



## The Uttar Pradesh Taj Economic Zone Development Authority Act, 2002

Act 13 of 2002

**Keyword(s):**

Amenities, Chief Executive Officer, Taj Economic Zone, Occupier, Transferee

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Dated Lucknow, September 10, 2002

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Taj Arthik Parikshetra Vikas Pradhikaran Adhiniyam, 2002, Uttar Pradesh Ahhinyam Sankhya 13 of 2002, as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 9, 2002:—

THE UTTAR PRADESH TAJ ECONOMIC ZONE DEVELOPMENT AUTHORITY  
ACT, 2002

(U.P.Act no. 13 of 2002)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*to provide for the constitution of an Authority for the development of certain areas in the State into industrial and urban economic zone and for the matters connected therewith.*

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Taj Economic Zone Development Authority Act, 2002.

(2) It shall be deemed to have come into force on July 4, 2002.

Definitions

2. In this Act,—

(a) "amenities" means basic and essential services such as roads, water supply, street lighting and power supply, sewerage, drainage, collection, treatment and disposal of industrial waste and town refuse and such other community facilities, services or conveniences as the State Government may, by notification, specify to be an amenity for the purposes of this Act;

(b) "Authority" means the Authority constituted under section 3;

(c) "Chief Executive Officer" means the officer appointed as such under section 4;

(d) "Taj Economic Zone" means the area declared as such by the State Government by notification;

(e) "occupier" means a person who occupies a site or building within the Taj Economic Zone and includes his successors and assigns;

(f) "transferee" means a person to whom any land or building is transferred in any manner whatsoever, under this Act and includes his successors and assigns;

(g) "infrastructural facilities" includes the following specialized services, namely:—

(i) generation and supply of electricity

- (ii) water extraction, treatment and distribution ;
- (iii) waste water treatment and solid waste management ;
- (iv) sanitation and sewerage system ;
- (v) airport and rail system ;
- (vi) roads, bridges, over-bridges ; and
- (vii) any other public facility of similar nature as may be notified by the Government; and

(h) the words and expressions "building", "development", "to erect a building" and "land" shall have the meanings respectively assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.

3.(1) The State Government may, by notification constitute, for the purposes of this Act, an Authority to be called the "Taj Economic Zone Development Authority".

Constitution of the Authority

(2) The Authority shall be a body corporate.

(3) The Authority shall consist of the following :—

- |   |                         |
|---|-------------------------|
| (a) the Chief Secretary to the Government of Uttar Pradesh  | <i>Chairman</i>         |
| (b) the Secretary to the State Government in the Civil Aviation Department                                  | <i>Vice-Chairman</i>    |
| (c) the Agricultural Production Commissioner  | <i>Member</i>           |
| (d) Industrial Development Commissioner   | <i>Member</i>           |
| (e) the Secretary to the State Government in the Finance Department   | <i>Member</i>           |
| (f) the Secretary to the State Government in the Industrial Development Department                          | <i>Member</i>           |
| (g) the Secretary to the State Government in the Agriculture Department                                     | <i>Member</i>           |
| (h) the Secretary to the State Government in the Food Processing Industry Department                        | <i>Member</i>           |
| (i) Secretary to State Government in the Agricultural Industry and Agricultural Export Promotion Department | <i>Member</i>           |
| (j) the Secretary to the Government in the Small Scale Industries Department                                | <i>Member</i>           |
| (k) the Secretary to the Government in the Planning Department  | <i>Member</i>           |
| (l) the Secretary to the State Government in the Housing Department   | <i>Member</i>           |
| (m) the Chief Executive Officer, Noida  | <i>Member</i>           |
| (n) the Chief Executive Officer, Greater Noida  | <i>Member</i>           |
| (o) the Chief Disinvestment Commissioner  | <i>Member</i>           |
| (p) the Chief Executive Officer   | <i>Member-Secretary</i> |

*Explanation:—* For the purposes of this sub-section, the expression "the Secretary", where there is a Principal Secretary in the Department, shall mean "the Principal Secretary."

(4) The headquarters of the Authority shall be at such place as may be notified by the State Government.

(5) the procedure to the conduct of the meetings for the Authority shall be such as may be prescribed.

(6) No act or proceeding of the Authority shall be invalid by reason only of the existence of any vacancy or defect in the constitution thereof.

Chief Executive  
Officer

4.(1) The Chief Executive Officer of the Authority shall be appointed by the State Government and he shall be a whole-time officer of the Authority.

(2) the Chief Executive Officer shall be entitled to receive, from the funds of the Authority, such salary and allowances and be governed by such conditions of service as may be determined by a general order of the State Government in this behalf.

(3) The Chief Executive Officer shall exercise such powers and perform such duties as may be specified in the regulations or as may be delegated to him by the Authority.

Staff of the  
Authority

5.(1) Subject to such control and restrictions as may be determined by a general or special order of the State Government, the Authority may appoint such number of officers and employees as may be necessary for the performance of its functions, and may determine their grades and designations.

(2) Subject to the provisions of sub-section (1) the officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be determined by the Authority.

Functions of the  
Authority

6.(1) The function of the Authority shall be to secure the planned development of the Taj Economic Zone.

(2) Without prejudice to the generality of sub-section (1), the Authority shall perform the following functions:—

(a) to acquire land in the Taj Economic Zone, by agreement or through proceedings under the Land Acquisition Act, 1894 for the purpose of this Act;

(b) to prepare a plan for the development of the Taj Economic Zone;

(c) to prepare Techno-Economic Feasibility Report or as the case may be, detailed project report for any project considered to be necessary for the development of the Zone and take measures to invite private investments for such project and ensure its implementation;

(d) to co-ordinate with other departments and ensure timely implementation of projects and plans prepared by it;

(e) to enter into suitable joint venture arrangement for development of different components of Taj Economic Zone including subsequent transfer of ownership of the project to the joint venture partner;

(f) to demarcate and develop sites for industrial, commercial and residential purposes according to the plan;

(g) to provide infrastructure for industrial, commercial and residential purposes;

(h) to lay down the purpose for which a particular site or plot of land shall be used, namely, for industrial, commercial or residential purpose or for any other specified purpose;

(i) to provide amenities;

(j) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial, commercial or residential purposes;

(k) to regulate the erection of buildings and setting up of industries;

(l) to develop, construct, install, operate, manage and maintain infrastructural facilities for providing specialised services itself or through any other person authorised by the Authority in this behalf.

(n) to any other function that may be notified by the Government.

7. The Authority may sell, lease or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to the authority in the Taj Economic Zone on such terms and conditions as it may think fit to impose subject to any rules or regulations that may be made under this Act.

Power of the Authority in respect of transfer of land

8.(1) For the purpose of proper planning and development of Taj Economic Zone, the Authority may issue such directions as it may consider necessary, regarding—

Power to issue directions in respect of erection of buildings

- (a) architectural features of the elevation or frontage of any building.
- (b) the alignment of buildings on any site.
- (c) the restrictions and conditions in regard to open spaces to be maintained in and around buildings and height and character of buildings.
- (d) the number of residential buildings that may be erected on any site.
- (e) regulation of erection of shops, workshops, warehouses factories or buildings,
- (f) maintenance of height and position of walls, fences, hedges or any other structure or architectural constructions,
- (g) maintenance of amenities,
- (h) restriction of use of any site for a purpose other than that for which it has been allocated, and
- (i) the means to be provided for proper—
  - (i) drainage of waste water,
  - (ii) disposal of industrial waste, and
  - (iii) disposal of town refuse.

(2) Every transferee shall comply with the direction issued under sub-section (1) and shall as expeditiously as possible erect any building or take such other steps as may be necessary to comply with such directions.

9.(1) No person shall erect or occupy any building in the Taj Economic Zone in contravention of any building regulation made under sub-section (2).

Ban on erection of buildings in contravention of regulations

(2) The Authority may by notification and with the prior approval of the State Government make regulations to regulate the erection of building and such regulations may provide for all or any of the following matters, namely,—

- (a) the materials to be used for external and partition walls, roofs, floors and other parts of a building and their position or location or the method of construction;
- (b) lay out plan of the building whether industrial, commercial or residential;
- (c) the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;
- (d) the ventilation in, or the space to be left about any building or part thereof to secure circulation of air or for the prevention of fire;
- (e) the number and height of the storeys of any building;
- (f) the means to be provided for the ingress to and egress from any building;
- (g) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms and the provision of ventilation;
- (h) any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings; and
- (i) the certificates necessary and incidental to the submission of plans, amended plans and completion reports.

Power to require proper maintenance of site or building

10. If it appears to the authority that the condition or use of any site or building is prejudicially affecting or is likely to affect the proper planning of, or the amenities in, any part of the Taj Economic Zone or the interests of the general public there, it may serve on the transferee or occupier of that site or building a notice requiring him to take such steps and measures and within such period as may be specified in the notice and thereafter to maintain it in such manner as may be specified therein and in case such transferee or occupier fails to take such steps or measures or to maintain it thereafter the Authority may itself take such steps or measures or maintain it, and realize the cost incurred on it from such transferee or occupier.

Levy of tax

11.(1) For the purposes of providing, maintaining or continuing any amenity in the Taj Economic Zone, the Authority may, with the previous approval of the State Government, levy such annual taxes as it may consider necessary in respect of any site or building on the occupier thereof, provided that the total incidence of such taxes shall not exceed one per cent of the market value of such site, or building, as the case may be.

*Explanation*—For the purposes of this sub-section, the expression 'market value' means, the amount of—

(a) consideration, in the case of sale; or

(b) premium, in the case of lease; or

(c) the minimum value determined in accordance with the Uttar Pradesh Stamp (Valuation of Property) Rules, 1997 made under the Indian Stamp Act, 1899,

whichever is more.

(2) If, the State Government considers it necessary or expedient in the public interest it may, by a general or special order, exempt wholly or partly any occupier or any class thereof from the taxes levied under sub-section (1).

Provision for infrastructural facilities

12.(1) The Authority may provide any infrastructural facility of its own or may engage a Government or private agency in the manner prescribed for the purposes of providing an infrastructural facility.

(2) Where any infrastructural facility is provided, the Authority shall have the power to levy user-charges for the service so provided.

(3) The rates of the user-charges referred to in sub-section (2) shall be fixed for different categories of the users by the Authority, so however, that it ensures an annual return not exceeding sixteen per cent post-tax return on the capital investment made in providing the infrastructural facility.

(4) The Authority may delegate the power of collection of the user-charges to the agency providing the infrastructural facility.

*Explanation*—For the purposes of this section:—

(1) the expression "provide" includes development, construction, installation, maintenance and operation of the infrastructural facility;

(2) the expression "post-tax return" means the net return that accrues after payment of the income tax that may be found to be payable on the gross return.

Applications of certain provisions of President's Act 11 of 1973

13. The provisions of Chapter VII and Sections 30, 32, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53, and 58 of the Uttar Pradesh Urban Planning and Development Act, 1973, as re-enacted and modified by the Uttar Pradesh President's Act (Re-enactment with Modifications) Act, 1974, shall *mutatis mutandis* apply to the Authority with the adaptation that—

(a) any reference to the aforesaid Act shall be deemed to be a reference to this Act;

(b) any reference to the Authority constituted under the aforesaid Act shall be deemed to be a reference to the Authority constituted under this Act, and

(c) any reference to the Vice-Chairman of the Authority shall be deemed to be a reference to the Chief Executive Officer.

14. Where any transferee makes any default in the payment of any consideration money or instalment thereof or any other amount due on account of the transfer of any site or building by the Authority or any rent due to the Authority in respect of any lease, or where any transferee or occupier makes any default in the payment of any fee or tax levied under this Act, the Chief Executive officer may direct that in addition to the amount of arrears, a further sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.

Imposition of penalty and mode of recovery of arrears

15.(1) In the case of non-payment of consideration money or any instalment thereof on account of the transfer by the Authority of any site or building or in the case of any breach of any condition of such transfer, or breach of any rules or regulations made under this Act, the Chief Executive Officer may resume the site or building so transferred and may further forfeit the whole or any part of the money, if any, paid in respect thereof.

Forfeiture for breach of conditions of transfer

(2) Where the Chief Executive Officer orders resumption of any site or building under sub-section (1) the Collector may on his requisition cause possession thereof to be delivered to him and may for that purpose use or cause to be used such force as may be necessary.

16. Any person who Contravenes any of the provisions of this Act, or rules or regulations made thereunder or any directions issued under section 8, shall, on conviction, be punished with fine which may extend to five thousand rupees and in the case of continuing offence with further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Penalty

17. The Chief Executive Officer may authorize any person to enter into or open any land or building with or without assistance, for all or any of the following purposes, namely,—

Powers of entry etc.

(a) to make an inquiry, inspection, measurement or survey or to take levels of such land or building;

(b) to examine works under construction or to ascertain the course of sewers or drains;

(c) to ascertain whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given under this Act or the rules and regulations made thereunder and to take such measurements and do any such other act as may be necessary for such purpose;

(d) to do any other thing necessary for the efficient administration of this Act:

Provided that—

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

(ii) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building; and

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

18. The area being declared Taj Economic Zone under this Act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban Planning and Development Act, 1973, or any other development plan under any other Uttar Pradesh Act, shall, with effect from the date of such declaration, be deemed to be excluded from any such plan.

Overriding effect of the Act

Power to make  
rules

19. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Power to make  
regulations

20.(1) The Authority may, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the administration of the affair of the Authority.

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

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat;

(b) the powers and duties of the Chief Executive Officer;

(c) the form of register of applications for permission to erect a building;

(d) the management of properties of the Authority;

(e) fees to be levied in the discharge of its functions;

(f) charges to be collected by any person for providing any infrastructural facility;

(g) such other matters as are to be provided for in the regulations.

U.P. Ordinance  
no. 11 of 2002

21. (1) The Uttar Pradesh Taj Economic Zone Development Authority Ordinance, 2002 is hereby repealed.

Repeal and  
saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

By Order,  
A.B. SHUKLA,  
Pramukh Sachiv.

### STATEMENT OF OBJECTS AND REASONS

On the recommendation of the Economic Development Committee of the Council of Ministers it was decided to make a law to provide for the constitution of an Authority for the Taj Economic Zone with a view to developing certain areas in the State into industrial and urban economic zone.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Taj Economic Zone Development Authority Ordinance, 2002 (U.P. Ordinance no. 11 of 2002) was promulgated by the Governor on July 4, 2002.

This Bill is introduced to replace the aforesaid Ordinance.