



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २९(८)]

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असाधारण क्रमांक ६२

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 Housing and Area Development (Amendment) Bill, 2020 (L. A. Bill No. XLI of 2020), introduced in the Maharashtra Legislative Assembly on the 7th September 2020, is hereby published under the authority of the Governor.

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

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

L. A. BILL No. XLI OF 2020.

A BILL

further to amend the Maharashtra Housing and Area Development Act, 1976.

Mah. XXVIII of 1977. WHEREAS it is expedient further to amend the Maharashtra Housing and Area Development Act, 1976, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Housing and Area Short title. Development (Amendment) Act, 2020.

Mah. XXVIII of 1977. 2. In section 77 of the Maharashtra Housing and Area Development Act, 1976 (hereinafter referred to as "the principal Act"), after clause (a), the following clause shall be inserted, namely :—

Amendment of section 77 of Mah. XXVIII of 1977.

“(a-1) undertake the redevelopment projects provided in section 91-A;”.

Insertion of a
new section
79-A in Mah.
XXVIII of
1977.
Procedure of
redevelopment
in case of
dangerous
buildings
declared by
Mumbai
Municipal
Corporation or
competent
authority.

3. After section 79 of the principal Act, the following section shall be inserted, namely :—

“79-A. (1) Notwithstanding anything contained in sub-section (3) of section 88 and section 92 of this Act and sections 354 and 499 of the Mumbai Municipal Corporation Act, in case of the building to which the provisions of sub-section (1) of section 82 applies (hereinafter in this Act referred to as “cessed building”), which is declared dangerous by the Mumbai Municipal Corporation under section 354 of the Mumbai Municipal Corporation Act or by the competent authority, if the redevelopment of such building is not taken up by the owner or landlord of the cessed building, within three months from the date of issue of notice under section 354 of the Mumbai Municipal Corporation Act by the Mumbai Municipal Corporation or the competent authority, the Board may adopt the following procedure :—

- (a) a notice shall be issued to the owner or landlord of the cessed building to submit the proposal for redevelopment within six months from the date of issue of notice. Alongwith the proposal, consent of fifty-one per cent. of the occupants or tenants of the said building shall be accompanied ;
- (b) if the owner or landlord fails to submit the proposal within the period and the manner as provided in clause (a), the proposed co-operative housing society of the occupants or tenants of such building may submit the proposal to the Board, for redevelopment of such building under the relevant provisions of the Development Control and Promotion Regulations-2034 for Greater Mumbai, within six months from the date of communication received from the Board. The proposal shall be accompanied with the consent of at least fifty-one per cent. of the occupants or tenants :

Provided that, when the building is redeveloped by the proposed co-operative housing society, the compensation to the owner or landlord shall be paid by the concerned co-operative housing society as per the provisions of sub-section (2) ;

- (c) if the redevelopment is not initiated within the period and manner as provided in clauses (a) and (b), the Board shall reconstruct the building by acquiring such building, without insisting on consent of at least fifty-one per cent. of the occupants or tenants of the said building.

(2) When the building is redeveloped under the provisions of clauses (b) and (c) of sub-section (1), the compensation shall be paid to the owner or landlord, at the rate of twenty-five per cent. of the amount of Ready Reckoner Rates, determined under the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 of the open land of such building or fifteen per cent. of the built-up area of sale component determined as per the Ready Reckoner Rates, whichever is higher.

Explanation.— For the purposes of this sub-section, “sale component” means the built-up area remaining after deducting Rehab Built-up Area from the permissible Built-up Area admissible as per the relevant

provisions of the Development Control and Promotion Regulations-2034 for Greater Mumbai.

(3) If the building is redeveloped by the Board under clause (c) of sub-section (1), subject to the provisions of sub-section (2) for payment of compensation, the provisions of sections 92 and 93 shall *mutatis mutandis* apply, for acquisition of such building.”.

4. After section 91 of the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 91-A in Mah. XXVIII of 1977.

“91-A. Notwithstanding anything contained in any of the provisions of Chapter VIII or any other law for the time being in force or in any agreement, contracts, judgment, decree or order of any Court or Tribunal to the contrary, in cases where, after obtaining No Objection Certificate for redevelopment of old cessed building as per the Development Control and Promotion Regulations-2034 for Greater Mumbai or any other earlier Development Control Regulations therefor, the building is demolished and,—

Procedure in case of incomplete or stalled projects.

- (a) the redevelopment work is left incomplete, delayed or has not been commenced within three years from the date of issue of No Objection Certificate; or
- (b) the redevelopment work of old cessed building is stalled for more than two years from the date of issue of the Commencement Certificate by the Mumbai Municipal Corporation or Planning Authority; or
- (c) the holder of the No Objection Certificate has committed breach of any of the terms and conditions of the No Objection Certificate or has not paid rent for temporary alternate accommodation to the tenants or occupants of such building,—

the Board may, after obtaining the prior approval of the State Government, initiate the action for acquisition of such building under the provisions of the Act and shall complete the redevelopment work.”.

5. In section 95-A of the principal Act,—

Amendment of section 95-A of Mah. XXVIII of 1977.

(1) in sub-section (1),—

- (a) for the words and figures “not less than 70 per cent.” the words and figures “not less than 51 per cent.” shall be substituted;
- (b) in the proviso, after the words “temporary accommodation” the words “or to pay rent in lieu thereof” shall be added;

(2) in sub-section (3), after the words “summary eviction” the words “or be shifted in Board Transit Camp wherever available” shall be added.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), has been enacted to unify, consolidate and amend the laws relating to housing, repairing and reconstructing dangerous buildings and carrying out improvement works in slum areas.

2. Chapter VIII of the Act provides for repair and reconstruction of dilapidated cessed buildings. No Objection Certificate is issued under regulation 33(7) of the Development Control and Promotion Regulations-2034 for Greater Mumbai or any other earlier Development Control Regulations therefor, for reconstruction of such buildings.

It is noticed that, despite cessed buildings being declared as dangerous by the Mumbai Municipal Corporation under section 354 of Mumbai Municipal Corporation Act (III of 1888) or by the Competent Authorities, the redevelopment of such dangerous buildings have not been taken up on priority by the owners. In many cases, the projects for which No Objection Certificate has been issued are left incomplete, delayed or the work of construction has not been commenced within three years from the date of issue of No Objection Certificate or even more some projects are held up for many years. It is also noticed that, the holder of No Objection Certificate has breached the terms and conditions of the No Objection Certificate and has not paid the rent to the tenants or occupants of such building for temporary alternative accommodation as per the agreement. The helpless residents of such buildings are either become homeless or are required to reside in transit camp of the Board for many years. It is, therefore, considered expedient to make suitable amendments in the Maharashtra Housing and Area Development Act, 1976. Some of the important amendments proposed to be made are explained, as follows :-

- (a) to provide the procedure for redevelopment of dangerous and dilapidated cessed buildings ;
- (b) to acquire the land or building of which redevelopment work is stalled by the holder of the No Objection Certificate and to complete the construction work of such building by the Board ;
- (c) to make provision for payment of compensation to the owner or landlord of the dangerous and dilapidated cessed buildings which has been acquired by the Board ;
- (d) to make provision of consent of at least 51 per cent. of the tenants or occupiers of the cessed building, for its redevelopment.

3. The Bill is intended to achieve the above objectives.

Mumbai,

Dated the 4th September 2020.

JITENDRA AWHAD,

Minister for Housing.