



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

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असाधारण क्रमांक ६८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व कर्णाले शासनाचे
अणि विधि व न्याय विभागाकडून आलेली विधयके इशाजे अतः

In pursuance of clause (3) of article 348 of the Constitution of India, the English translation in English of the Nagpur Improvement Trusts Amendment Ordinance, 2011 (Mah. Ord. XVII of 2011), is hereby published under the authority of the Government.

By order and in the name of the Governor of Maharashtra

M. S. PATIL

Secretary to Government,
Law and Judiciary Department

(Translation in English of the Nagpur Improvement Trusts Amendment Ordinance, 2011 (Mah. Ord. XVII of 2011), published under the authority of the Government)

URBAN DEVELOPMENT DEPARTMENT

Mastanpura, Mumbai 400 033, dated the 13th June 2011

MAHARASHTRA ORDINANCE No. XVII OF 2011

AN ORDINANCE

to amend the Nagpur Improvement Trusts Act, 1936

WHEREAS both houses of the State Legislature are not in session;
AND WHEREAS the Governor of Maharashtra is satisfied that
circumstances exist which render it necessary for him to give immediate
effect to some provision of the Nagpur Improvement Trusts Act, 1936, in
the purposes hereinafter appearing

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title and commencement. 1. (1) This Ordinance may be called the Nagpur Improvement Trust (Amendment) Ordinance, 2011.
(2) It shall come into force at once.
- Amendment of section 4 of C. P. and Berar XXXVI of 1936. 2. In section 4 of the Nagpur Improvement Trust Act, 1936 (hereinafter referred to as "the principal Act"),
(1) in sub-section (1),—
(a) for the words "nine Trustees" the words "ten Trustees" shall be substituted ;
(b) after clause (b), the following clause shall be inserted, namely :—
" (ba) the Collector or Additional Collector of Nagpur District to be nominated by the State Government ;"
(2) in sub-section (3), for the words, brackets and letter " or clause (c) " the words, brackets and letters " clause (ba) or clause (c) " shall be substituted.
- Amendment of section 7 of C. P. and Berar XXXVI of 1936. 3. In section 7 of the principal Act, in sub-section (1), for the words, brackets and letter " or clause (c) " the words, brackets and letters " clause (ba) or clause (c) " shall be substituted.
- Amendment of section 21-A of C. P. and Berar XXXVI of 1936. 4. In section 21-A of the principal Act, in sub-section (2), the proviso shall be deleted.
- Amendment of section 22 of C. P. and Berar XXXVI of 1936. 5. Section 22 of the principal Act shall be re-numbered as sub-section (1) thereof ; and
(1) in sub-section (1) as so re-numbered,
(a) in clause (a), for the words " whose monthly salary does not exceed one hundred and fifty rupees " the words " whose Grade Pay in the pay structure is equivalent to or lower than that of an Assistant Engineer " shall be substituted ;
(b) in the proviso, for the words " in receipt of a monthly salary exceeding fifty rupees " the words " in receipt of Grade Pay in the pay structure less than that is payable to an Assistant Engineer " shall be substituted ;

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

“(2) Notwithstanding anything contained in this section, it shall be lawful for the State Government by an order, to depute any officer in the service of the State Government for appointment on the establishment of the Trust, who shall be so appointed by the Trust. The terms and conditions of service and the term of appointment of such deputed officer shall be such, as may be specified by the State Government in the order.”.

6. In section 24 of the principal Act, in sub-section (2), for the words “and also to control and revision by the Chairman” the words “and also to control and *suo motu* revision by the Chairman” shall be substituted.

Amendment of section 24 of C. B. and Bihar XXXV of 1936.

7. After section 24-C of the principal Act, the following sections shall be inserted, namely : --

Insertion of sections 24-D and 24-E in C. B. and Bihar XXXV of 1936

“24-D. The State Government may, from time to time, issue such directions or instructions as it may think fit in regard to finance and conduct of business and affairs of the Trust and the Trust shall be bound to follow and act upon these directions or instructions :

Power of State Government to issue directions or instructions.

Provided that, the State Government shall, before issuing any directions or instructions, give an opportunity to the Trust to make representation within fifteen days as to why such directions or instructions shall not be issued. If the Trust fails to represent within fifteen days or, after having represented, the State Government on considering the representation, is of the opinion that issuing of such directions or instructions is necessary ; the State Government may issue the same.

24-E. (1) If the State Government on a reference made to it by the Chairman, or *suo motu*, is satisfied that any resolution or order or any act of the Trust or of any of its authorities or officers is in contravention of, or, in excess of, the powers conferred by or under this Act or any other law for the time being in force, or rules, regulations or bye-laws made thereunder, or is likely to lead to abuse or misuse of, or cause waste of the Trust Fund or is against the financial interests of the Trust or against the interests of public or against the policy of the State Government, the State Government may, give an appropriate order in writing, in that behalf. A copy of such order shall be sent forthwith by the State Government to the Chairman :

Power of State Government to suspend any resolution, etc. of Trust.

Provided that, the State Government shall, before issuing any such order, give an opportunity to the Trust to make representation within fifteen days as to why such order shall not be issued. If the Trust fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing of such order is necessary; the State Government may issue the same.

(2) On receipt of the order sent under sub-section (1), the Trust shall be bound to follow and act upon such order.

(3) No resolution or order or act which has been referred to by the Chairman under sub-section (1) or *suo motu* cognizance of which has been taken under that sub-section shall be implemented by the Trust or any of its authorities or officers, until decision of the State Government in accordance with the provisions of sub-section (1) is communicated to the Trust.”.

Amendment
of section
52-B of
C. P. and
Berar
XXXVI of
1936.

8. In section 52-B of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely :—

“Provided that, a contract involving an expenditure exceeding fifty lakh rupees shall not be made by the Chairman without the previous sanction of the Trust.”.

Amendment
of section
52-C of
C. P. and
Berar
XXXVI of
1936.

9. In section 52-C of the principal Act,—

(1) in sub-section (3), for the words, brackets, figures and letters “under clause (a) of the proviso to sub-section (1) of section 52-B” the words, brackets, figures and letter “under the proviso to sub-section (1) of section 52-B” shall be substituted ;

(2) in sub-section (4), for the words, brackets, figures and letters “in clause (a) of the proviso to sub-section (1) of section 52-B and the State Government in the cases referred to in clause (b) of the said proviso” the words, brackets, figures and letter “under the proviso to sub-section (1) of section 52-B” shall be substituted.

Insertion of
heading and
sections 88-A
and 88 B in
C. P. and
Berar XXXV
of 1936.

10. After section 88 of the principal Act, the following heading and sections shall be inserted, namely :—

**“ RECOVERY AND COLLECTION OF AMOUNT
RECOVERABLE BY TRUST ”**

88-A. (1) Save as otherwise expressly provided by or under this Act, when any amount which is recoverable under this Act or any other law for the time being in force, has become due, the Trust shall, within a reasonable time, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Recovery of amount due to Trust.

(2) Every such bill shall specify -

(a) the period for which, and

(b) the details of the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of the liability incurred in default of payment, so also information regarding right to prefer an appeal under section 108-A against such claim.

(3) If the sum for which any bill has been presented, as aforesaid is not paid into the Trust office, or to a person authorized by the Trust in that behalf to receive such payments, within fifteen days from the presentation thereof or if no appeal against any claim included in a bill is made, the Trust shall cause to be served upon the person liable for the payment of the said sum a notice of demand in the prescribed form.

88-B. (1) Notwithstanding anything contained in any other provision of this Act, if the person upon whom the notice of demand has been served under section 88-A fails to pay, ~~within fifteen days~~ from the service of such notice of demand, the sum demanded in the notice, or to show cause to the satisfaction of the Chairman or ~~such officer~~ as the Chairman may appoint in this behalf, why he should not pay the same, the outstanding amount shall be liable to be recovered as an arrears of land revenue under the Maharashtra Land Revenue Code, 1966, and the rules made thereunder.

Certain sums to be recoverable as an arrears of land revenue.

Mah. XI. of 1966

Mah. XI. of 1966

(2) The powers of Collector under the Maharashtra Land Revenue Code, 1966 shall be exercised by the Chairman for the purposes of sub-section (1):

Provided that, the Chairman may, by an order in writing, signed by him, delegate the powers under this sub-section to any officer of the Trust not below the rank of Divisional Officer.”

Insertion of
Chapter XA
and section
108-A in
C. P. and
Berar
XXXVI of
1936.

11. After section 108 of the principal Act, the following Chapter and section shall be inserted, namely :—

“ CHAPTER XA

APPEALS

Appeals.

108-A. (1) Any person aggrieved by an order of an Officer of the Trust passed under this Act or under any rule or regulation made thereunder, may, within a period of thirty days from the date of receipt of such order, appeal to such Officer who has been designated by the Chairman to hear such appeals, or if no such Officer has been designated, to the Chairman.

(2) Any order passed in appeal by any such Officer, other than the Chairman, shall be subject to revision by the Chairman.

(3) If the original order has been passed by the Chairman himself, the appeal shall lie to the State Government or any of its officer as it may direct.”

STATEMENT

The Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936) covers the area of the Nagpur City and such other outside area, as notified by the State Government, from time to time.

2. In the context of new and emerging responsibilities of the Trust as the Special Planning Authority of the Nagpur Metropolitan Region, it is considered expedient to amend the said Act, which has not been amended since long.

3. Salient features of the proposed amendments are as follows : -

(i) to ensure effective participation of revenue officers in implementation of the Act, power is taken to the State Government to nominate the Collector or Additional Collector of Nagpur District, as an *ex-officio* trustee of the Trust :

(ii) to ensure effective administration and to protect interests of the Trust and to prevent any misuse of authority, power is taken to the State Government, -

(a) to give directions or instructions to the Trust in the matters relating to finance, conduct of business and affairs of the Trust ;

(b) to review any resolution or order or any act of the Trust or of any of its authorities or officers, which is in contravention of, or in excess of, the powers conferred by or under the Act, or is likely to abuse or misuse of, or cause waste of the Trust Fund or against the financial interests of the Trust or against the interests of the public or against the policy of the State Government ;

(c) to provide for deputation of suitable officers by the Government for appointment on a post created on the establishment of the Trust ;

(iii) to enhance the financial powers of the Chairman and to confer upon him powers in respect of the matters of appointment, promotion and disciplinary action in respect of the posts of the Trust Officers equivalent to or below the rank of the Assistant Engineer ;

(iv) to provide for appeal against the order passed by the Trust Officers and Chairman under the Act ;

(v) to empower the Trust to recover the amounts due to the Trust as arrears of land revenue.

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, जुलै ४, २०११/आषाढ १३, शके १९३३

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 2nd July 2011.

K. SANKARANARAYANAN,
Governor of Maharashtra.

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

MANU KUMAR SRIVASTAVA,
Principal Secretary to Government.