



## महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक ५३(२)]

शुक्रवार, जुलै १३, २०१८/आषाढ २२, शके १९४०

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असाधारण क्रमांक १०४

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 Municipal Corporations (Amendment) Bill, 2018 (L.A. Bill No. XLIX of 2018), introduced in the Maharashtra Legislative Assembly on the 13<sup>th</sup> July 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### L. A. BILL No. XLIX OF 2018.

#### A BILL

*further to amend the Maharashtra Municipal Corporation Act.*

LIX of 1949. WHEREAS it is expedient further to amend the Maharashtra Municipal Corporations Act, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

1. This Act may be called the Maharashtra Municipal Corporations Short title. (Amendment) Act, 2018.

भाग आठ-१०४.  
एचबी-१७०८-१.

(१)

Amendment  
of section 79  
of LIX  
of 1949.

2. In section 79 of the Maharashtra Municipal Corporations Act, in clause (c), the following proviso shall be inserted, namely :—

LIX of  
1949.

“Provided that, where the immovable property or any right belonging to the Corporation has been leased or otherwise transferred in accordance with the provisions of this section by following due procedure of public auction, then it shall be lawful for the Corporation to subsequently renew the said lease or transfer of the immovable property, in accordance with the rules framed by the Government in this behalf.”.

STATEMENT OF OBJECTS AND REASONS.

Section 79 of the Maharashtra Municipal Corporations Act (LIX of 1949), contains the provisions governing the disposal of Municipal property of the Municipal Corporation. Clause (d) of said section 79 provides that, the Commissioner may, with the sanction of the Corporation, may lease, sell, let out on hire or otherwise convey any property, movable or immovable, belonging to the Corporation ; and clause (d) thereof provides that 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 the current market value of such premium, rent or other consideration. Many properties of the various Municipal Corporations have been leased for long term. However, the said section 79 does not provide for the renewal of lease of such properties. Therefore, it is considered expedient to provide for renewal of lease on one hand and at the same time, to safeguard the interests of the Municipal Corporations. For that purpose, it is proposed to make provisions in the said section 79 providing for renewal of leases and other transfer of rights in the immovable property of the Municipal Corporations, by suitably amending clause (c) of section 79.

2. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 9<sup>th</sup> July 2018.

DEVENDRA FADNAVIS,

Chief Minister.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

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

*Clause 2.*—Under this clause, which seeks to insert proviso in clause (c) of section 79 of the Maharashtra Municipal Corporations Act, (LIX of 1949), power is taken to the State Government to frame the rules in accordance with which the Municipal Corporation shall renew the lease or transfer of any immovable property or any right belonging to it effected in accordance with the said section by following the procedure of public auction.

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