

L. A. BILL No. LXIII OF 2026.

A BILL

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

Mah. 5 WHEREAS it is expedient further to amend the Maharashtra Housing and
XXVIII Area Development Act, 1976, for the purposes hereinafter appearing; it is hereby
of 1977. enacted in the Seventy-seventh Year of the Republic of India as follows:-

1. This Act may be called the Maharashtra Housing and Area Development Short title.
(Amendment) Act, 2026.

Amendment
of section 2 of
Mah. XXVIII
of 1977.

2. In section 2 of the Maharashtra Housing and Area Development Act, 1976 (hereinafter referred to as “the principal Act”) in for clause (11), the following clause shall be substituted, namely:-

Mah.
XXVIII
of 1977.

“(11)“Competent Authority” means,-

(a) for the purposes of section 65, an officer appointed to be the Competent Authority under section 65; and

(b) for the purposes of section 79-A, an Executive Engineer of respective division of Mumbai Building Repairs and Reconstruction Board;”.

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

3. In section 79-A of the principal Act, in sub-section (1), -

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(a) for the words “if the redevelopment”, the words “if the reconstruction” shall be substituted;

(b) in clause (c), for the word “reconstruct”, the word “redevelopment” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 79-A of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977) provides for redevelopment of cessed buildings, which are declared dangerous by the Mumbai Municipal Corporation or by the competent authority, first by the owner or the landlord of such building; if they fail then by the co-operative housing society of the occupants or tenants with the consent of atleast fifty-one per cent. of the occupants or tenants; and if redevelopment is not initiated either by the owners or the tenants, then by the Mumbai Building Repairs and Reconstruction Board (MBRRB).

2. The Mumbai Municipal Corporation is empowered under section 354 of the Mumbai Municipal Corporation Act (III of 1888) to declare buildings including cess building as dangerous. Similarly, the MBRRB is empowered under the said Act to declare the cess building as dangerous. The notices to such buildings for declaring it as dangerous are issued either by the Mumbai Municipal Corporation or the Executive Engineer of the MBRRB. Therefore, the term Competent Authority used in the said section intends only the Executive Engineer of the MBRRB, even though the same is not specifically mentioned therein.

3. The term “Competent Authority” is defined in clause (11) of section 2 of the said Act, as an officer appointed to be the competent authority under section 65 of the said Act, which is relating to eviction of persons from premises of the Maharashtra Housing and Area Development Authority (MHADA). The said definition has led to misinterpretation of the provisions of section 79-A, creating doubt about the authority of Executive Engineer of the MBRRB to act as competent authority for declaring cess building as dangerous. Therefore, in order to bring clarity in the provisions of the said section 79-A, it is proposed to amend the definition of the term competent authority specified in clause (11) of section 2 of the said Act.

Also, amendment to substitute the word “redevelopment” by the word “reconstruction” and vice-versa is also proposed in certain clauses of the said section 79-A, wherever found necessary, with a view to allow landlords to reconstruct such dangerous buildings as well as to allow MHADA to redevelop instead of reconstruct such buildings.

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

Mumbai,

Dated the 9th July, 2026.

EKNATH SHINDE,

Deputy Chief Minister (Housing).

**ANNEXURE TO THE L.A. BILL No. LXIII OF 2026 -
THE MAHARASHTRA HOUSING AND AREA DEVELOPMENT
(AMENDMENT) BILL, 2026.**

**(Extracts from the Maharashtra Housing and Area Development
Act, 1976.)**

(Mah. XXVIII of 1977.)

1.	***	***	***	***	
2.	In this act, unless the context requires otherwise,-				Definitions.
	(1) to (10)	***	***	***	***
	(11) "Competent Authority" means an officer appointed to be the Competent Authority under section 65;				
	(12) to (41)	***	***	***	***
3. to 79.	***	***	***	***	Procedure of redevelopment in case of dangerous buildings declared by Mumbai Municipal Corporation or competent authority.
	79A. (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) and (b)	***	***	***	***
	(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) and (3)	***	***	***	***
80. to 192.	***	***	***	***	
SCHEDULES.	***	***	***	***	

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. LXIII OF 2026.]

**[A Bill further to amend the
Maharashtra Housing and Area
Development Act, 1976.]**

[SHRI EKNATH SHINDE,
Deputy Chief Minister (Housing).]

JITENDRA BHOLE,
Secretary-1,
Maharashtra Legislative Assembly.