

L. A. BILL No. XXXV OF 2022.

A BILL

*to amend the Regularisation of Unauthorised Developments in the City of
Ulhasnagar Act, 2006.*

5 **(As Passed by the Legislative Assembly on the
 22nd December 2022)**

IX of **WHEREAS** it is expedient to amend the Regularisation of Unauthorised
2006. Developments in the City of Ulhasnagar Act, 2006 for the purposes hereinafter
 appearing; it is hereby enacted in the Seventy-third Year of the Republic of
10 India, as follows :—

1. This Act may be called the Regularisation of Unauthorised Short title.
 Developments in the City of Ulhasnagar (Amendment) Act, 2022.

Amendment of section 3 of Mah. IX of 2006. **2.** In section 3 of the Regularisation of Unauthorised Developments Mah. IX of 2006. in the City of Ulhasnagar Act, 2006 (hereinafter referred to as “the principal Act”), in sub-section (3), in clause (a),—

(1) for the words “determined in accordance with the Table below”, the words “as may be prescribed” shall be substituted; 5

(2) TABLE OF FEES shall be deleted.

Amendment of section 4 of Mah. IX of 2006. **3.** In section 4 of the principal Act, in sub-section (3), in clause (a), in the proviso, for the words, letters, brackets and figures “Floor Space Index (F. S. I.) more than 4.00”, the words, brackets and letters “Floor Space Index (F. S. I.) more than the Floor Space Index (F. S. I.) as specified in the 10 Unified Development Control and Promotion Regulations for Maharashtra as applicable to the Municipal Corporation of City of Ulhasnagar” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Regularisation of Unauthorised Developments in the City of Ulhasnagar Act, 2006 (Mah. IX of 2006) was enacted as one time measure for regularisation of unauthorized constructions in the City of Ulhasnagar to come with solution of mitigate miseries of occupants of the unauthorized structures in the City of Ulhasnagar.

There was no enough response from the citizens for regularization of the unauthorized constructions in the City of Ulhasnagar, therefore, the Committee was constituted by the State Government to make recommendations for effective implementation of the said Act. The said Committee has recommended to reduce the rates of compounding fees for such regularisation and to regularise unauthorised developments having Floor Space Index (F. S. I.) upto the Floor Space Index (F. S. I.) as specified under the Unified Development Control and Promotion Regulations for Maharashtra as applicable to the Municipal Corporation of City of Ulhasnagar. The Government has accepted the recommendations of the said Committee.

2. For the above referred purposes, the Government considers it expedient to amend sub-section (3) of section 3 and sub-section (3) of section 4 of the Regularisation of Unauthorised Developments in the City of Ulhasnagar Act, 2006, suitably.

3. The Bill seeks to achieve the above objectives.

Nagpur,

Dated the 21st December, 2022.

EKNATH SHINDE,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :--

Clause 3(1).—Under this clause, power is taken to the State Government to prescribe by rules the compounding fee for regularisation of unauthorised development under the Regularisation of Unauthorised Development in the City of Ulhasnagar Act, 2006.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

*ANNEXURE TO THE L. A. BILL No. XXXV OF 2022-THE
REGULARISATION OF UNAUTHORISED DEVELOPMENT IN THE
CITY OF ULHASNAGAR (AMENDMENT) BILL, 2022.*

*(Extracts from the Regularisation of Unauthorised Development in the
City of Ulhasnagar Act, 2006.)*

(Mah. X of 2006.)

1. and 2.	*	*	*	*
3. (1) and (2)	*	*	*	*

Regularisation
of
unauthorized
developments.

(3) (a) Notwithstanding anything contained in the relevant law or in the order issued or the decision taken under such law, directing removal, pulling down or alteration of unauthorised development, or discontinuance of any use of land or building, the Designated Authority, either on basis of information available with it or on an application made to it, is of the opinion that, unauthorized development carried out in the City of Ulhasnagar before the 1st January, 2005 may, having regard to the provisions of section 4, be regularised, it may, within such period and in such manner as may be prescribed, serve on such person a notice requiring him within such period not being less than a month as may be specified therein to comply with requisitions made under section 4 and to deposit the compounding fees determined in accordance with the Table below and the development charges leviable under section 124B of the Maharashtra Regional and Town Planning Act, 1966.

TABLE OF FEES

Category of unauthorized development (1)	Compounding fees per square meter (2)
A. For uses other than Commercial,–	
(1) Margins and set-backs	10% of the market value of land as per Ready Reckoner.
(2) Floor Space Index	20% of the market value of land as per Ready Reckoner.
(3) Covered projection	10% of the market value of land as per Ready Reckoner.
(4) Change of use	10% of the market value of land as per Ready Reckoner.
(5) Common plot and consolidated open plot.	10% of the market value of land as per Ready Reckoner.
(6) Height of building	Rupees two thousand per running meter over and above the permissible height of building.
(7) Parking deficiency	10% of the market value of land as per Ready Reckoner.
(8) Other than items (1) to (7) above	As the State Government may, by general or special order, notify.

TABLE OF FEES—*Contd.*

	(1)	(2)
B. For Commercial use,---		<p>(i) Two times of the fees specified for use mentioned in clause A for ground floor and first floor.</p> <p>(ii) One and half times of the fees specified for the mentioned in clause A for floors other than those specified in item (i)</p>
C. In land measuring not exceeding one hundred square meters.		Fifty per cent. of the fees specified for use mentioned in clause A, or as the case may be, clause B.
	(b)	*
	(4) to (7)	*
Circumstances in which unauthorized development may or may not be regularised.	4. (1) and (2)	*
	(3) (a) The Designated Authority may regularize any authorized development in respect of the following matters, namely :—	
	(i) Margins and setbacks ;	
	(ii) Floor Space Index (F. S. I.)	
	(iii) Covered projection ;	
	(iv) Change of use ;	
	(v) A common plot and a consolidated open plot ;	
	(vi) Height of a building ;	
	(vii) Parking deficiency :	
	Provided that, the Designated Authority shall not regularize unauthorized developments having Floor Space Index (F. S. I.) more than 4.00 and projections beyond plot boundary and the change of use which in the opinion of the Designated Authority may casue danger to health or lead to hazard.	
	(b)	*
	(4)	*
	5. to 12.	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

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**[SHRI EKNATH SHINDE,
Chief Minister.]**

**(As Passed by the Legislative Assembly
on the 22nd December 2022)**

**RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.**