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Deepak Goradia

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Jayesh Shah
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Dhaval Ajmera

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Pritam Chivukula

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Parag Munot
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Rajesh Prajapati
Harshul Savla
Parth Mehta

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Tejas Vyas

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Mukesh Patel

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Nainesh Shah
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Binitha Dalal
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Nikunj Sanghavi
Rushank Shah
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Rushi Mehta
Rajeev Jain

YOUTHWING CONVENOR
Naman Shah

PROCUREMENT CONVENOR
Nimish Ajmera

WOMEN'S WING CHAIRPERSON
Mona Ajmera

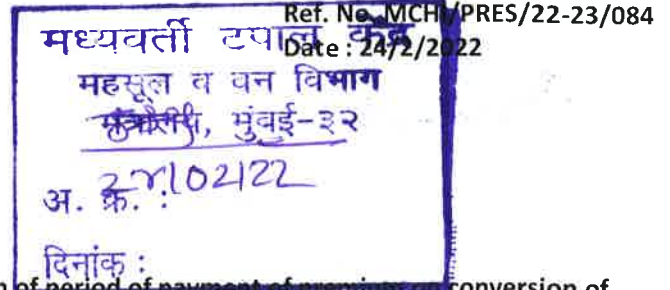
CREDAI-MCHI UNITS

THANE
KALYAN-DOMBIVLI
MIRA VIRAR
RAIGAD
NAVI MUMBAI
PALGHAR BOISAR
BHIWANDI

SHAHAPUR-MURBAD
URAN-DRONAGIRI
ALIBAG

KARJAT-KHALAPUR-KHOPOLI

To,
Shri Balasaheb Thorat,
Hon'ble Minister of Revenue,
Government of Maharashtra,
Mantralaya, Mumbai - 400032



Sub: Request for extension of period of payment of premium on conversion of occupancy class – II or on lease hold basis into occupancy class – I land

Ref: Notification dated 8th March, 2019 bearing No. JAMIN.2018/C.R.90/J-1

Respected Sir,

As on 8th March, 2019, the Revenue and Forest Department, Government of Maharashtra has framed and notified rules namely Maharashtra Land Revenue (Conversion of Occupancy Class – II and Leasehold Lands into Occupancy Class – I lands) Rules, 2019 ('RULES') whereby, any holder of land granted on Occupancy Class – II or leasehold basis can make an application to the concerned authorities of State Government for conversion of Occupancy Class-II land or leasehold land into Occupancy Class-I land as per the provisions of these Rules and on payment of conversion premium as specified in the Table set out in the said Rules;

The said Rules have been notified by the Government of Maharashtra on 8th March, 2019. As per the Rules framed by the Government of Maharashtra, the rate of conversion premiums applicable for Agricultural or residential or commercial or industrial purposes are being prescribed in Column (3) and Column (4) of the Table provided in the Rules.

Further the quanta of premium to be levied for each of the categories are being classified in two categories i.e.:

(i) firstly, Premium to be charged **upto three years** commencing from the date of publication of these rules in the Official Gazette i.e. between the period of **8th March, 2019 till 7th March, 2022;**

AND

(ii) secondly, Premium to be charged after **expiry of three years** from the date of publication of these rules in the Official Gazette i.e. **on onwards 8th March, 2022;**

CREDAI-MCHI we would take an opportunity to bring to your good office, certain material aspects for your kind consideration, which are as under: -

The Rules has been notified by the Government of Maharashtra w.e.f. from 8th March, 2019 and the period of rate of the conversion premium for Column (3) of the Table is for three years commencing from 8th March, 2019 till 7th March, 2022. However, after a period of almost one year, the entire world was hit by global pandemic, resulting in nationwide lockdown since the March, 2020 and still continuing at the State Level including the City of Mumbai over a period of time.

Considering the devastating situation of the Real Estate industry, various reliefs have been granted to the Real Estate Sector from time to time, including the following:

MAHARERA:-

Due to global pandemic and worldwide lockdown, Maharashtra Real Estate Regulatory Authority (MahaRERA) invoked the force majeure provisions and granted extension on the period of completion of the Project from time to time; (**Annexure I**)

Maharashtra Chamber of Housing Industry

Maker Bhavan II, 4th Floor, 18, V. Thackersey Marg, New Marine Lines, Mumbai - 400 020.
Tel: 42121421, Fax: 4212 1411/407 Email: secretariat@mchi.net Website: www.mchi.net

REDUCTION IN STAMPDUTY: -

To boost the real estate sector and other commercial sector, the Stamp Duty on the Sale transactions were also drastically reduced by the Government of Maharashtra; **(Annexure II)**

MORATORIUM: -

Reserve Bank of India allowed all lending institutions to offer a moratorium to borrowers on repayment of all term loans on account of Covid 19 pandemic **(Annexure III)**

EXTENSION OF LIMITATION PERIOD: -

Due to outbreak of Covid – 19 pandemic, even the Apex Court took Suo Moto cognizance of the difficulties that might be faced by the litigants in filing various proceedings within the period of limitation and therefore the period between 15th March, 2020 till 28th February, 2022 is excluded for the purpose of limitation as may be prescribed under any general or special laws in respect of the judicial or quasi-judicial proceedings. **(Annexure IV)**

The aforesaid reliefs shall hopefully help the real estate industry to survive and overcome the financial crisis.

Your good office shall appreciate that extension of the period prescribed in Column (3) of the Table in the Rules (Annexure V), shall certainly offer some relief to the Class – II Land Holders, most of which are Housing Societies and also to the builder community;

Our members have already made requisite proposals before the concerned authorities for conversion of Occupancy Class-II land or leasehold land into Occupancy Class-I land as per the provisions of these Rules and the same is pending consideration. Because of the same the Land Holders are unable to make requisite conversion premiums as per presently applicable rates in Column (3) of the Table.

Hence, it is the need of the day that certain relaxation should be considered by the Government of Maharashtra and the Period prescribed in Column (3) of the Table in the Rules, which is expiring on 7th March, 2022 requires considerable extension for such applicants who have already submitted their requisite proposals for conversion of land since the Class – II Landholders / Developers are pinning their hopes on government support to boost the real estate sectors;

CREDAI-MCHI Prayers

In view of the aforementioned above, we request that the period prescribed in Column (3) of the Table in the Rules shall be extended atleast for a period of six months from the date of the expiry i.e. atleast till 7th September, 2022.

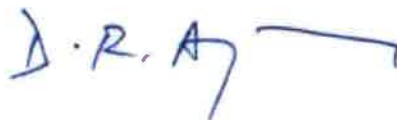
We hope that our above request is considered positively and necessary step will be taken in this regard.

Thanking you for your continuous support.

Yours faithfully,
For CREDAI-MCHI



Boman Irani
President



Dhaval Ajmera
Secretary

Encl.: As mentioned above



Annexure - I

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Date : 06/08/2021

Order No: - 21/2021

No. MahaRERA / Secy / File No. 27 / 157 / 2021

Subject: Invoking Force Majeure for Covid-19 Pandemic second wave for a period of extension of project registration by 6 months w.e.f.15.04.2021.

Whereas, in view of COVID-19 (Corona Virus) Pandemic and consequent nation-wide lockdown with effect from March, 2020, reverse migration of labourers to their native places and break in supply chain of construction material, the construction activities of real estate projects across the country had been severely impacted.

Whereas Ministry of Housing and Urban Affairs had issued Advisory regarding extension of registration of real estate projects and concurrently extending timelines of all statutory compliances due to 'Force Majeure' under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA), on 13th May 2020 and subsequently MahaRERA had revised project registration validity by 6 months.

Whereas, MahaRERA accordingly had issued an order under no.14/2020 dated 18.05.2020 granting an extension of a period of six months, from 15.03.2020 to 14.09.2020, in compliance of the directives of GOI.

Whereas, second wave of Covid-19 pandemic started in April 2021 and construction work places came to stand still due to non-availability of labours and construction on movement of building material etc. and this wave especially was more predominant in Maharashtra.

Whereas, Government of Maharashtra took decision and issued orders vide no.DMU/2020/CR.92/DisM-1, dated 13/04/2021, imposing various restriction on construction activity amongst other including penalty for default,

Whereas, many promoter organization have represented to MahaRERA to extend timeline by at least another six months due to second wave crippling the entire construction industry.

MAHARERA HEADQUARTERS

Housefin Bhavan, Plot No. C - 21, E - Block, Bandra Kurla Complex, Bandra (E), Mumbai 400051

Tel. No.: 022 68 111 600 • E mail : helpdesk@maharera.mahaonline.gov.in

महारेरा मुख्यालय

हाऊसफिन भवन प्लॉट नं. सी-२१ ई-ब्लॉक, बांद्रा- कुर्ला कॉम्प्लेक्स, बांद्रा (पूर्व), मुंबई - ४०० ०५१.

फोन नं. : ०२२ - ६८ १११ ६०० ईमेल : helpdesk@maharera.mahaonline.gov.in

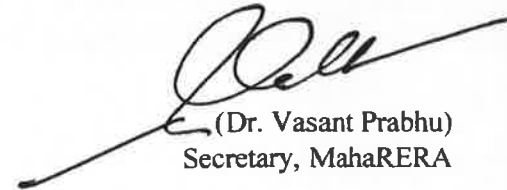
Whereas Second wave was much more devastating than first wave and has caused great loss to human lives as well as economy. And consequent lockdowns have caused disruption of supply chains for obtaining construction material, Labour work force migration and slowdown in pace of construction.

Therefore, in order to aid government efforts in controlling the damage caused due to COVID-19 and ensure that completion of MahaRERA registered projects does not get adversely affected, it has been decided to issue this order.

In exercise of the powers under section 37 read with Section 34(a), 34(f) and 34(g), a force majeure period of six months, from 15th April to 14th October, 2021 is being declared and the following directions are issued with immediate effect:

- For all MahaRERA Registered projects where completion date, revised completion date or extended completion date expires on or after 15th April 2021, the period of validity for registration of such projects shall be extended by six months. MahaRERA shall accordingly issue project registration certificates, with revised timelines for such projects, at the earliest. The above automatic extension shall not apply to projects that was to be completed before 15th April, 2021.
- The time limits for compliances under Section 11, which become due anytime during force majeure period, shall stand automatically extended for a period till the expiry of force majeure period.
- The above extensions shall not affect the rights of the allottees as may be available to the allottees under the provisions of the Real Estate (Regulation and Development) Act, 2016, the Rules and Regulation made thereunder.

As approved by Authority



(Dr. Vasant Prabhu)
Secretary, MahaRERA



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ६, अंक ७७]

शनिवार, ऑगस्ट २९, २०२०/भाद्रपद ७, शके १९४२

[पृष्ठ २, किंमत : रुपये ९.००

असाधारण क्रमांक १९६

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय,
मुंबई ४०० ०३२, दिनांक २९ ऑगस्ट २०२०

आदेश

महाराष्ट्र मुद्रांक अधिनियम.

क्रमांक मुद्रांक-२०२०/प्र.क्र.१३६/म-१(धोरण).—महाराष्ट्र मुद्रांक अधिनियम (१९५८ चा ६०) (यात यापुढे ज्याचा उल्लेख “उक्त अधिनियम” असा करण्यात आला आहे) च्या कलम ९ च्या खंड (अ) द्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करून, आणि याबाबतीत काढलेल्या शासन आदेश, महसूल व वन विभाग, क्रमांक मुद्रांक-२०२०/प्र.क्र.१३६/म-१(धोरण), दिनांक २८ ऑगस्ट २०२०चे अधिक्रमण करून, लोकहितार्थ तसे करणे आवश्यक असल्याची महाराष्ट्र शासनाची खात्री पटल्यामुळे, महाराष्ट्र शासन, याद्वारे, कोणत्याही स्थावर मिळकतीबाबतच्या अभिहस्तांतरणपत्र किंवा विक्रीकरारपत्राच्या दस्तऐवजावर उक्त अधिनियमास जोडलेल्या अनुसूची-१ च्या अनुच्छेद २५ च्या खंड(बी) अन्वये अन्यथा आकारणी योग्य असलेले मुद्रांक शुल्क, दिनांक १ सप्टेंबर २०२० पासून सुरू होणाऱ्या आणि दिनांक ३१ डिसेंबर २०२० रोजी संपणाऱ्या कालावधीकरिता मुंबई आणि मुंबई उपनगर जिल्ह्यात तीन टक्केने आणि उर्वरित महाराष्ट्र राज्यात दोन टक्केने तर, दिनांक १ जानेवारी २०२१ पासून सुरू होणाऱ्या आणि दिनांक ३१ मार्च २०२१ रोजी संपणाऱ्या कालावधीकरिता मुंबई आणि मुंबई उपनगर जिल्ह्यात दोन टक्केने आणि उर्वरित महाराष्ट्र राज्यात दिड टक्केने कमी करीत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रितमकुमार व. जावळे,

शासनाचे कार्यासन अधिकारी

REVENUE AND FORESTS DEPARTMENT

Madam Cama Road, Hutatma Raiguru Chowk, Mantralaya,
Mumbai 400 032, dated the 29th August 2020.

ORDER**MAHARASHTRA STAMP ACT.**

No. Mudrank-2020/CR.No.136/ M-1(Policy).—In exercise of the powers conferred by clause (a) of Section 9 of the Maharashtra Stamp Act (LX of 1958) (herein after referred to as 'the said Act'), and in supersession of the Government Order, Revenue and Forests Department, No.Mudrank-2020/CR.No.136/ M-1(Policy), dated the 28th August 2020, issued in this behalf, the Government of Maharashtra, being satisfied that it is necessary to do so in the public interest, hereby reduces the stamp duty by Three per cent. in Mumbai District and Mumbai Sub-Urban District and by Two per cent. in Rest of the State of Maharashtra for the period starting from 1st of September 2020 and ending on 31st of December 2020 and by Two per cent. in Mumbai District and Mumbai Sub-Urban District and by One and half per cent. in Rest of the State of Maharashtra, for the period starting from 1st of January 2021 and ending on 31st of March 2021, as otherwise chargeable under clause (b) of Article 25 of Schedule-I appended to the Said Act, on the instrument of Conveyance or Agreement to sell of any immovable property.

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

PRITAMKUMAR V. JAWALE,

Desk Officer to Government.



Annexure-III

भारतीय रिज़र्व बैंक

RESERVE BANK OF INDIA

www.rbi.org.in

RBI/2021-22/17

DOR.STR.REC.4/21.04.048/2021-22

April 7, 2021

All Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks)

All Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks

All All-India Financial Institutions

All Non-Banking Financial Companies (including Housing Finance Companies)

Madam / Dear Sir,

Asset Classification and Income Recognition following the expiry of Covid-19 regulatory package

The Hon'ble Supreme Court of India has pronounced its judgement in the matter of *Small Scale Industrial Manufacturers Association vs UOI & Ors.* and other connected matters on March 23, 2021. In this connection, it is advised hereunder:

1. Refund/adjustment of 'interest on interest'

2. All lending institutions¹ shall immediately put in place a Board-approved policy to refund/adjust the 'interest on interest' charged to the borrowers during the moratorium period, i.e. March 1, 2020 to August 31, 2020 in conformity with the above judgement. In order to ensure that the above judgement is implemented uniformly in letter and spirit by all lending institutions, methodology for calculation of the amount to be refunded/adjusted for different facilities shall be finalised by the Indian Banks Association (IBA) in consultation with other industry participants/bodies, which shall be adopted by all lending institutions.

3. The above reliefs shall be applicable to all borrowers, including those who had availed of working capital facilities during the moratorium period, irrespective of whether moratorium had been fully or partially availed, or not availed, in terms of the circulares DOR.No.BP.BC.47/21.04.048/2019-20 dated March 27, 2020 and

¹ Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks), Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks, All-India Financial Institutions, and Non-Banking Financial Companies (including Housing Finance Companies)

DOR.No.BP.BC.71/21.04.048/2019-20 dated May 23, 2020 ("Covid-19 Regulatory Package").

4. Lending institutions shall disclose the aggregate amount to be refunded/adjusted in respect of their borrowers based on the above reliefs in their financial statements for the year ending March 31, 2021.

II. Asset Classification

5. Asset classification of borrower accounts by all lending institutions following the above judgment shall continue to be governed by the extant instructions as clarified below.

- (i) In respect of accounts which were not granted any moratorium in terms of the Covid19 Regulatory Package, asset classification shall be as per the criteria laid out in the Master Circular - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances dated July 1, 2015 or other relevant instructions as applicable to the specific category of lending institutions (**IRAC Norms**).
- (ii) In respect of accounts which were granted moratorium in terms of the Covid19 Regulatory Package, the asset classification for the period from March 1, 2020 to August 31, 2020 shall be governed in terms of the circular DOR.No.BP.BC.63/21.04.048/2019-20 dated April 17, 2020, read with circular DOR.No.BP.BC.71/21.04.048/2019-20 dated May 23, 2020. For the period commencing September 1, 2020, asset classification for all such accounts shall be as per the applicable IRAC Norms.

Yours faithfully,

(Manoranjan Mishra)
Chief General Manager

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 21 OF 2022

IN

MISCELLANEOUS APPLICATION NO. 665 OF 2021

IN

SUO MOTU WRIT PETITION (C) NO. 3 OF 2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

WITH

MISCELLANEOUS APPLICATION NO.29 OF 2022

IN

MISCELLANEOUS APPLICATION NO. 665 OF 2021

IN

SUO MOTU WRIT PETITION (C) NO. 3 OF 2020

Order

1. In March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/ applications/ suits/ appeals/ all other quasi proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State) due to the outbreak of the COVID-19 pandemic.

2. On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders. On 08.03.2021, the order dated 23.03.2020 was brought to an end, permitting the relaxation of period of limitation between 15.03.2020 and 14.03.2021. While doing so, it was made clear that the period of limitation would start from 15.03.2021.
3. Thereafter, due to a second surge in COVID-19 cases, the Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No. 665 of 2021 seeking restoration of the order dated 23.03.2020 relaxing limitation. The aforesaid Miscellaneous Application No.665 of 2021 was disposed of by this Court *vide* Order dated 23.09.2021, wherein this Court extended the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f 15.03.2020 till 02.10.2021.
4. The present Miscellaneous Application has been filed by the Supreme Court Advocates-on-Record Association in the context of the spread of the new variant of the COVID-19 and the drastic surge in the number of COVID cases across the country.

Considering the prevailing conditions, the applicants are seeking the following:

- i. allow the present application by restoring the order dated 23.03.2020 passed by this Hon'ble Court in *Suo Motu Writ Petition (C) NO. 3 of 2020* ; and
- ii. allow the present application by restoring the order dated 27.04.2021 passed by this Hon'ble Court in *M.A. no. 665 of 2021 in *Suo Motu Writ Petition (C) NO. 3 of 2020*; and*
- iii. pass such other order or orders as this Hon'ble Court may deem fit and proper.

5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the *M.A. No. 21 of 2022* with the following directions:

- I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

- II. Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.
- III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.
- IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

6. As prayed for by learned Senior Counsel, M.A. No. 29 of 2022 is dismissed as withdrawn.

.....CJI.
(N.V. RAMANA)

.....J.
(L. NAGESWARA RAO)

.....J.
(SURYA KANT)

New Delhi
January 10, 2022

ITEM NO.301

Court 1 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.21/2022 in MA 665/2021 in SMW(C)
No.3/2020

IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION

(FOR ADMISSION and IA No.1935/2022-APPLICATION UNDER SECTION LV
RULE 6 OF THE SUPREME COURT RULES, 2013)

WITH

MA 29/2022 in MA 665/2021 in SMW(C) No. 3/2020 (PIL-W)

(FOR ADMISSION and IA No.3161/2022-APPLICATION UNDER SECTION LV
RULE 6 OF THE SUPREME COURT RULES, 2013 and IA No.3444/2022-
APPLICATION FOR PERMISSION)

Date : 10-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Shivaji M. Jadhav, Adv.
Ms. Manoj K. Mishra, Adv.
Dr. Joseph Aristotle S., Adv.
Ms. Diksha Rai, Adv.
Mr. Nikhil Jain, Adv.
Mr. Atulesh Kumar, Adv.
Dr. Aman M. Hingorani, Adv.
Ms. Anzu Varkey, Adv.
Mr. Aljo Joseph, Adv.
Mr. Sachin Sharma, Adv.
Mr. Varinder K. Sharma, Adv.
Mr. Abhinav Ramkrishna, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Himanshu Chaubey, AOR
Mr. Prem Dave, Adv.
Mr. Raghav Agrawal, Adv.
Mr. Toshiv Goyal, Adv.

For Respondent(s)

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M/S. VKC Law Offices, AOR

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Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

M.A. No.21 of 2022 is disposed of and M.A. No.29/2022 is
dismissed as withdrawn, in terms of the signed Order.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(Signed Order is placed on the file)

(R.S. NARAYANAN)
COURT MASTER (NSH)



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ५, अंक ३७ (८)]

शुक्रवार, मार्च ८, २०१९/फाल्गुन १७, शके १९४०

[पृष्ठे ८, किंमत : रुपये ९.००

असाधारण क्रमांक ८७

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

महसूल व वन विभाग

पहिला मजला, मादाम कामा मार्ग, हुतात्मा राजगुरु चौक
मंत्रालय, मुंबई ४०० ०३२, दिनांक ८ मार्च २०१९

अधिसूचना

महाराष्ट्र जमीन महसूल संहिता अधिनियम, १९६६.

क्रमांक जमीन-२०१८/प्र.क्र.९०/ज-१.- ज्याअर्थी महाराष्ट्र जमीन महसूल संहिता, १९६६ (१९६६ महा.४१) च्या कलम ३२८, आणि कलम २९अ अन्वये प्रदान करण्यात आलेल्या अधिकारांचा व त्याबाबत समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून खालील नियम करण्यासाठी, त्या नियमांचा मसुदा उक्त संहितेच्या कलम ३२९, पोट-कलम (१) द्वारे आवश्यक असल्याप्रमाणे त्याद्वारे बाधा पोहचण्याचा संभव असलेल्या सर्व व्यक्तींच्या माहितीसाठी यापूर्वी दिनांक १७ नोव्हेंबर २०१८ रोजी अधिसूचना प्रसिद्ध करून दिनांक १८ डिसेंबर, २०१८ पर्यंत हरकती व सूचना मागविण्यात आल्या होत्या ;

ज्याअर्थी, महसूल व वन विभाग अधिसूचना क्रमांक जमीन-२०१८/प्र.क्र.९०/ज-१, दिनांक १८ डिसेंबर २०१८ अन्वये हरकती व सूचना मागविण्याची मुदत दिनांक ०१ जानेवारी, २०१९ पर्यंत वाढविण्यात आली होती ;

ज्याअर्थी, उक्त अधिसूचनेच्या अनुषंगाने प्राप्त झालेल्या अनेक हरकती व सूचना शासनाने विचारात घेऊन, प्रारूप नियमांमध्ये सुधारणा करण्याचे शासनास उचित वाटले आहे.

आता, त्याअर्थी उक्त संहितेच्या अधिनियमाच्या कलम ३२८, आणि कलम २९अ अन्वये प्रदान करण्यात आलेल्या

अधिकारांचा व त्याबाबत समर्थ करणाऱ्या इतर सर्व अधिकारांचा वापर करून उक्त संहितेच्या कलम ३२९, पोट-कलम (१) नुसार यापूर्वी प्रसिद्ध केलेल्या नियमांचा मसुदा विचारात घेऊन, खालील नियम तयार करण्यात येत आहेत :—

नियम

१. संक्षिप्त नाव आणि व्याप्ती.- (१) या नियमांना, " महाराष्ट्र जमीन महसूल (भोगवटादार वर्ग-२ आणि भाडेपट्ट्याने प्रदान केलेल्या जमिनी भोगवटादार वर्ग-१ मध्ये रुपांतरित करणे) नियम, २०१९" असे म्हणावे.

(२) सदर नियम हे कृषिक किंवा निवासी किंवा वाणिज्यिक किंवा औद्योगिक प्रयोजनासाठी भोगवटादार वर्ग-२ अथवा भाडेपट्ट्याने प्रदान केलेल्या किंवा प्रदानानंतर सक्षम प्राधिकाऱ्याकडून असा वापर अनुज्ञेय करण्यात आलेल्या जमिनींना लागू राहतील.

२. व्याख्या.- (१) संदर्भानुसार दुसरा अर्थ अपेक्षित नसेल तर, या नियमांत,—

(१) "अधिनियम" याचा अर्थ महाराष्ट्र जमीन महसूल संहिता, १९६६ (१९६६ महा. ४१) असा आहे;

(२) "विकास आराखडा" याचा अर्थ महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (१९६६ महा. ३७) यामधील तरतुदीनुसार तयार केलेला विकास आराखडा;

(३) "वार्षिक दर विवरणपत्र" याचा अर्थ महाराष्ट्र मुद्रांक अधिनियम, आणि त्या अन्वये तयार केलेले नियम मुंबई मुद्रांक (संपत्तीचे वास्तविक बाजार मूल्य ठरविणे) नियम, १९९५ यामधील तरतुदीनुसार प्रसिद्ध केलेले "वार्षिक दर विवरणपत्र" असा असून, तसेच, ज्या ठिकाणच्या जमिनीसाठी वार्षिक दर विवरणपत्र उपलब्ध नाही किंवा तयार करण्यात आलेले नाही त्या ठिकाणी जमिनीचे प्रचलित बाजार मूल्य हे संबंधित जिल्ह्यातील सहायक संचालक, नगररचना विभाग यांनी निश्चित केलेले संबंधित वर्षाचे बाजार मूल्य असा राहिल.

(४) "प्रादेशिक योजना" याचा अर्थ महाराष्ट्र प्रादेशिक व नगररचना अधिनियम, १९६६ (१९६६ महा. ३७) यामधील तरतुदीनुसार तयार केलेली प्रादेशिक योजना;

(५) "कलम" याचा अर्थ अधिनियमातील कलम असा आहे;

(२) या नियमात वापरलेले, परंतु व्याख्या न केलेले शब्द व शब्दप्रयोग यांना अधिनियमांमध्ये अनुक्रमे नेमून दिल्याप्रमाणेच अर्थ असेल.

३. (१) या नियमांतील तरतुदीप्रमाणे भोगवटादार वर्ग-२ धारणाधिकारावर किंवा भाडेपट्ट्याने प्रदान केलेल्या जमिनीचे भोगवटादार वर्ग-१ मध्ये रुपांतरण करण्यासाठी अशा भोगवटादार वर्ग-२ च्या जमिनीचा धारक किंवा भाडेपट्टाधारक संबंधित जिल्हाधिकाऱ्याकडे अर्ज करू शकेल.

(२) वरील उप-नियम (१) मध्ये नमूद केल्याप्रमाणे अर्ज प्राप्त झाल्यानंतर, जिल्हाधिकारी अशा जमिनीचा तपशील व अशा जमीन प्रदानाच्या अटी व शर्तीचे उल्लंघन अथवा भंग झाला आहे का हे तपासून घेईल.

(३) अशा तपासणीमध्ये जमीन प्रदानाच्या अटी व शर्तीचा भंग झाल्याचे व अशा अटी व शर्तीचा भंग सक्षम प्राधिकाऱ्याने नियमानुकूल केलेला नसल्याचे निदर्शनास आल्यास, जिल्हाधिकारी असा अर्ज त्या बाबतची कारणे नमूद करून नाकारील.

(४) अशा तपासणीमध्ये जमीन प्रदानाच्या अटी व शर्तीचा भंग झाला नसल्याचे निदर्शनास आल्यास अथवा अटी व शर्तीचा झालेला भंग तो नियमानुकूल करण्यास सक्षम असलेल्या प्राधिकाऱ्याने नियमानुकूल केला असल्यास, जिल्हाधिकारी, खालील तक्त्यामध्ये नमूद केलेल्या अधिमूल्याचे शासनास प्रदान झाल्यानंतर भोगवटादार वर्ग-२ च्या किंवा भाडेपट्ट्याच्या जमिनीचे भोगवटादार वर्ग-१ जमिनीमध्ये रुपांतरण करण्याबाबतचे आदेश देईल.

तक्ता

(अ) कृषिक प्रयोजनासाठी भोगवटादार वर्ग-२ धारणाधिकारावर किंवा भाडेपट्ट्याने प्रदान केलेल्या जमिनीचे भोगवटादार वर्ग-१ मध्ये रुपांतरण करण्याकरिता देय रुपांतरण अधिमूल्य.

अ. क्र.	जमीन ज्या क्षेत्रात समाविष्ट आहे ते क्षेत्र आणि जमिनीचा वापर	सदर नियम शासन राजपत्रात प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीत आकारावयाच्या अधिमूल्याची रक्कम	सदर नियम शासन राजपत्रात प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीनंतर आकारावयाच्या अधिमूल्याची रक्कम
(१)	(२)	(३)	(४)
१	नगरपंचायत / नगरपरिषद / म.न.पा. / विशेष नियोजन प्राधिकरणाच्या हद्दीबाहेरील कृषि प्रयोजनासाठी प्रदान केलेल्या (अ) ज्या जमिनी प्रादेशिक विकास आराखड्यात शेती / ना विकास वापर विभागात स्थित आहेत.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील शेतीच्या दराप्रमाणे येणाऱ्या किंमतीच्या ५०% एवढी रक्कम.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील शेतीच्या दराप्रमाणे येणाऱ्या किंमतीच्या ७५% एवढी रक्कम.
	(ब) ज्या जमिनी प्रादेशिक विकास आराखड्यात अकृषिक (बिनशेती) वापर विभागात स्थित आहेत.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील संभाव्य बिनशेतीच्या दराप्रमाणे येणाऱ्या किंमतीच्या ५०% एवढी रक्कम.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील संभाव्य बिनशेतीच्या दराप्रमाणे येणाऱ्या किंमतीच्या ७५% एवढी रक्कम.
२	कृषी प्रयोजनासाठी प्रदान केलेल्या व सद्यःस्थितीमध्ये नगर पंचायत / नगर परिषद / महानगरपालिका / विशेष नियोजन प्राधिकरणाच्या हद्दीमध्ये स्थित असलेल्या जमिनी - ज्यांचा विकास आराखड्याप्रमाणे बिनशेती वापर अनुज्ञेय आहे अशा जमिनी किंवा ज्यांचा विकास आराखड्याप्रमाणे बिनशेती वापर अनुज्ञेय नाही अशा जमिनी.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ५०% एवढी रक्कम.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरणपत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ७५% एवढी रक्कम.

(ब) निवासी, वाणिज्यिक अथवा औद्योगिक प्रयोजनासाठी भोगवटादार वर्ग-२ धारणाधिकारावर किंवा भाडेपट्ट्याने प्रदान केलेल्या किंवा प्रदानानंतर असा वापर अनुज्ञेय करण्यात आलेल्या जमिनीचे भोगवटादार वर्ग-१ मध्ये रुपांतरण करण्याकरिता देय रुपांतरण अधिमूल्य.

अ. क्र.	जमिनीचा धारणाधिकार	सदर नियम शासन राजपत्रात प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीत आकारावयाच्या अधिमूल्याची रक्कम	सदर नियम शासन राजपत्रात प्रसिद्ध झाल्याच्या दिनांकापासून तीन वर्षांच्या कालावधीनंतर आकारावयाच्या अधिमूल्याची रक्कम
(१)	(२)	(३)	(४)
	वाणिज्यीक अथवा औद्योगिक प्रयोजनासाठी कब्जेहक्काने किंवा भाडेपट्ट्याने धारण केलेल्या जमिनी	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ५० % एवढी रक्कम	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ६० % एवढी रक्कम
२	रहिवासी प्रयोजनासाठी कब्जेहक्काने धारण केलेल्या जमिनी	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या १५ % एवढी रक्कम	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ६० % एवढी रक्कम
३	रहिवासी प्रयोजनासाठी भाडेपट्ट्याने धारण केलेल्या जमिनी	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या २५ % एवढी रक्कम	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ७५ % एवढी रक्कम
४	सहकारी गृहनिर्माण संस्थांना भाडेपट्ट्याने प्रदान केलेल्या व आजही सहकारी गृहनिर्माण संस्थेच्या भोगवट्यात असलेल्या जमिनी	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या १५% एवढी रक्कम	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ७५ % एवढी रक्कम
५	सहकारी गृह निर्माण संस्थांना कब्जेहक्काने प्रदान केलेल्या व आजही सहकारी गृहनिर्माण संस्थेच्या भोगवट्यात असलेल्या जमिनी.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या १५% एवढी रक्कम.	अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या ६०% एवढी रक्कम.

परंतु कब्जेहक्काच्या रकमेमध्ये कोणतीही सवलत न देता पूर्ण कब्जेहक्काची रक्कम वसूल करून रहिवास प्रयोजनासाठी कब्जेहक्काने प्रदान करण्यात आलेल्या भूखंडाचा / जमिनीचा धारणाधिकार भोगवटादार वर्ग-१ मध्ये रूपांतरित करतांना अशा जमिनीच्या प्रचलित वार्षिक दर विवरण पत्रातील दराप्रमाणे येणाऱ्या किंमतीच्या १०% इतकी रक्कम अधिमूल्य म्हणून आकारण्यात यावी.

शासनाच्या त्या-त्या वेळी प्रचलित असलेल्या धोरणांप्रमाणे वापरातील बदलापोटी किंवा भाडेपट्ट्याने धारण केलेल्या जमिनीचा धारणाधिकार भोगवटादार वर्ग-२ मध्ये रूपांतरित करतांना अशा धारकाने शासनास प्रदान केलेल्या अधिमूल्याची रक्कम अशा जमिनीचा धारणाधिकार भोगवटादार वर्ग-१ मध्ये रूपांतरित करतांना वसूल करावयाच्या अधिमूल्याच्या रकमेत समायोजित करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

प्रकाश इंदलकर,
शासनाचे अवर सचिव.

REVENUE AND FOREST DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk
Mantralaya, Mumbai 400 032, dated the 8th March 2019

NOTIFICATION

MAHARASHTRA LAND REVENUE CODE, 1966.

No. Jamin. 2018/C.R.90/J-1.—Whereas, by the Government Notification, Revenue and Forests Department, No. Jamin. 2018/C.R.90/J-1, dated the 17th November 2018, the Government of Maharashtra had published the draft of rules for conversion of Occupancy Class-II and Leasehold lands into Occupancy Class-I lands, which were proposed to be made, in exercise of the powers conferred by sections 29A and 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) (hereinafter referred to as "the said Code"), for information of all the persons likely to be affected thereby, and notice was thereby given that the said draft would be taken into consideration by the Government of Maharashtra on or after the 18th December 2018 ;

And Whereas, by the Government Notification, Revenue and Forests Department, No. Jamin 2018/C.R.90/J-1, dated the 18 th December 2018, the Government extended the said date of receiving objections or suggestions till 1st January 2019 ;

And Whereas, various objections and suggestions received pursuant to the said Notification have been considered by the Government ;

And Whereas, after considering the objections and suggestions received, the Government considered it expedient to modify certain provisions of the draft rules ;

Now, therefore, in exercise of the powers conferred by sections 29A and 328 of the said Code, and of all other powers enabling it in that behalf, the Government of Maharashtra, hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 329 of the said Code, namely :—

Rules

1. *Short title and application.*—(1) These rules may be called the Maharashtra Land Revenue (Conversion of Occupancy Class-II and Leasehold lands into Occupancy Class-I lands) Rules, 2019.

(2) These Rules shall apply to lands granted or subsequently allowed by the competent authority to be used for agricultural or residential or commercial or industrial purpose on Occupancy Class-II or leasehold rights.

2. *Definitions.* —(1) In these Rules, unless the context otherwise requires,—

(i) "Act" means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ;

(ii) "Development plan" means the Development plan prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) ;

(iii) "Annual Statement of Rates" means the Annual Statement of Rates published under the provisions of the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995 framed under the Maharashtra Stamp Act (LX of 1958) and where such Annual Statement of Rates is not prepared or available, it means the rate of such land as determined by the Assistant Director of the Town Planning Department of the concerned District ;

(iv) "Regional plan" means the Regional plan prepared under the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);

(v) "section" means the section of the Act.

(2) Words and expressions used but not defined hereinabove shall have the same meanings as are assigned to them respectively in the Act.

3. (1) Any holder of land granted on Occupancy Class-II or leasehold basis may make an application to the concerned District Collector for conversion of Occupancy Class-II land or leasehold land into Occupancy Class-I land as per the provisions of these Rules.

(2) Upon receipt of any application under sub-rule (1), the Collector shall verify the particulars of the concerned land and whether there is any violation or breach of any of the terms or conditions of grant of such land.

(3) Upon such verification, if it is noticed that there is violation of any of the terms or conditions of grant of such land which has not been regularised, then the Collector may reject the application, by an Order, after recording the reasons therefor.

(4) Upon such verification, if it is noticed that there is no violation of any of the terms or conditions of grant of such land, or such violation, if any, has been regularized by the authority competent to do so, then the Collector shall by an Order, convert the Occupancy Class-II land or leasehold land into Occupancy Class-I land on payment of conversion premium as specified in the Table below :—

TABLE

(A) Conversion premium payable for conversion of Occupancy Class-II or leasehold lands granted for agricultural purpose only.

Sr. No.	Area in which land is situated and user of land.	Premium to be charged upto three years commencing from the date of publication of these rules in the <i>Official Gazette</i> .	Premium to be charged after expiry of three years from the date of publication of these rules in the <i>Official Gazette</i> .
(1)	(2)	(3)	(4)
1	Land granted for agricultural purpose situated outside the limits of any <i>Nagar Panchayat</i> or Municipal Council or Municipal Corporation or Special Planning Authority,— (i) allocated to agricultural or no development zone as per the Regional plan;	Fifty per cent. of value of such land calculated as per agricultural rate of such land specified in the current Annual Statement of Rates.	Seventy five per cent. of value of such land calculated as per agricultural rate of such land specified in the current Annual Statement of Rates.
	(ii) allocated to any non-agricultural zone as per the Regional plan.	Fifty per cent. of value of such land calculated as per potential non-agricultural rate of such land specified in current Annual Statement of Rates.	Seventy five per cent. of value of such land calculated as per potential non-agricultural rate of such land specified in current Annual Statement of Rates.

(1)	(2)	(3)	(4)
2	Land granted for agricultural purpose situated within the limits of any <i>Nagar Panchayat</i> or Municipal Council or Municipal Corporation or Special Planning Authority and allocated to any non-agricultural zone as per Development plan, or where non-agricultural use of such land is not permissible as per the Development plan.	Fifty per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Seventy five per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.

(B) Conversion premium payable for conversion of Occupancy Class-II or leasehold lands granted or subsequently allowed by the Competent Authority to be used for residential or commercial or industrial purposes only :-

Sr. No.	Type of occupancy of land.	Premium to be charged upto three years commencing from the date of publication of these rules in <i>Official Gazette</i> .	Premium to be charged after expiry of three years from date of publication of these rules in <i>Official Gazette</i> .
(1)	(2)	(3)	(4)
1	Land held on Occupancy Class-II or on lease hold basis for commercial or industrial purpose.	Fifty per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Sixty per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.
2	Land held on Occupancy Class-II for residential purpose.	Fifteen per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Sixty per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.
3	Land held on lease hold rights for residential purpose.	Twenty five per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Seventy five per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.
4	Land granted on leasehold rights to a Co-operative Housing Society and currently held by that Co-operative Housing Society.	Fifteen per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Seventy five per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.
5	Land granted on Occupancy Class-II to a Co-operative Housing Society and currently held by that Co-operative Housing Society.	Fifteen per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.	Sixty per cent. of value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.

Provided that, in case of plot or land granted for residential purpose by the Government by recovering full occupancy price without any concession, the premium payable for conversion of tenure of such plot or land to occupancy Class-I shall be ten per cent. of the value of such land calculated as per rate of such land specified in the current Annual Statement of Rates.

4. The amount, if any, paid to the Government towards change of use or towards conversion of leasehold rights into occupancy Class II as per the prevailing policy of the Government shall be adjusted towards the amount payable for conversion of tenure to occupancy Class I under these Rules.

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

PRAKASH INDALKAR,
Under Secretary to Government.