



The Maharashtra Industrial Development Act, 1961

Act 3 of 1962

Keyword(s):

Amenity, Building, Corporation, Development, Engineering Operations, Industrial Area, Industrial Estate, Means of Access, Premises, Land

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THE MAHARASHTRA INDUSTRIAL DEVELOPMENT ACT, 1961

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MAHARASHTRA ACT No. III OF 1962¹.

[THE MAHARASHTRA INDUSTRIAL DEVELOPMENT ACT, 1961]

[1st March 1962]

Amended by	Mah. 11 of 1967.*
"	" " 32 of 1967.
"	" " 45 of 1971.
"	" " 18 of 1975. (15-9-1976)†
"	" " 25 of 1977.

An Act to make a special provision for securing the orderly establishment in industrial areas and industrial estates of industries in the State of Maharashtra, and to assist generally in the organisation thereof, and for the purpose to establish an Industrial Development Corporation, and for purposes connected with the matters aforesaid.

WHEREAS, it is expedient to make special provision for securing the orderly establishment in industrial areas and industrial estates of industries in the State of Maharashtra, and to assist generally in the organisation thereof, and for that purpose to establish an Industrial Development Corporation, and for purposes connected with the matters aforesaid ; It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Industrial Development Act, 1961.
- (2) It extends to the whole of the State of Maharashtra.
- (3) This Act, except Chapter VI, shall come into force at once ; Chapter VI shall take effect in such area, from such date as the State Government may, from time to time, by notification in the *Official Gazette*, appoint in that behalf :

²[Provided that, if in the opinion of the State Government any area or any part thereof, where Chapter VI has been brought into force, is not required or is not likely to be required for the purpose of development as an industrial area, the State Government may, by like notification, direct that Chapter VI shall cease to be in force in that area or in any part thereof on such date as may be specified in the notification, except as respects things done or omitted to be done before such date :

Provided further that, no notification shall be issued by the State Government under the first proviso after the expiry of such period from the date of bringing into force of Chapter VI as may be prescribed ; and different periods may be prescribed for the areas in which Chapter VI has been brought into force before the commencement of the Maharashtra Industrial Development (Amendment) Act, 1974 and for the areas in which that Chapter may be brought into force after such commencement.]

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

(a) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the State Government may, by notification in the *Official Gazette*, specify to be an amenity for the purposes of this Act ;

(b) "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not ;

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1961, Part V, pages 435-436.

² These provisos were added by Mah. 18 of 1975, s. 2.

* Section 8 of Mah. 11 of 1967 read as under:—

"8. (1) The Maharashtra Industrial Development (Amendment) Ordinance, 1967 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act as amended by this Act."

† This indicates the date of commencement of Act.

(c) "Collector" means the Collector of a district, and includes any officer specially appointed by the State Government to perform the functions of a Collector under this Act ;

(d) "Corporation" means the Maharashtra Industrial Development Corporation established under section 3 ;

(e) "development", with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes redevelopment, but does not include mining operations ; and "to develop" shall be construed accordingly ;

(f) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply ;

(g) "industrial area" means any area declared to be an industrial area by the State Government by notification in the *Official Gazette*, which is to be developed and where industries are to be accommodated ;

(h) "industrial estate" means any site selected by the State Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of industries ;

(i) "means of access" includes a road or any means of access, whether private or public, for vehicles or for foot passengers ;

(j) "premises" means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

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

(l) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894. I of 1894.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE CORPORATION.

Establishment and incorporation. 3. (1) For the purpose of securing and assisting in the rapid and orderly establishment and organisation of industries in industrial areas and industrial estates in the State of Maharashtra, there shall be established by the State Government by notification in the *Official Gazette*, a Corporation by the name of the Maharashtra Industrial Development Corporation.

(2) The said Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both moveable and immovable, and to contract, and do all things necessary for the purposes of this Act.

Constitution. 4. (1) With effect from the date of commencement of the Maharashtra Industrial Development (Amendment) Act, 1974, in place of the existing members, the Corporation shall consist of the following twelve members, that is to say—

(a) two official members nominated by the State Government, of whom one shall be the Financial Adviser to the Corporation ; Mah. XVIII of 1975.

(b) the Chairman of the State Electricity Board constituted under the Electricity (Supply) Act, 1948 ; LIV of 1948

Sub-section (1) was substituted for the original by Mah. 18 of 1975, s. 3.

Bom.
LXIX
of
1948.

(c) the Managing Director, State Industrial and Investment Corporation of Maharashtra Limited ;

(d) the Managing Director, Maharashtra State Financial Corporation ;

(e) one member nominated by the Housing Board constituted under the Bombay Housing Board Act, 1948 ;

(f) five members nominated by the State Government, from amongst persons appearing to it to be qualified as having had experience of, and having shown capacity in, industry or trade or finance, or who are in the opinion of the State Government capable of representing the interest of persons engaged or employed therein ; and

(g) the Chief Executive Officer of the Corporation, *ex-officio*, who shall also be the Secretary of the Corporation.]

(2) The State Government shall appoint one of the members of the Corporation to be the Chairman of the Corporation. The State Government may, if it thinks fit appoint one of the other members as Vice-Chairman.

5. A person shall be disqualified for being nominated as a member of the Corporation, if he—

(a) is an employee of the Corporation, not being the Chief Executive Officer, or

(b) is of unsound mind, and stands so declared by a competent court, or

(c) is an undischarged insolvent.

Disqualifica-
tion for
membership.

6. ¹[(1) The Chairman, Vice-Chairman (if any) and members of the Corporation nominated under clauses (a) and (f) of sub-section (1) of section 4 shall hold office for a period of three years from the date of their nomination :

Term of
office and
conditions
of service
of members.

Provided that, whenever this period of three years expires and the Corporation is not reconstituted, the members aforesaid shall continue to hold their respective offices until the Corporation is reconstituted.]

(2) The members of the Corporation nominated under clause (a) or ²[(g)] of sub-section (1) of section 4 shall be entitled to draw such salary and allowances as may be prescribed. Such reasonable additional remuneration, as may be fixed by the State Government, may be paid to any one or more of the members for extra or special services required to be rendered by him or them.

(3) The members of the Corporation ³[holding office under clause (b), (c), (d), (e) or (f) of sub-section (1) of section 4] shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure in attending the meetings of the Corporation or of any Committee thereunder or appointed in connection with the work undertaken by or for the Corporation, as may be prescribed.

(4) Any person nominated as member on one or more occasions shall, unless disqualified, be eligible for re-nomination.

⁴[(5) Where a person is nominated or becomes a member of the Corporation by virtue of holding any office, he shall, notwithstanding anything contained in this Act, cease to be a member of the Corporation as soon as he ceases to hold that office.]

¹ Sub-section (1) was substituted for the original by Mah. 18 of 1975, s. 4(a).

² These brackets and letter were substituted for the brackets and letter "(e)", *ibid.*, s. 4(b).

³ This portion was substituted for the words, brackets and letters "nominated under clause (b), (c) or (d)", *ibid.*, s. 4(c).

⁴ Sub-section (5) was added, *ibid.*, s. 4(d).

Meetings of Corporation. 7. (1) The Corporation shall meet at such times and places, and shall subject to the provisions of sub-section (2) observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

(2) A member, who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into, by or on behalf of the Corporation, shall at the earliest possible opportunity disclose the nature of his interest to the Corporation, and shall not be present at any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed, unless his presence is required by the other members for the purpose of eliciting information, but no member so required to be present shall vote on any such contract, loan, arrangement or proposal :

Provided that, a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a share-holder of a company concerned in any such contract, loan, arrangement or proposal.

Cessation of membership.

8. (1) If a member—

(a) becomes subject to any of the disqualifications mentioned in section 5, or
(b) tenders his resignation in writing to, and such resignation is accepted by, the State Government, or

(c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months, or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Corporation.

(2) The State Government may by order suspend from office for such period as it thinks fit, or remove from office any member of the Corporation, who in its opinion—

(a) has refused to act, or

(b) has become incapable of acting, or

(c) has so abused his position as member as to render his continuance on the Corporation detrimental to the interest thereof or of the general public, or

(d) is otherwise unfit to continue as a member :

Provided that, a member shall not be suspended or removed from office unless he has been given reasonable opportunity to show cause against the order.

Vacancies how to be filled.

9. Any vacancy of a member of the Corporation shall be filled as early as practicable, in like manner as if the appointment were being made originally :

Provided that, during any such vacancy the continuing members may act as if no vacancy had occurred.

Temporary absence of members.

10. (1) If the Chairman or any other member of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the State Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his membership, the State Government may appoint another person to act for him and carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the member resumes his duties.

(2) If a Vice-Chairman has been appointed, in the absence of the Chairman the Vice-Chairman shall be competent to carry out the duties and functions of the Chairman.

Proceeding presumed to be good and valid.

11. No disqualification of, or defect in the appointment of any person acting as the Chairman or Vice-Chairman or a member of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

12. (1) The State Government shall appoint a Chief Executive Officer, ¹[one or more Deputy Chief Executive Officers] and a Chief Accounts Officer of the Corporation. Officers and servants of the Corporation.

(2) The Corporation may appoint such other officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants and their scales of pay shall—

(a) as regards the Chief Executive Officer ²[the Deputy Chief Executive Officer or Officers] and the Chief Accounts Officer, be such as may be prescribed, and

(b) as regards the other officers and servants, be such as may be determined by regulations made under this Act.

13. (1) The Corporation shall take over and employ such of the existing staff serving for the purposes of the Board of Industrial Development constituted by Government Resolution in the Industries and Labour Department, No. IDL. 2360/140755-IND-I, dated the 1st October 1960, as the State Government may direct, and every person so taken over and employed shall be subject to the provisions of this Act and the rules and regulations made thereunder : Corporation to absorb certain staff, and to assume obligations of State Government in respect of matters to which this Act applies.

Provided—

(a) that, during the period of such employment all matters relating to the pay, leave, retirement, allowances, pensions, provident fund and other conditions of service of the members of the said staff shall be regulated by the Bombay Civil Services Rules or such other rules as may from time to time be made by the State Government ;

(b) that, any such member shall have a right of appeal to the State Government against any order of reduction, dismissal or removal from service, fine or any other punishment.

(2) All permanent servants of the said staff taken over and employed by the Corporation under sub-section (1) shall have a lien on their posts in the service of the State Government, and the period of their service under the Corporation shall on their reversion to the service of the State Government, be counted for their increments, pension and other matters relating to their service.

(3) All obligations incurred, all contracts entered into and all matters and things engaged to be done, before the first constitution of the Corporation, by, with or for the State Government or the Board of Industrial Development aforesaid for any of the purposes of this Act, in respect of any schemes for the development of industrial estates or industrial areas entrusted to the Corporation, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation ; and accordingly all suits or other legal proceedings instituted or which might have been instituted by or against the State Government or the Board of Industrial Development, as the case may be, may be continued or instituted by or against the Corporation.

(4) All expenditure which the Board of Industrial Development may have incurred before the date of the coming into force of this Act in connection with any of the purposes of this Act shall be deemed to be a loan advanced to the Corporation under section 21 on that date, and all assets acquired by such expenditure shall vest in the Corporation :

³[Provided that, where any capital receipts have been recovered by the Board in the course of its dealings with such assets, the amount of such receipts shall be excluded from the amount to be treated as a loan to the Board under this sub-section.]

¹ These words were inserted by Mah. 18 of 1975, s. 5(a).

² These words were inserted, *ibid.*, s. 5(b).

³ This proviso was added, *ibid.*, s. 6.

CHAPTER III.

FUNCTIONS AND POWERS OF THE CORPORATION.

- Functions.** 14. The functions of the Corporation shall be—
- (i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in the State of Maharashtra, and
 - (ii) in particular, and without prejudice to the generality of clause (i), to—
 - (a) establish and manage industrial estates at places selected by the State Government ;
 - (b) develop industrial areas selected by the State Government for the purpose and make them available for undertakings to establish themselves ;
 - * * * * *
 - (d) undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purposes for which the Corporation is established and all matters connected therewith.
- General powers of the Corporation.** 15. Subject to the provisions of this Act, the Corporation shall have power—
- (a) to acquire and hold such property, both movable and immovable as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation ;
 - (b) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions ;
 - (c) to provide or cause to be provided amenities and common facilities in industrial estates and industrial areas and construct and maintain or cause to be maintained works and buildings therefor ;
 - (d) to make available buildings on hire or sale to industrialists or persons intending to start industrial undertakings ;
 - (e) to construct buildings for the housing of the employees of such industries ;
 - (f) (i) to allot factory sheds or such buildings or parts of buildings, including residential tenements to suitable persons in the industrial estates established or developed by the Corporation ;
 - (ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment ;
 - (g) to constitute advisory committee to advise the Corporation ;
 - (h) to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions ;
 - (i) subject to the previous permission of the State Government, to delegate any of its powers generally or specially to any of its committees or officers, and to permit them to re-delegate specific powers to their subordinates ;
 - (j) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions ; and
 - (k) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions, and the carrying into effect the purposes of this Act.

¹ Clause (c) was deleted by Mah. 18 of 1975, s. 7.

16. All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of the Chief Executive Officer of the Corporation or any other Officer authorised by the Corporation in this behalf.

Authentica-
tion of orders
and docu-
ments of
Corporation.

¹[17. Notwithstanding anything contained in any contract or in any law for the time being in force, it shall be lawful for the Corporation to levy fees or service charges to cover its expenses on maintenance of roads, drainage, water-supply and such other services and amenities as may be provided by it, including provision of street lighting, at such rates as may be prescribed, from time to time. Such fees or charges may be levied on the plot holders or other persons receiving benefit of the services or amenities.]

Power to
levy service
charges.

18. The State Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

Directions
by the State
Government.

CHAPTER IV.

FINANCE, ACCOUNTS AND AUDIT.

19. All property, fund and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

Application
of Corpora-
tion's assets.

20. (1) The Corporation shall have and maintain its own fund, to which shall be credited—

Corpora-
tion's fund.

(a) all monies received by the Corporation from the State Government by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act ;

(c) all monies received by the Corporation from the disposal of lands, buildings and other properties movable and immovable, and other transactions ;

(d) all monies received by the Corporation by way of rents and profits or in any other manner or from any other source.

(2) The Corporation may keep in current or deposit account with the State Bank of India or any other Bank approved by the State Government in this behalf, such sum of money out of its fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorised by it by regulations made in this behalf.

²[(4) Notwithstanding anything contained in sub-sections (2) and (3), the Corporation may keep on hand such sum as it thinks fit for its day to day transactions, subject to such limits and conditions as may be prescribed.]

21. The State Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions, loans and advances to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act ; and all grants, subventions, loans and advances made shall be on such terms and conditions as the State Government may after consulting the Corporation determine.

Grants, sub-
ventions,
loans and
advances to
the Corpora-
tion.

¹ Section 17 was substituted for the original by Mah. 18 of 1975, s. 8.

² Sub-section (4) was added, *ibid.*, s. 9.

Power of Corporation to borrow. 22. (1) The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market by issue of guaranteed or unguaranteed bonds, debentures, stocks or otherwise, for the purpose of providing itself with adequate resources.

(2) The maximum amount which the Corporation may at any time have on loan under sub-section (1) shall be rupees seventy-five crores, unless the State Government, with the approval of the State Legislative Assembly, by notification in the *Official Gazette*, fixes a higher maximum amount for this purpose.]

Deposits. 23. The Corporation may accept deposits on such conditions as it deems fit from persons, authorities or institutions, to whom allotment or sale of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

Reserve and other funds. 24. (1) The Corporation shall make provision for such reserve and other specially denominated funds as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilised for any purpose other than that for which it was constituted, without the previous approval of the State Government.

Expenditure from funds 25. (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from out of the general fund of the Corporation referred to in section 20 or from the reserve and other funds referred to in section 24, as the case may be.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance, in relation to any of its industrial estates or industrial areas, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

Budget and programme of work. 26. (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that all such variations and reappropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before each House of the State Legislature as soon as may be after their receipt by the State Government.

Accounts and audit. 27. (1) The Corporation shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the State Government, in consultation with the Comptroller and Auditor General of India.

¹ Section 22 was substituted for the original by Mah. 18 of 1975, s. 10.

(3) As soon as the accounts of the Corporation are audited, the Corporation 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 the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before each House of the State Legislature..

28. (1) Notwithstanding anything contained in the last preceding section, the State Government may order that there shall be concurrent audit of the accounts of the Corporation by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period. Concurrent and special audit of accounts.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

CHAPTER V.

APPLICATION OF GOVERNMENT PREMISES (EVICTION) ACT, AND NON-APPLICATION OF RENT CONTROL ACTS TO CORPORATION PREMISES.

Bom. II of 1956. 29. (1) The State Government may, by notification in the *Official Gazette* provide from such date as is stated therein that the Bombay Government Premises (Eviction) Act, 1955, shall apply to premises belonging to, vesting in, or leased by, the Corporation as that Act applies in relation to Government premises, but subject to the provisions of sub-section (2). Application of Bombay Government Premises (Eviction) Act, 1955, to Corporation premises.

(2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to premises of the Corporation with the following modifications, that is to say :—

(a) the State Government shall appoint an officer who is holding or has held office whether under the Government or the Corporation, 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 aforesaid Act ¹[and one or more officers may be appointed as competent authorities for different areas or for the same area];

(b) references to "Government premises" in that Act and those rules shall be deemed to be references to premises of the Corporation, and references to "the State Government" in sections 4, 5, 6 and 9 shall be deemed to be references to the Corporation.

Bom. LVII of State— 1947. 30. The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, or any other law corresponding thereto for the time being in force in any part of the State— Non-application of Rent Control Acts to Corporation premises.

(a) shall not apply to any premises belonging to or vesting in the Corporation under or for the purposes of this Act ;

(b) shall not apply as against the Corporation to any tenancies or like relationship created by the Corporation in respect of any such premises ;

(c) but shall apply to any premises let to the Corporation.

¹ These words were inserted by Mah. 18 of 1975, s. 11.

CHAPTER VI.^{1,2}

ACQUISITION AND DISPOSAL OF LAND.

Application. 31. The provisions of this Chapter shall apply to such areas from such dates as have been notified by the State Government under sub-section (3) of section 1.

Compulsory acquisition. 32. (1) If, at any time in the opinion of the State Government, any land is required for the purpose of development by the Corporation, or for any other purpose in furtherance of the objects of this Act, the State Government may acquire such land by publishing in the *Official Gazette* a notice specifying the particular purpose for which such land is required, and stating therein that the State Government has decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the State Government shall by another notice call upon the owner of the land and any other person who in the opinion of the State Government may be interested therein, to show cause, within such time as may be specified in the notice, why the land should not be acquired. ³[The State Government shall also cause public notice to be given in the manner laid down in section 53 and in the *Official Gazette*].

¹ Section 7 of Mah. 11 of 1967, reads as under :—

Right to claim difference in compensation and validation of certain acquisitions.

"7. (1) In any case in which the Collector has determined the amount of compensation to be paid for acquisition of any land under Chapter VI of the principal Act, before the 8th day of June 1967, notwithstanding that no appeal against such decision of the Collector is made under section 34 of that Act or that any such appeal has been made and disposed of, any person considering himself aggrieved by such decision of the Collector or the decision of the Court in appeal may, within a period of one year from the said date, apply to the Collector for a review of his case and to refix the amount of compensation, and claim the difference (if any) between the amount of compensation already determined by the Collector or the Court, as the case may be, and the amount which may be arrived at by following the provisions of sub-section (5) of section 33 of the principal Act as amended by this Act. If any appeal against such decision of the Collector is pending before any Court on the said date, the Court may either itself determine the amount of compensation by following the provisions of sub-section (5) of the said section 33 as amended by this Act or remand the case to the Collector for review and refixing the amount accordingly. In either case, the party concerned shall be entitled to claim the difference (if any) as aforesaid. Every decision of the Collector on review under this section shall be subject to an appeal under section 34 of the principal Act.

(2) No acquisition of land made or purporting to have been made under the said Chapter VI before the said date, and no action taken or thing done (including any notice issued or published, agreement reached, order made or decision given) in connection with such acquisition shall be deemed to be invalid or ever to have become invalid merely on the ground that the amount of compensation was not determined or determinable under sub-section (5) of the said section 33 as amended by this Act.

• (3) Nothing in this section shall apply where the compensation has been determined by agreement under sub-section (2) of section 33 of the principal Act."

² Section 3 of Mah. 45 of 1971 reads as under :—

Acquisition proceedings not invalid merely on the ground of non-publication in the *Official Gazette* of a notice under section 32(2) issued before 8th June 1967, if served in accordance with section 52.

"3. No acquisition of land made, or purporting to have been made, under Chapter VI of the Principal Act, or by consent or agreement between the parties, before the commencement of this Act, no acquisition proceedings taken under the said Chapter and pending at any stage at the commencement of this Act, and no action taken or thing done (including any notice issued, served or published, agreement reached, compromise recorded, order made or decision given) in connection with such acquisition or acquisition proceedings, shall be deemed to be invalid or ever to have become invalid merely on the ground that the notice (if any) issued in that case under sub-section (2) of section 32 of the principal Act at any time before the 8th day of June 1967 was not published in the *Official Gazette*, but was served in the manner laid down in section 52 of that Act."

³ This portion was added by Mah. 11 of 1967, s. 2(a).

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the *Official Gazette*, the land shall, on and from the date of such publication, vest absolutely in the State Government free from all encumbrances :

¹[Provided that, if, before actual possession of such land is taken by or on behalf of the State Government, it appears for the State Government that the land is no more required for the purposes of this Act, the State Government may, by like notice, withdraw the land from acquisition and on the publication of such notice in the *Official Gazette*, the land shall revert with retrospective effect in the person in whom it was vesting immediately before the publication of the notice under sub-section (1), subject to such encumbrances, if any, as may be subsisting at that time. The owner and other persons interested shall be entitled to compensation for the damage, if any, suffered by them in consequence of the acquisition proceedings as determined in accordance with the provisions of section 33.]

(5) Where any land is vested in the State Government under sub-section (4), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the State Government may take possession of the land, and may for that purpose use such force as may be necessary.

²[(7) Where the land has been acquired for the Corporation or any local authority, the State Government shall, after it has taken possession thereof, by notification published in the *Official Gazette*, transfer the land to the Corporation or that local authority, as the case may be, for the purpose for which it was acquired, and the provisions of section 43-1A shall apply to any land so transferred.]

33. (1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation the amount of which shall be determined in accordance with the provisions of this section. Compensation.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Collector for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid :

³[Provided that, no compensation exceeding such amount as the State Government may by general order specify, to be paid for such acquisition shall be determined by the Collector without the previous approval of the State Government or such officer as the State Government may appoint in this behalf.]

⁴[(3A) Notwithstanding anything contained in sub-section (3), if, after the case is referred to the Collector under that sub-section but before he has finally determined the amount of compensation, such amount is determined by agreement between the State Government and the person to be compensated, the compensation shall be determined by the Collector in accordance with such agreement.]

¹ This proviso was added by Mah. 18 of 1975, s. 12(a).

² Sub-section (7) was substituted for the original, *ibid.*, s. 12(b).

³ This proviso was added by Mah. 32 of 1967, s. 2.

⁴ Sub-section (3A) was inserted by Mah. 18 of 1975, s. 13.

(4) Before finally determining the amount of compensation, the Collector shall give an opportunity to every person to be compensated to state his case as to the amount of compensation.

¹[(5) In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24 and other relevant provisions of the Land Acquisition Act, 1894, subject to the modifications that the references in the said sections 23 and 24 to the date of the publication of the notification under section 4, sub-section (1), were references to the date ²[of the service or publication of the notice under sub-section (2) of section 32 of this Act in the manner for the time being laid down under this Act], and the references to the time or date of the publication of the declaration under section 6 were references to the date of the publication of the notice under sub-section (1) of section 32 of this Act in the *Official Gazette*.]

³[*Explanation*.—For the purposes of this sub-section, the date of the service of a notice under sub-section (2) of section 32 of this Act shall before the 8th day of June 1967 mean the date on which the notice is served in the manner laid down in section 52 of this Act ; and on and after the 8th day of June 1967 the date of the publication of a notice under the said sub-section (2) of section 32 shall be the date on which the notice is published in the *Official Gazette*.]

(6) For the purpose of determining the amount of compensation—

(a) the Collector shall have power to require any person to deliver to him such returns and assessments as he considers necessary;

(b) the Collector shall also have power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the name of every other person having any interest in the land as co-owner, mortgagee, tenant, or otherwise, and the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(7) Every person required to deliver a return, assessment or statement under XLV sub-section (6) shall be deemed to be legally bound to do so within the meaning of ^{of} section 175 and section 176 of the Indian Penal Code. 1860.

(8) The Collector may hear expert witnesses if it be necessary to do so in any particular case.

(9) The Collector or any officer authorised by him in this behalf shall be entitled to enter on and inspect any land which is subject to proceedings before him.

(10) The Collector shall dispose of every case referred to him under sub-section (3) for determination of compensation as expeditiously as possible and in any case within such time as may be prescribed by rules.

(11) The Collector shall determine the amount of cost incurred in any case disposed of by him under the section, and by what persons and in what proportions they are to be paid.

¹ Sub-section (5) was deemed always to have been substituted by Mah. 11 of 1967, s. 3.

² These words were deemed always to have been substituted by Mah. 45 of 1971, s. 2(a).

³ This *Explanation* was deemed always to have been added on 8th June 1967, *ibid.*, s. 2(b).

¹[(12) Where any case is referred to any Collector under sub-section (3), the State Government may, at any stage, by order in writing and for reasons to be recorded therein, transfer it to any other Collector, and upon such transfer, unless some special directions are given in the order, the Collector to whom the case is transferred may hear and dispose of the case from the stage at which it was transferred, or the case may be heard and disposed of by him *de novo*.]

34. ²[(1) Any person aggrieved by the decision of the Collector determining the amount of compensation may, within sixty days from the date of such decision, in so far as it affects him, by written application to the Collector require that the matter be referred by him for determination of the Court as defined in the Land Acquisition Act, 1894, in its application to the State of Maharashtra, and when any such application is made the provisions of Part III of the said Act shall *mutatis mutandis* apply to further proceedings in respect thereof.]

(2) The decision of the Court ³[on such reference], and subject only to such decision, the decision of the Collector determining the amount of the compensation, shall be final.

35. When the amount of compensation has been settled under section 33, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute for the decision of the Court.

¹ Sub-section (12) was added by Mah. 25 of 1977, s. 2.

² Sub-section (1) was substituted for the original by Mah. 18 of 1975, s. 14(a).

³ These words were substituted for the words "on such appeal", *ibid.*, s. 14(b).

36. (1) Where the amount of compensation is determined by agreement, the State Government shall pay such amount to the person or persons entitled thereto. Payment of compensation.

(2) Where the amount of compensation is determined by the Collector under the provisions of section 33, the State Government shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by someone or more of the contingencies mentioned in sub-section (3).

(3) If the persons entitled to compensation according to the decision of the Collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any disputes as to the title to receive the compensation, the State Government shall deposit the amount of the compensation so determined in the Court :

Provided that, any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation :

• Provided further that, nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation determined under this Chapter, to pay the same to the person lawfully entitled thereto.

37. Where any amount of compensation has been deposited in Court under the last preceding section, the Court may either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other securities approved by the State Government as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such amount has been deposited or as near thereto as may be. Investment of amount deposited in the Court.

38. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the State Government shall pay the amount of compensation determined with interest thereon at the rate of four per cent. per annum from the time of so taking possession until it shall have been so paid or deposited. Payment of interest.

39. (1) Subject to any directions given by the State Government under this Act, the Corporation may dispose of— Disposal of land by the Corporation.

(a) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon ; or

(b) any such land after undertaking or carrying out such development as it thinks fit,

to such persons in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.

(2) The powers of the Corporation with respect to the disposal of land under sub-section (1) shall be so exercised as to secure, so far as practicable, that —

(a) where the Corporation proposes to dispose of by sale any such land without any development having been undertaken or carried out thereon, the Corporation shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it, subject to such requirements as to its development and use as the Corporation may think fit to impose ;

(b) persons who are residing or carrying on business or other activities on any such land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the Corporation as to its development and use, have an opportunity to obtain thereon 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 the Corporation to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference 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 or by the creation, of any easement, right or privilege or otherwise.

40. [Government lands.] Deleted by Mah. 11 of 1967, s. 4.

41. [Right of land owner to compel Corporation to acquire his interest.] Deleted by Mah. 11 of 1967, s. 4.

42. The State Government may if it thinks fit delegate any of its powers under this Chapter to any of its officers by rules made in this behalf.

Delegation of powers of the State Government.

CHAPTER VI-A.

UNUTILISED SURPLUS LANDS IN INDUSTRIAL AREAS.

42A. (1) With a view to ascertaining whether any industrial area developed by the Corporation has been fully utilised for industrial purposes or not, the State Government may direct the Corporation to submit to it a six-monthly report containing the following information in respect of such area, namely:—

Acquisition or unutilised surplus lands in industrial areas and allotment to other industries.

(a) the total number of plots and the area of each plot in the Industrial area;

(b) the number of plots allotted to the plot holders and the number of plots still in possession of the Corporation;

(c) the date on which possession of each plot was delivered to the plot holder, the period for which the plot is allotted and the premium or rent paid or payable by the plot holder;

(d) unutilised buildable area in each plot, having due regard to the building regulations of the Corporation or the local authority concerned within whose jurisdiction the industrial area is situated;

(e) how much unutilised area of each plot is capable of sub-division and whether the unutilised area can be utilised for accommodating another industry, after sub-division;

(f) the period for which the area of any plot (whether whole or part) remained unutilised from the date of delivery of possession to the plot holder and the reasons therefor as stated by the plot holder.

(2) Upon receipt of such directions, the Corporation shall issue notices to the plot holders in the industrial area calling upon them to furnish to it the information in the prescribed form and when so called upon each plot holder shall be bound to furnish true and correct information required within one month from the date of receipt of such notice by him.

¹ Chapter VI-A was inserted by Mah. 18 of 1975, s. 15.

(3) For the purpose of enabling the Corporation to determine whether there is any unutilised portion of any plot in the industrial area and whether such portion is capable of sub-division so as to make it useful for accommodating any other industry after sub-division, it shall be lawful for any officer of the Corporation, either generally or specially authorised by it in this behalf, and for his servants and workmen, at all reasonable hours,—

(i) to enter upon and survey the plot,

(ii) to set out the boundaries of the unutilised portion of the plots and

(iii) to do all other acts necessary for the purposes aforesaid.

(4) If upon the report submitted by the Corporation, the State Government is satisfied that any plot holder has not utilised the maximum buildable area of his plot for a period of five years or more from the date on which possession of the plot was delivered to him by the Corporation and the unutilised portion is capable of sub-division so as to make it useful for accommodating any other industry, the State Government may, notwithstanding anything contained in any contract or in any law for the time being in force before the expiry of such period from the date of receipt of such report as may be prescribed, issue to the plot holder and all other persons interested in the plot notices to show cause why such unutilised portion should not be acquired for the purpose of being utilised for accommodating another industry. The State Government shall also cause public notice to be given in the manner laid down in section 53.

(5) When any such notice is issued, the State Government shall give a reasonable opportunity of being heard to the plot holder and other persons interested in the plot and it shall be open to the plot holder or any other persons interested in the plot to appear and object to such acquisition on the ground that the unutilised portion is required by the plot holder himself for the purpose of immediate expansion of his own industry and that he has already taken effective steps for utilising such portion.

Explanation.—For the purposes of this sub-section, the expression “effective steps” shall mean the following steps, namely:—

(i) the plot holder has prepared the necessary project report in respect of the proposed expansion of his industry indicating the requirements of such expansion ; and

(ii) (a) the plot holder has obtained whenever necessary letter of intent or industrial licence or registration from the Government of India as required under the Industries (Development and Regulation) Act, 1951 ; or

(b) the plot holder has completed the negotiations with financial institutions for raising required finance and sixty per cent. or more of the capital requirements for such expansion have been subscribed in the case of the company which has to go in for public issue where applicable ; or

(c) the plot holder has placed a firm order for purchase of at least 50 per cent. of the plant and machinery required for the purpose of expansion.

(6) If after giving a reasonable opportunity of being heard, the State Government is satisfied that the holder of the plot has failed to utilise or is not likely to utilise the unutilised portion for industrial purposes within a reasonable period, and such unutilised portion can be used for accommodating another industry, the State Government may, notwithstanding anything contained in any contract or in any law for the time being in force for the purpose of enabling the Corporation to properly discharge its functions of promoting rapid growth and development of industries by accommodating another industry on such unutilised portion, acquire the land of such portion by publishing in the *Official Gazette* a notice specifying the purpose for which the land is required, and stating therein, that the State Government had decided to acquire the land in pursuance of this section. When such a notice is published in the *Official Gazette*, the land shall, on and from the date of such publication, vest absolutely in the State Government, free from all encumbrances.

(7) Where any land is vested in the State Government under the last preceding sub-section, the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(8) If any person refuses or fails to comply with an order made under the last preceding sub-section, the State Government may take possession of the land, and may for that purpose use such force as may be necessary.

(9) Where any land is acquired by the State Government under this section, the State Government shall pay for such acquisition an amount, which shall as far as possible be determined in accordance with the provisions of section 33, and the provisions of sections subsequent to section 33 in Chapter VI shall *mutatis mutandis* apply to further proceedings in respect of such amount :

Provided that, the amount to be awarded and paid shall not in the case of a premium lease exceed the proportionate amount of premium paid by the plot holder or his predecessor-in-title claiming under the Corporation in respect of the land so acquired, with interest thereon at six per cent. per annum from the date of payment of the premium, and where the lease is a rental lease the amount to be awarded shall not exceed an amount equal to five times the net average yearly proportionate rent payable by the plot holder to the Corporation in respect of the land so acquired.]

CHAPTER VII.

SUPPLEMENTARY AND MISCELLANEOUS PROVISIONS.

¹[43-1A. (1) For the furtherance of the objects of this Act, the State Government may ²[by notification published in the *Official Gazette*,] upon such conditions as may be agreed upon between that Government and the Corporation, place at the disposal of the Corporation any lands vested in the State Government. Government lands.

(2) After any such land has been developed by, or under the control and supervision of, the Corporation, it shall be dealt with by the Corporation in accordance with the regulations made, and directions given by the State Government in this behalf.

(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the State Government, the Corporation shall replace it at the disposal of the State Government upon such terms and conditions as may be mutually agreed upon.]

43. (1) If the Corporation after holding a local inquiry, or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in an industrial area has failed to provide any amenity in relation to the land which in the opinion of the Corporation ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, the Corporation may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice. Powers of the Corporation in case of certain defaults by owner of land in industrial area.

¹ Section 43-1A was inserted by Mah. 11 of 1967, s. 5.

² These words were inserted by Mah. 18 of 1975, s. 16.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit :

Provided that, before taking any action under this sub-section, the Corporation shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it in providing the amenity or carrying out the development together with interest, at such rate as the State Government may by order fix, from the date when a demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

Orders of demolition of building. 44. (1) Where the erection of any building in an industrial estate or industrial area has been commenced or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act, any officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner :

Provided that, no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order within thirty days from the date thereof to a Committee of the Corporation set up for the purpose by regulations made in this behalf. Such Committee may after hearing the parties to the appeal either allow or dismiss the appeal or reverse or vary any part of the order.

(3) The decision of the Committee on the appeal and subject only to such decision the order made by the officer under sub-section (1) shall be final.

45. (1) Where the erection of any building in an industrial estate or industrial area has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms on which such building or the land on which it stands is held or granted under this Act, any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order. Power to stop building operations.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute by a written order a police officer or an officer, or employee of the Corporation to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which such non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of any order made under this section.

46. (1) Any person who whether at his own instance or at the instance of any other person undertakes or carries out construction of or alterations to any building in an industrial estate or industrial area contrary to the terms under which he holds such building or land under this Act shall, on conviction, be punished with fine which may extend to ten thousand rupees, and in the case of a continuing contravention, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence. Penalty for construction or use of land and buildings contrary to terms of holding.

(2) Any person who uses any land or building in an industrial estate or industrial area contrary to the terms under which he holds such land or building under this Act or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to five thousand rupees.

47. (1) (i) Within any area taken up for development under paragraph (b) of clause (ii) of section 14, the Corporation, and Power to lay pipe lines etc.

(ii) for the purposes of (a) carrying gas, water or electricity from a source of supply to, or (b) constructing any sewers or drains necessary for carrying off the workings and waste liquids of an industrial process through, any intervening area, any person empowered in this behalf by the State Government by notification in the *Official Gazette* (hereinafter in this section referred to as "the authorised person"),

may lay down, place, maintain, alter, remove or repair any pipes, pipe lines, conduits, supply or service lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas.

(2) The Corporation or the authorised person may at any time enter upon any land in any such area and in such event the provisions of section 48 shall *mutatis mutandis* apply.

(3) While exercising the power conferred by sub-section (1), the Corporation or the authorised person shall—

(i) where the land affected is a street, bridge, sewer, drain or tunnel, comply *mutatis mutandis* with the relevant provisions of the Gas Companies Act, 1863, notwithstanding the fact that the Act is not in force in the area or that the State Government has not issued a notification extending such provisions to such land, Bom. V. of 1863.

(ii) cause as little damage as possible to property.

Full compensation to all persons interested for any damage sustained by them in consequence of the exercise of such power as aforesaid shall be paid, as the case may be, by the Corporation or, in the case of the authorised person, by the State Government.

(4) Nothing herein shall authorise or empower the Corporation or the authorised person to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use without the consent of the owners and occupiers thereof, except that the Corporation or such person may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down

Provided that, nothing in the aforesaid provision shall be construed to mean that the Corporation or other person is forbidden from having the said land acquired at any time by the State Government in the normal course.

Powers of entry.

48. Any officer of the State Government, any member of the Corporation, and any person either generally or specially authorised by the Corporation in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(a) making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or buildings ;

(b) examining works under construction and ascertaining the course of sewers and drains ;

(c) digging or boring into the sub-soil ;

(d) setting out boundaries and intended lines of work ;

(e) marking such levels, boundaries and lines by placing marks and cutting trenches ;

(f) doing any other thing necessary for the efficient administration of this Act :

Provided that,—

(i) no such entry shall be made except between the hours of sunrise and sunser and without giving reasonable notice to the occupier, or, if there be no occupier, to the owner of the land or building ;

(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 as 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.

49. The State Government may, by notification in the *Official Gazette*, nominate any officer of the Corporation to be a controller or licensing authority under any law for the time being in force relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in the industrial estates or industrial areas entrusted to or developed by the Corporation and no such nomination shall be called into question merely on the ground that such officer is not an officer of the State Government.

Officers of the Corporation may be vested with other powers.

50. Notwithstanding anything contained in any other law, or in any licence or permit, if the State Government is satisfied either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of an industrial undertaking (whether within an industrial area or outside) is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which the State Government considers unreasonable for the grant of, any amenity, the State Government may direct the local authority to grant the said amenity on such conditions as it may consider fit ; and thereupon the amenity shall be granted :

Overriding powers of Government to issue directions to local authorities.

Provided that, the charge to be paid for granting or continuing such amenity to the local authority concerned is not less than the cost to the local authority or licensee concerned for providing such amenity :

Provided further that, no such direction shall be made by the State Government unless the local authority shall have been given a reasonable opportunity to show cause why any such direction should not be made.

1[50A. If in respect of any land held for the purpose of agriculture and situated outside an industrial area but within a distance of 10 kilometres on all sides from the outer boundary of that industrial area, any person applies for permission of the Collector under the Maharashtra Land Revenue Code, 1966, for conversion of its use for the non-agricultural purpose of setting up an industrial undertaking thereon, other than a small scale industry, and the Corporation submits its objection in writing to the Collector to such permission being granted, the Collector shall hold such inquiry as he deems fit. If after holding such inquiry, the Collector is satisfied that setting up of such industrial undertaking on that land is likely to hamper orderly development of the industrial area, it shall be lawful for the Collector, notwithstanding anything contained in the said Code or any other law for the time being in force, to reject the application for conversion of use of the land for the non-agricultural purpose aforesaid. Where such application is rejected, the Collector shall state the reasons in writing of such rejection.

Power to Collector to reject applications for conversion of use of land for industrial purpose in adjoining areas in certain cases.

Explanation.—For the purpose of this section “ a small scale industry ” means an industry, which has a capital investment in plant and machinery of not more than rupees ten lakhs, irrespective of the number of persons employed therein.]

51. All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue on the application of the Corporation.

Recovery of sums due to the Corporation as arrears of land revenue.

52. (1) All notices, orders and other documents 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 such rule or regulation, be deemed to be duly served—

Service of notices, etc.

(a) where the person to be served is a company, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 ;

(b) where the person to be served is a firm, if the document is addressed to the firm 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 under a certificate of posting or by registered post, or
- (ii) left at the said place of business ;

¹ Section 50A was inserted by Mah. 18 of 1975, s. 17.

(c) where the person to be served is a statutory public body or a corporation, or a society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

- (i) sent under a certificate of posting or by registered post, or
- (ii) left at that office ;

(d) 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) is sent under a certificate of posting or 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 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 (d) of sub-section (1) ; or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on the firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the State Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

Public notices how to be made known. 53. Every public notice given under this Act or any rule or regulation made thereunder shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

Notices, etc. to fix reasonable time. 54. 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 the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

Furnishing of returns, etc. 55. (1) The Corporation shall furnish to the State Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the State Government may from time to time require.

(2) The Corporation shall in addition to the audit report referred to in section 27 furnish to the State Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the State Legislature as soon as may be after it is received by the State Government.

56. Where the State Government is satisfied that in respect of any particular industrial estate or industrial area, or any part thereof, the purpose for which the Corporation was established under this Act has been substantially achieved so as to render the continued existence of such estate or area or part thereof under the Corporation unnecessary, the State Government may, by notification in the *Official Gazette*, declare that such industrial estate or industrial area or part thereof has been removed from the jurisdiction of the Corporation. The State Government may also make such other incidental arrangements for the administration of such estate or area or part thereof as the circumstances necessitate.

Withdrawal
of area or
estate or
part thereof.

57. (1) If the State Government is satisfied that the Corporation has made a default in performing of any duty or obligation imposed or cast on it by or under this Act, the State Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

Default in
performance
of duty.

(2) If in the opinion of the State Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Act shall be carried on by the State Government or by such officer or officers or body of officers as the State Government may appoint for this purpose from time to time.

(4) All property vested in the Corporation shall, during the period of supersession, vest in the State Government.

58. (1) Where the State Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the State Government unnecessary, that Government may by notification in the *Official Gazette* declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation shall be deemed to be dissolved accordingly.

Dissolution
of Corpora-
tion.

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realisable by, the Corporation shall vest in, or be realisable by, the State Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the State Government.

59. Unless otherwise expressly provided, no Court shall take cognisance of any offence relating to property belonging to, or vested by or under this Act in, the Corporation, punishable under this Act, except on the complaint of, or upon information received from, the Corporation or some person authorised by the Corporation by general or special order in this behalf.

Authority
for prosecu-
tion.

60. (1) The Corporation or any person authorised by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act.

Compounding
of offences
by Corpora-
tion.

(2) Where 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.

Offences by companies.

61. (1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or 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 this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and 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 officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means any 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.

Penalty for obstruction.

62. Any person who obstructs the entry of a person authorised under section 48 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act 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.

Power to make rules.

63. (1) The State Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act :

Provided that, consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the State Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely :—

(a) under section 6, the salary and allowances and honorarium of members of the Corporation ;

(b) under section 12, the conditions of appointment and service and the scales of pay of the Chief Executive Officer and the Chief Accounts Officer of the Corporation ;

(c) under section 20, the sums of money to be kept by the Corporation in current and deposit accounts ;

(d) under section 22, the conditions subject to which the Corporation may borrow ;

(e) under section 26, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the State Government and the form and manner of preparing such statement ;

(f) under section 27, the manner of maintaining accounts ;

(g) under section 33, the time within which the Collector shall dispose of cases referred to him under sub-section (3) ;

(h) under section 42, the delegation of powers of Government under Chapter VI ;

(i) under section 55, the form of, and the details to be given in the annual report ;

(j) the fees which may be charged by the Corporation ;

(k) any other matter which has to be or may be, prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid, or the session immediately following.

64. (1) The Corporation 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, such regulations may provide for—

(a) under section 7, the time and place of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings ;

(b) under section 12, the conditions of appointment and service and the scales of pay of officers and servants of the Corporation, other than the Chief Executive Officer and the Chief Accounts Officer ;

(c) under section 20, the officer of the Corporation who may operate its accounts ;

(d) under section 43-1A, the manner in which Government lands shall be dealt with by the Corporation after development ;

(e) under section 44, the committee of the Corporation to hear appeals under that section and the procedure to be followed by it ;

(f) under section 46, the additional terms and conditions subject to which lands and buildings in industrial estate and industrial areas may be held or used ;

(g) any other matter which has to be, or may be, provided by regulations.

(2) All regulations made under this section shall be published in the *Official Gazette* and shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

¹ This was substituted for the figures "40" by Mah. 11 of 1967, s. 6.

Protection of action taken in good faith.

65. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Members, officers and staff of Corporation to be public servants.

66. All members, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV
of
1860.

Effect of provisions inconsistent with other laws.

67. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove doubts and difficulties.

68. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and the order of the State Government, in such cases, shall be final.

Amendment of Schedule I to Bom. LII of 1956.

69. In the Bombay Legislature Members. (Removal of Disqualifications) Act, Bom. LII of 1956, in Schedule I, after entry 10, the following entry shall be inserted, namely :—

“ 10A. The office of a member of the Maharashtra Industrial Development Corporation nominated under clause (b), (c) or (d) of sub-section (1) of section 4 of the Maharashtra Industrial Development Act, 1961, by reason only of his holding such office.”

Mah.
III of
1962.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक २९(१०)]

मंगळवार, जुलै २३, २०१९/श्रावण १, शके १९४१

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Industrial Development (Amendment) Act, 2019 (Mah. Act No. XXVII of 2019), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2019.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 23rd July 2019).

An Act further to amend the Maharashtra Industrial Development Act, 1961.

Mah. III of 1962. WHEREAS it is expedient further to amend the Maharashtra Industrial Development Act, 1961, for the purposes hereinafter appearing ; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Industrial Development (Amendment) Act, 2019. Short title.

Mah. III of 1962. 2. In section 2 of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as "the principal Act"),— Amendment of section 2 of Mah. III of 1962.

(1) after clause (a), the following clause shall be inserted, namely :—

“(a-1) “ Authority ” means the Authority as defined in clause (f) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ;” ; 30 of 2013.

(2) for clause (l), the following clause shall be substituted, namely :-

“(l) the expressions “ land ” and “ person interested ” used in this Act shall have the same meaning as the said expressions have in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”. 30 of 2013.

Amendment
of section 33
of Mah. III of
1962.

3. In section 33 of the principal Act,—

(1) in sub-section (3), after the proviso, the following proviso shall be added, namely :—

“ Provided further that, the State Government while issuing the general order under the preceding proviso shall adhere to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 relating to the determination of amount of compensation in accordance with the First Schedule, and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families.” ; 30 of 2013.

(2) for sub-section (5), the following shall be substituted, namely :—

“(5) In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 26 to 30 and other relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, subject to the modifications that, the reference in section 26 to “ the date on which notification has been issued under section 11 ”, shall be the reference as “ the date of the service of publication of the notice under sub-section (2) of section 32 of this Act in the manner for the time being laid down under this Act ”, and the reference in section 28 to “ the time of the publication of the declaration under section 19 ” shall be the reference as “ the date of the publication of the notice under sub-section (1) of section 32 of this Act in the *Official Gazette.*” ”. 30 of 2013.

Amendment
of section 34
of Mah. III of
1962.

4. In section 34 of the principal Act, —

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Any person aggrieved by the decision of the Collector determining the amount of compensation may, within sixty days from the date of such decision, so far as it affects him, by written application to the Collector require that the matter be referred by him for determination of the Authority and when any such application is made, the provisions of Chapter VIII of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, shall *mutatis mutandis* apply to further proceedings in respect thereof.” ; 30 of 2013.

(2) in sub-section (2), for the word “ Court ” the word “ Authority ” shall be substituted ;

(3) in the marginal note, for the word “ Court ” the word “ Authority ” shall be substituted.

- 5.** In section 35 of the principal Act, for the word “ Court ” the word “ Authority ” shall be substituted. Amendment of section 35 of Mah. III of 1962.
- 6.** In section 36 of the principal Act, in sub-section (3), for the words “ in the Court ” the words “ to the Authority ” shall be substituted. Amendment of section 36 of Mah. III of 1962.
- 7.** In section 37 of the principal Act,— Amendment of section 37 of Mah. III of 1962.
- (1) for the words “ in Court ” where it occur for the first time, the words “ to the Authority ” shall be substituted ;
- (2) for the word “ Court ” the word “ Authority ” shall be substituted ;
- (3) in the marginal note, for the words “in Court” the words “ to Authority ” shall be substituted.