authority shall, for the purpose of information of the public, publish in the *Official Gazette*, and in such other manner as it may consider necessary, the officers of the Authority who will exercise the powers and perform the functions, of that Authority for the purposes of this Act:]

[2][Provided further that, the State Government may, by a notification in the *Official Gazette*, delegate any of the powers exercisable under sections 44, 45, 46, 51, 53, 54, 55, 56, 135 and 136 of this Act by the Slum Rehabilitation Authority appointed under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971), acting as the Planning Authority, to the Chief Executive Officer of the Slum Rehabilitation Authority.]

153. Power of Planning Authority to borrow money for Development plan or for making or executing town planning scheme.— (*1*) A Planning Authority may, for the purpose of a Development plan or the making or execution of a town planning scheme, borrow loans in accordance with the

provisions of the Act under which that Authority is constituted or if such Act does not contain any provision for such borrowing, in accordance with the Local Authorities Loans Act, 1914 (IX of 1914).

(*2*) Any expenses incurred by a Planning Authority or the State Government under this Act or in connection with a Development plan or a town planning scheme may be defrayed out of the funds of the Planning Authority.

154. Control by State Government.—[3][(*1*) Notwithstanding anything contained in this Act or the rules or regulations made thereunder, the State Government may, for implementing or bringing into effect the Central or the State Government programmes, policies or projects or for the efficient administration of this Act or in the large public interest, issue, from time to time, such directions or instructions as may be necessary, to any Regional Board, Planning Authority or Development Authority and it shall be the duty of such authorities to carry out such directions or instructions within the time-limit, if any, specified in such directions or instructions.]

(*2*) If in, or in connection with, the exercise of its powers and discharge of its functions by any Regional Board, Planning Authority or Development Authority under this Act, any dispute arises between the Regional Board, Planning Authority or Development Authority, and the State Government, the decision of the State Government on such dispute shall be final.

155. Returns and information.— (*1*) Every Regional Board, Planning Authority and Development Authority shall furnish to the State Government such reports, returns and other information as the State Government may from time to time require.

(*2*) Every local authority shall furnish to a Regional Board, Planning Authority or Development Authority (within the limits of which that local authority is functioning) such report, returns and other information as the Board or Authority may require.

156. Effect of laws.— Notwithstanding anything contained in any law for the time being in force—

[4]* * * * * *

(*b*) when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained:

1 This proviso was added by Mah. 21 of 1971, s. 16.

2 This proviso was added by Mah. 5 of 1966, s. 6.

3 Sub-sections (*1*) was substituted by Mah. 43 of 2014, s. 15, *w.e.f.* 22-4-2015. 4 Clause (*a*) was deleted by Mah. 10 of 1977, s. 7.

[1][Provided that, the development which has been duly permitted or deemed to have been permitted by the concerned Village Panchayat within the area of the *gaothan* or the *gunthewari* development which has been regularized in accordance with the provisions of the Maharashtra *Gunthewari* Developments (Regularisation, Upgradation and Control) Act, 2001 (Mah. XXVII of 2001), shall not be treated as unauthorised development under this Act.]

157. Power to make agreements.— (*1*) Unless otherwise provided in this Act, a Planning Authority or Development Authority shall be competent to make any agreement with any person or party in respect of any matter which is provided for under this Act subject to the right of the State Government to modify or disallow such agreement.

(*2*) Such agreement shall not in any way affect the rights of the State Government or third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the State Government:

Provided that, if the agreement is modified by the State Government, either party shall have the option of avoiding it if it so elects.

[2][157A. **Authentication of plans and schemes and custody thereof.—** (*1*) Every Regional plan, Development plan or town planning scheme, which is finally sanctioned by the State Government shall be drawn up in duplicate, and every such plan or scheme on every page thereof shall be authenticated under the seal and signature of the Secretary to Government, [3][Urban Development and Public Health Department or such other officer not below the rank of a Deputy Secretary as may be specified by the Secretary]. One such plan or scheme shall be deposited with the Director of Town Planning and sealed with his seal and the second shall be deposited with the Planning Authority concerned [4][and in the case of a Regional Plan, such second copy together with all the documents, plans and maps relating thereto shall be deposited in the Head Office of the Board, and if the Board is dissolved, then in the nearest office of the State Planning and Valuation Department].

[5][(*1A*) Every such plan or scheme required under sub-section (*1*) of this section to bear the signature of the Secretary or such other officer shall be deemed to be properly signed if the first and the last page of such plan or scheme are signed by the Secretary or such other officer and the intervening pages thereof bear the seal and fascimile of the Secretary or such other officer thereon.]

(*2*) The plan or scheme deposited with the Director of Town Planning under seal shall be kept under lock and key and in custody of the Director of Town Planning and shall not be utilised unless it is required for production in any court or by any authority duly empowered in this behalf by the State Government for verifying any entry made or alleged to be made in any such plan or scheme; and a certified copy of any plan or scheme or any part thereof may be given to any person on payment of a fee therefor.

(*3*) Where a plan or scheme or any part thereof is produced for verification, such plan or scheme or part after the relevant entry or entries therein are duly verified (such verification being made in court, or as the case may be, in the presence of the Director of Town Planning or any officer duly nominated by him in that behalf), shall be resealed with the seal of the Director of Town Planning, and then deposited with him in the manner aforesaid.

(*4*) If any officer or person having custody of a plan, scheme or any part thereof, makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall on conviction, be punished with imprisonment which may extend to six months and shall also be liable to a fine.]

1 This proviso was added by Mah. 43 of 2014, s. 16, *w.e.f.* 22-4-2015.

2 Section 157A was inserted by Mah. 24 of 1968, s. 3.

3 These words were substituted for the words "Urban Development, Public Health and Housing Department" by Mah. 6 of 1976, s. 35(*1*)(*a*).

4 These words were added by Mah. 6 of 1976, s. 35(*1*)(*b*).

5 Sub-sections (*1A*) was inserted by Mah. 6 of 1976, s. 35(*2*).

158. Power to make rules.— (*1*) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters :—

(*i*) under sub-section (*1*) of section 5, the term of office and conditions of service of members of a Regional Board;

(*ii*) under section 8, rules subject to which a Regional Board may exercise powers and discharge duties;

(*iii*) under sub-section (*4*) of section 10, the allowances payable to members of a Regional Planning Committee;

(*iv*) under section 13, rules subject to which survey of a Region and preparation of Regional plan may be made as provided in that section;

(*v*) under section 14, the form of a Regional plan and the manner in which it may be published;

(*vi*) under sub-section (*1*) of section 15, the period within which a Regional Plan may be approved as provided in that section;

[1][(*vii*) under sub-section (*1*) of section 16, the other manner in which a notice of the preparation of a draft Regional plan shall be published;]

(*viii*) under section 17, the manner in which a notice of approval of a Regional plan shall be published;

[2][(*ix*) under sub-sections (*2*) and (*3*) of section 20, the other manner in which a notice of the revision and approval of the revision, of a Regional plan shall be published;]

[3][(*x*) under sub-sections (*1*), (*2*) and (*4*) of section 21, the other manner in which a notice regarding preparation of the draft Development plan shall be published;]

(*xi*) under sub-section (*1*) of section 23, the manner in which a notice of declaration of intention to prepare a Development plan shall be published by a Planning Authority in one or more local newspapers;

(*xii*) under section 24, the qualifications of a person to be appointed as Town Planning Officer;

[4][(*xii-a*) under sub-section (*1*) of section 26, the other manner in which a notice regarding preparation of the draft Development plan shall be published;

(*xii-b*) under sub-section (*1*) of section 32, the other manner of publication a notice regarding preparation of the interim Development plan;]

(*xiii*) under section 44, the form in which application for permission to carry out any development on land shall be made to a Planning Authority, the particulars which such application shall contain and the documents and fees, if any, which shall accompany it and exceptions to be made as provided in that section;

(*xiv*) under sub-section (*2*) of section 45, the form of commencement certificate;

(*xv*) under sub-section (*1*) of section 47, the manner in which an appeal under that section shall be made and the fees, if any, which shall accompany it;

1 Clause (*vii*) was substituted for the original by Mah. 6 of 1976, s. 36(*1*). 2 Clause (*ix*) was substituted for the original by Mah. 6 of 1976, s. 36(*2*). 3 Clause (*x*) was substituted for the original by Mah. 6 of 1976, s. 36(*3*).

4 Clauses (*xii-a*) and (*xii-b*) were inserted by Mah. 6 of 1976, s. 36(*4*).

(*xvi*) under sub-section (*2*) of section 51, the time within which and the manner in which claim for compensation shall be made and under sub-section (*3*) of that section the time within which notice of refusal to accept compensation shall be given;

(*xvii*) under sub-section (*3*) of section 53, the manner of applying for permission under section 44;

(*xviii*) under sub-section (*2*) of section 56, the manner in which an appeal under that sub-section shall be made to the State Government under sub-section (*4*) of that section the time within which and the manner in which claims for compensation shall be made; and under subsection (*5*) of that section, the period (after disposal of appeal, if any) within which and the manner in which a purchase notice on the State Government shall be served;

(*xix*) under sub-section (*1*) of section 58, the documents and plans which shall accompany an intimation of the intention of any Government to carry out development of any land for the purposes of any of its departments or offices;

(*xx*) under sub-section (*2*) of section 60, the other manner in which the Planning Authority shall publish the declaration of its intention to make a town planning scheme;

(*xxi*) under sub-section (*1*) of section 61, the other manner in which the Planning Authority shall [1][publish a notice of making of] a draft town planning scheme;

(*xxii*) under sub-section (*1*) of section 63, the manner of [2][publication of a notice] of a draft town planning scheme under that sub-section;

(*xxiii*) under section 64, the other particulars which a draft town planning scheme shall contain;

(*xxiv*) under sub-section (*1*) of section 69, the form of commencement certificate;

(*xxv*) under sub-section (*1*) of section 72, the qualifications of a person to be appointed as Arbitrator; under sub-section (*3*) of that section, the procedure to be followed by an Arbitrator, the manner in which he shall give notices and the

form in which he shall draw the final town planning scheme;

(*xxvi*) under sub-section (*3*) of section 83, the manner in which the Arbitrator shall give notice under that sub-section;

(*xxvii*) under sub-section (*1*) of section 89, the procedure for evicting persons in unauthorised occupation;

(*xxviii*) under sub-section (*1*) of section 90, the notice to be given by the Planning Authority under that sub-section;

(*xxix*) under sub-section (*2*) of section 91, the [3][other manner in which a notice shall be published regarding the preparation of] a draft of variation of a town planning scheme, and under sub-section (*3*) of that section, the other particulars which the draft variation of a town planning scheme shall contain;

(*xxx*) under sub-section (*2*) of section 105, the period within which payment should be made by an owner to the Planning Authority;

(*xxxi*) under sub-section (*4*) of section 109, the procedure to be followed by the Tribunal,

[4][(*xxxi-a*) the time within which and the manner in which an application under sub-section (*1*) of section 124E, shall be made by the person to the Authority for assessment of development charge payable by him in respect of institution or change of use, or development of any land or building ;

1 These words were substituted for the word "publish" by Mah. 6 of 1976, s. 36(*5*).

2 These words were substituted for the word "making and publication" by Mah. 6 of 1976, s. 36(*6*).

3 These words were substituted for the word "manner in which the Planning Authority shall prepare and publish" by Mah. 6 of 1976, s. 36(*7*).

4 These clauses were inserted by Mah. 16 of 1992, s. 3.

(*xxxi-b*) under sub-section (*1*) of section 124G, the manner in which an appeal under that section shall be made and the fees, if any, which shall accompany it;]

(*xxxii*) under sub-section (*3*) of section 130, the sum to be kept in current account in the Reserve Bank of India or the State Bank of India or any other approved Bank ;

(*xxxiii*) under section 131, the form of the budget and the time at which it shall be prepared and the number of copies of the budget to be forwarded to the State Government;

(*xxxiv*) under sub-section (*1*) of section 132, the form in which a Regional Board [1]* * * shall prepare an annual statement of accounts including the balance sheet;

[2][(*xxxiv-a*) under sub-section (*1*) of section 132A, the forms in which the Special Planning Authority and the Development Authority shall maintain their books of accounts and other books relating to business and transactions;]

(*xxxv*) under sub-section (*1*) of section 133, the form in which and the date before which an annual report of its activities shall be submitted to the State Government by a Regional Board, Planning Authority and Development Authority;

(*xxxvi*) under sub-section (*1*) of section 134, the manner in which and the conditions subject to which a Regional Board, Planning Authority or Development Authority shall constitute pension and provident funds;

(*xxxvii*) under sub-section (*2*) of section 148, the manner in which documents, plans and maps, relating to a sanctioned scheme shall be accessible to the public;

(*xxxviii*) any other matter for which rules may be made.

(*3*) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be

comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the *Official Gazette*, of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

159. Power to make regulations.—[3][(*1*)] Any Regional Board, Planning Authority or Development Authority may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power,—

(*i*) a Regional Board or a Development Authority may make,—

(*a*) regulations subject to which it shall exercise powers and perform functions under this Act;

(*b*) regulations for regulating its procedure and the conduct of its business at its meeting;

(*c*) regulation providing for any other matter which has to be or may be prescribed by regulations;

(*ii*) a Planning Authority may make,—

(*a*) regulations prescribing the manner in which its order under sub-section (*1*) of section 45 shall be communicated to the applicant seeking permission under that section;

1 The words "Planning Authority or Development Authority" were deleted by Mah. 6 of 1976, s. 36(*8*).

2 Clause (*xxxiv-a*) was inserted by Mah. 6 of 1976, s. 36(*9*).

3 Sections 159 was re-numbered as sub-section (*1*) thereof and after sub-sections (*1*) as so re-numbered, sub-sections (*2*) was added by Mah. 22 of 2005, s. 5.

(*b*) regulations prescribing the time within which and the manner in which a notice shall be served on the State Government under sub-section (*1*) of section 49;

(*c*) regulations providing for any other matter which has to be or may be prescribed by regulations.

[1][(*2*) Subject to the provisions of this Act, the State Government may, by notification in the *Official Gazette,* make Special Development Control Regulations consistent with this Act and the rules made thereunder, for the purpose of implementing any Scheme, Project, programme or Policy, of the Central or the State Government, in the whole or a part of the State.

(*3*) The State Government shall, before making such Regulations prepare a draft thereof and publish a notice in the *Official Gazette* stating the draft Regulations have been prepared. The notice shall state that the names of the places where a copy of such draft Regulations shall be available for inspection by the public at all reasonable hours mentioned therein and the copies thereof or any extract therefrom, certified to be correct, shall be available for sale to the public at a reasonable price; and invite objections and suggestions from any person with respect to the draft Regulations before such date as may be specified in the notice. The notice shall also be published in at least two newspapers having wide circulation in the area to which the Regulations are to be made applicable an also in such other manner as the State Government may think fit.

(*4*) After considering the objections and suggestions received by it, the State Government may approve such draft Regulations with modifications or without modifications, if any, as it may think fit, or decide not to approve the same and shall publish a notification in the *Official Gazette* stating that the Regulations have been approved with or without modifications or have not been approved, as the case may be. In case the Regulations are approved, the notification shall specify therein the date on which the Regulations shall come into operation.

(*5*) Where Special Development Regulations are made, the provision of such Regulations shall be in force in the area to which such Regulations are made applicable and the provisions of any plan or scheme applicable to and in force in such area or part thereof, prior to the date of coming into force of such Regulations under sub-section (*4*) shall, to the extent of the provisions contained in such Regulations, stand modified.]

[2][**159A.Special provisions relating to New Town Development Authority and Special Planning Authority.—** The provisions of [3][the First Schedule] hereto shall apply in relation to a New Town Development Authority and a Special Planning Authority referred to in section 40 of this Act.]

160. Dissolution of Regional Planning Board, Special Planning Authority and New Town Development Authority.— (*1*) Where the State Government is satisfied that the purposes for which any Regional Board, Special Planning Authority or Development Authority was established under this Act have been substantially achieved so as to render the continued existence of the Board or Authority in the opinion of the State Government unnecessary, [4][or where the State Government is of opinion that the work of acquiring, developing and disposing of land in the area of any new town should be entrusted to any corporation, company or subsidiary company referred to in sub-section (*3A*) of section 113,] the State Government may, by notification in the *Official Gazette*, declare that the Regional Board, Special Planning Authority or Development Authority [5][constituted under sub-section (*2*) of section 113] shall be dissolved with effect from such date as may be specified in the notification [6][or that the Development Authority declared under subsection (*3A*) of section 113 shall cease to function in relation to such area of the new town from such date as may be specified in the notification,] and such Board or Authority shall be deemed to be dissolved accordingly [7][or as the case may be, shall be deemed to cease to function in relation to such area of such new town.]

1 Sub-section (*2*) was substituted by Mah. 43 of 2014, s. 17, *w.e.f.* 22-4-2015. 2 Sections 159A was inserted by Mah. 47 of 1974, s. 2.

3 These words were substituted for the words "the Schedule" by Mah. 16 of 1992, s. 4. 4 This portion was inserted by Mah. 22 of 1973, s. 4(*1*).

5 This portion was inserted by Mah. 21 of 1971, s. 17.

6 This portion was inserted by Mah. 22 of 1973, s. 4(*1*).

7 This portion was inserted by Mah. 22 of 1973, s. 4(*1*).

(*2*) From the said date—

(*a*) all properties, funds and dues which are vested in, or realisable by the Regional Board, Special Planning Authority or Development Authority [1][for the purposes of the Act] shall vest in, or be realisable, by the State Government;

(*b*) all liabilities which are enforceable against the Regional Board, Special Planning Authority or Development Authority shall be enforceable against the State Government; and

(*c*) for the purpose of carrying out any development which has not been fully carried out by the Board or Authority and for the purpose of realising properties, funds and dues referred to in clause (*a*), the functions of the Regional Board, Special Planning Authority, or Development Authority shall be discharged by the State Government.

[2][(*3*) Where a Development Authority constituted under sub-section (*2*) of section 113 for the area of any new town is dissolved, and a corporation or company in relation to that area is declared to be New Town Development Authority for that area under sub-section (*3A*) of section 113, then the provisions of sub-section (*2*) of this section shall consequent upon such dissolution apply with this modification that as if for the words "State Government" wherever they occur, the words, brackets, figures and letter "Development Authority declared under sub-section (*3A*), of section 113" were substituted.]

161. Vesting of Property and rights of local authority ceasing to exist or ceasing to have jurisdiction.— Where any Planning Authority (which is a local authority) ceases to exist or ceases to have jurisdiction over any area included in a development plan or town planning scheme, the property and rights vested in such Planning Authority under this Act shall, subject to all charges and liabilities affecting

the same, vest in such other local authority or authorities as the State Government may, with the consent of such local authority or authorities, by notification in the *Official Gazette*, direct and such local authorities, or each one of such local authorities shall have all the powers under this Act in respect of such schemes or such part of a scheme as comes within its jurisdiction which the Planning Authority ceasing to exist or ceasing to have jurisdiction had.

162. State Government or person appointed by it may exercise power or perform duty conferred or imposed on Planning Authority and disbursement of expenses.— (*1*) If in the opinion of the State Government, any Regional Board, Planning Authority or Development Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it by or under any of the provisions of this Act, the State Government or any person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

(*2*) Any expenses incurred by the State Government or by such person in exercising such power or performing such duty shall be paid out of the funds of such Board or Authority; and if the Board or Authority fails to pay the expenses, then the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such funds, and such person shall be bound to obey such order.

163. Special provision in case of dissolution etc., of Corporation, *Zilla Parishad,* etc.—Where a municipal corporation is superseded under sub-section (*1*) of section 452 of the [3]Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), or where *Zilla Parishad* is dissolved or superseded under sub-section (*1*) of section 260 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) or where the Nagpur Improvement Trust is dissolved under sub-section (*1*) of section 121 of the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936) (or where an Administrator is appointed under section 313, or a Municipal Council is dissolved under section 315 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)[4]—

1 These words were inserted by Mah. 21 of 1971, s. 17(*2*).

2 Sub-sections (*3*) was added by Mah. 22 of 1973, s. 4(*2*).

3 Now *see* the Maharashtra Municipal Corporations Act, 1949 (LIX of 1949).

4 Now *see* the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township Act, 1965 (Mah. XL of 1965).

(*a*) the person or persons appointed under clause (*c*) of sub-section (*2*) of the said section 452 of the [1]Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), or under clause (*b*) of sub-section (*2*) of the said section 260 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), or under clause (*b*) of section 316 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)[2], to exercise its powers or to perform its duties or the municipal corporation of the city of Nagpur discharging the functions of the Nagpur Improvement Trust under the said section 121 of the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936), or as the case may be, the Administrator appointed under section 313 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)[3], exercising the powers and functions under section 314 of the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)[4] shall be deemed to be a corporation, *Zilla Parishad*, Municipal Counicil, or as the case may be, the Nagpur Improvement Trust, within the meaning of clause (*15*) of section 2 of this Act and the person or persons, the municipal corporation of the city of Nagpur or as the case may be, the Administrator aforesaid so appointed may exercise all the powers and perform all the duties of a Planning Authority under this Act during the period of dissolution or supersession of the aforesaid body or during the term of office of the Administrator, as the case may be;

(*b*) in the event of a person or persons appointed as aforesaid or the Administrator exercising the powers and performing the duties of a Planning Authority under this Act, any property which may under the provisions of this Act vest in the Planning Authority exercising such powers and performing such duties shall, during the period of dissolution or supersession of the local authorities aforesaid, vest in the State Government; and such property shall at the end of the said period, vest in

such municipal corporation or *Zilla Parishad* or Municipal Council as the State Government may, by notification in the *Official Gazette*, direct.

164. [*Provisions of Bom. LXVII of 1948, Hyd. Act. XXI of 1951 and Bom. XCIX of 1958 not to apply to town planning schemes*.] *Deleted by Mah. 10 of 1977, s. 8.*

165. Repeal an saving.— (*1*) The Bombay Town Planning Act, 1954 (Bom. XXVII of 1955) and sections 219 to 226A and clause (*xxxvi*) of sub-section (*2*) of section 274 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), are hereby repealed.

(*2*) Notwithstanding the repeal of the provisions aforesaid, anything done or any action taken (including any declaration of intention to make a development plan or town planning scheme, any draft development plan or scheme published by a local authority, any application made to the State Government for the sanction of the draft development plan or scheme, any sanction given by the State Government to the draft development plan or scheme or any part thereof, any restriction imposed on any person against carrying out any development work in any building or in or over any land or upon an owner of land or building against the erection or re-erection of any building or works, any commencement certificate granted, any order or suspension of rule, bye-law, regulation, notification or order made, any purchase notice served on a local authority and the interest of the owner compulsorily acquired or deemed to be acquired by it in pursuance of such purchase notice any revision of development plan, any appointment made of Town Planning Officer, any proceeding pending before, and decisions of, a Town Planning Officer, any decisions of Board of Appeal, any final scheme forwarded to, or sanctioned, varied or withdrawn by the State Government, any delivery of possession enforced, any eviction summarily made, any notice served, any action taken to enforce a scheme, any costs of scheme calculated and any payments made to local authorities by owners of plots included in a scheme, any recoveries made or to be made or compensation awarded or to be awarded in respect of any plot, any rules or regulations made) under the repealed provisions shall be deemed to have been done or taken under the corresponding provisions of this Act, and the provisions of this Act shall have effect in relation thereto.

1 Now *see* the Maharashtra Municipal Corporations Act, 1949 (LIX of 1949).

2 Now *see* the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township Act, 1965 (Mah. XL of 1965).

3 Now *see* the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township Act, 1965 (Mah. XL of 1965).

4 Now *see* the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Township Act, 1965 (Mah. XL of 1965).

(*3*) All proceedings pending before a Board of Appeal constituted under the Bombay Town Planning Act, 1954 (Bom. XXVII of 1955), shall be continued before and disposed of by the Tribunal of Appeal under this Act as if an appeal had been made to it in respect thereof.

(*4*) References to Arbitrator in this Act shall include a reference to a Town Planning Officer whose appointment is continued in force under sub-section (*2*).

(*5*) The mention of particular matters in this section shall not affect the general application to the repeal of the provisions aforesaid of section 7 of the [1]Bombay General Clauses Act, 1904 (Bom. I of 1904) (which relates to the effect of repeal).

1 Now *see* the Maharashtra General Clauses Act (I of 1904).

[1][2][FIRST SCHEDULE]

(*See* section 159A)

Special provisions relating to New Town Development Authority and Special Planning Authority.

1. Commencement of paragraph 7.— The provisions of paragraph 7 shall be deemed to have come into force on the 1st day of April 1972.

2. Definition.— In this Schedule "the relevant authority" means the Development Authority, or, as the case may be, a Special Planning Authority referred to in section 40 of this Act.

3. Application of Bom. II of 1956 to premises of relevant authority.— (*1*) The State Government may, by notification in the *Official Gazette,* provide from such date as is mentioned therein that the [3]Bombay Government Premises (Eviction) Act, 1955 (Bom. II of 1956) (hereinafter in this paragraph, referred to as the said Act), shall, subject to the provisions of sub-paragraph (*2*), apply to premises belonging to, vesting in, or taken on lease by, a relevant authority as that Act applies in relation to Government premises.

(*2*) On a notification being issued under sub-paragraph (*1*), the said Act shall apply to such premises with the following modifications, that is to say—

(*a*) for clause (*b*) of section 2 of the said Act, there shall be substituted the following clause, namely :—

"(*b*) „Authority premises‟ means any premises belonging to, or vesting in, or taken on lease by, the Development Authority or Special Planning Authority within the meaning of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as the relevant authority);";

(*b*) for section 3 of the said Act, there shall be substituted the following section, namely :—

"3.Appointment of competent authorities.—The State Government shall appoint an officer who is holding or has held office whether under the Government or the relevant authority which in the opinion of the State Government is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for the purposes of the said Act.";

(*c*) references to „Government premises‟ in the said Act shall be deemed to be references to „Authority premises‟ and references to „the State Government‟ in sections 4, 6 and 9 shall be deemed to be references to the relevant authority;

(*d*) in section 6 of the said Act, in sub-section (*1*),—

(*i*) after clause (*b*), there shall be inserted the following clause, namely :—

"(*c*) an employee of the relevant authority,";

(*ii*) after the words "or, as the case may be, the local authority" the words "the relevant authority" shall be inserted.

4. Non-application of Rent Control Acts to premises of relevant authority.— [4]The Bombay Rents, Hotel and Lodging House Rates (Control) Act, 1947 (Bom. LVII of 1947) or any other law corresponding thereto for the time being in force in any part of the State,—

(*a*) shall not apply to any premises belonging to, or vesting in, the relevant authority;

1 This Schedule was added by Mah. 47 of 1974, s. 3.

2 This heading was substituted for the heading "SCHEDULE" by Mah. 16 of 1992, s. 5.

3 Short title of the Act has been amended as the Maharashtra Government Premises (Eviction) Act by Mah. 24 of 2012, ss. 2 and 3, Schedule, entry 59, *w.e.f.* 1st May 1960.

4 Now *see* the Maharashtra Rent Control Act, 1999 (Mah. XVIII of 2000).

(*b*) shall not apply as against the relevant authority to any tenancy, licence or like relationship created by the relevant authority in respect of any such premises;

(*c*) but shall apply in respect of any premises let, or given on licence, to the relevant authority.

5. Non-application of Mah. XLV of 1963 to relevant authority.— Nothing contained in the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (Mah. XLV of 1963), shall apply to the relevant authority.

6. Recovery of moneys due to relevant authority as arrears of land revenue.— (*1*) Where any sum not being rent payable in respect of any Authority premises referred to in paragraph 3 of this

Schedule, payable to the relevant authority, whether under any agreement, express or implied or otherwise howsoever, is not paid on or before the due date—

(*a*) and the claim is not disputed the person duly authorised by the relevant authority shall send to the Collector a Certificate under his hand indicating therein the sum which is due to the relevant authority or is claimed by that authority, as the case may be, and thereupon, the collector shall recover the sum due or claimed as an arrear of land revenue;

(*b*) and the claim is disputed it shall be referred to a Tribunal constituted by the State Government for the purpose which shall after making such inquiry as it thinks fit, and after giving to the person by whom the sum is alleged to be payable a reasonable opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question in any court or before any other authority. Thereupon, the Collector shall recover the sum determined to be due as arrear of land revenue.

(*2*) The Tribunal shall consist of one person who is not connected with the relevant authority or with the person by whom the sum is alleged to be payable.

(*3*) The expenses of the Tribunal shall be borne by the relevant authority.

(*4*) The procedure to be followed by the Tribunal in deciding questions referred to it shall be such as may be prescribed.

7. Lump-sum contribution by relevant authority in lieu of taxes levied by local authorities.— (*1*) Subject to rules, if any, that may be made under this Act, and regard being had to the fact that the relevant authority itself provides in the area within the jurisdiction of the local authority all or any of the amenities which the local authority provides, the relevant authority shall not be liable to pay the taxes including property taxes, if any, but it shall be lawful to the local authority to arrive at an agreement with the relevant authority with the prior sanction of the State Government to receive a lump-sum contribution from the relevant authority in lieu of all or any of the taxes levied or services rendered by the local authority.

(*2*) Where no such agreement, as is referred to in sub-section (*1*) can be reached or there is any dispute regarding any matter referred to in the aforesaid sub-section (*1*), the matter may be referred to the State Government in such manner as the State Government may determine, and the State Government may after giving to the local authority or the relevant authority or both a reasonable opportunity of being heard, decide the amount of such contribution. The decision of the State Government, shall be binding on the local authority and the relevant authority.

Explanation.— In this section "local authority" has the meaning assigned to it by clause (*26*) of section 3 of the [1]Bombay General Clauses Act, 1904 (Bom. I of 1904).

8. Deduction from salary or wages to meet claims of relevant authority in certain cases.—(*1*) Any person with the relevant authority may execute an agreement in favour of such authority providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement and to pay to the relevant authority

1 Now, *see* the Maharashtra General Clauses Act (I of 1904).

the amount so deducted in satisfaction of any debt or demand of the relevant authority against such person.

(*2*) On the execution of such agreement, the employer shall, if so required by the relevant authority, by requisition in writing, and so long as the relevant authority does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the relevant authority as if it were a part of the salary of wages payable by the employer as required under the payment of Wages Act, 1936 (IV of 1936), on the day on which the employer makes payment.

(*3*) If, after the receipt of a requisition made under the foregoing sub-section, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to such

person or makes default in remitting the amount deducted to the relevant authority, the employer shall be personally liable for the payment thereof; and the amount shall be recoverable on behalf of the relevant authority from the employer as an arrear of land revenue.

(*4*) Nothing contained in this section shall apply to persons employed in any railways (within the meaning of the Constitution) and in mines and oil-fields.

[1][9. (*1*) No suit shall be instituted against the relevant authority or against any officer or servant thereof or any person acting under the orders of the relevant authority, in respect of any act done or purporting to have been done, in pursuance of execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act,—

(*a*) until the expiration of two months next after notice in writing has been given to the relevant authority stating with reasonable particularity the cause of action and the name and place of residence of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit and the relief which he claims; or

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit,—

(*a*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice given as aforesaid;

(*b*) the claim, if it be for damages, shall be dismissed if tender of sufficient amounts shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is an officer or servant of the relevant authority, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of cost, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the relevant authority.]

1 This paragraph was added by Mah. 6 of 1976, s. 37.

[1][SECOND SCHEDULE
(*See* section 124B)
PART I

Serial No.	Areas.	Nature and particulars of development.	Rate at which development charge to be levied (in rupees per square metres).
(1)	(2)	(3)	(4)
1	Areas under the jurisdiction of the Municipal Corporations constituted or deemed to have been constituted under the Mumbai Municipal Corporation Act (Bom. III of 1888), the [2]Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX	(*a*) Development of land for residential or institutional use, not involving any building or construction operations.	0.5 per cent. of the rates of development land mentioned in the Annual Statement of Rates prepared under the Bombay Stamp (Determination of True Market Value of property)

	of 1949) and the city of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), the Municipal Councils constituted under the Maharashtra		
(*b*) Development of land for residential or institutional use, involving only building or construction	Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of and Special planning Authorities and New Town Development Authorities constituted under this Act. mentioned in the Stamp	operations,—	
		(*i*) Where development charge under clause (*a*) has been paid;	2.00 per cent. of the rates of developed land mentioned in the Stamp Duty Ready Reckoner.
		(*ii*) Where development charge under clause (*a*) is not required to be paid as the land has been developed before the commencement of the Maharashtra Regional and Town planning (Amendment) Act, 1992 (Mah. XVI of 1992).	2.00 per cent. of the rates of developed land Duty Ready Reckoner.
		(*c*) Development of land for residential or institutional use, also involving building or construction operations,—	

1 This Schedule was substituted by Mah. 34 of 2010, s. 3.

2 Now, *see* the Maharashtra Municipal Corporations Act (LIX of 1949). 3 Now, *see* the Maharashtra Stamp Act (LX of 1958).

Serial No.	Areas.	Nature and particulars of development.	Rate at which development charge to be levied (in rupees per square metres).
(1)	(2)	(3)	(4)
		(*i*) for development;	0.5 per cent. of the rates of developed land mentioned in the Stamp Duty Ready Reckoner;
		(*ii*) for construction.	2.00 per cent. of the rates of developed land

mentioned in the Stamp Duty Ready Reckoner.

PART II

(*1*) The rates of development charge for different nature or category of development of land and buildings for industrial and commercial users shall be one and a half times and two times of the rates of development charges, respectively, specified in column (*4*) for different corresponding nature or category of development of lands and buildings described in clauses (*a*), (*b*) and (*c*) in column (*3*) in Part-I of this Schedule for residential or institutional users.

(*2*) In the area under the jurisdiction of the respective municipal corporations the development charge shall be levied for reconstruction or for the making of any material change in a building, at the rates specified in Part-I of the Schedule for the purpose of development of land involving only building or construction operations in such area.]