



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ८, अंक ४३]

सोमवार, डिसेंबर १९, २०२२/अग्रहायण २८, शके १९४४

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असाधारण क्रमांक ८९

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 (Second Amendment) Bill, 2022 (L.A. Bill No. XXVIII of 2022), introduced in the Maharashtra Legislative Assembly on the 19th December 2022, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

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

L. A. BILL No. XXVIII OF 2022.

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 circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Mumbai Municipal Corporation (Second Amendment) Ordinance, 2022 on the 24th November 2022 ;

III of
1888.
Mah.
Ord.
XII of
2022.

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

1. (1) This Act may be called the Mumbai Municipal Corporation (Second Amendment) Act, 2022.

Short title
and
commencement.

(2) It shall be deemed to have come into force on the 24th November 2022.

Amendment
of section 154
of III of 1888.

2. In section 154 of the Mumbai Municipal Corporation Act (hereinafter referred to as “the principal Act”), in sub-section (1D), in clause (a),—

III of
1888.

(i) in sub-clause (i), for the words and figures “and the year 2021-22” the words and figures “ , the year 2021-22 and the year 2022-23” shall be substituted ;

(ii) in sub-clause (ii), for the words and figures “and the year 2021-22” the words and figures “, the year 2021-22 and the year 2022-23” shall be substituted ;

(iii) in sub-clause (iii),—

(a) for the words and figures “in the year 2022-23” the words and figures “ in the year 2023-24” shall be substituted ;

(b) for the words and figures “and the year 2021-22” the words and figures “, the year 2021-22 and the year 2022-23 ” shall be substituted.

Power to
remove
difficulty.

3. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty :

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 issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

Repeal of
Mah. Ord. XII
of 2022 and
saving.

4. (1) The Mumbai Municipal Corporation (Second Amendment) Ordinance, 2022, is, hereby repealed.

Mah.
Ord.
XII of
2022.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Clause (1) of section 139 of the Mumbai Municipal Corporation Act (III of 1888) provides for imposing of property taxes. Section 154 of the said Act provides for the determination of the rateable value or the capital value of any building or land assessable to a property tax. Sub-section (1A) of the said section 154 provides for the fixation of the capital value of any building or land assessable to a property tax by the Commissioner having regard to the factors mentioned thereunder. Sub-section (1C) thereof provides that the capital value of any building or land fixed under sub-section (1A) of the said section 154 shall be revised every five years and such revision was due in the year 2020-21.

2. However, due to spread of COVID-19 pandemic, the lockdown was declared by the State Government as well as the Central Government, resulting in adverse economic effect on the small-scale industries, educational institutions, development work, working in factories, various industrial areas, daily works, etc. As such, new sub-section (1D) in section 154 of the said Act was added by Maharashtra Act No. XXXII of 2020, so that the capital value of any building or land fixed under sub-section (1A) of said section 154 shall not be revised in the year 2020-21 and the property tax bill for any building or land shall be the same as is for the year 2019-20; and other consequential provisions were also made in the said sub-section (1D). Thereafter, the said section was amended by the Maharashtra Act No. XI of 2022 so that the capital value of any building or land fixed under said sub-section (1A) shall not be revised in the year 2021-22 also and the property tax bill for any building or land shall be the same as is for the year 2019-20.

The adverse impact of COVID-19 pandemic on overall economy is still continued, therefore, with a view to provide that the capital value of any building or land fixed under sub-section (1A) shall not be revised in the year 2022-23 also, it was considered expedient to amend sub-section (1D) of said section 154, suitably.

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, for the purposes aforesaid, the Mumbai Municipal Corporation (Second Amendment) Ordinance, 2022 (Mah. Ord. XII of 2022) was promulgated by the Governor of Maharashtra on the 24th November 2022.

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

Mumbai,

Dated the 7th December 2022.

EKNATH SHINDE,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 3.—Under this clause, power is taken to the State Government, to issue, an order published in the *Official Gazette*, for removing any difficulty which may arise in giving effect to the provisions of the Act.

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

भाग आठ-८९-२.

एचबी-२४५१-२.