



# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ४५(२) ]

शुक्रवार, जुलै, २४, २०१५/श्रावण २, शके १९३७

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असाधारण क्रमांक ८३

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 (Second Amendment) Bill, 2015 (L. A. Bill No. XLI of 2015), introduced in the Legislative Assembly on the 24th 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. XLI OF 2015.

### A BILL

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

WHEREAS it is expedient further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes hereinafter appearing ;  
Mah. XXXVII of 1966. it is hereby enacted in the Sixty-sixth year of the Republic of India, as follows :—

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

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

**2.** In section 124B of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the principal Act”), after sub-section (2), the following sub-section shall be inserted, namely :—

Mah.  
XXXVII  
of 1966.

“(2-1A) In respect of the area under the jurisdiction of any Planning Authority or a New Town Development Authority under this Act, where State Government declares its intention to undertake one or more Vital Urban Transport Projects, the development charges levied and collected under the provisions of sub-section (2) shall be increased by one hundred per cent.

*Explanation.*—For the purposes of this section, the term “Vital Urban Transport Project” means a project related to Mass Rapid Transport System such as Metro Rail, Mono Rail, Bus Rapid Transport System and includes Freeway, Sealink, etc., in respect of which the State Government has, by notification in the *Official Gazette*, declared the intention to undertake such project either on its own behalf or through the Planning Authority, a New Town Development Authority, any other statutory authority, an agency owned and controlled by the Central Government or State Government, or a Government company incorporated under the provisions of the Companies Act, 2013 or any other law relating to companies for the time being in force.”.

18 of  
2013.

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

**3.** In section 124J of the principal Act, to sub-section (3), the following proviso shall be added, namely :—

“Provided that, the additional amount levied and collected as a result of increase in the development charge in accordance with the provisions of sub-section (2-1A) of section 124B, shall be applied, subject to the directions issued by the State Government, from time to time, only for the purposes of one or more Vital Urban Transport Projects, within the meaning of the said sub-section.” .

STATEMENT OF OBJECTS AND REASONS

Section 124B of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), deals with the classification of user of lands and buildings, rates of development charge and procedure of levy thereof.

2. At present the said Act empowers the Planning Authority or Development Authority to levy the development charge within the area of its jurisdiction 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 provisions of this Act. Such development charge is levied and payable at the rates specified by or under the provisions of Chapter VI-A.

3. The amount accruing to the Planning Authority or the Development Authority from levy of development charge is expected to be used for the development of civic amenities. However, it is seen that, this amount is not sufficient for taking up Vital Urban Transport Projects such as Metro Rail, Mono Rail, Bus Rapid Transport Systems, Freeways, Sealinks, etc. To ensure that the Vital Urban Transport Projects are completed in a time bound manner, it is considered expedient to increase the development charge on the development of all lands under the jurisdiction of Planning Authorities or New Town Development Authorities, where the notified Vital Urban Transport Projects are undertaken. It is also considered expedient to provide that the additional amount accruing from such increase in the development charge is utilized only for the purpose of implementing the Vital Urban Transport Projects under the jurisdiction of such Planning Authorities and New Town Development Authorities.

4. Having regard to the various Vital Urban Transport Projects like Metro Rail, which are undertaken or proposed to be undertaken, it is considered expedient to incorporate suitable provisions for this purpose, by amending the said Act, immediately.

5. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 23rd July 2015.

DEVENDRA FADNAVIS,

Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 2.*—This clause seeks to insert a new sub-section (2-1A) in section 124B of the Maharashtra Regional and Town Planning Act, 1966. Under the Explanation to the said proposed sub-section (2-1A), power is conferred on the State Government to declare by notification in the *Official Gazette*, the intention to undertake a “Vital Urban Transport Project” either on the behalf of the State Government or through the Planning Authority, a New Town Development Authority, any other statutory authority, an agency owned and controlled by the Central Government or State Government or, a Government Company.

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