



The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Fourth Amendment) Act, 2015

Act 19 of 2016

Keyword(s):

Appendix, Bakery or Bake-house, Budget Grant, Building, Cesspool, the Corporation, Councillor, Cubical Contents, Dairy, Dairyman, Dairy Product, Dangerous Disease

Amendments appended: 19 of 2016, 9 of 2017, 10 of 2017, 42 of 2017, 51 of 2017, 52 of 2017, 53 of 2017, 7 of 2018, 21 of 2018, 53 of 2018, 65 of 2018, 70 of 2018, 75 of 2018, 18 of 2019, 36 of 2019, 1 of 2021, 6 of 2021

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महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ३२]

शनिवार, मे ७, २०१६/वैशाख १७, शके १९३८

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ५३

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 Municipal Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015 (Mah. Act No. XIX of 2016), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIX 2016.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 7th May 2016).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

III of 1888. LIX of 1949. Mah. XL of 1965. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015.

Short title and commencement.

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे ७, २०१६/वैशाख १७, शके १९३८

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT

Amendment
of section 16
of III of
1888.

2. In section 16 of the Mumbai Municipal Corporation Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely :— III of 1888.

“(h) has failed to submit to the Corporation a certificate of Assistant Commissioner, certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet :

Provided that, no Councillor on the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015, shall be disqualified under this clause, if he submits such certificate, within a period of one hundred eighty days from the date of such commencement :

Mah. XIX
of 2016.

Provided further that, if the Assistant Commissioner fails to take the decision in respect of such application within a period of thirty days from the date of receipt of the application; the application shall be deemed to have been granted and the Assistant Commissioner shall issue such certificate accordingly.”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment
of section 10
of LIX of
1949.

3. In section 10 of the Maharashtra Municipal Corporations Act, in sub-section (1), after clause (j), the following clause shall be added, namely :— LIX of 1949.

“(k) he has failed to submit to the Corporation a certificate of the Ward Officer of the concerned corporation, certifying that,—

(i) resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet :

Provided that, no Councillor on the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015, shall be disqualified under this clause, if he submits such certificate, within a period of one hundred eighty days from the date of such commencement :

Mah.
XIX of
2016.

Provided further that, if the Ward Officer fails to take the decision in respect of such application within a period of thirty days

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे ७, २०१६/वैशाख १७, शके १९३८
from the date of receipt of the application; the application shall be deemed to have been granted and the Ward Officer shall issue such certificate accordingly.”.

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CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

Mah. XL
of 1965.

4. In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1), after clause (l), the following clause shall be added, namely :—

Amendment
of section 16
of Mah. XL
of 1965.

“(m) has failed to submit to the Council a certificate of the Authorised Officer of the concerned Council, certifying that,—

(i) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet ; or

(ii) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet :

Mah. XIX
of 2016.

Provided that, no Councillor on the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015, shall be disqualified under this clause, if he submits such certificate, within a period of one hundred eighty days from the date of such commencement :

Provided further that, if the Authorised Officer fails to take the decision in respect of such application within a period of thirty days from the date of receipt of the application; the application shall be deemed to have been granted and the Authorised Officer shall issue such certificate accordingly.”.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ८(३)]

गुरुवार, जानेवारी १२, २०१७/पौष २२, शके १९३८

[पृष्ठे ८ किंमत : रुपये २७.००

असाधारण क्रमांक १४

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 Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016 (Mah. Act No. IX of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 12th January 2017).

An Act further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS the Governor of Maharashtra had promulgated the Mah. Ord. IX of 2016. Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2016, on the 19th May 2016 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2016 (L. A. Bill No. XXVI of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 26th July 2016, and was transmitted to the Maharashtra Legislative Council ;

(१)

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August, 2016 ;

AND WHEREAS both Houses of the State Legislature were not in session ; and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2016 (hereinafter referred to as “ the said Continuance Ordinance”) on the 30th August 2016 ;

Mah.
Ord.
XVI of
2016.

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

CHAPTER I PRELIMINARY

Short title and
Commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 19th May 2016.

CHAPTER II AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of
section 5 of LIX
of 1949.

2. In section 5 of the Maharashtra Municipal Corporations Act, in sub-section (3),—

LIX of
1949.

(a) before the first proviso, the following *proviso* shall be inserted, namely :—

“Provided that, after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016, in respect of the general elections to the Corporation, each of the wards shall elect as far as possible four Councillors but not less than three and not more than five Councillors, and each voter shall, notwithstanding anything contained in this Act, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward :” ;

Mah.
IX of
2017.

(b) in the first *proviso*, for the words “Provided that” the words “Provided further that” shall be substituted.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL
TOWNSHIPS ACT, 1965

- Mah. XL of 1965
- 3.** In section 2 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”),—
- (a) in clause (7),—
- (i) after the words “a member of the Council,” the words “the directly elected President” shall be inserted ;
- (ii) in sub-clause (ii), the words “ a President of the Council or” shall be deleted ;
- (b) for clause (12), the following clause shall be substituted, namely :—
- “(12) “election” means an election to a Council or to the office of the President, as the case may be, and includes any by-election;”.
- 4.** In section 9 of the Municipal Councils Act, in sub-section (1), in clause (a), for the word “Councillors” the words “the President and the Councillors” shall be substituted.
- 5.** In section 10 of the Municipal Councils Act, to sub-section (2), the following *proviso* shall be added, namely :—
- “Provided that, after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016, in respect of the General elections to the Council, each of the wards shall elect as far as possible two Councillors but not more than three Councillors, and each voter shall, notwithstanding anything contained in sub-section (2) of section 14, be entitled to cast the same number of votes, as the number of Councillors to be elected in his ward.”.
- 6.** After section 51 of the Municipal Councils Act, the following section shall be inserted, namely :—
- 51A-1A.** (1) After the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016, in respect of the General elections to the Council, subject to the provisions of section 51-1A, every Council shall have a President who shall be elected by the persons whose names are included in the municipal voters list prepared under section 11.
- (2) Every person qualified to be elected as a Councillor under section 15 shall be qualified to be elected as a President at an election.
- (3) Election of the President shall be held simultaneously with the general elections of the Council and the procedure regarding holding of elections to the Council shall, *mutatis mutandis*, apply to such election.
- (4) If at an election, no President is elected, a fresh election shall be held to elect a President, and if there is a failure to elect a President at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected Councillors from amongst themselves.

(5) Any person elected under sub-section (4) or (7) shall be deemed to be duly elected at an election under this section.

(6) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(7) If, during the term of the elected Councillors, there is a vacancy in the office of the President due to any reason, the same procedure as provided in sub-sections (1) to (6) shall apply and such President shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such casual vacancy :

Provided that, if a vacancy occurs, which is within six months prior to the date on which the term of office of the elected Councillors expires, the same shall be filled in by election from amongst the elected Councillors.

(8) In case of a dispute regarding election of the President, the provisions of section 21 shall, *mutatis mutandis*, apply.

(9) The Collector shall convene first general meeting of the Council within twenty-five days from the date on which the name of the President and the elected Councillors is published in the *Official Gazette* after the general election of the Council and the President. The nomination of the Councillors under clause (b) of sub-section (1) of section 9 shall be made in the prescribed manner in this meeting.”.

Amendment of section 51A of Mah. XL of 1965.

7. In section 51A of the Municipal Councils Act, after sub-section (6), the following sub-section shall be inserted, namely :—

“(6A) In respect of the Councils to which the President is directly elected after the commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016, the provisions of this section shall apply with the following modifications :—

Mah. IX of 2017.

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

“(1) Every Council shall have a Vice- President, who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (9) of section 51A-1A.”;

(ii) for sub-section (6), the following sub-section shall be substituted, namely :—

“(6) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office for a term of five years from the date of his election and his term shall be co-terminus with the term of the Council.”.

Amendment of section 51 B of Mah. XL of 1965.

8. In section 51B of the Municipal Councils Act, after sub-section (3), the following sub-section shall be added, namely :—

“(4) The provisions of this section shall not apply when the President is elected under section 51A-1A.”.

Amendment of section 52 of Mah. XL of 1965.

9. Section 52 of the Municipal Councils Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely :—

“(2) Notwithstanding anything contained in sub-section (1), the term of office of the President, elected under sub-section (1) of section 51A-1A, shall be of five years and shall be co-terminus with the term of the Council.

Mah.
IX of
2017.

(3) Nothing in sub-section (2) shall apply to the term of office of the Presidents who are holding the office in respect of the Council for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016 and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.”.

10. In section 55 of the Municipal Councils Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

Amendment of
section 55 of
Mah. XL of 1965.

“ Provided that, no such resolution shall be moved within a period of two years from the date of election of the directly elected President and in case of the President elected by the Councillors from amongst themselves, within one year from the date of such election.”.

11. After section 341B of the Municipal Councils Act, the following sections shall be inserted, namely :—

Insertion of
sections 341B-1
to 341 B-6 in
Mah. XL of 1965.

“ **341B-1.** (1) Subject to the provisions of section 51-1A, every *Nagar Panchayat* shall have a President who shall be elected by the elected Councillors from amongst themselves.

Election of
President of
*Nagar
Panchayat.*

(2) The Collector shall, within twenty-five days from the date on which the names of the Councillors elected to *Nagar Panchayat* are published or, as the case may be, first published under sub-section (1) of section 19, in the *Official Gazette*, convene a special meeting of the Councillors for election of a President :

Provided that, a meeting under this section shall not be held before the expiry of the term of office of the outgoing Councillors.

(3) The meeting called under sub-section (2) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a *Nagar Panchayat* when presiding over a meeting of the *Nagar Panchayat* has, but shall not have the right to vote :

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(4) Any Councillor aggrieved by any decision of the Collector or such officer, accepting or rejecting any nomination paper, may, within forty-eight hours from intimation of such decision, present an appeal to the Regional Director of Municipal Administration concerned and simultaneously give notice of such appeal to the Collector or such officer. Such appeal shall be disposed of by the Regional Director, as expeditiously as possible, after giving a reasonable opportunity of being heard to the parties concerned. The decision of the Regional Director on such appeal, and subject only to such decision (if any), the decision of the Collector or such officer, as the case may be, accepting or not, shall not be called in question in any Court.

(5) If, in the election of the President there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.

(6) Any dispute regarding election of the President shall be referred to the State Government whose decision in that behalf shall be final.

(7) After election of the President, the *Nagar Panchayat* shall continue its meeting for the purpose of electing the Vice-President.

(8) If there is a vacancy in the office of the President due to any reason whatsoever, then for subsequent election of a President, the same procedure as laid down in sub-sections (2) to (6) (both inclusive) shall apply except that the special meeting shall be called by the Collector within twenty-five days from the date on which the vacancy occurs.

(9) The subsequent election to the post of the President after expiry of the first term of the two and a half years of the President elected under the provisions of sub-section (2), shall be held within a period of eight days prior to the expiry of the said term of the earlier President :

Provided that, the newly elected President shall take charge on the last day of the term of the outgoing President or next day thereafter.

Election of
Vice-
President of
*Nagar
Panchayat.*

341B-2. (1) Every *Nagar Panchayat* shall have a Vice-President, who shall be elected by the elected Councillors from amongst themselves in the special meeting convened under sub-section (2) of section 341B-1.

(2) The meeting to elect the Vice-President shall be presided over by the Collector or such officer as the Collector may nominate specially in this behalf, but the Collector or such other officer shall have no right to vote:

Provided that, notwithstanding anything contained in this Act or the rules made thereunder, for regulating the procedure at meetings (including the quorum thereat), the Collector or, as the case may be, the officer, presiding over such meeting may, for sufficient reasons to be recorded in writing, refuse to adjourn such meeting.

(3) If, in the election of the Vice-President, there is equality of votes, the result of the election shall be decided by the officer presiding over such meeting by drawing lots.

(4) The name of the Vice-President so elected shall be notified by the Collector, *in the Official Gazette*, within fifteen days from such election.

(5) Any dispute regarding the election of the Vice-President shall be referred to the State Government, whose decision thereon shall be final.

(6) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President, shall hold the office, for a term of two and half years from the date of his election.

(7) If there is any vacancy in the office of the Vice-President for any reason whatsoever, the vacancy shall be filled up by following the procedure prescribed in sub-sections (1) to (3) and the Vice-President so elected shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such vacancy.

341B-3. (1) The Collector shall, within seven days from the date of election of the President, call a special meeting for the purpose of nominating Councillors.

Nomination of Councillors of *Nagar Panchayat*.

(2) The nominations of the Councillors under clause (b) of sub-section (1) of section 9, shall be made in the prescribed manner.

(3) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a *Nagar Panchayat* when presiding over a meeting of the *Nagar Panchayat* has, but shall not have the right to vote :

Provided that, notwithstanding anything contained in this Act for regulating the procedure at meetings (including the quorum required thereat), the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

341B-4. The term of office of the President, shall be of two and half years.

Term of office of President of *Nagar Panchayat*.

341B-5. (1) A President of a *Nagar Panchayat* shall cease to be the President if the Councillors by a resolution passed at a special meeting by majority not less than three-fourths of the total number of Councillors so decides :

Removal of President of *Nagar Panchayats* by Councillors.

Provided that, no such resolution shall be moved within a period of one year from the date of the election of the President.

(2) The requisition for such special meeting shall be signed by not less than one-half of the total number of Councillor's and shall be sent to the Collector.

(3) The Collector shall, within ten days of the receipt of a requisition under sub-section (2), convene a special meeting of the Council :

Provided that, when the Collector convenes a special meeting, he shall give intimation thereof to the President.

(4) A meeting to consider a resolution under sub-section (1) shall be presided over by the Collector or any other officer authorised by him in this behalf, but the Collector or such other officer shall have no right to vote.

(5) The nominated Councillors shall have no right to vote on any resolution relating to the removal of the President.

(6) If the resolution seeking the removal of the President is not moved or, as the case may be, rejected, in the special meeting convened for the purpose under sub-section (3), no fresh resolution seeking the removal of the President shall be brought before the *Nagar Panchayat*.

341B-6. (1) A Vice-President shall cease to be the Vice-President, if the *Nagar Panchayat* by a resolution passed by a majority of not less than two-thirds of the total number of the Councillors, at a special meeting, so decides :

Removal of Vice-President of *Nagar Panchayats* by Councillors.

Provided that, no such resolution shall be moved within a period of six months from the date of election of the Vice-President.

(2) The requisition for such special meeting shall be signed by not less than one-half of the total number of Councillors and shall be sent to the President, and the President shall, within ten days of the receipt of such requisition, convene a special meeting of the *Nagar Panchayat*, where the nominated Councillors shall have no right to vote.

(3) If the resolution seeking removal of the Vice-President is not moved or as the case may be, rejected, in the special meeting convened for the purpose under sub-section (2), no fresh resolution for such removal shall be brought during the tenure of such Vice-President.”.

CHAPTER IV

MISCELLANEOUS

Power to
remove
difficulty.

12. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

LIX of
1949.
Mah.
XL of
1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

Repeal of
Mah. Ord. XVI
of 2016 and
saving.

13. (1) The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2016, is hereby repealed.

Mah.
Ord.
XVI of
2016.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporation Act and the Municipal Councils Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Acts, as amended by this Act.

LIX of
1949.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ८(४)]

गुरुवार, जानेवारी १२, २०१७/पौष २२, शके १९३८

[पृष्ठे ३ किंमत : रुपये २७.००

असाधारण क्रमांक १५

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 Municipal Corporations (Amendment) Act, 2016 (Mah. Act No. X of 2017) is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. X OF 2017.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 12th January 2017).

An Act further to amend the Maharashtra Municipal Corporations Act.

WHEREAS the Governor of Maharashtra had promulgated the Mah. Maharashtra Municipal Corporations (Amendment) Ordinance, 2016, on the 16th June 2016;
Mah. Ord. XII of 2016.

AND WHEREAS upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Municipal Corporations (Amendment) Bill, 2016 (L. A. Bill No. XXVII of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 20th July 2016, and was transmitted to the Maharashtra Legislative Council;

(१)

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016 ;

AND WHEREAS both Houses of the State Legislature were not in session; and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016 (hereinafter referred to as "the said Continuance Ordinance") on the 30th August 2016;

Mah.
Ord.
XVII of
2016.

AND WHEREAS it is expedient to replace the said Continuance Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-Seventh year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

Short title and commencement. **1. (1)** This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 16th June 2016.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 5 of LIX of 1949. **2.** In section 5 of the Maharashtra Municipal Corporations Act (hereinafter, in this Act, referred to as "the Municipal Corporations Act"), in sub-section (2), in clause (a), in the Table,—

(a) in entry (iii), in column (2), for the words and figures "shall not exceed 145." the words and figures "shall not exceed 151." shall be substituted;

(b) for entry (iv), the following entries shall be substituted, namely :—

"(iv) Above 24 lakhs and upto 30 lakhs

The minimum number of elected Councillors shall be 151.

For every additional population of 50,000 above 24 lakhs, one additional Councillor shall be provided, so however that the maximum number of elected Councillors shall not exceed 161.

(v) Above 30 Lakhs

The minimum number of elected Councillors shall be 161.

For every additional population of 1 lakh above 30 lakhs, one additional Councillor shall be provided, so

however that the maximum number of elected Councillors shall not exceed 175.”.

CHAPTER III

MISCELLANEOUS

3. (1) If any difficulty arises in giving effect to the provisions of the Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

Mah. Ord. XVII of 2016.

4. (1) The Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2016, is hereby repealed.

Repeal of Mah. Ord. XVII of 2016 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the Municipal Corporations Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ४३]

सोमवार, मे २९, २०१७/ज्येष्ठ ८, शके १९३९

[पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक ९०

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 Goods and Services Tax related Laws (Amendments, Validation and Savings) Act, 2017 (Mah. Act No.XLII of 2017), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XLII OF 2017.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 29th May 2017).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Entertainments Duty Act, the Maharashtra Municipal Corporations Act, the Maharashtra Motor Vehicles Tax Act, the Maharashtra Village Panchayats Act, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 and the Maharashtra Value Added Tax Act, 2002, for the purposes

III of 1888.
I of 1923.
LIX of 1949.
LXV of 1958.
III of 1959.
Mah. XL of 1965.
Mah. XVI of 1975.
Mah. IX of 2005.

(१)

hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

Short title and commencement.

1. (1) This Act may be called the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017.

(2) (a) Section 63, sub-section (3) of section 67 and section 73 shall come into force on the date of publication of this Act in the *Official Gazette* ;

(b) remaining sections shall come into force from such date as the State Government may by notification in the *Official Gazette* appoint, and different dates may be appointed for different provisions.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 3 of III of 1888.

2. In section 3 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as “the Mumbai Corporation Act”), clause (pa) shall be deleted.

Amendment of section 126 of III of 1888.

3. In section 126 of the Mumbai Corporation Act, in sub-section (2), in clause (a), the words “and, in the case of octroi on such articles” shall be deleted.

Amendment of section 128 of III of 1888.

4. In section 128 of the Mumbai Corporation Act, in sub-section (1), in clause (a), the words “and the articles on which octroi shall be levied,” shall be deleted.

Amendment of section 139 of III of 1888.

5. In section 139 of the Mumbai Corporation Act, entry (4) shall be deleted.

Deletion of heading above section 192 of III of 1888.

6. Above section 192 of the Mumbai Corporation Act, the heading “Octroi” shall be deleted.

Deletion of sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of III of 1888.

7. Sections 192, 193, 194, 194-1A, 194A, 195, 195-1A and 195-1B of the Mumbai Corporation Act shall be deleted.

Amendment of section 196 of III of 1888.

8. In section 196 of the Mumbai Corporation Act, the words “or by adding to the number of articles on which octroi is being levied” shall be deleted.

Deletion of section 199 of III of 1888.

9. Section 199 of the Mumbai Corporation Act shall be deleted.

Deletion of section 213 of III of 1888.

10. Section 213 of the Mumbai Corporation Act shall be deleted.

Deletion of sections 478, 478-1A, 478-1AA and 478-1B of III of 1888.

11. Sections 478, 478-1A, 478-1AA and 478-1B of the Mumbai Corporation Act shall be deleted.

Deletion of Schedules H and H-1 of III of 1888.

12. Schedules H and H-1 of the Mumbai Corporation Act shall be deleted.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ENTERTAINMENTS DUTY ACT.

I of 1923. **13.** In section 2 of the Maharashtra Entertainments Duty Act (hereinafter, in this Chapter, referred to as “the Entertainments Duty Act”),— Amendment of section 2 of I of 1923.

(1) clause (d-1) shall be deleted ;

(2) after clause (f-a1), the following clauses shall be inserted, namely :—

“(f-a2) “local authority” means,—

(i) a “Municipality” as defined in clause (e) of article 243P of the Constitution ;

Mah. V of 1962.

(ii) a “Zilla Parishads” as constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of 2006.

(iii) “Cantonment Board”, as defined in section 3 of the Cantonments Act, 2006 ;

Mah. XL of 1965.

(f-a3) “Chief Officer” means a person appointed or deemed to be appointed as Chief Officer under the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 ;

Mah. V of 1962.

(f-a4) “Chief Executive Officer” of the Zilla Parishads means the Chief Executive Officer of a Zilla Parishad appointed under section 94 of Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

41 of 2006.

(f-a5) “Chief Executive Officer” of the Cantonment Board means the person appointed as the Chief Executive Officer of a cantonment under the Cantonments Act, 2006 ;

III of 1888.

(f-a6) “Municipal Commissioner” means the Municipal Commissioner for the Municipal Corporation appointed under the Mumbai Municipal Corporation Act or as the case may be, under the Maharashtra Municipal Corporations Act ;”.

LIX of 1949.

14. In section 3 of the Entertainments Duty Act,—

Amendment of section 3 of I of 1923.

(1) except sub-sections (6), (7) and (8), for the words “State Government”, wherever they occur, the words “local authority” shall be substituted ;

(2) in sub-section (3), in clause (j), for the word “Commissioner” the words “local authority” shall be substituted ;

(3) in sub-section (4), in clause (d), for the words “Collector of the District” the following shall be substituted, namely :—

“(i) Municipal Commissioner, in case of a Municipal Corporation, or

(ii) Chief Officer, in case of a Municipal Council, or

(iii) Chief Executive Officer, in case of a Zilla Parishad or a Cantonment Board, as the case may be.”;

(4) in sub-section (13), in clause (b), in sub-clause (i), for the word “Collector” the following shall be substituted, namely :—

“(i) Municipal Commissioner, in case of a Municipal Corporation,

(ii) Chief Officer, in case of a Municipal Council,

(iii) Chief Executive Officer, in case of a *Zilla Parishad* or a Cantonment Board, as the case may be, ”.

- Deletion of section 3AA of I of 1923. **15.** Section 3AA of the Entertainments Duty Act shall be deleted.
- Amendment of section 3A of I of 1923. **16.** In section 3A of the Entertainments Duty Act,—
 (1) for the words “State Government” the words “local authority” shall be substituted;
 (2) the words, figure and letters “and a surcharge provided by section 3AA” shall be deleted.
- Amendment of section 4 of I of 1923. **17.** In section 4 of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 4B of I of 1923. **18.** In section 4B of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 4E of I of 1923. **19.** In section 4E of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 5 of I of 1923. **20.** In section 5 of the Entertainments Duty Act, for the word “Collector” wherever it occurs, the words “local authority” shall be substituted.
- Amendment of section 6 of I of 1923. **21.** In section 6 of the Entertainments Duty Act, in sub-sections (1) and (2), for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 8 of I of 1923. **22.** In section 8 of the Entertainments Duty Act, for the portion beginning with “The Commissioner” and ending with “the State Government” the words “Any officer duly authorized by the local authority” shall be substituted.
- Amendment of section 9A of I of 1923. **23.** In section 9A of the Entertainments Duty Act, for the words “State Government”, wherever they occur, the words “local authority” shall be substituted.
- Amendment of section 9B of I of 1923. **24.** In section 9B of the Entertainments Duty Act, for the word “Government” the words “local authority” shall be substituted.
- Amendment of section 9C of I of 1923. **25.** In section 9C of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 9D of I of 1923. **26.** In section 9D of the Entertainments Duty Act, for the word “Collector” the words “local authority” shall be substituted.
- Amendment of section 10 of I of 1923. **27.** In section 10 of the Entertainments Duty Act,—
 (1) the existing section 10 shall be re-numbered as sub-section (1) thereof; and in sub-section (1) as so re-numbered, for the words “ State Government” wherever they occur, the words “local authority” shall be substituted ;
 (2) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) For the purposes of sub-section (1) , the powers of the local authority shall be exercised by (i) the Municipal Commissioner, in case of a Municipal Corporation, (ii) the Chief Officer, in case of a Municipal Council, (iii) the Chief Executive Officer, in case of a *Zilla Parishad*, (iv) the Chief Executive Officer, in case of a Cantonment Board, in their respective jurisdiction.”.

- 28.** In section 10A of the Entertainments Duty Act, for the word “Collector”, wherever it occurs, the following shall be substituted, namely :—
- Amendment of section 10A of I of 1923.
- “(i) Municipal Commissioner, in case of a Municipal Corporation, (ii) Chief Officer, in case of a Municipal Council, (iii) Chief Executive Officer, in case of a *Zilla Parishad*, (iv) Chief Executive Officer, in case of a Cantonment Board”.
- 29.** In section 12 of the Entertainments Duty Act, for the words “State Government”, at both the places where they occur, the words “State Government and local authority” shall be substituted.
- Amendment of section 12 of I of 1923.
- 30.** Section 13 of the Entertainments Duty Act shall be deleted.
- Deletion of section 13 of I of 1923.
- 31.** Schedule appended to the Entertainments Duty Act shall be deleted.
- Deletion of Schedule of I of 1923.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

- LIX of 1949. **32.** In section 2 of the Maharashtra Municipal Corporations Act (hereinafter, in this Chapter, referred to as “the Municipal Corporations Act”), clauses (6A), (31A), (42), (70A), (70B) and (70C) shall be deleted.
- Amendment of section 2 of LIX of 1949.
- 33.** In section 32 of the Municipal Corporations Act,-
- Amendment of section 32 of LIX of 1949.
- (1) in sub-section (4), the words “octroi or” shall be deleted;
- (2) in sub-section (5), the word “octroi” shall be deleted.
- 34.** In section 99 of the Municipal Corporations Act, the words, brackets and letters “excluding local body tax under clause (aaa) thereof” shall be deleted.
- Amendment of section 99 of LIX of 1949.
- 35.** Sections 99A, 99B, 99C and 99D of the Municipal Corporations Act shall be deleted.
- Deletion of sections 99A to 99D of LIX of 1949.
- 36.** In section 127 of the Municipal Corporations Act, in sub-section (2), clauses (a), (aa) and (aaa) shall be deleted.
- Amendment of section 127 of LIX of 1949.
- 37.** In section 128 of the Municipal Corporations Act, in clause (5), the words “octroi and ” shall be deleted.
- Amendment of section 128 of LIX of 1949.
- 38.** Section 146 alongwith the heading “*Exemptions from Octroi*” of the Municipal Corporations Act shall be deleted.
- Deletion of section 146 of LIX of 1949.
- 39.** In section 149 of the Municipal Corporations Act, sub-section (6) shall be deleted.
- Amendment of section 149 of LIX of 1949.

- Deletion of Chapter XIA and sections 152A to 152O of LIX of 1949. **40.** Chapter XIA and sections 152A to 152O of the Municipal Corporations Act shall be deleted.
- Deletion of Chapter XIB and section 152P to 152T of LIX of 1949. **41.** Chapter XIB and sections 152P, 152Q, 152R, 152S and 152T of the Municipal Corporations Act shall be deleted.
- Deletion of sections 398 and 398-1A of LIX of 1949. **42.** Sections 398 and 398-1A of the Municipal Corporations Act shall be deleted.
- Amendment of section 466 of LIX of 1949. **43.** In section 466 of the Municipal Corporations Act, in sub-section (1), in para (A),—
- (1) in clause (a), the words “octroi and ” shall be deleted;
- (2) in clause (b), the words “octroi and ” shall be deleted;
- (3) clause (c) shall be deleted;
- (4) clause (e) shall be deleted;
- (5) clause (g) shall be deleted.
- Deletion of Schedules A, B and C of LIX of 1949. **44.** Schedules A, B and C of the Municipal Corporations Act shall be deleted.
- Amendment of Schedule D of LIX of 1949. **45.** In Schedule D of the Municipal Corporations Act, in Chapter VIII, rules 26, 28 and 29 shall be deleted.

CHAPTER V

AMENDMENT TO THE MAHARASHTRA MOTOR VEHICLES TAX ACT.

- Amendment in section 2 of LXV of 1958. **46.** In section 2 of the Maharashtra Motor Vehicles Tax Act, for clause (1A), the following clause shall be substituted, namely:—
- “(1A) “cost of vehicle” in relation to,—
- (a) a vehicle manufactured in India means, cost as per the final cost mentioned in the purchase invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle which shall include the basic manufacturing cost, Central Goods and Services Tax levied under the Central Goods and Services Tax Act, 2017, Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, Cess under the Goods and Services Tax (Compensation to States) Act, 2017 and Goods and Services Tax under the Maharashtra Goods and Services Tax Act, 2017 and if the vehicle has been sold in the State of Maharashtra from any other State or Union Territory shall include the Goods and Services Tax paid in such State or Union Territory, and
- LXV of 1958.
- 12 of 2017.
13 of 2017.
- 15 of 2017.
Mah. of 2017.

52 of 1962. (b) a vehicle imported into India irrespective of its place of manufacture means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 and the customs duty paid thereupon, including additional duty paid if any, as endorsed in the Bill of Entry by the Customs Department, and Integrated Goods and Services Tax under the Integrated Goods and Services Tax Act, 2017, and Cess under the Goods and Services Tax (Compensation to States) Act, 2017, if any.

13 of 2017.
15 of 2017.

Explanation.—(1) The discount given by the manufacturer or the dealer, if any, shall be added in the final cost as mentioned in the purchase invoice.

12 of 2017.
13 of 2017.
15 of 2017.
Mah. of 2017.
Mah. XLII of 2017.

(2) The vehicles sold prior to the date of commencement of the Central Goods and Services Tax Act, 2017, the Integrated Goods and Services Tax Act, 2017, the Goods and Services Tax (Compensation to States) Act, 2017 and the Maharashtra Goods and Services Tax Act, 2017 and produced for registration after such date shall be taxed as per the provisions which were in force prior to the Maharashtra Goods and Services Tax related laws (Amendments, Validation and Savings) Act, 2017;”.

CHAPTER VI

AMENDMENTS TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

- III of 1959. **47.** In section 3 of the Maharashtra Village Panchayats Act (hereinafter, in this Chapter, referred to as “the Village Panchayats Act”), in section 3, clauses (5), (11A) and (11B) shall be deleted. Amendment of section 3 of III of 1959.
- 48.** Section 124 A of the Village Panchayats Act shall be deleted. Deletion of section 124A of 1959.

CHAPTER VII

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

- Mah. XL of 1965. **49.** In section 2 of Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter, in this Chapter, referred to as “the Municipal Councils Act”), clause (3A) shall be deleted. Amendment of section 2 of Mah. XL of 1965.
- 50.** In section 87A of the Municipal Councils Act, in sub-section (3), in clause (xi),—
(1) in sub-clause (a), the word “cess” shall be deleted;
(2) in sub-clause (b), the word “cess” shall be deleted. Amendment of section 87A of Mah. XL of 1965.
- 51.** In section 105 of the Municipal Councils Act, in sub-section (1), clauses (aa) and (e) shall be deleted. Amendment of section 105 of Mah. XL of 1965.
- 52.** Chapter IXA and sections 148A to 148O of the Municipal Councils Act shall be deleted. Deletion of Chapter IXA and sections 148A to 148O of Mah. XL of 1965.

CHAPTER VIII

AMENDMENT TO THE MAHARASHTRA STATE TAX ON PROFESSIONS,
TRADES, CALLINGS AND EMPLOYMENTS ACT, 1975.

- Amendment to Schedule I of Mah. XVI of 1975. **53.** In Schedule I appended to the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975, for entry 20A, the following entry shall be substituted, namely :—
- “20A. Persons, registered under the Maharashtra Goods and Services Tax Act, 2017. 2500 per annum.”. Mah. of 2017.

CHAPTER-IX

AMENDMENTS TO THE MAHARASHTRA VALUE ADDED
TAX ACT, 2002.

- Amendment in long title of Mah. IX of 2005. **54.** In the long title of the Maharashtra Value Added Tax Act, 2002 (hereinafter, in this Chapter, referred to as “the Value Added Tax Act”), the words “or purchase” shall be deleted. Mah. IX of 2005.
- Amendment in preamble of Mah. IX of 2005. **55.** In the preamble of the Value Added Tax Act, the words “or purchase” shall be deleted.
- Amendment of section 2 of Mah. IX of 2005. **56.** In section 2 of the Value Added Tax Act,—
- (1) clauses (1), (2) and (3-a) shall be deleted;
- (2) after clause (3-a) so deleted, the following clause shall be inserted, namely :—
- “(3-b) “appointed date for the Maharashtra Goods and Services Tax Act” means the date on which the Maharashtra Goods and Services Tax Act, 2017 comes into force;” Mah. of 2017.
- (3) in clause (4), in the *Explanation*, clause (i) shall be deleted;
- (4) clause (7) shall be deleted;
- (5) in clause (8), Exception I, II and III shall be deleted;
- (6) clause (9) shall be deleted;
- (7) for clause (12), the following clause shall be substituted, namely :—
- “(12) “goods” means petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption;”;
- (8) after clause (14) the following clause shall be inserted, namely:—
- “(14A) “Maharashtra Goods and Services Tax Act” means the Maharashtra Goods and Services Tax Act, 2017;” Mah. of 2017.
- (9) clause (17A) shall be deleted;
- (10) in clause (20), *Explanation IA* shall be deleted;
- (11) in clause (24), in the *Explanation*, in clause (b), in sub-clause (vi), for the words and brackets “of goods, being food or any other article for human consumption or any drink (whether or not intoxicating), the words “of alcoholic liquor for human consumption” shall be substituted;
- (12) in clause (25), *Explanation IA* shall be deleted;

(13) clause (27) shall be deleted;

(14) in clause (29), the words “or purchase tax leviable or as the case may be,” shall be deleted;

(15) in clause (32), *Explanation I* shall be deleted;

(16) in clause (33), *Explanation I* shall be deleted.

57. In section 3 of the Value Added Tax Act,—

Amendment of section 3 of Mah. IX of 2005.

(1) sub-section (1) shall be deleted;

(2) in sub-section (2),—

(a) for the words “to whom sub-section (1) does not apply and whose turnover either of all sales or, as the case may be, purchases made” the words “whose turnover of all sales of goods” shall be substituted;

(b) in the proviso, the words “ and purchases” and the words “or turnover of purchases” shall be deleted;

(3) in sub-section (3), the words “or turnover of purchases” shall be deleted;

(4) sub-section (5A) shall be deleted;

(5) in sub-section (8), the words “or purchases” shall be deleted.

58. In section 6 of the Value Added Tax Act,—

Amendment of section 6 of Mah. IX of 2005.

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

“(1) There shall be levied a sales tax on the turnover of sales of goods, specified in column (2) in SCHEDULE B at the rates set out against each of them in column (3) of the said Schedule.”;

(2) in sub-section (2) , for the word and letter “ Schedule D”, the word “ SCHEDULE B” shall be substituted;

59. Sections 6A, 6B and 7 of the Value Added Tax Act shall be deleted.

Deletion of sections 6A, 6B and 7 of Mah. IX of 2005.

60. In section 8 of the Value Added Tax Act,—

Amendment of section 8 of Mah. IX of 2005.

(1) in sub-section (2), the words “and lubricants” shall be deleted;

(2) sub-sections (3C) and (3D) shall be deleted.

61. In section 16 of the Value Added Tax Act,—

Amendment of section 16 of Mah. IX of 2005.

(1) in sub-section (6), in clause (b), the words “or the turnover of purchases” shall be deleted;

(2) after sub-section (6), the following sub-section shall be inserted, namely :—

“(6A) The registration of a dealer, who has not effected sale, during the year 2016-17, of any goods, specified in column (2) in SCHEDULE A or, as the case may be SCHEDULE B, as it exists on the appointed date for the Maharashtra Goods and Services Tax Act, shall be deemed to be cancelled with effect from the said appointed date:

Provided that, any such dealer, whose registration is deemed to be cancelled, may apply in the prescribed manner for the revocation of the cancellation of his registration, if he intends to carry on the business in these goods.”.

- Deletion of section 17 of Mah. IX of 2005. **62.** Section 17 of the Value Added Tax Act shall be deleted.
- Insertion of section 26B in Mah. IX of 2005. **63.** After section 26A of the Value Added Tax Act, the following section shall be inserted, namely :—
- Speedy disposal of various proceedings. **“26B.** The State Government may enact a scheme by a notification in the *Official Gazette* providing for,—
- (i) the speedy disposal of proceedings of assessments under section 23, rectifications under section 24, review under section 25, appeals under section 26, refund proceedings and recovery proceedings;
- (ii) criterion for selection of cases for assessment; and
- (iii) criterion for selection of cases for withdrawal of pending proceedings referred in clause (i).”
- Amendment of section 30 of Mah. IX of 2005. **64.** In section 30 of the Value Added Tax Act, in sub-section (2), after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in case a dealer, whose registration is deemed to be cancelled under sub-section (6A) of section 16, files an annual revised return, as provided under clause (b) or, as the case may be, clause (c), of sub-section (4) of section 20, for any period starting from the 1st April 2017, then the interest shall be payable on the excess amount of tax, payable as per such annual revised return from the prescribed dates by the prescribed class of dealers.”
- Deletion of section 31A of Mah. IX of 2005. **65.** Section 31A of the Value Added Tax Act shall be deleted.
- Amendment of section 41 of Mah. IX of 2005. **66.** In section 41 of the Value Added Tax Act, in sub-section (4),—
- (1) in clause (a), the words “and petroleum products” shall be deleted;
- (2) in clause (b), in the *Explanation*, the words “and petroleum products” shall be deleted;
- (3) clause (c) shall be deleted.
- Amendment of section 42 of Mah. IX of 2005. **67.** In section 42 of the Value Added Tax Act,—
- (1) sub-section (1) shall be deleted;
- (2) in sub-section (2), the portion beginning with the words “who are running any eating house” and ending with the words “or vendors” shall be deleted;
- (3) after sub-section (2), the following sub-section shall be added and deemed to have been added with effect from the 1st April 2010, namely :—

“(3B) The registered dealers, who had undertaken the construction of flats, dwellings or buildings or premises and transferred them in pursuance of an agreement along with the land or interest underlying the land and where,—

(a) such agreement is registered on or before the 31st May 2017; and

(b) the works contract activity in respect of aforesaid agreement is continued on or after the date notified for the purpose of the Maharashtra Goods and Services Tax Act or, as the case may be, payment is received,

then notwithstanding anything contained in sub-section (3A) or, as the case may be, in the Notification, Finance Department, No. VAT/2015/CR-65/Taxation.-1 dated the 9th July 2010, but subject to the conditions stated in column (3) at Serial Number (3) to (5) and (7) of the aforesaid notification, the said dealer shall,—

(i) determine the composition amount in lieu of tax payable on the transfer of the goods (whether as goods or in some other form), in execution of the works contract under the Act, at one per cent. of the payment received in respect of said flats, dwellings or buildings or premises till the date immediately preceding the date on which the Maharashtra Goods and Services Tax Act comes into force, and deduct the amount so determined from the composition amount paid as per the aforesaid notification, and

(ii) take the credit into the electronic credit ledger prescribed under the Maharashtra Goods and Services Tax Act of the balance unutilized amount remained on the date on which the Maharashtra Goods and Services Tax Act comes into force.” ;

(4) sub-sections (3), (3A) and (4) shall be deleted.

68. In section 45 of the Value Added Tax Act,—

(1) in sub-section (2), the words “or purchased” shall be deleted;

(2) in sub-section (3),—

(a) the words “or purchases”, at both the places where they occur, shall be deleted ;

(b) in the proviso, the words “ or purchase ” shall be deleted.

69. In section 47 of the Value Added Tax Act, after sub-section (2A), the following sub-section shall be inserted, namely :—

“(2B) Notwithstanding anything contained in this section, if the order of the Court, Tribunal or the Central Government is passed on or after the appointed date of the Maharashtra Goods and Services Tax Act, then the provisions of the said Act, in this regard, shall be applicable.”.

70. In section 48 of the Value Added Tax Act,—

(1) in sub-section (1), in clause (a),—

(a) sub-clauses (i), (iii) and (iv) shall be deleted ;

(b) in sub-clause (ii), the words “or purchase” shall be deleted ;

(2) sub-section (3) shall be deleted.

Amendment of section 45 of Mah. IX of 2005.

Amendment of section 47 of Mah. IX of 2005.

Amendment of section 48 of Mah. IX of 2005.

- Deletion of section 49 of Mah. IX of 2005. **71.** Section 49 of the Value Added Tax Act shall be deleted.
- Amendment of section 74 of Mah. IX of 2005. **72.** In section 74 of the Value Added Tax Act, in sub-section (3), clause (c) shall be deleted.
- Substitution of section 84 of Mah. IX of 2005. **73.** For section 84 of the Value Added Tax Act, the following section shall be substituted, namely :—
- Declaration of stock of goods held on the appointed date and calling for other information, etc. **“84.** (1) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, as may be specified in the notification, to declare the details, to the prescribed authority, regarding capital assets and the stock of goods held by them on the day immediately preceding the appointed date for the Maharashtra Goods and Services Tax Act.
- (2) The Commissioner may, by notification in the *Official Gazette*, require any class of registered dealers, migrating to the Maharashtra Goods and Services Tax Act to furnish any other information in the prescribed manner.”.
- Deletion of section 87 of Mah. IX of 2005. **74.** Section 87 of the Value Added Tax Act shall be deleted.
- Amendment to Schedule A of Mah. IX of 2005. **75.** In Schedule A appended to the Value Added Tax Act, for the entries 1 to 63, the following entries shall be substituted, namely :—
- | | | |
|----|--|--------|
| “1 | Toddy and Arak- | Nil |
| 2 | Goods supplied from bond to foreign going ships and aircrafts. | Nil.”. |
- Deletion of Schedules B, C and E of Mah. IX of 2005. **76.** Schedules B, C, and E appended to the Value Added Tax Act shall be deleted.
- Amendment to Schedule D of Mah. IX of 2005. **77.** Schedule D appended to the Value Added Tax Act shall be renamed as Schedule B thereof and in Schedule B as so renamed,—
- (a) entry 4 shall be deleted ;
- (b) in entry 6, in column (2), for the figures and words “ entry 8 of SCHEDULE C, entry 11 and entry 11A ” the figures and words “ entry 11, 11A and entry 13 ” shall be substituted. ” ;

(2) Without prejudice to the provisions contained in the foregoing sub-section, the provisions of section 7 of the Maharashtra General Clauses Act, 1904, shall apply in relation to the repeal of any of the provisions of the Acts referred to in sub-section (1).



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक ६७]

शुक्रवार, सप्टेंबर १, २०१७/भाद्र १०, शके १९३९

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक १३२

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Act, 2017 (Mah. Act No. LI of 2017), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R. L. A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LI OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 1st September 2017).

An Act further to amend the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act.

Mah. Ord. III of 2017. WHEREAS the Governor of Maharashtra had promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 8th January 2017 ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance had ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 16th April 2017 ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance and, therefore, the Governor of Maharashtra has promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Continuance) Ordinance, 2017 (hereinafter referred to as “the said Continuance Ordinance”), on the 6th May 2017 ;

Mah.
Ord.
VII of
2017.

AND WHEREAS the Governor of Maharashtra has, in exercise of the powers conferred by clause (1) of article 174 of the Constitution of India and in supersession of His Order dated the 25th April 2017, summoned the session of both Houses of the Maharashtra State Legislature on the 20th May 2017, only for the purpose of passing of the Maharashtra Goods and Services Tax Bill and other incidental Bills relating thereto and as such the said Bill could not be taken for consideration by the Legislative Council ;

AND WHEREAS as provided by article 213(2) (a) of the Constitution of India, the said Continuance Ordinance ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 30th June 2017;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Continuance Ordinance ;

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Continuance Ordinance, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Second Continuance) Ordinance, 2017 (hereinafter referred to as “the said Second Continuance Ordinance”), on the 14th July 2017 ;

Mah.
Ord.
XIII of
2017.

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

III of 1888. **2.** In section 152A of the Mumbai Municipal Corporation Act, in sub-section (1), for the words “ shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building”, the following shall be substituted, namely :—

Amendment of section 152A of III of 1888.

“ shall be liable to pay a penalty, at such rate as may be decided by the corporation, on such building”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

LIX of 1949. **3.** In section 267A of the Maharashtra Municipal Corporations Act, in sub-section (1), for the words “ shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building”, the following shall be substituted, namely :—

Amendment of section 267A of LIX of 1949.

“shall be liable to pay a penalty, at such rate as may be decided by the corporation, on such building”.

CHAPTER IV

MISCELLANEOUS

III of 1888. LIX of 1949. **4.** (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act or, as the case may be, the Maharashtra Municipal Corporations Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the relevant Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

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

Mah. Ord. XIII of 2017. **5.** (1) The Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment and Second Continuance) Ordinance, 2017, is hereby repealed.

Repeal of Mah. Ord. XIII of 2017 and saving.

III of 1888. LIX of 1949. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.

Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, shall
with effect from 8th January 2017, being the date of commencement of the
said Ordinance, continue to be in force and be deemed to be continuously in
force.

1010.
Mah.
Ord. III
of 2017.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ३, अंक ६७(२)]

शुक्रवार, सप्टेंबर १, २०१७/भाद्र १०, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १३३

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017 (Mah. Act No. LII of 2017), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LII OF 2017

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 1st September 2017).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS the Governor of Maharashtra had promulgated the Mumbai Mah. Municipal Corporation, the Maharashtra Municipal Corporations and the Ord. VI Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial of 2017. Townships (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 2nd February 2017 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 6th March 2017, the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Bill, 2017 (L.A. Bill No. IV of 2017), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 16th March 2017 and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 7th April 2017, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213 (2)(a) of the Constitution of India, the said Ordinance had ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 16th April 2017 ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance ;

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing ; and, therefore, the Governor of Maharashtra has promulgated the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2017 (hereinafter referred to as “ the said Continuance Ordinance”), on the 30th May 2017 ;

Mah. Ord.
VIII of
2017.

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

CHAPTER I

PRELIMINARY.

Short title and commencement. **1.** (1) This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 2nd February 2017.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 16 of III of 1888. **2.** In section 16 of the Mumbai Municipal Corporation Act, in sub-section (1), in clause (h), after the words “ a certificate of Assistant Commissioner ” the words “ or a self-certificate by such person ” shall be inserted.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 10 of LIX of 1949. **3.** In section 10 of the Maharashtra Municipal Corporations Act, in sub-section (1), in clause (k), after the words “ a certificate of the Ward Officer of the concerned corporation ” the words “ or a self-certificate by such person ” shall be inserted.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Amendment of section 16 of Mah. XL of 1965. **4.** In section 16 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1), in clause (m), after the words “ a certificate of the Authorised Officer of the concerned Council ” the words “ or a self-certificate by such person ” shall be inserted.

Mah. XL
of 1965.

CHAPTER V
MISCELLANEOUS

Mah. Ord. VIII of 2017. **5.** (1) The Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment and Continuance) Ordinance, 2017, is hereby repealed. Repeal of Mah. Ord. VIII of 2017 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the relevant Acts, as amended by this Act. III of 1888. LIX of 1949. Mah. XL of 1965.

Mah. Ord. VI of 2017. **6.** For the removal of doubt, it is hereby declared that all the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, shall with effect from 2nd February 2017, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force. Removal of doubt.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ६७(३)]

शुक्रवार, सप्टेंबर १, २०१७/भाद्र १०, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १३४

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 Municipal Corporations (Amendment) Act, 2017 (Mah. Act No. LIII of 2017), is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R. L. A. to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LIII OF 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 1st September 2017).

An Act further to amend the Maharashtra Municipal Corporations Act.

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

LIX of 1949. Mah. Ord. X of 2017. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, on the 13th June 2017 ;

Short title
and commen-
cement.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 13th June 2017.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment
of section 79
of LIX of
1949.

2. In section 79 of the Maharashtra Municipal Corporations Act, in clause (g),—

LIX of
1949.

(a) for the portion beginning with the words “notwithstanding anything contained in this section,” and ending with the words “specially in any particular case of such land:”, the following portion shall be substituted, namely :—

“notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation and with the approval of the State Government grant a lease, for a period not exceeding thirty years, of a land belonging to the Corporation,

(i) which is declared as a slum area under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, to a co-operative society of eligible slum dwellers; or as the case may be, to the eligible slum dweller individually, at a premium to be decided by the State Government and subject to the prescribed terms and conditions; or

Mah.
XXVIII
of 1971.

(ii) to persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation or to the Co-operative Housing Society formed exclusively by persons who are dishoused as a result of the implementation of any Development Scheme of the Corporation; or

(iii) to any Department or undertaking of the Government of Maharashtra or of the Government of India, for the public purposes; or

(iv) to a public trust, society or company registered exclusively for medical and educational purposes, under the Maharashtra Public Trusts Act, or the Societies Registration Act, 1860, or the Maharashtra Co-operative Societies Act, 1960, or the Companies Act, 2013, as the case may be; or

XXIX of
1950.

XXI of
1860.

Mah.
XXIV of
1961.

18 of
2013.

(v) to a public trust registered under the Maharashtra Public Trusts Act. or a society registered under the Societies

XXIX of
1950.

The approval of the State Government under this clause may be given either generally for any class of cases of such lands or specially in any particular case of such land :”;

(b) for the existing *Explanation*, the following *Explanation* shall be substituted, namely :—

Mah.
XXVIII
of 1971.

“*Explanation*.—For the purposes of this clause, “eligible slum dweller” means the eligible slum dweller as defined in clause (c-b) of section 2 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.”.

CHAPTER III

MISCELLANEOUS

3. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Power to
remove
difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(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.

Mah.
Ord. X of
2017.

4. (1) The Maharashtra Municipal Corporations (Amendment) Ordinance, 2017, is hereby repealed.

Repeal of
Mah. Ord. X
of 2017 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Act, as amended by this Act.

LIX of
1949.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १(७)]

सोमवार, जानेवारी १५, २०१८/पौष २५, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७

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 Municipal Corporations (Second Amendment) Act, 2017 (Mah. Act. No. VII of 2018), is hereby published under the authority of the Governor.

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

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

MAHARASHTRA ACT No. VII OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 15th January 2018).

An Act further to amend the Maharashtra Municipal Corporations Act.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action

LIX of further to amend the Maharashtra Municipal Corporations Act, for the
1949. purposes hereinafter appearing ; and, therefore, promulgated the
Mah. Ord. Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2017,
XXIII of on the 12th October 2017 ;
2017.

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

CHAPTER I

PRELIMINARY

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Municipal Corporations (Second Amendment) Act, 2017.
- (2) It shall be deemed to have come into force on the 12th October 2017.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment
of section
149A of LIX of
1949.

2. In section 149A of the Maharashtra Municipal Corporations Act,— LIX of 1949.
 - (i) for sub-sections (1) and (2), the following sub-sections shall be substituted and shall be deemed to have been substituted with effect from the 1st July 2017, namely :—

“(1) The stamp duty leviable under the Maharashtra Stamp Act, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City, shall be increased by a surcharge at the rate of one per cent., in the case of sale or gift, on the value of the property so situated and in the case of an instrument of usufructuary mortgage on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act. LX of 1958.

(2) For the purposes of this section, section 28 of the Maharashtra Stamp Act, shall be read and enforced as if specifically required the particulars therein referred to be set forth separately in respect of,— LX of 1958.

(a) the property situated in the City ; and

(b) the property situated in any other area,” ;

(ii) in sub-section (3), for the words “each of the notified City” the words “of the City” shall be substituted and shall be deemed to have been substituted with effect from the 1st July 2017 ;

(iii) in sub-section (5), the following shall be added at the end, namely :—

“For the purposes of this section, the State Government may make rules retrospectively with effect from the 1st July 2017.”.

CHAPTER III

MISCELLANEOUS

Validation of
duty levied
and collected.

3. (1) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary, any assessment, review, levy or collection of stamp duty or surcharge in respect of execution of instruments of sale, gift and usufructuary mortgage, or any action taken or thing done in relation to such assessment, review, levy or collection under the provisions of the Maharashtra Municipal Corporations Act (hereinafter in this section referred to as “the Municipal Corporations Act”) prior to the date of commencement of the Maharashtra Municipal Corporations (Second Amendment) Act, 2017 (hereinafter in this section referred to as “the Amendment Act”), shall be deemed to be valid and effective as if such assessment, review, levy or collection or action or thing had been duly made, taken or done under the

LIX of
1949.
Mah.
VII of
2018.

Municipal Corporations Act, as amended by the Amendment Act, and accordingly,—

(a) all acts, proceedings or things done or taken by any authority or by the State Government or by any officer of the State Government in connection with the assessment, review, levy or collection or action or thing in connection with the levy of such stamp duty or surcharge, for all purposes be deemed to be, and to have always been done or taken in accordance with the law;

(b) no suit, appeal, application or other proceedings shall lie or be maintained or continued in any Court or before any Tribunal, officer or other authority for the refund of such stamp duty or surcharge so paid; and

(c) no Court, Tribunal, officer or other authority shall enforce any decree or order directing the refund of such duty or surcharge.

(2) For the removal of doubt it is hereby declared that, nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the Municipal Corporations Act, as amended by the Amendment Act, assessment, review, levy or collection of such stamp duty or surcharge, referred to in sub-section (1), or

(b) from claiming refund or any stamp duty or surcharge paid by him in excess of the amount due from him by way of stamp duty under the Municipal Corporations Act as amended by the Amendment Act.

(3) Nothing in the Municipal Corporations Act, as amended by the Amendment Act, shall render any person liable to be convicted of any offence in respect of anything done or omitted to be done by him, before the date of commencement of the Amendment Act, if such act or omission was not an offence under the Municipal Corporations Act on the relevant date, but for such amendment made by the Amendment Act; nor shall any person in respect of such act or omission be subject to a penalty greater than that which could have been imposed on him under the law in force immediately before the date of commencement of the Amendment Act.

4. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Act as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

Mah. Ord. XXIII of 2017. (1) The Maharashtra Municipal Corporations (Second Amendment) Ordinance, 2017, is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the Maharashtra Municipal Corporations Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Act, as amended by this Act.

Power to remove difficulty.

Repeal of Mah. Ord. XXIII of 2017 and saving.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक १९]

मंगळवार, मार्च २०, २०१८/फाल्गुन २९, शके १९३९

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ३९

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 (Mah. Act No. XXI of 2018), is hereby published under the authority of the Governor.

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

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

MAHARASHTRA ACT No. XXI OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 20th March 2018.)

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

III of
1888.
LIX of
1949.
Mah. XL
of 1965.

CHAPTER I

PRELIMINARY

1. This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018. Short title.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment
of section 5B
of III of
1888.

2. In section 5B of the Mumbai Municipal Corporation Act (hereinafter referred to as “the Mumbai Municipal Corporation Act”), for the first proviso, the following proviso shall be substituted, namely :—

III of
1888.

“Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

Mah.
XXI
of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:”.

Amendment
of section 37
of III of
1888.

3. In section 37 of the Mumbai Municipal Corporation Act, in sub-section (2A), for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

Mah.
XXI
of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment
of section 5B
of LIX of
1949.

4. In section 5B of the Maharashtra Municipal Corporations Act (hereinafter referred to as “ the Maharashtra Municipal Corporations Act”), for the first proviso, the following proviso shall be substituted, namely :—

LIX of
1949.

“ Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal

Mah. XXI
of 2018.

Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee : ”.

5. In section 19 of the Maharashtra Municipal Corporations Act, in sub-section (1B), for the first proviso, the following proviso shall be substituted, namely :—

Amendment of section 19 of LIX of 1949.

“Provided that, for the elections for the office of the Mayor for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

Mah.
XXI
of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee:”.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as “ the Municipal Councils Act ”), for the first proviso, the following proviso shall be substituted, namely :—

Amendment of section 9A of Mah. XL of 1965.

“ Provided that, for the General or bye-elections for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the

Mah.
XXI
of 2018.

Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee : ”.

Amendment
of section
51-1B of
Mah. XL of
1965.

7. In section 51-1B of the Municipal Councils Act, for the first proviso, the following proviso shall be substituted, namely :—

“Provided that, for the elections for the office of the President for which the last date of filing of nomination falls during the period commencing on the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018 and ending on the 30th June 2019, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination papers but who has not received the validity certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

Mah.
XXI
of 2018.

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof of having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of six months from the date of his election, the validity certificate issued by the Scrutiny Committee :”.

Amendment
of section
341B of
Mah. XL of
1965.

8. In section 341B of the Municipal Councils Act, in sub-section (4),—

(a) after the word and figure “ section 9 ” the figure and letter “, 9A ” shall be inserted ;

(b) for the word, figures and letter “ section 51-1A ” the words, figures and letters “ sections 51-1A and 51-1B ” shall be substituted.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ६१(२)]

शुक्रवार, ऑगस्ट १०, २०१८/श्रावण १९, शके १९४०

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १२७

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2018 (Mah. Act No. LIII of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. LIII OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 10th August 2018).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

III of 1888. LIX of 1949. Mah. XL of 1965. WHEREAS it is expedient further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title. **1.** This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2018.

CHAPTER II

AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

Amendment of section 152 A of III of 1888. **2.** In section 152A of the Mumbai Municipal Corporation Act, in sub-section (1), after the first proviso, the following proviso shall be added, namely :—

“ Provided further that, the rates decided by the Corporation under this sub-section shall be deemed to have come into effect from the 1st April 2010, being the date of commencement of the Mumbai Municipal Corporation (Third Amendment) Act, 2006. ”

III of 1888.

Mah. XI of 2009.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 267A of LIX of 1949. **3.** In section 267A of the Maharashtra Municipal Corporations Act, after the first proviso, the following proviso shall be added, namely :—

“ Provided further that, the rates decided by the Corporation under this sub-section shall be deemed to have come into effect from the 4th January 2008, being the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007. ”

LIX of 1949.

Mah. II of 2008.

CHAPTER IV

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Amendment of section 189A of Mah. XL of 1965. **4.** In section 189A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1),—

(a) for the words “ shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building ”, the following shall be substituted, namely :—

“ shall be liable to a penalty, at such rate as may be decided, from time to time, by the Government, by an order, on such building ”;

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

“ Provided further that, the rates decided by the Government under this sub-section, in view of the amendment carried out by clause (a) of section 4 of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Second Amendment) Act, 2018, shall be deemed to have come into effect from the 4th January 2008, being the date of commencement of the Bombay Provincial Municipal Corporations, the City of Nagpur Corporation and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2007.”

Mah. XL of 1965.

Mah. LIII of 2018. Mah. II of 2008.

CHAPTER V

MISCELLANEOUS

III of
1888.
LIX of
1949.
Mah. XL
of 1965.

5. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the relevant Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Power to
remove
difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८५(२)]

शुक्रवार, डिसेंबर १४, २०१८/अग्रहायण २३, शके १९४०

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक १६६

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (third Amendment) Act, 2018 (Mah. Act No. LXV of 2018), 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. LXV OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 14th December 2018).

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2018, on the 27th September 2018 ;

III of
1888.
LIX of
1949.
Mah. XL
of 1965.
Mah.
Ord. XX
of 2018.

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

CHAPTER I

PRELIMINARY.

- Short title and commencement. **1.** (1) This Act may be called the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018.
- (2) It shall be deemed to have come into force on the 27th September 2018.

CHAPTER II

AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT.

- Amendment of section 5B of III of 1888. **2.** In section 5B of the Mumbai Municipal Corporation Act (hereinafter in this Chapter referred to as “Mumbai Corporation Act”),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.
- Amendment of section 37 of III of 1888. **3.** In section 37 of the Mumbai Corporation Act, in sub-section (2A),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;
- (c) after the second proviso, the following proviso shall be added, namely :—
- “Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

- Amendment of section 5B of LIX of 1949. **4.** In section 5B of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter referred to as “Maharashtra Corporations Act”),—
- (a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from the 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

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

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah.
LXV of
2018.

5. In section 19 of the Maharashtra Corporations Act, in sub-section (1B),—

Amendment of
section 19 of
LIX of 1949.

(a) in the first proviso, in clause (i), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

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

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah.
LXV of
2018.

CHAPTER IV

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL COUNCILS, *NAGAR PANCHAYATS* AND INDUSTRIAL TOWNSHIPS ACT, 1965.

6. In section 9A of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter in this Chapter referred to as “Municipal Councils Act”),—

Amendment of
section 9A of
Mah. XL of
1965.

(a) in the first proviso, in clause (i), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

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

“Provided also that, in respect of the undertaking filed by any person under clause (i) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah.
LXV of
2018.

Amendment of section 51-1B of Mah. XL of 1965.

7. In section 51-1B of the Municipal Councils Act,—

(a) in the first proviso, in clause (ii), for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

(b) in the second proviso, for the words “six months” the words “twelve months” shall be substituted and shall be deemed to have been substituted with effect from 7th April 2015 ;

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

“Provided also that, in respect of the undertaking filed by any person under clause (ii) of the first proviso, before the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, the period of “six months” specified in such undertaking shall be deemed to have been substituted as “twelve months”.”.

Mah. LXV of 2018.

CHAPTER V

MISCELLANEOUS

Saving as to certain elections.

8. Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018, for filling up the resultant vacancy in view of the provisions of section 5B or sub-section (2A) of section 37 of the Mumbai Municipal Corporation Act, section 5B or sub-section (1B) of section 19 of the Maharashtra Municipal Corporations Act, section 9A or section 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as it stood prior to such date of commencement.

Mah. LXV of 2018.

III of 1888. LIX of 1949. Mah. XL of 1965.

Saving as to certain disqualification.

9. Any person, who has obtained the Caste Certificate and validity certificate but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Municipal law, if he submits such certificate within a period of fifteen days from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

Power to remove difficulty.

10. (1) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

III of 1888. LIX of 1949. Mah. XL of 1965.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

Mah. Ord. XX of 2018. **11.** (1) The Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Ordinance, 2018, is hereby repealed. Repeal of Mah. Ord. XX of 2018 and saving.

III of 1888. LIX of 1949. Mah. XL of 1965. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the said Acts, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८६]

शनिवार, डिसेंबर १५, २०१८/अग्रहायण २४, शके १९४०

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १७१

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 Municipal Corporations (Second Amendment) Act, 2018. (Maharashtra Act No. LXX of 2018), 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. LXX OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 15th December 2018).

An Act further to amend the Maharashtra Municipal Corporations Act.

LIX of 1949. WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Municipal Corporations Short title. (Second Amendment) Act, 2018.

(१)

Amendment
of section 73
of LIX of
1949.

2. In section 73 of the Maharashtra Municipal Corporations Act, in clause (c), for the words "Subject to the above, for any contract which involves an expenditure in excess of rupees twenty-five lakhs, the previous approval of the Standing Committee shall be necessary:" the words "Subject to the above, for any contract which involves an expenditure in excess of the amount as specified by the State Government, by notification in the *Official Gazette*, from time to time, the previous approval of the Standing Committee shall be necessary and different amount may be specified in respect of different classes of Corporations:".

LIX of
1949.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ८७(५)]

सोमवार, डिसेंबर १७, २०१८/अग्रहायण २६, शके १९४०

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १७८

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 Municipal Corporations and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2018 (Mah. Act No. LXXV of 2018) 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. LXXV OF 2018.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 17th December 2018.)

An Act further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

LIX of
1949.
Mah. XL
of 1965.

WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY.

1. This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2018. Short title.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

Amendment of section 79 of LIX of 1949.

2. In section 79 of the Maharashtra Municipal Corporations Act, in clause (g),—

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, where the Municipal Corporation has granted approval to the implementation of the *Pradhan Mantri Awas Yojana* of the Central Government on the land belonging to it, the Commissioner shall grant lease of such land to the eligible individual beneficiary in the manner, as may be notified by the State Government : ”;

(b) in the existing proviso, for the words “Provided that,” the words “Provided further that,” shall be substituted.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Amendment of section 92 of Mah. XL 1965.

3. In section 92 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, in sub-section (1), the following proviso shall be inserted, namely :—

“ Provided that, where the Council has granted approval to the implementation of the *Pradhan Mantri Awas Yojana* of the Central Government, on the land belonging to it, the Chief Officer shall grant lease of such land to the eligible individual beneficiary in the manner, as may be notified by the State Government.”.

CHAPTER IV

MISCELLANEOUS

Power to remove difficulty.

4. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of a 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 may be, after it is made, before each House of the State Legislature.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक २९]

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

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ६५

प्राधिकृत प्रकाशन

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

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Act, 2019 (Mah. Act. No. XVIII 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. XVIII 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 Mumbai Municipal Corporation Act and the Maharashtra Municipal Corporations Act.

III of 1888. WHEREAS it is expedient further to amend the Mumbai Municipal
LIX of Corporation Act and the Maharashtra Municipal Corporations Act, for the
1949. purposes hereinafter appearing; it is hereby enacted in the Seventieth Year
of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Mumbai Municipal Corporation and the Short title. Maharashtra Municipal Corporations (Amendment) Act, 2019.

CHAPTER II

AMENDMENT TO MUMBAI MUNICIPAL CORPORATION ACT

Amendment of section 139A of III of 1888. **2.** In section 139A of the Mumbai Municipal Corporation Act, in sub-section (2), after the words “or any portion of the building”, the following words, brackets and figures shall be added, namely :—

“and building or land used for administrative or any such purposes, by the Maharashtra State Electricity Distribution Company Limited and its franchisees as defined in clause (27) of section 2 of the Electricity Act, 2003 or the Maharashtra State Electricity Transmission Company Limited but does not include buildings or lands used only for electricity distribution infrastructure such as electrical transformers, any electrical equipment, overhead and underground cables or such similar equipment created or maintained by the Maharashtra State Electricity Distribution Company Limited and such franchisees or the Maharashtra State Electricity Transmission Company Limited”.

CHAPTER III

AMENDMENT TO MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of section 128A of LIX of 1949. **3.** In section 128A of the Maharashtra Municipal Corporations Act, in sub-section (2), after the words “or any portion of the building”, the following words, brackets and figures shall be added, namely :—

“and building or land used for administrative or any such purposes, by the Maharashtra State Electricity Distribution Company Limited and its franchisees as defined in clause (27) of section 2 of the Electricity Act, 2003 or the Maharashtra State Electricity Transmission Company Limited but does not include buildings or lands used only for electricity distribution infrastructure such as electrical transformers, any electrical equipment, overhead and underground cables or such similar equipment created or maintained by the Maharashtra State Electricity Distribution Company Limited and such franchisees or the Maharashtra State Electricity Transmission Company Limited”.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ५०]

मंगळवार, डिसेंबर ३१, २०१९/पौष १०, शके १९४१

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १०६

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 Municipal Corporations (Amendment) Act, 2019 (Maharashtra Act No. XXXVI 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. XXXVI OF 2019.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on 31st December 2019).

An Act further to amend the Maharashtra Municipal Corporations Act.

WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act, 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 Municipal Corporations (Amendment) Act, 2019. Short title.

(१)

Amendment
of section 5 of
LIX of 1949.

2. In section 5 of the Maharashtra Municipal Corporations Act, in sub-section (3), in the first proviso, after the words, brackets and figures “the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016” the words, brackets and figures “but till the day immediately preceding the date of the publication of the Maharashtra Municipal Corporations (Amendment) Act, 2019 in the *Official Gazette*” shall be inserted.

LIX of
1949.
Mah. IX
of 2017.
Mah.
XXXVI
of 2019.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ७, अंक १]

बुधवार, जानेवारी १३, २०२१/पौष २३, शके १९४२

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १

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 Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020 (Mah. Act No. I of 2021), is hereby published under the authority of the Governor.

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

BHUPENDRA M. GURAO,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. I OF 2021

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 13th January 2021).

An Act further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

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

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2020 on the 2nd November 2020 ;

LIX of 1949.
Mah. XL of
1965.
Mah.
Ord. XIX of
2020.

(१)

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

CHAPTER I

PRELIMINARY

Short title
and
commencement.

1. (1) This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020.

(2) It shall come into force on the 29th October 2020.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

Amendment of
section 452A of
LIX of 1949.

2. In section 452A of the Maharashtra Municipal Corporations Act, LIX of 1949, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Corporation due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, which shall not extend beyond the 30th April 2021, to exercise all the powers and to perform all the functions and duties of the Corporation under this Act.”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965.

Amendment
of section 317
of Mah. XL of
1965.

3. In section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, namely :—

Mah. XL
of 1965.

(i) existing section shall be renumbered as sub-section (1) thereof; and

(ii) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

“(2) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for the State Election Commission to conduct the general elections to the Municipal Council due to outbreak of COVID-19 pandemic in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the

State Election Commission, which shall not extend beyond the 30th April 2021, to exercise all the powers and to perform all the functions and duties of the Municipal Council under this Act.”.

CHAPTER IV

MISCELLANEOUS

- Mah. Ord. XIX of 2020. 4. (1) The Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2020, is hereby repealed. Repeal of Mah. Ord. XIX of 2020 and saving.
- LIX of 1949. Mah. XL of 1965. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the said Acts, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ७, अंक ९]

मंगळवार, मार्च २३, २०२१/चैत्र २, शके १९४३

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक १३

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 Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2021 (Mah. Act No. VI of 2021), is hereby published under the authority of the Governor.

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

BHUPENDRA M. GURAO,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2021.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 23rd March 2021).

An Act further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2021. Short title.

CHAPTER II

AMENDMENT TO THE MAHARASHTRA
MUNICIPAL CORPORATIONS ACT

- Amendment of section 452A of LIX of 1949, 2. In section 452A of the Maharashtra Municipal Corporations Act, after sub-section (1A), the following sub-section shall be inserted, namely:— LIX of 1949.
- “(1B) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for it to conduct the general elections to the Corporation within the period specified in the order issued under sub-section (1A), due to COVID-19 pandemic situation in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, for exercising all the powers and performing all the functions and duties of the Corporation under this Act.”.

CHAPTER III

AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS,
NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

- Amendment of section 317 of Mah. XL of 1965, 3. In section 317 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965, after sub-section (2), the following sub-section shall be added, namely:— Mah. XL of 1965.
- “(3) Notwithstanding anything contained in this section, where the State Election Commission has brought to the notice of the State Government that it is not possible for it to conduct the general elections to the Municipal Council or *Nagar Panchayat* within the period specified in the order issued under sub-section (2), due to COVID-19 pandemic situation in the State, then the State Government may, by order, appoint a Government officer or officers, or extend the period of any officer appointed under sub-section (1), for such period as may be requested by the State Election Commission, for exercising all the powers and performing all the functions and duties of the Municipal Council or *Nagar Panchayat* under this Act.”.