

(4) If no such undertaking as is mentioned in sub-section (3) is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, ¹[the Commissioner shall,] with the previous approval of the Standing Committee, make a demolition order requiring that the building shall be vacated within a period to be specified in the order not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Commissioner deemes it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works are completed.

301. (1) When a demolition order under section 300 has become operative the owner ²[or owners] of the building to which it applies shall demolish the building within the time limited in that behalf by the order ; and, if the building is not demolished within that time, the Commissioner shall ³[cause the building to be vacated if necessary in the manner provided in section 388A, and shall] take measures to demolish the building and sell the materials thereof.

Procedure where demolition order made.

(2) Any expenses incurred by the Commissioner under sub-section (1), after giving credit for the amount realised by sale of the materials, shall be, payable by the owner of the building and any surplus in the hands of the commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there are more than one owner, ⁴[shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the chief Judge of said Court shall decide the proportion in which such amount should be paid to such owners. The decision of the Chief Judge shall be final.]

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302. Where in pursuance of a notice under sub-section (1) of section 299 any building has been rendered fit for human habitation by the execution of works and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulation made subsequently to such date affecting the structure of such building.

Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made subsequently.

303. (1) The Commissioner may serve upon the owner of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building or any part thereof to be demolished will be considered by the Standing Committee, and the owner shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

Power to order demolition of obstructive building.

(2) If, after so taking the matter into consideration, the Standing Committee resolves that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner of the building.

1. These words were substituted for the words "the Commissioner may" by Guj. 19 of 1964, s. 13.

2. These words were inserted, *ibid.*, s. 14 (a) (i).

3. These words were inserted, *ibid.*, s. 14 (a) (ii).

4. These words were substituted for the words "shall be paid in such proportion as the Commissioner may decide", *ibid.*, s. 14 (b).

5. Sub-section (3) was deleted, *ibid.*, s. 14 (c).