Amendment appended: 12 of 2020, 33 of 2020
Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2020 (Maharashtra Act No. VII of 2020), 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.

(First published, after having received the assent of the Governor in the “Maharashtra Government Gazette”, on the 12th March 2020.)

An Act further to amend 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 Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Ordinance, 2020, on the 27th January 2020;

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

                      (2) It shall be deemed to have come into force on the 27th January 2020.

2. In section 10 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), in sub-section (2), in the 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 Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2020,” shall be inserted.

3. For the removal of doubts, it is hereby declared that nothing in the principal Act, as amended by the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Act, 2020, shall be construed as reducing the number of seats to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women in accordance with the provisions made by or under the principal Act.

4. (1) The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Amendment) Ordinance, 2020, is hereby repealed.

                      (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.
MAHARASHTRA ACT No. XII OF 2020.

(First published, after having received the assent of the Governor in the “Maharashtra Government Gazette”, on the 14th March 2020).

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

WHEREAS both Houses of the State Legislature are 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 Councils, Nagar Panchayats and Industrial Townships Act, 1965, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2020, on the 4th February 2020;

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

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

Short title and commencement.
(2) It shall be deemed to have come into force on the 4th February 2020.

2. In section 2 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Act”), in clause (7), in sub-clause (ii), after the words “to get elected as” the words, figures and letters “a President of the Council in accordance with section 51A-1B under section 51 or” shall be inserted.

3. After section 51A-1A of the principal Act, the following section shall be inserted, namely:

   “51A-1B. After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, in respect of general elections and by-elections to the Council, the provisions of section 51A-1A shall cease to apply and every Council shall have a President who shall be elected under section 51 and the provisions of the said section 51 shall apply therefor.”

4. In section 51A of the principal Act, after sub-section (6A), the following sub-section shall be inserted, namely:

   “(6B) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the Councils, the provisions of sub-section (6A) shall cease to apply and every Council shall have a Vice-President who shall be elected under section 51A and the provisions of the said section 51A shall apply therefor.”

5. In section 52 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:

   “(4) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, the term of office of the President elected in accordance with section 51A-1B under section 51 shall be such as provided in sub-section (1) of this section.”

6. For section 55 of the principal Act, the following section shall be substituted, namely:

   “55. (1) The requisition for removal of the President elected under section 51 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

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

   (2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

   Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.
(3) The Collector shall submit the findings of such enquiry to the Government for taking appropriate action under section 55A.”.

7. In section 58 of the principal Act, in sub-section (1A), for the words, figures and letters “the President directly elected under section 51A-1A shall have power to give the financial sanction to such proposal of development works as may be prescribed by the State Government, from time to time” the words, figures and letters “the President elected in accordance with section 51 or, as the case may be, the President directly elected under section 51 A-1A, shall have power to give the financial sanction to such proposal of development works as may be specified by the State Government, by order, from time to time,” shall be substituted.

8. In section 93 of the principal Act, in sub-section (2), in clause (c), for the proviso, the following proviso shall be substituted, namely:—

“Provided that, for such a contract as the State Government may, by order, specify, from time to time, a committee of the President (elected in accordance with section 51, or as the case may be, directly elected under section 51A-1A) and the Chief Officer shall approve such contract, within a period of fifteen days from its receipt.”.

9. After section 341B-1A of the principal Act, the following section shall be inserted, namely:—

“341B-1B. After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the Nagar Panchayats, the provisions of section 341B-1A shall cease to apply and every Nagar Panchayat shall have a President who shall be elected under section 341B-1 and the provisions of the said section 341B-1 shall apply therefor.”.

10. In section 341B-2 of the principal Act, after sub-section (6A), the following sub-sections shall be inserted, namely:—

“(6B) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, in respect of the general elections and by-elections to the Nagar Panchayats, the provisions of sub-section (6A) shall cease to apply and every Nagar Panchayat shall have a Vice-President who shall be elected under section 341B-2 and the provisions of the said section 341B-2 shall apply therefor.

(6C) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, the term of office of Vice-President elected in accordance with sub-section (6B) of section 341B-2 shall be such as provided in sub-section (6) of section 341B-2.”.
11. In section 341B-4 of the principal Act, after sub-section (3), the following sub-section shall be added, namely:—

“(4) After the date of commencement of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Act, 2020, the term of office of the President elected in accordance with section 341B-1B under section 341B-1 shall be such as provided in sub-section (1) of this section.”.

12. For section 341B-5 of the principal Act, the following section shall be substituted, namely:—

“341B-5. (1) The requisition for removal of the President elected under section 341B-1 shall be signed by not less than one-half of the total number of Councillors and shall contain the charges of misconduct against such President and shall be sent to the Collector:

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

(2) Upon receipt of the requisition under sub-section (1), the Collector shall conduct the enquiry of such charges and complete such enquiry within a period of one month from the date of receipt of the requisition:

Provided that, in no case such period of enquiry shall be extended beyond three months and for such extended period, prior assent of the State Government shall be obtained by the Collector, if the enquiry proceeding is delayed due to unavoidable reasons.

(3) The Collector shall submit the findings of the enquiry to the Government for taking appropriate action under section 55A as applicable therefor.”.

13. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as the occasion arises, by order published in the Official Gazette, do anything not inconsistent with the objects and purposes of the principal Act, which appears to it to be necessary or expedient for the purposes 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 State Legislature.

14. (1) The Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships (Second Amendment) Ordinance, 2020, is hereby repealed.

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

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, 2020 on the 27th October 2020;

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. XXXIII OF 2020.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 28th December 2020).


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

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, 2020.

(2) It shall be deemed to have come into force on the 27th October 2020.

CHAPTER II
AMENDMENT TO THE MUMBAI MUNICIPAL CORPORATION ACT.

2. In section 144F of the Mumbai Municipal Corporation Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st April 2020, namely :—

“Provided that, the stamp duty leviable under the Maharashtra Stamp Act, on instrument 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,—

(a) for the period commencing from the 1st April 2020 and ending on the 31st March 2022, not be increased by any surcharge, under this sub-section ;

(b) with effect from the 1st April 2022, in case the State Government reduces or remits the stamp duty under the Maharahstra Stamp Act, be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the Official Gazette, specify, under this sub-section.”.

CHAPTER III
AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT.

3. In section 149A of the Maharashtra Municipal Corporations Act (hereinafter referred to as “the Municipal Corporations Act”), in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st September 2020, namely :—

“Provided that, the stamp duty leviable under the Maharashtra Stamp Act, on instrument of sale, gift and usufrutuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City,—

(a) for the period commencing from the 1st September 2020 and ending on the 31st December 2020, not be increased by any surcharge, under this sub-section ;

(b) for the period commencing from the 1st January 2021 and ending on the 31st March 2021, be reduced by a surcharge at the rate of half per cent., under this sub-section ;

(c) with effect from the 1st April 2021, in case the State Government reduces or remits the stamp duty under the Maharashtra Stamp Act, be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the Official Gazette, specify, under this sub-section.”.
4. In section 149B of the Municipal Corporations Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st April 2020, namely:

“Provided that, the stamp duty leviable under the Maharashtra Stamp Act, on instrument 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,—

(a) for the period commencing from the 1st April 2020 and ending on the 31st March 2022, not be increased by any surcharge, under this sub-section;

(b) with effect from the 1st April 2022, in case the State Government reduces or remits the stamp duty under the Maharashtra Stamp Act, be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the Official Gazette, specify, under this sub-section.”.

CHAPTER III

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

5. In section 147A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st September 2020, namely:

“Provided that, the stamp duty leviable under the Maharashtra Stamp Act, on instrument 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,—

(a) for the period commencing from the 1st September 2020 and ending on the 31st December 2020, not be increased by any surcharge, under this sub-section;

(b) for the period commencing from the 1st January 2021 and ending on the 31st March 2021, be reduced by a surcharge at the rate of half per cent., under this sub-section;

(c) with effect from the 1st April 2021, in case the State Government reduces or remits the stamp duty under the Maharashtra Stamp Act, be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the Official Gazette, specify, under this sub-section.”.

CHAPTER IV

MISCELLANEOUS.

6. (1) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary, any assessment, review, levy or collection of additional 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 Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (hereinafter referred to as “the principal Municipal Corporations Acts”), 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 (Amendment) Act, 2020 (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 principal Municipal Corporations Acts, as amended by the Amendment Act, 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 principal Municipal Corporations Acts, 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 of any additional stamp duty or surcharge paid by him in excess of the amount due from him by way of stamp duty under the principal Municipal Corporations Acts as amended by the Amendment Act.

(3) Nothing in the principal Municipal Corporations Acts, 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 principal Municipal Corporations Acts 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.

(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 said Acts, as amended by this Act.