

# **The Maharashtra Housing and Area Development (Execution of Contracts) Regulations, 1979**

MAHARASHTRA

India

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### **Rule**

### **THE-MAHARASHTRA-HOUSING-AND-AREA-DEVELOPMENT-EXECUT of 1979**

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The Maharashtra Housing and Area Development (Execution of Contracts) Regulations, 1979 Published vide Notification No. MHA/ADM/REG/1726, dated 23rd February, 1980 (M.G.G., Part 4C, p. 146) In exercise of the powers conferred by sub-section (1) of section 185 read with clause (iv) of sub-section (3) of section 28 of the Maharashtra Housing and Area Development Act, 1976 (Maharashtra XXVIII of 1977), the Maharashtra Housing and Area Development Authority with the previous sanction of the Government of Maharashtra hereby makes the following regulations, namely :-

### **1. Short title and commencement.**

(1) These regulations may be called the Maharashtra Housing and Area Development (Execution of Contracts) Regulations, 1979. (2) They shall come into force at once.

### **2. Definitions.**

- In these regulations, unless the context requires otherwise, - (a) "Act" means the Maharashtra Housing and Area Development Act, 1976 (Maharashtra XXVIII of 1977); (b) "Authority's Order" means the order of the Authority No. 428 dated the 1st April, 1978 which is set out in extension in Schedule 'A' to these regulations; (c) "Chief Executive Officer" means the Chief Executive Officer of the Authority within the meaning of section 17; (d) "Chief Officer" means the Chief Officer of a Board as provided in subsections (5) and (6) of section 18; (e) "Secretary" means the Secretary appointed under sub-section (1) of section 19; (f) "Section" means a section of the Act. (2) Words and expressions

used in these regulations but not defined herein shall have the meaning respectively assigned to them in the Act.

### **3. Execution of contracts.**

(1) All contracts made in the exercise of the executive power of the Authority shall be expressed to be made in the name of the Authority, and all such contracts and all assurances of property made in the exercise of that power shall be executed on behalf of the Authority by any one of the officers specified in Schedule B hereto. (2) No contract shall be executed unless the administrative approval and technical sanction have been obtained as provided in Statement A appended to the Authority's order, and where tenders have been invited, unless each tender has been accepted as provided in Statement A aforesaid. Every contract shall bear the reference to the dates and number under which the administrative approval or technical sanction, if any, or both are accorded, or the tender, if any is accepted, by the appropriate authority, as provided in the Authority's order.

### **4. Certain contracts to be in writing and sealed; custody of Seal.**

(1) Every contract, if any, for the execution of any proposal, plan or project in the matter of exercising any powers or performing any functions or discharging any duties under Chapter III of the Act, or for the supply of any materials or goods; which involves an expenditure exceeding ten thousand rupees shall be in writing and shall be sealed. (2) The common seal of the Authority shall remain in the custody of the Secretary or the Deputy Chief Administrative Officer of the Bombay Housing and Area Development Board, Bombay, or the Chief Officer.

### **5. Forms of contract.**

- If the forms of contracts are prescribed in the Maharashtra Public Works Manual, the said forms may, as far as practicable, be adopted for like contracts of the Authority : Provided that, the Chief Executive Officer shall have power to make such variation therein including provision of additional conditions in the forms of contract as the Chief Executive Officer may generally or specially direct.

### **6. Provision regarding tenders.**

- In inviting tenders and accepting them for purposes of entering into contracts, the Officer authorised by the Chief Executive Officer from time to time by general or special order to invite tenders, shall as far as possible follow the principles laid down in the Maharashtra Public Works Manual : Provided that, no tender shall be accepted except as provided in the Statement A appended to the Authority's order.

### **7. Contract when binding on Authority.**

- A contract not executed as provided in these regulations shall not be binding on the Authority.

## 8. Repeal.

- Rules 5 and 6 of the Bombay Housing Board Rules, 1949, rule 4 of the Madhya Pradesh Housing Board Rules, 1952 and the Bombay Building Repairs and Reconstruction Board (Manner and Form of entering into Contracts) Rules, 1971 and all other rules or regulations corresponding thereto and in force by operation of section 188 of the Act shall, on the commencement of these regulations, stand repealed, except as respects anything done or omitted to be done.

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[See regulation 2(1)(b)] Office of the Maharashtra Housing and Area Development Authority Subject : Delegation of powers Order No. 428/Mhada. 13/1-978, dated 1st April, 1978 In the constitution of the Maharashtra Housing and Area Development Authority with effect from 5th December, 1977, the Government had also directed that the rules and Regulations that prevailed till then, may be continued to the extent that they are not inconsistent with the provisions of the new Act and till new Rules and Regulations are made under the Maharashtra Housing and Area Development Act, 1976.(2) The Authority in their Meeting held on 28th and 29th March, 1978 have resolved that the powers of the Authority may be delegated to the extent shown in the appended Statement A. It may be noted here that all the documents are to be executed in the name of the "Maharashtra Housing and Area Development Authority" under section 29(1)(b) of the Maharashtra Housing and Area Development Act. In order, however to show that the contract is executed on behalf of the Authority, by a particular Board, it may be necessary to show into bracket after mentioning the executor as "Maharashtra Housing and Area Development Authority" the name of the Board whose Chief Officer may be exercising the power to execute to documents, for instance, the contract which is executed by the Board will bear in respect of Bombay Regional Board the following form:- "For and on behalf of the Maharashtra Housing and Area Development Authority" executed by the Chief Officer of Bombay Housing and Area Development Board. It may be further clarified that if any Board or officer exceeds, the powers that are delegated to that Board or Officer, such exercise being without jurisdiction renders the documents null and void. If a Chief Officer is unable, for any reasons, to execute such a document, it may be forwarded to the Secretary of the Authority for execution by and on behalf of the Authority. (Signed)..... Statement

## of Delegations

	Bombay Housing and Area Development Board	Extent of power delegated	Pune Housing and Area Development Board	Extent of powers	
1.	Administrative Approval.	The Board	Full powers	Vice President	Full powers
(a)	Repairs to old building under Chapter	Technical Committee.	Upto Rs. 3 lakhs.	.....	.....

VIII,(Each work of repairs need not be shown in the budget proposalsubmitted to the Authority, but only a total expenditureproposed to be expended for repairs under Chapter VIII beshown). Reconstruction and Transit Camp (Subject to theinclusion of each of these works in the budget, and overall supervision and guidance of the Authority.)					
(b)	Technical Committee appointed under section 18Board.	Upto Rs. 25 lakhs.	.....	.....	
(c)	Housing Scheme other than those (a) and (b) above.	M.H. & A.D. Authority	Full powers	C.E.O., M.H. & A.D. Authority	
2.	Technical sanction	Dy. Chief Engineer.	Upto Rs. 3 lakhs.		
(a)	Repairs and Slum Improvement.	Chief Engineer.	Above Rs. 3 lakhs.	Co. (E.E.)	
(b)	Reconstruction and Transit camp.	Chief Engineer.	Full powers		
(c)	Housing.	Chief Engineer.	Full powers	Chief Officer (E.E.)	Full powers provided the cost of each structureis upto Rs. 5

				lakhs.
			Chief Engineer Authority	Full powers
3.	Acceptance tender. -			
(a)	Repairs and Slum Improvement.	Dy. Chief Engineer.	Upto Rs. 3 lakhs.	
		Chief Engineer and Chief Accounts Officer.	Above Rs. 3 lakhs and upto Rs. 25 lakhs.	
	Aurangabad Housing and Area Development Board	Extent of delegated	Nagpur Housing and Area Development Board Dy.Chief Engineer.	Extent of powers delegated
	Vice President	Full powers	Vice President	Full powers
	C.E.O. M.H. & A.D. Authority		C.E.O. M.H. & A.D. Authority	Subject to the guidelines and norms that may belaid down by the Authority.
	C.O. (E.E.)		C.O. (E.E.)	Subject to the guidelines and norms that may belaid down by the Authority. Full power, provided the cost of each structure is upto Rs. 5% lakhs.

	Chief Officer	Upto Rs. 5 lakhs	Chief Officer	Upto Rs. 5 lakhs.	In case to Chief Officer, Pune, Aurangabad and Nagpur Board upto 5% lakhs provided the cost of each structure is upto Rs. 5 lakhs.
	Chief Engineer (A).	Full powers	Chief Engineer (A).	Full power	A Committee of C.E. and C.A.O. to decide. In case of difference of opinion, the matter may be referred to the Tender Committee of the Board
Reconstruction (b) and Transit Camp.			Dy. Chief Engineer. C.E./C.A.O. (Jointly)	Upto Rs. 3 lakhs Above Rs. 3 lakhs and upto Rs. 25 lakhs.	
			Board	Above Rs. 25 lakhs and upto Rs. 50 lakhs.	
			MHADA	Above Rs. 50 lakhs.	
(c) Housing			Executive Engineer	Upto Rs. 3 lakhs.	Chief Officer and CAC. jointly (Committee)
			Dy. Chief Engineer.	Above Rs. 3 lakhs and upto Rs. 10 lakhs.	
			Chief Engineer and Chief	Above Rs. 10 lakhs & upto Rs. 25 lakhs.	
					Upto Rs. 5 lakhs.

		Accounts Officer jointly.		
			Above Rs. 25 lakhs upto Rs. 50 lakhs (on recommendation of Tender Committee)	Above Rs. 5 lakhs upto Rs. 20 lakhs (on recommendation of Tender Committee).
		The Board		The Board
		M.H. & A.D. Authority	Above Rs. 50 lakhs	M.H. & A.D. Authority; Above Rs. 20 lakhs.
Chief Officer and C.A.O. jointly.		Chief Officer and C.A.O. jointly.		In case of difference of opinion matter may be referred to the Tender Committee.
			Upto Rs. 5 lakhs.	

Notes. - All these power are to be exercised subject to the procedure prescribed by Maharashtra Public Works Manual and conditions laid down therein for scrutiny and acceptance of tenders.(Signed).....Chief Executive Officer,Maharashtra Housing andArea Development Authority,

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(See regulation 3)

**1. Secretary.**

**2. Deputy Chief Executive Officer of the Authority.**

**3. Chief Officers.**

**4. Deputy Chief Administrative Officer (Repairs and Reconstruction).**

**5. Deputy Chief Engineers.**

**6. Such other Officers as the Vice-President may be an order in writing specify for the purposes of Regulation 3.**