



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ५९(२)]

मंगळवार, ऑगस्ट १, २०१७/श्रावण १०, शके १९३९

[पृष्ठे ७, किंमत : रुपये २७.००

असाधारण क्रमांक ११६

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 Land Revenue Code and the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules (Amendment) Bill, 2017 (L.A. Bill No. XLVII of 2017), introduced in the Maharashtra Legislative Assembly on the 1st August 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R. L. A. to Government,  
Law and Judiciary Department.

**L. A. BILL No. XLVII OF 2017.**

*A BILL*

*further to amend the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969.*

WHEREAS it is expedient further to amend the Maharashtra Land Revenue Code, 1966 and the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. This Act may be called the Maharashtra Land Revenue Code and Short title. the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules (Amendment) Act, 2017.

## CHAPTER II

AMENDMENT TO THE MAHARASHTRA  
LAND REVENUE CODE, 1966.

Amendment  
of section 113  
of Mah. XLI of  
1966.

2. In section 113 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the said Code"), for sub-section (2C), the following sub-section shall be substituted, namely :—

Mah.  
XLI of  
1966.

"(2C) Notwithstanding anything contained in sub-section (1) or the rules made thereunder, the rates of non-agricultural assessment for every guaranteed period of five years after the 1st August 2001 shall not be less than the rate prevailing on the day immediately preceding the beginning of such guaranteed period (hereinafter referred to as "the reference day") and shall not exceed,—

(a) three times the non-agricultural assessment rate prevailing on the reference day in a Municipal Corporation area and two times of such rate in the area of the rest of the State, for the cases which are already assessed for non-agricultural purposes; and

(b) six times the non-agricultural assessment rate prevailing on the reference day in a Municipal Corporation area and four times of such rate in the area of the rest of the State, for the cases to be assessed for non-agricultural purposes."

## CHAPTER III

AMENDMENT TO THE MAHARASHTRA LAND  
REVENUE (CONVERSION OF USE OF LAND AND  
NON-AGRICULTURAL ASSESSMENT) RULES, 1969.

Substitution  
of rule 15 of  
the  
Maharashtra  
Land Revenue  
(Conversion of  
Use of Land  
and Non-  
agricultural  
Assessment)  
Rules, 1969.

3. For rule 15 of the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969 (hereinafter referred to as "the said Rules"), the following rule shall be substituted and shall be deemed to have been substituted from the 1st day of August 1996 :—

"15. *Full market value how determined.*—The full market value of non-agricultural lands in an urban area in a block shall be estimated on the basis of the land rates as determined and issued in the form of Annual Statement of Rates, by the Chief Controlling Revenue Authority under the Bombay Stamp (Determination of True Market Value of Property) Rules, 1995 framed under the Maharashtra Stamp Act, immediately preceding the year in which the standard rate of non-agricultural assessment is to be fixed."

LX of  
1958.

Amendment  
of rule 16 of  
the  
Maharashtra  
Land Revenue  
(Conversion of  
Use of Land  
and Non-  
agricultural  
Assessment)  
Rules, 1969.

4. In rule 16 of the said Rules, in sub-rule (3), for the figures and words "3.00 per cent." the figures and words "0.05 per cent." shall be substituted and shall be deemed to have been substituted from the 1st day of August 1996.

CHAPTER IV

MISCELLANEOUS

5. Under no circumstances, shall any person be entitled to refund of any amount paid towards any assessment made under the provisions of the Maharashtra Land Revenue Code, 1966 prior to the date of commencement of the Maharashtra Land Revenue Code and the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, (Amendment) Act, 2017. No refund under the Code.

Mah. XLI of 1966.  
Mah. of 2017.

6. (1) If any difficulty arises in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966 or, the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969, as the case may be, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the said Code and the said Rules, as amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty: Power to remove difficulty.

Mah. XLI of 1966.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each house of the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

Section 113 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), deals with the power of the Collector to fix standard rate of non-agricultural assessment. As per the second proviso to sub-section (2) of section 113, the standard rate fixed under sub-section (2) for a period of 5 years can be extended further by a period not more than 5 years. The standard rate of non-agricultural assessment has been prescribed under sub-rule (3) of rule 16 of the Maharashtra Land Revenue (Conversion of Use of Land and Non-agricultural Assessment) Rules, 1969, as 3% of the market value of the land estimated under sub-rule (2).

Several representations have been made to the Government claiming that the said rate is very high. Moreover, the possibility of sharp fluctuation in the market value of land also cannot be ruled out. It is, therefore, expedient to modify the standard rate of non-agricultural assessment and to reduce it to 0.05% of the market value of the land, by amending sub-rule (3) of the said rule 16. Also, while it is necessary to protect Government revenue, it is also desirable to protect the citizens from sharp increase in the non-agricultural assessment by substituting the sub-section (2C) of section 113 of the said Code, so as to provide that for every guaranteed period of five years after the 1st August 2001, the rates of non-agricultural assessment shall not be less than the rate prevailing on the day immediately preceding the beginning of such guaranteed period (hereinafter referred to as "the reference day") and shall not exceed,—

(a) three times the non-agricultural assessment rate prevailing on the reference day in a Municipal Corporation area and two times of such rate in the area of the rest of the State, for the cases which are already assessed for non-agricultural purposes; and

(b) six times the non-agricultural assessment rate prevailing on the reference day in a Municipal Corporation area and four times of such rate in the area of the rest of the State, for the cases to be assessed for non-agricultural purposes.

2. It is also considered expedient to substitute rule 15 of the said Rules of 1969, so as to provide for determination of the market value of non-agricultural lands in an urban area in a block, on the lines of the *Explanation* to sub-section (1) of section 113 of the said Code.

3. It is further considered expedient to provide explicitly that a person shall not be entitled to refund of any amount paid by him towards the assessment made under the Maharashtra Land Revenue Code, 1966, prior to the commencement of the proposed provisions.

4. The Bill seeks to achieve the above objectives.

Mumbai,  
dated the 28th July 2017.

CHANDRAKANT (DADA) PATIL,  
Minister for Revenue.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 6(1).*—Under this clause, power is taken to the State Government, to remove, by an order published in the *official Gazette*, any difficulty which may arise in giving effect to the provisions of the Maharashtra Land Revenue Code, 1966 or, the Maharashtra Land Revenue (Conversion of Use of Land and Non-Agricultural Assessment) Rules, 1969, as the case may be, as amended by the proposed law, within a period of two years from the date of commencement of the Act.

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

## FINANCIAL MEMORANDUM

Clause 2 of the Bill proposes to amend of section 113 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) and clause 4 thereof proposes to amend rule 16 of the Maharashtra Land Revenue (Conversion of Use of Land and non-agricultural Assessment) Rules, 1969 to modify the standard rate of non-agricultural assessment. Although, the Bill requires the recommendation of the Governor of Maharashtra under clause (1) of article 207 of the Constitution of India, there is no provision in the Bill which would involve the recurring or Non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE  
CONSTITUTION OF INDIA

(Copy of Government of Maharashtra Order, Law and Judiciary  
Department)

In exercise of the power conferred upon him by clause (1) of Article 207 of the Constitution of India, the Governor of The Maharashtra is pleased to recommend to the Maharashtra Legislative Assembly, the introduction of the Maharashtra Land Revenue Code and the Maharashtra Land Revenue (Conversion of Use of Land and non-Agricultural Assessment) Rules (Amendment) Bill, 2017.