



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक २१]

सोमवार, मार्च ६, २०१७/फाल्गुन १५, शके १९३८

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक ३८

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 Mumbai Municipal Corporation (Amendment) Bill, 2017 (L. A. Bill No. I of 2017), introduced in the Maharashtra Legislative Assembly on the 6th March 2017, is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. I OF 2017.

A BILL

further to amend the Mumbai Municipal Corporation Act.

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

AND WHEREAS the Governor of Maharashtra was satisfied that
III of circumstances existed which rendered it necessary for him to take immediate
1888. action further to amend the Mumbai Municipal Corporation Act, for the
Mah. purposes hereinafter appearing ; and, therefore, promulgated the Mumbai
Ord. I Municipal Corporation (Amendment) Ordinance, 2017, on 3rd January 2017 ;
of 2017.

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

(१)

Short title and commencement.	<p>1. (1) This Act may be called the Mumbai Municipal Corporation (Amendment) Act, 2017.</p> <p>(2) It shall be deemed to have come into force on the 3rd January 2017.</p>	
Amendment of section 92 of III of 1888.	<p>2. In section 92 of the Mumbai Municipal Corporation Act, after clause (dd) the following clause shall be inserted, namely :—</p>	III of 1888.
	<p>“(dd-1) notwithstanding anything contained in this section, the Commissioner may, with the sanction of the Corporation and with the approval of the State Government, grant a lease of immovable property belonging to the Corporation, namely CTS/FP No. 501, 502 and 1495, Mahim Division, alongwith structures situated thereon, for the purpose of erection of a memorial of late Shri Bala Saheb Thackeray, to the society namely, the Bala Saheb Thackeray Rashtriya Smarak, a society registered under the Societies Registration Act, 1860, at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to the terms and conditions as may be decided by the State Government ;”.</p>	21 of 1860.
Repeal of Mah. Ord. I of 2017 and saving.	<p>3. (1) The Mumbai Municipal Corporation (Amendment) Ordinance, 2017, is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the Mumbai Municipal Corporation 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 relevant Act, as amended by this Act.</p>	Mah. Ord. I of 2017.
		III of 1888.

STATEMENT OF OBJECTS AND REASONS.

As per the existing provisions of section 92 (cc), the consideration for which any immovable property or any right belonging to the corporation may be sold, leased or otherwise transferred, shall not be less than market value of such premium, rent or other consideration. However, as per the provisions of section 92(dd), notwithstanding anything contained in that section, and with the approval of the State Government, the Commissioner may grant a lease of immovable property belonging to the Corporation to a Co-operative Housing Society formed exclusively by the officers and servants of the Corporation, or to a public trust exclusively for medical and educational purposes registered under the Maharashtra Public Trusts Act, or to a society registered under the Societies Registration Act, 1860, or the Maharashtra Co-operative Societies Act, 1960, a public trust registered under the Maharashtra Public Trusts Act, or a company registered under the Companies Act, 1956 or any person for the purposes of provision of public latrines, urinals and similar conveniences or construction of a plant for processing excrementitious and other filthy matters of garbages or to a person who is dishoused as a result of the implementation of any Development Scheme of the Corporation or to a Co-operative Housing Society formed exclusively by the person who are dishoused, as a result of the implementation of any Development Scheme of the Corporation, at such rent, which may be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to such conditions, as may be provided by the bye-laws made under section 461.

2. Considering the special importance, public interest achieved and sentiments of the people, it was considered expedient that there should be a memorial erected in the memory of late Shri. Bala Saheb Thackeray. It was, therefore, expedient to provide that the Commissioner may, with the sanction of the Corporation and with the approval of the State Government, grant a lease of immovable property belonging to the Corporation *viz.* CTS/FP No. 501, 502 and 1495, Mahim Division, along with structures thereon, for the memorial of the Bala Saheb Thackeray Rashtriya Smarak, a society registered under the Societies Registration Act, 1860 (21 of 1860), at such rent, which might be less than the market value of the premium, rent or other consideration, for the grant of such lease, and subject to the terms and conditions as may be decided by the State Government.

However, the then provisions of the Act did not permitted such grant of such lease of property. It was, therefore, considered expedient to suitably amend the said section 92 for the said purpose.

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 Mumbai Municipal Corporation Act (III of 1888), for the purposes aforesaid, the Mumbai Municipal Corporation (Amendment) Ordinance, 2017 (Mah. Ord. I of 2017), was promulgated by the Governor of Maharashtra on the 3rd January 2017.

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

Mumbai,
Dated the 23rd February, 2017.

DEVENDRA FADNAVIS,
Chief Minister.