

The Maharashtra Metropolitan Region Development Authority Act, 2016

MAHARASHTRA

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Act 3 of 2017

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The Maharashtra Metropolitan Region Development Authority Act, 2016(Maharashtra Act No. 3 of 2017)[Dated 10.1.2017.]An Act to provide for the establishment of the Authorities for certain areas declared as Metropolitan Areas under clause (c) of section 2 of the Maharashtra Metropolitan Planning Committees (Constitution and Functions) (Continuance of Provisions) Act, 1999, for the purposes of coordinating and supervising the proper, orderly and rapid development of the areas in such Region and executing plans, projects and schemes for such development, and to provide for matters connected therewith or incidental thereto.Whereas the Governor of Maharashtra had promulgated the Maharashtra Metropolitan Region Development Authority Ordinance, 2016, on the 13th June 2016 (Maharashtra Ordinance XI of 2016);And Whereas upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Metropolitan Region Development Authority Bill, 2016 (L.A. Bill No. XXXII of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 27th July 2016, and was transmitted to the Maharashtra Legislative Council.And Whereas Thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council;And Whereas as provided by article 213 (2) (a) of the Constitution of India, the said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016;And Whereas 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 to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Metropolitan Region Development Authority (Continuance) Ordinance, 2016 (hereinafter referred to as "the said Continuance Ordinance") on the 30th August 2016 (Maharashtra Ordinance XXII of 2016);And Whereas it is expedient to replace the said Continuance Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :--

Chapter I

Preliminary

1. Short title, extent, and commencement.

(1) This Act may be called the Maharashtra Metropolitan Region Development Authority Act, 2016. (2) It shall extend to the whole of the State of Maharashtra except the Mumbai Metropolitan Region, as defined in clause (b) of section 2 of the Mumbai Metropolitan Region Development Authority Act, 1974 (Maharashtra IV of 1975) and the Scheduled Areas declared by the President of India, from time to time, in exercise of the powers conferred by paragraph 6 of the Fifth Schedule to the Constitution of India. (3) It shall be deemed to have come into force on the 13th June 2016.

2. Definitions.

- In this Act, unless the context otherwise requires,--(a) "amenity" includes road, bridge, any other means of communication, transport, supply of water and electricity, any other source of energy, street lighting, drainage, sewerage and conservancy, and any other convenience as the State Government may, in consultation with Authority, from time to time, by notification in the Official Gazette, specify to be the amenity for the purposes of this Act; (b) "Authority" or "Metropolitan Authority" means the Authority established under section 3; (c) "development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, or over, or under any land (including land under sea, creek, river, lake or any other water) or the making of any material change in any building or land, or in the use of any building or land and includes redevelopment and layout and sub-divisions of any land and also the provisions of amenities and projects, and schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities and "to develop" shall be construed accordingly; (d) "Development Plan" means the plan prepared under the provisions of the Maharashtra Regional and Town Planning Act, for the development of the Metropolitan Region as defined in this Act, or for any part thereof and includes a draft or final Development Plan prepared for the said region or any part thereof whether before or after the commencement of this Act, which is for the time being in force; (e) "Executive Committee" means the Executive Committee constituted under section 7; (f) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth; (g) "the Maharashtra Regional and Town Planning Act" means the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Ordinance XXII of 2016.); (h) "Metropolitan Commissioner" means the Metropolitan Commissioner appointed under sub-section (1) of section 12; (i) "the Metropolitan Planning Committees Act" means the Maharashtra Metropolitan Planning Committees (Constitutions and Functions) (Continuance of Provisions) Act, 1999 (Maharashtra V of 2000); (j) "the Metropolitan Region" means the Metropolitan Area as defined under clause (c) of section 2 of the Metropolitan Planning Committees Act; (k) "prescribed" means prescribed by rules made under this Act; (l) "Regional Plan" means plan prepared under the provisions of the Maharashtra Regional and Town Planning Act, for the development or redevelopment of the Metropolitan Region as defined in this Act, or for any part thereof and includes a draft or final

Regional Plan prepared for the said region or any part thereof, whether before or after the commencement of this Act, which is for the time being in force: Provided that, the Regional Plan shall also mean the Development Plan prepared by the Metropolitan Planning Committee under the provisions of the Metropolitan Planning Committees Act; (m) "regulations" means the regulations made under this Act; (n) "rules" means the rules made under this Act. (2) Words and expressions used in this Act and not defined hereinabove shall have the same meanings as respectively assigned to them in the Maharashtra Regional and Town Planning Act.

Chapter II

Establishment and Constitution of the Authority

3. Establishment of the Metropolitan Region Development Authority.

(1) As soon as may be, after the commencement of this Act, the State Government may, by notification in the Official Gazette, establish, for the purposes of this Act, an authority to be called "The..... Metropolitan Region Development Authority" for every Metropolitan Region. (2) The Metropolitan Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immovable and to contract and may sue or be sued by its corporate name as aforesaid. (3) The Metropolitan Authority shall be deemed to be a local authority within the meaning of the term "Local Authority" as defined in the Maharashtra General Clauses Act (I of 1904).

4. Composition of Metropolitan Authority.

(1) On and from the date of establishment of Authority under sub-section (1) of section 3, the Metropolitan Authority shall consist of the following members, namely :- (i) The Chief Minister. (ii) The Minister for Urban Development. (iii) The Minister for Housing. (iv) The Guardian Minister of the District. (v) The Minister of State for Urban Development. (vi) The Mayors of the Municipal Corporations in the Metropolitan Region. (vii) The Chairpersons of the Standing Committees of the Municipal Corporations in the Metropolitan Region. (viii) Two Presidents of the Municipal Councils within the Metropolitan Region, by rotation to be finalized by the State Government, by order. (ix) The Presidents of the Zilla Parishads in the Metropolitan Region. (x) Four Members of the Maharashtra Legislative Assembly, representing constituencies falling, wholly or partly, within the limits of the Metropolitan Region, to be nominated by the State Government. (xi) One Member of the Maharashtra Legislative Council, to be nominated by the State Government. (xii) The Chief Secretary to the Government of Maharashtra or any other Officer not below the rank of Secretary, authorized by him. (xiii) The Municipal Commissioners of the Municipal Corporations within the Metropolitan Region. (xiv) The Secretary to the Government of Maharashtra, Urban Development Department. (xv) The Secretary to the Government of Maharashtra, Housing Department. (xvi) The Chief Executive Officer of such Special Planning Authority whose maximum area is covered under the Region. (xvii) The Divisional Commissioner and Police Commissioner of the respective Region. (xviii) The Metropolitan Commissioner. (2) The Chief Minister of Maharashtra shall be the Chairman; and the Co-Chairman shall be a person to be nominated by the State

Government from amongst the members. The Metropolitan Commissioner shall be the Member-Secretary of the Authority.(3)With effect from the date of establishment of Authority under subsection (1) of section 3, the Authority shall be deemed to be duly constituted, notwithstanding that there may be any vacancies as some of the members may not have been nominated or appointed or for any other reason may not be available to take office on that day and the members of the Authority, who may, from time to time, be available shall be competent to exercise, perform and discharge all the powers, duties and functions of the Authority from that date:Provided that, an "Authority" appointed under section 42C of the Maharashtra Regional and Town Planning Act, before the commencement of this Act, for the area notified under section 42A of that Act, shall continue to carry out its functions and duties till the Authority is constituted under this Act.(4)The State Government may, from time to time, by notification in the Official Gazette, publish the names of members nominated under clauses (x) and (xi) of sub-section (1).(5)The members shall receive such allowances as may be determined by regulations for meeting the personal expenditure in attending the meetings of the Authority or any Committee or body thereof, or in performing any other functions as a member. Such regulations shall require the previous approval of the State Government.(6)Where a person becomes or is elected or nominated as a member of the Authority by virtue of holding any office or being a member of the Legislature or any local authority, or Committee or body, he shall cease to be a member of the Authority, as soon as he ceases to hold that office or to be such member, as the case may be.(7)A member of the Authority, other than ex-officio member, may, at any time, by writing under his hand addressed to the Chairman, resign his office.(8)No act or proceeding of the Metropolitan Authority, or of any Committee thereof, shall be deemed to be invalid at any time merely on the ground that--(a)any of the members of the Authority or its Committee are not duly elected, nominated or appointed or for any other reason are not available to take office at the time of the constitution or any meeting of the Authority or of its Committee or body or there is any defect in the constitution thereof, or any person is a member in more than one capacity or there are one or more vacancies in the offices of any such members;(b)there is any irregularity in the procedure of the Authority or such Committee not affecting the merits of the matter under consideration.

5. Powers and duties of Chairman and Metropolitan Commissioner.

(1)The Chairman of the Authority shall supervise and control all the activities on behalf of the Authority and shall exercise such powers and perform such duties as are conferred on him by this Act and exercise such other powers and perform such other duties as the Authority may, from time to time, by regulations determine :Provided that, the Chairman may delegate any of the powers and duties conferred on him to the Co-Chairman.(2)Subject to the provisions of sub-section (1),--(a)the Metropolitan Commissioner shall be the Chief Executive Officer of the Authority; and shall exercise such powers and perform such functions or duties as the Authority may, by a resolution passed in this behalf, direct. The Metropolitan Commissioner may, by general or special order, further direct that such of the powers, functions or duties delegated to him as aforesaid or under sub-section (5) of section 7 shall be exercised or performed by such of the officers of the Authority, as may be specified in such order ;(b)the Metropolitan Commissioner shall supervise and control all its officers and servants, including any officers of the Government appointed, from time to time, on deputation to the Authority or any Committee or body thereof ;(c)the Metropolitan Commissioner shall be

responsible for collection of all sums due to the Authority and payment of all sums payable by the Authority. He shall ensure adequate security of all assets, including cash balances, of the Authority. He shall also be responsible for performing all executive functions in connection with the works of the Authority.(3)Subject to the provisions of sub-section (2), the Executive Committee shall, from time to time, by order determine the powers and duties of any Additional, Deputy and Assistant Metropolitan Commissioners appointed under section 12.

6. Meetings of Metropolitan Authority.

(1)The Metropolitan Authority shall meet at least once in six months, at such place and at such time as the Chairman may decide and shall, subject to the provisions of sub-section (3), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum thereat) as may be laid down by the regulations.(2)The Chairman shall preside at the meetings of the Authority. In the absence of the Chairman, at any meeting, the Co-Chairman shall preside and in the absence of both, any other member of the Authority elected by the members present at the meeting shall preside at such meeting.(3)A member of the Authority, who has acquired or acquires, directly or indirectly, any share or pecuniary or other interest in any contract, loan arrangement or proposal entered into, or proposed to be entered into, by or on behalf of the Authority, shall cease to be a member of the Authority :Provided that, a member shall not be deemed to have any such share or interest by reason only of his being a shareholder of a public limited company concerned in any such contract, loan, arrangement, or proposal or that he himself or any relation of his is employed by or on behalf of the Authority, or he has such share or interest in his capacity as a member of the Authority, or his property, or any property in which he has a share or interest, is or is being acquired or taken on lease by or on behalf of the Authority by agreement or according to any law for the time being in force.(4)If any question arises whether a member of the Authority has become subject to the disqualification mentioned in the last preceding subsection, the question shall be referred for decision of the State Government, and its decision thereon shall be final.

7. Constitution and powers of the Executive Committee.

(1)There shall be an Executive Committee of the Authority, consisting of the following members, namely :-(i)The Chief Secretary to the Government of Maharashtra or any other Officer not below the rank of Secretary authorized by him.(ii)The Secretary to Government, Urban Development Department or any Officer authorized by him.(iii)The Secretary to Government, Housing Department or any Officer authorized by him.(iv)The Secretary to Government, Finance Department or any Officer authorized by him.(v)The Metropolitan Commissioner.(vi)The Municipal Commissioners of the Corporations in Metropolitan Region.(vii)The Chief Executive Officer of such Special Planning Authority whose maximum area is covered under the Region.(viii)The Commissioners of Police of the respective Region.(ix)Three members who are experts in the field of urban planning and development, to be appointed by the State Government.(x)The Principal Accounts and Finance Officer of the Authority.(2)The Chief Secretary to the Government of Maharashtra or any other Officer not below the rank of Secretary authorized by him shall be the Chairman of the Executive Committee. The Chief Secretary to the Government of Maharashtra shall appoint a suitable person to be the Secretary of the Executive Committee.(3)Subject to the

provisions of section 28 and the guidelines or directives issued by the Authority, the Executive Committee shall exercise the following powers and perform the following duties, namely :- (i) Appointment of the staff ; (ii) Planning and implementation of the projects and schemes of the Authority, including approval or rejection of such projects and schemes ; (iii) approval or rejection of tenders for projects and schemes ; (iv) grant of permission or refusal of permission, on behalf of the Authority, under sub-section (3) of section 14 ; (v) investment of surplus moneys of the Metropolitan Region Development Fund ; (vi) institution, conduct and withdrawal of any legal proceedings on behalf of the Authority ; (vii) the powers (except the power to make regulations) delegated or the functions or duties imposed, from time to time, on the Executive Committee by the Authority. (4) The Executive Committee shall meet at such place and at such time as may be determined by its Chairman, and shall observe such rules of procedure as it may determine. (5) The Executive Committee may, from time to time, by a resolution passed in this behalf, direct that any power and any function or duty which is conferred on it, by or under the provisions of this Act, shall be exercised or performed by the Metropolitan Commissioner. (6) Without prejudice to the powers exercised by the Metropolitan Authority under this Act and notwithstanding the powers exercised by the Planning Authorities or Local Authorities in the Metropolitan Region, any difference or disputes between such Planning Authorities or Local Authorities only in respect of matters of proper, orderly and rapid development of any part of Metropolitan Region shall be referred to the Authority whose decision thereon shall be final and binding on such Planning Authorities and Local Authorities.

8. Authentication of orders, etc., of Authority and Executive Committee.

- All proceedings of the Authority and the Executive Committee shall be authenticated by the signature of the Chairman of the Authority or the Executive Committee, as the case may be, or of any member thereof authorized by the Chairman in this behalf, and all other orders and instruments of the Authority shall be authenticated by the Metropolitan Commissioner or the Secretary of the Executive Committee or by any other officer of the Authority authorized by the Metropolitan Commissioner in this behalf.

9. Constitution of Committees.

(1) The Metropolitan Authority may constitute committees consisting wholly of members of such Authority or partly of other persons and for such purpose or purposes, as it may think fit; and entrust to any such committee such powers as the Metropolitan Authority may specify by regulations. (2) The committees constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by the regulations. (3) The members of the committees may be paid such allowances for meeting the personal expenditure in attending the meetings and for attending to any other work of the committees, as may be provided by regulations.

10. Members not disqualified from contesting elections or continuing as members of State Legislature or local authorities.

- Notwithstanding anything contained in any other law for the time being in force, a member (including the Chairman or Co-Chairman of the Authority or any of its Committees) shall not be disqualified for being chosen as, and for being, a Member or Councillor of the State Legislature or any local authority or any committee members of or body of such legislature or authority, merely by reason of the fact that he is a member of the Authority or any of its Committees.

11. Provisions for inviting officers of Government and local authority to assist or advice.

- The Authority, or the Executive Committee may invite any officer of the Government or local authority to attend its meeting or meetings as a special or permanent invitee for the purpose of assisting or advising it on any matter or matters. The officer so invited may take part in the proceedings, but shall have no right to vote.

Chapter III Officers and Servants

12. Officers and servants.

(1)The State Government shall appoint a Metropolitan Commissioner. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service of the Metropolitan Commissioner. He shall be appointed for such period not exceeding three years, and the appointment may be extended from time to time for a period not exceeding three years at a time :Provided that, the State Government may at any time, -(a)if the Metropolitan Commissioner holds a lien on the service of the State, recall him to such service, after consultation with the Authority;(b)remove him from office if, it shall appear to the State Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient:Provided further that, if the Metropolitan Commissioner holds a lien on the service of the State, he shall forthwith be recalled to such service, if so requested by the Authority by passing a resolution for his recall:Provided also that, the Metropolitan Commissioner may resign his office by tendering his resignation in writing to the Chairman of the Authority but such resignation shall be effective only on acceptance by the Chairman of the Authority.(2)The State Government may, on a request being made by the Executive Committee, appoint one or more Additional, Joint, Deputy or Assistant Metropolitan Commissioners. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service of an Additional Metropolitan Commissioner, a Joint Metropolitan Commissioner, a Deputy Metropolitan Commissioner and an Assistant Metropolitan Commissioner.(3)The Authority may, from time to time, sanction creation of posts of other officers and servants subordinate to the Authority as it thinks necessary. The conditions of appointment and service and the powers and duties of such officers and servants shall be such as may be determined by the regulations.

Chapter IV

Powers and Functions of the Authority

13. Functions of the Metropolitan Authority.

(1)The main object of the Authority shall be to secure the development of the Metropolitan Region according to the Regional Plan and for that purpose, the functions of the Authority shall be to,-(a)review any physical, financial and economical plan;(b)review any project or scheme for development which may be proposed or may be in the course of execution or may be completed in the Metropolitan Region;(c)formulate Schemes for the development of the Metropolitan Region or any part thereof;(d)execute projects and schemes;(e)recommend to the State Government any matter or proposal requiring action by the State Government or any other authority for the overall development of the Metropolitan Region;(f)participate with any other authority for inter-regional development;(g)finance any project or scheme for the development of the Metropolitan Region;(h)co-ordinate execution of the projects or schemes for the development of the Metropolitan Region;(i)supervise or otherwise ensure adequate supervision over the planning and execution of any project or scheme, the expenses of which, in whole or in part, are to be met from the Metropolitan Region Development Fund;(j)prepare schemes and advise the concerned authorities in formulating and undertaking schemes for development of agriculture, horticulture, floriculture, forestry, dairy development, poultry farming, piggery, cattle breeding, fisheries and other similar activities;(k)prepare and implement schemes for providing alternative accommodation and for rehabilitation of persons displaced by projects and schemes which provide for such requirements;(l)do all such other acts and things as may be necessary for or incidental or conducive to any matters which arise on account of its activity and which are necessary for furtherance of the objects for which the Authority is established.(2)Notwithstanding anything contained in the Maharashtra Regional and Town Planning Act, or any other law for the time being in force, the Authority shall assist the Metropolitan Planning Committee, constituted under the Metropolitan Planning Committees Act, in preparation of Development Plan under that Act.(3)The Authority may also, in consultation with the Planning Authority concerned, for the purpose of the integrated development of the Metropolitan Region, undertake modification or revision of the Development Plans under the Act aforesaid for the area of the Planning Authority and shall for this purpose have all the powers of a Planning Authority under that Act and obtain the approval of the State Government to the same.In doing so, the Authority shall take into consideration all the relevant plans of the local authorities, the planning authorities, the District Planning Committees and the Metropolitan Planning Committees under its jurisdiction and specify the extent and the reason for modification of each such plan.

14. No other authority or person to undertake certain development without permission of Authority.

(1)Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no authority or person shall undertake any development within the Metropolitan Region of the type as the Metropolitan Authority may from time to time

specify, by notification published in the Official Gazette, and which is likely to adversely affect the overall development of the Metropolitan Region.(2)Any authority or person desiring to undertake development referred to in sub-section (1) shall apply in writing to the Metropolitan Authority for permission to undertake such development.(3)The Metropolitan Authority shall, after making such inquiry as it deems necessary and within 60 days from the receipt of an application under sub-section (2), grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission. If the Authority fails to communicate its decision to grant or refuse permission to the applicant within sixty days from the date of receipt of his application, or within sixty days from the date of receipt of compliance of requisition, if any, made by the Secretary of the Executive Committee or any officer authorized by him, whichever is later, such permission shall be deemed to have been granted to the applicant on the date immediately following the date of expiry of such sixty days, but subject to the provisions of the Regional Plan or the Regulations or the Development Control Rules, if any, applicable for the time being to such development.(4)Any authority or person aggrieved by the decision of the Metropolitan Authority under sub-section (3), may, within forty days, appeal against such decision to the State Government, whose decision shall be final:Provided that, where the aggrieved authority submitting such appeal is under administrative control of the Central Government, the appeal shall be decided by the State Government, after consultation with the Central Government.(5)In case any person or authority contravenes any condition imposed under sub-section (3) or does anything contrary to the decision given under sub-section (4), the Authority shall have power to pull down, demolish or remove any development undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.Explanation.-- For the purposes of this section, "the authority" means the authority other than the local authority, the planning authority, the District Planning Committee and the Metropolitan Planning Committee.

15. Power of Metropolitan Authority to give directions in certain cases.

(1)Notwithstanding anything contained in any other law for the time being in force, the Metropolitan Authority may give such directions to any local authority, or other authority or person with regard to the implementation of any development project or scheme financed under sections 13 and 25, as it thinks fit, and any such authority or person in that Region shall be bound to comply with such directions.(2)Where any direction is given to any authority or person under subsection (1), such authority or person may, within fifteen days from the date of receipt of such direction, appeal to the State Government against such direction, and the decision of the State Government thereon shall be final.(3)The Metropolitan Authority shall so exercise the powers of supervision referred to in clause (i) of sub-section (1) of section 13 as may be necessary to ensure that each development project or scheme is executed in the interest of the overall development of the Metropolitan Region, and in accordance with any plan, project or scheme duly approved under any law for the time being in force by the State Government.(4)The Metropolitan Authority shall have power to direct the Commissioner of Police or Superintendent of Police, as the case may be, who shall comply with these directions in so far as they relate to execution of development work or removal of unauthorised development or for enforcing the provisions of this Act or for ensuring proper development as per the approved Development Plan or Regional Plan, for the time being in force in that Region.

16. Power of Metropolitan Authority to require local authority to assume responsibilities in certain cases.

- Where any amenities are provided by the Metropolitan Authority, the Authority may assume responsibility for the maintenance of the amenities which have been provided by it or may require the local authority, within whose local limits the area so developed is situated, to assume such responsibility for the maintenance of the amenities, and for the provision of such other amenities which have not been provided by the Metropolitan Authority, but which in its opinion should be provided in the area, on such terms and conditions as may be agreed upon between the Metropolitan Authority and that local authority; and where such terms and conditions cannot be agreed upon, on such terms and conditions as may be specified by the State Government, in consultation with both the local authority and the Metropolitan Authority.

17. Power of Metropolitan Authority to execute any plan.

(1)Where the Metropolitan Authority is satisfied that any direction given by it under sub-section (1) of section 15 with regard to any development project or scheme has not been carried out by the authority referred to therein, within the time specified in the direction or that any such authority is unable to fully implement any project or scheme undertaken by it for the development of any part of the Region, the Authority may itself undertake any work and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be, and recover the cost thereof from that authority.(2)The Metropolitan Authority may also undertake any work in the Region for development in accordance with the Regional Plan as may be directed by the State Government and may incur such expenditure as may be necessary for the execution of such work. Such direction may be issued to the Authority only where in the opinion of the State Government,-(a)there is no other suitable authority to undertake such work, or(b)where there is such an authority but it is unwilling or unable to undertake such work, or(c)where the Metropolitan Authority has specifically requested the State Government to entrust such work to it.(3)Where any work is undertaken by the Metropolitan Authority under sub-section (1), it shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised by or under any law for the time being in force by the authority referred in sub-section (1).(4)The Metropolitan Authority may, for the purposes of sub-sections (1) and (2), undertake the survey of any area within the Metropolitan Region and for that purpose it shall be lawful for any officer or servant of the Metropolitan Authority,-(a)to enter in or upon any land and to take level of such land ;(b)to dig or bore into the sub-soil ;(c)to mark levels and boundaries by placing marks and cutting trenches ;(d)where otherwise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any fence or(5)Before entering upon any land for the purpose given in aforesaid sub-section (4), the Metropolitan Authority or an officer authorized by it shall give notice of its intention to do so in such manner as may be specified in the regulations.

18. Power to Metropolitan Authority to subscribe to share capital of certain companies or cooperative societies.

(1)The Metropolitan Authority may,-(a)subscribe to the share capital of any public limited company incorporated under the Companies Act, 2013 (18 of 2013) or a co-operative society, with limited liability registered under the Maharashtra Co-operative Societies Act, 1960 (Maharashtra XXIV of 1961.); or(b)contribute to the corpus of a trust created under the Indian Trusts Act, 1882 (2 of 1882), or public trust registered under the Maharashtra Public Trusts Act (XXIX of 1950), or a society registered under the Societies Registration Act, 1860 (XXI of 1860), which are incorporated or registered and promoted with the object of providing any services or for performing any functions which are directly or indirectly conducive to the duties and functions of the Authority under this Act or any other law for the time being in force:Provided that, the amount of such subscription or contribution in a year shall not exceed ten per cent. of the net income of the Authority in the last preceding year.(2)The Metropolitan Authority for the purpose to execute or manage the projects, schemes, policies and equity therefor shall have power to create Joint Project Venture (JPV) with Private Partner.

19. Power of Authority to provide amenity within area under any local authority within Metropolitan Region.

(1)The Authority may, in consultation with the concerned local authority in the region, prepare any project or scheme with a view to provide an infrastructure within the territorial limits of any local authority within the Metropolitan Region and execute the same.Explanation. - For the purposes of this sub-section, the term "infrastructure" shall mean and include streets, roads, bridges and any other means of transport and communication, and activities related or incidental for the execution of such infrastructure project or scheme.(2)For the purposes of preparation and execution of a project or scheme under sub-section (1), the Metropolitan Commissioner and the Authority shall be deemed to be the Municipal Commissioner, under the Maharashtra Municipal Corporations Act and the Maharashtra Regional and Town Planning Act, and shall, respectively, exercise the powers of the Municipal Commissioner and the Corporation under the said Acts (LIX of 1949).(3)Notwithstanding anything contained in the Maharashtra Slum Areas (Improvements, Clearance and Redevelopment) Act, 1971 (Maharashtra XXVIII of 1971), for the purposes of preparation and execution of the projects and schemes under sub-section (1), the Metropolitan Commissioner shall be deemed to be a Slum Rehabilitation Authority under the said Act and shall have such powers and discharge such duties of the concerned Slum Rehabilitation Authority under the said Act, for the said purposes, as the Government may, by notification in the Official Gazette, declare.(4)Notwithstanding anything contained in section 20 of the Maharashtra Motor Vehicles Tax Act (LXV of 1958.), or any other law for the time being in force, the Authority may charge toll for the use of the amenity provided by it :Provided that, the amount of toll shall not be more than the capital outlay or expenses incurred by the Authority on such project or scheme and expenses incurred for collection thereof.Explanation. - For the purposes of this sub-section, the expression "capital outlay" shall have the same meaning as assigned to it in the Explanation to sub-section (1A) of section 20 of the Maharashtra Motor Vehicles Tax Act (LXV of 1958).

Chapter V

Finance, Budget and Accounts

20. Funds of Metropolitan Authority.

(1) There shall be a fund for the Metropolitan Authority to be called Metropolitan Region Development Fund for that Region to which shall be credited all moneys received by the Authority, including--(a) a contribution to be made by the State Government of a sum of not less than rupees ten crores towards a revolving fund to be established by the Authority, in such instalments, as the State Government may determine in accordance with the schemes included in the State Plan and under appropriation duly made in this behalf, which contribution shall be utilised by the Authority for such planned development as the State Government may, from time to time, approve ;(b) such other moneys as may be paid to the Authority by the State Government;(c) such moneys as may be paid to the Authority by the Union Government or any other authority or agency ;(d) the sums placed at its disposal by the State Government from out of the proceeds of any cess levied under Chapter VI ;(e) the proceeds of any betterment charge levied under Chapter VI ;(f) all fees, costs and charges received by the Authority under this Act or any other law for the time being in force ;(g) all money received by the Authority from the disposal of lands, buildings and other properties, moveable and immovable, and other transactions ;(h) all moneys borrowed by the Authority ;(i) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.(2) The Metropolitan Authority may keep in current or deposit account with the State Bank of India or with any Nationalised, or with any other bank approved by the State Government in this behalf, such sum of money out of its fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.(3) Such accounts shall be operated upon by such officers of the Metropolitan Authority as may be authorized by regulation made in this behalf.(4)(a) Such Government lands free from encumbrances in the Metropolitan Region shall be made available by the State Government to the Authority on such terms and conditions as it may deem fit and Authority shall use those lands as resource to raise funds to provide infrastructure as per the approved Regional Plan or Development Plan applicable to that Region, for time being in force.(b) The Authority may also make an application under clause (c) of subsection (1) of section 126 of the Maharashtra Regional and Town Planning Act.

21. Loans Fund.

(1) As apart of the Metropolitan Region Development Fund, the Metropolitan Authority shall establish in distinct Bank accounts a Loans Fund for the purposes of,--(a) receiving all monies borrowed by it including all repayments of loan instalments together with payment of interest made by the borrower on loans,(b) providing all moneys to be made available by the Authority as loans or advances to local authorities and other authorities or persons,(c) repayment of loans raised by the Authority for the purpose of this Act, and(d) expenditure on projects and schemes.(2) All matters connected with the Loans Fund shall be governed by the regulations made in this behalf.

22. Reserve and other Fund.

(1)The Metropolitan Authority shall make provisions for a reserve fund and may provide for other specially denominated funds as it deems fit.(2)The management of the funds referred to in sub-section (1), the sums to be transferred, from time to time, to the credit thereof and the application of money comprised therein, shall be determined by the Metropolitan Authority.

23. Application of funds,etc.

- All property, funds and other assets vesting in the Metropolitan Authority shall be held and applied by it for the purposes and subject to the provisions of this Act.

24. Powers to Metropolitan Authority to borrow.

- The Metropolitan Authority may borrow any moneys for carrying out the purpose of this Act or for servicing any loan obtained by it, at such appropriate rates and on such conditions, as it may deem fit, in so far as where the guarantees or letters of the State Government are not required.

25. Powers to Metropolitan Authority to finance projects and schemes and impose conditions therefor.

- The Metropolitan Authority shall be competent to give grants, advances or loans to, or to share expenses with, any local authority or other authority in the Metropolitan Region, for any of the purposes of section 13, and notwithstanding anything contained in any law for the time being in force, but subject to the restrictions (if any) contained in the Maharashtra Municipal Corporation Act (LIX of 1949) or any law relating to such local authority or other authority, it shall be lawful for such other authority to accept such grants, advances or loans or share in the expenses, subject to such terms and conditions as the Metropolitan Authority may, from time to time, in consultation with such other authority, specify.

26. State Guarantee to loans taken or given by Authority.

- The State Government may guarantee repayment of the principal of, and interest on, any loan raised or given by the Metropolitan Authority or transferred to it, for the purposes of this Act, subject to such conditions as the State Government may think fit to impose:Provided that, the guarantee of repayment shall be applicable only to the cases where the loan is raised, given or transferred by the Authority with the prior approval of the State Government:Provided further that, the State Government shall not give guarantee for repayment of the principal of, and interest on, any loan raised or given by the Metropolitan Authority or transferred to it under section 24.

27. Accounts and Audits.

(1)The Metropolitan Authority shall keep accounts in such form and in such manner as it may by regulations made in this behalf determine.(2)The accounts of the Metropolitan Authority shall be audited by the Chief Auditor, Local Fund Accounts or by any other auditor appointed by the State Government from time to time.(3)The audit shall be made in such manner as may be determined by regulations.(4)The auditor shall submit his audit report to the Metropolitan Authority and shall forward a copy thereof to the State Government.

28. Budget.

(1)The Member-Secretary of the Authority shall prepare, every year, in such form and at such time as may be prescribed , an annual budget estimate in respect of the next ensuing financial year showing the estimated receipts and disbursements of the Metropolitan Authority and shall submit it to the Metropolitan Authority for approval.(2)The Authority shall also approve the Annual Capital Budget.(3)The Member-Secretary shall forward to the State Government copies of the budget estimate and capital budget so prepared by him and the budget as approved by the Metropolitan Authority.

29. Annual Report.

- The Metropolitan Authority shall prepare after the end of each year (ending on the 31st day of March), a report of its activities during the previous year and submit it to the State Government before the 30th day of November and the State Government shall cause a copy of such report to be laid before the State Legislature.

30. Operations of Authority not to be carried out at a loss.

- The Metropolitan Authority shall not and shall not be required to carry out any of its operation under this Act at a loss. Any deficit in the Metropolitan Region Development Fund in any financial year shall be made good by the Authority not later than those of the next succeeding financial year.

Chapter VI

Powers of Taxation

31. Power to levy cess on lands and buildings.

(1)The State Government may, upon a request received from the Metropolitan Authority by notification in the Official Gazette, levy cess on lands and buildings in the Metropolitan Region or any part thereof, at such rate not exceeding five per centum, as may be determined by the State Government, of the ratable value of the property :Provided that, any land or building vested in or under the control or possession of the Central Government, the State Government or of any local

authority shall be exempted from the payment of the cess.(2)Such cess may be levied at different rates for different areas and for different classes of properties.(3)The cess shall be collected by the local authority within whose areas the properties are situated as if the cess were a property tax levied by it under the law governing that local authority and shall first be credited to the Consolidated Fund of the State, after deducting such portion thereof as may be prescribed as collection charges.(4)The State Government shall after the appropriation made by the State Legislature by law in this behalf pay to the Authority, from time to time, from the proceeds of the cess sums equivalent to the net amount of the cess credited to the Consolidated Fund of the State for being utilised by the Authority for the purposes of this Act.(5)Landlord shall, in respect of any premises situated in the Metropolitan Region, be entitled to make any increase in the rent of the premises on account of the payment by him of the cess levied under this section.Explanation. - For the purpose of this section, "rent" means the rent specified in the Maharashtra Rent Control Act, 1999 (Maharashtra XVIII of 2000).

32. Power of Metropolitan Authority to levy betterment charge.

(1)Where, in the opinion of the Metropolitan Authority as a consequence of any development project or scheme having been executed by the Metropolitan Authority in any area the value of any land in that area has increased or will increase, the Metropolitan Authority shall be entitled to levy upon the owner of the land or any person having an interest therein, a betterment charge in respect of the increase in value of the land resulting from the execution of the development project or scheme.(2)Such betterment charge shall be an amount not exceeding one- half of the amount by which the value of the land on the completion of the execution of the development project or scheme, estimated as if the land were clear of buildings, exceeds the value of the land immediately before such execution estimated in like manner :Provided that, in levying betterment charge on any land the Metropolitan Authority shall have regard to the extent and nature of benefit accruing to the land from the development project or scheme and such other factors as may be laid down by rules made in this behalf.(3)No betterment contribution shall be payable by the Government, the Authority or other local authority in respect of any land which is the property of the Government, the Authority or other local authority.

33. Assessment of betterment charge by Metropolitan Authority.

(1)When it appears to the Metropolitan Authority that any particular development project or scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Metropolitan Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the development project or scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Metropolitan Authority proposes to assess the amount of the betterment charge in respect of the land under the last preceding section.(2)The Metropolitan Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person a reasonable opportunity to be heard and such person shall, within one month from the date of receipt of the notice in writing of such assessment from the Metropolitan Authority, inform the Metropolitan Authority by a declaration in writing that he

accepts the assessment or dissents from it.(3)When the assessment proposed by the Metropolitan Authority is accepted by the person concerned within the period specified in subsection (2) such assessment shall be final.(4)If the person concerned dissents from the assessment or fails to give the Metropolitan Authority the information required by sub-section (2) within the period specified therein, the matter shall be determined by arbitrators in the manner provided in the next following section.

34. Settlement of betterment charge by arbitrators.

- For the determination of the matter referred to in sub-section (4) of section 33, the provisions regarding arbitration under the Arbitration and Conciliation Act, 1996 (26 of 1996), shall be applicable.

35. Payment of betterment charge.

(1)The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by rules.(2)Any arrear of betterment charge shall bear interest at the prescribed rate and shall be recoverable as an arrear of land revenue.

36. Betterment charge a first charge on land.

(1)Any person liable to the payment of betterment charge may, at his option instead of making a payment thereof to the Metropolitan Authority, execute an agreement with the Authority to leave the said payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the prescribed rate, the first annual payment of such interest being made at such time and in such manner as may be fixed by the rules :Provided that, within a period of ten years from the date on which the first payment of interest is made by any person, he may, at any time, pay the betterment charge in full in a lumpsum and thereupon the agreement executed by him shall stand terminated and the charge created by him on his interest in the land shall also stand released.(2)Every payment due from any person in respect of a betterment charge and every charge referred to in sub-section (1) shall notwithstanding anything contained in any other law for the time being in force but subject to the payment of any dues of the Government, or of any local authority, be the first charge upon the interest of such person in such land.

Chapter VII

Application of with or without Modifications or Exemption From Certain Enactments to the Metropolitan Authority

37. Application of certain enactments to the Authority with certain modification, etc.

- The enactments mentioned in Schedule shall apply, with or without modifications, or shall not apply to the Metropolitan Authority, or shall be amended, to the extent and in the manner mentioned in that Schedule.

Chapter VIII Miscellaneous

38. Recoveries of monies due to Authority as arrears of land revenue.

(1) Where any sum (not being rent payable in respect of any Metropolitan Authority premises) payable to the Authority, whether under any agreement, express or implied or otherwise, howsoever, is not paid on or before the due date-(a) and the claim is not disputed, the person duly authorised by the Authority shall send to the Collector a certificate under his hand indicating therein the sum which is due to the Authority or is claimed by the Authority, as the case may be; and thereupon, the Collector shall recover the sum due or claimed as an arrear of land revenue ;(b) and the claim is disputed, it shall be referred to the Collector or such other officer as may be authorized by him which shall, after making such inquiry as it thinks fit, and after giving to the person by whom the sum is alleged to be payable a reasonable opportunity of being heard, decide the question; and the decision thereon shall be final and shall not be called in question in any Court or before any other authority. Thereupon, the Collector shall recover the sum determined to be due as an arrear of land revenue.(2) The procedure to be followed for deciding questions referred to it under sub-section (1) shall be such as may be prescribed.

39. Lumpsum contribution by Authority in lieu of taxes levied by local authorities.

(1) Subject to rules, if any, that may be made under this Act, and regard being had to the fact that the Metropolitan Authority itself provides in the area within the jurisdiction of any local authority or any of the amenities which the local authority provides, then the Authority shall not be liable to pay the taxes including property taxes, if any, but it shall be lawful to the local authority to arrive at an agreement with the Authority to receive a lumpsum contribution to the local authority in lieu of all or any of the taxes levied or services rendered by the local authority.(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the State Government in such manner as the State Government may determine, and the State Government may, after giving to the local authority or the Authority or both, a reasonable opportunity of being heard, decide the amount of such contribution. The decision of the State Government shall be binding on both parties.

40. Deduction from salary or wages to meet claims of Authority in certain cases.

(1) Any person dealing with the Metropolitan Authority may execute an agreement in favour of such Authority providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement, and to pay to the Authority the amount so deducted in satisfaction of any debt or demand of the Authority against such person. (2) On the execution of such agreement, the employer shall, if so required by the Authority, by requisition in writing, and so long as the Authority does not intimate that the whole of such debt or demand has been paid, make the deduction in accordance with the agreement, and pay the amount so deducted to the Authority as if it were a part of the salary or wages payable by the employer as required under the Payment of Wages Act, 1936 (IV of 1936), on the day on which the employer makes payment. (3) If, after the receipt of a requisition made under the foregoing subsection, the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to such person or makes a default in remitting the amount deducted to the Authority, the employer shall be personally liable for the payment thereof ; and the amount shall be recoverable on behalf of the Authority from the employer as an arrear of land revenue. (4) Nothing contained in this section shall apply to persons employed in any railways (within the meaning of the Constitution) and in mines and oil fields.

41. Control by State Government..

(1) The Metropolitan Authority shall exercise its powers and perform its duties under this Act in accordance with the policy framed and guidelines laid down from time to time, by the State Government for development of the areas in the Metropolitan Region. (2) The Authority shall be bound to comply with such directions which may be issued, from time to time, by the State Government for efficient administration of this Act. (3) If, in connection with the exercise of the powers and the performance of the duties of the Authority under this Act, any dispute arises between the Authority and the State Government, the matter shall be decided by the State Government and its decision shall be final.

42. Power of Authority to call for returns, reports, etc.

- The Metropolitan Authority shall have power to call for any return, statement of accounts, reports, statistics or other information from any local authority or other authority or person in the Metropolitan Region, which is required by it in exercise of its powers and the performance of its duties under this Act, or any other law for the time being in force and such authority or person shall be bound to furnish such information.

43. Power to delegate.

- The Authority may, by resolution, delegate, from time to time, any power (except the power to make regulations) exercisable by it or any function to be discharged or any duty to be performed by

it, by or under this Act to the Metropolitan Commissioner or the Executive Committee subject to such terms and conditions as may be specified in such resolution.

44. Officers and other employees of Metropolitan Authority to be public servant.

- Every member, officer and other employees of the Metropolitan Authority and every member of the Committees constituted under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

45. Co-operation by Police.

- The Police Commissioner or the Superintendent of Police in the Metropolitan Region shall, comply the direction give under sub-section (4) of section 15 and co-operate by himself and through his subordinates with the Metropolitan Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order.

46. Indemnity.

- No suit, prosecution or other legal proceeding shall lie against any member or any officer or other employee of the Metropolitan Authority and any member of Committees constituted under this Act for anything done in good faith under this Act.

47. Power to make rules.

(1)The power to make all rules under this Act shall be exercisable by the State Government by notification in the Official Gazette.(2)Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act.(3)All rules made under this Act shall be subject to the condition of previous publication.(4)Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

48. Power to make regulatio.

- The Metropolitan Authority may, with the prior approval of the State Government, from time to time, make regulations, not inconsistent with provisions of the Act and the rules made thereunder, for all or any of the matters to be provided under this Act by regulations and generally for all other

matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions under this Act.

49. Overriding effect to provisions of this Act.

- Notwithstanding anything contained in any other law, the provisions of this Act, so far as they relate to the coordinating, supervising, development of the areas in the Metropolitan Region shall prevail.

50. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order, published in the Official Gazette do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Provided that, no such order shall be made after 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.

51. Repeal of Maharashtra Ordinance XXII of 2016 and saving.

(1) The Maharashtra Metropolitan Region Development Authority (Continuance) Ordinance, 2016 (Maharashtra Ordinance XXII of 2016.), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

Schedule

(See section 37) I. The Maharashtra Government Premises (Eviction) Act (II of 1956). - The State Government may, by notification in the Official Gazette, direct that, from such date as may be specified therein, the said Act shall apply to premises belonging to, or taken on lease by the Metropolitan Authority as that Act applies in relation to Government premises, subject to the following modifications in the said Act, namely :- (a) in section 2, for clause (b), there shall be substituted the following clauses: - "(b) "Authority" means the Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016 (Maharashtra III of 2017); and "Authority premises" means any premises belonging to or taken on lease by that Authority; (b) for section 3, there shall be substituted the following section, namely: - "3. Appointment of Competent Authorities. - The State Government may, by notification in the Official Gazette, appoint an officer who is holding or has held an office which in its opinion is not lower in rank than that of Deputy Collector or Executive Engineer, to be a Competent Authority for the purposes of this Act and one or more such officer may be appointed for the whole of the Metropolitan Region or any part thereof."; (c) any reference to "Government premises" in that Act shall be deemed to be references to "Authority premises", and references to "the State Government"

in sections 4, 6 and 9 thereof shall be deemed to be references to " the Authority";(d)in section 6, in sub-section (1),-(i)after clause (c), there shall be inserted the following word and clause, namely :-"or(d)any employee of the Authority,";(ii)after the words "or, as the case may be, the local authority" there shall be inserted the words "or the Authority,".II. The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 (Maharashtra XLV of 1963). - The said Act shall not apply to the Metropolitan Authority or to any land or building belonging to or vesting in that Authority.III. The Maharashtra Regional and Town Planning Act, 1966 (Maharashtra XXXVII of 1966.) - In the said Act, in section 40, in sub-section (1), after clause (c), there shall be inserted the following word and clause, namely :-"or(d)appoint the Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016. (Maharashtra III of 2017)".