



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३८]

मंगळवार, जुलै १४, २०१५/आषाढ २३, शके १९३७

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असाधारण क्रमांक ६८

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 Regional and Town Planning (Amendment) Bill, 2015 (L. A. Bill No. XXXI of 2015), introduced in the Legislative Assembly on the 14th July 2015 is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXXI OF 2015.

A BILL

further to amend the Maharashtra Regional and Town Planning Act, 1966.

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 Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance on the 28th April 2015;

Mah.
XXXVII
of 1966.

Mah.
Ord.VI
of 2015.

(१)

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Regional and Town Planning (Amendment) Act, 2015.

(2) It shall be deemed to have come into force on the 28th April 2015.

Amendment of section 124F of Mah. XXXVII of 1966.

2. In section 124F of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the principal Act”), in sub-section (2), for the words “on the development of any land or building by any educational institution, medical institution or charitable institution” the words “on the development of any land or building which is proposed for warehouse or godown or by any educational institution, medical institution or charitable institution” shall be substituted.

Mah. XXXVII of 1966.

Repeal of Mah. Ord. VI of 2015 and saving.

3. (1) The Maharashtra Regional and Town Planning (Amendment) Ordinance, 2015 is hereby repealed.

Mah. Ord. VI of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued) under the corresponding provisions of 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.

STATEMENT OF OBJECTS AND REASONS

Chapter VI-A of the Maharashtra Regional and Town Planning Act, 1966 provides for levy, assessment and recovery of development charge. Section 124A of the said Act empowers the Planning Authority or the Development Authority to levy, within the area of its jurisdiction, development charge on the institution of use or change of use of any land or building, or development of any land or building, for which permission is required under the said Act. Section 124F of the said Act provides for exemption from payment of development charge. Sub-section (2) of the said section 124F empowered the State Government to exempt, subject to such conditions as it may impose, by notification in the *Official Gazette*, partially from the payment of development charge payable on the development of any land or building by any educational institution, medical institution or charitable institution.

2. From the World Bank report on “Ease of Doing Business-2015” it was noticed that the cumbersome procedure for obtaining development permission for constructing warehouse or godown contributes to the lowering of the rank of the country “Ease of Doing Business”.

To attract the investors in this sector and to improve the ranking of the Country as well as of the State of Maharashtra, and to implement the State Government’s “Make in Maharashtra Mission”, it was felt that the State Government should address the issue of payment of development charges on the development of any land or building which is proposed for warehouse or godown, by taking power to the State Government to partially exempt the payment of development charge on such development of land or building. It was, therefore, considered expedient to suitably amend the said section 124F immediately.

3. As 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 further to amend the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), for the purposes aforesaid, and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment) Ordinance, 2015, on the 28th April 2015.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 10th July 2015.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.—The said clause proposes to amend section 124F of the Maharashtra Regional and Town Planning Act, 1966. By amendment to sub-section (2) of the said section 124F, it is proposed to empower the State Government, to exempt, subject to such conditions as it may impose, by notification in the *Official Gazette*, partially from the payment of development charge payable on the development of any land or building which is proposed for warehouse or godown or by any educational institution, medical institution or charitable institution.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.