

Gujarat Town Planning And Urban Development (Amendment) Act, 2014

11 OF 2014

[28 July 2014]

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Gujarat Town Planning And Urban Development (Amendment) Act, 2014

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AN ACT

further to amend the Gujarat Town Planning and Urban Development Act, 1976.

It is hereby enacted in the Sixty-fifth Year of the Republic of India

as follows:-

1. Short title and commencement. :-

(1) This Act may be called the Gujarat Town Planning and Urban Development (Amendment) Act, 2014.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2 of Presidents Act No. 27 of 1976. :-

In the Gujarat Town Planning and Urban Development Act, 1976 (hereinafter referred to as :the principal Act"), in section 2, after clause (x), the following clause shall be inserted, namely:-

"(x-a) "development right" means a right to develop the land or building or both on any land to be acquired under section 20 to the extent as may be decided in the development plan;".

3. Amendment of section 6 of Presidents Act No. 27 of 1976 :-

In the principal Act, in section 6, in sub-section (2), insert the following proviso :-

Provided that in case the local authority does not set up the Planning Committee within a period of three months from the date on which it is required to set up such Committee, then, the State Government shall appoint such Committee.

4. Amendment of section 6B of Presidents Act No. 27 of 1976 :-

In the principal Act, in section 6B,- in sub-section (1), after the words "appropriate authority", the words "other than the Urban Development Authority" shall be inserted;

5. Amendment of section 12 of Presidents Act No. 27 of 1976 :-

In the principal Act, in section 12, -

(1) in sub-section (1), after the words "draft development", the words "which would be in conformity with the development plan under the provisions of the Gujarat Metropolitan Planning Gu, Committee Act, 2008" shall be inserted;

(2) in sub-section (2),-

(i) in clause (a),-

(a) after the word "commercial", the word "educational," shall be inserted;

(b) the words "or such other purposes" shall be added at the end;

(ii) in clause (c), after the words "natural reserves", the words "water body, water course" shall be inserted;

(iii) in clause (h), the words "and of heritage buildings and heritage precincts" shall be added at the end;

(iv) in clause (m), for the words "including imposition of, the words "including imposition of charges at such rate as may be provided for grant of Floor Space Index (FSI) or height, and also imposition of shall be substituted and shall be deemed to have always been substituted with effect from 18th May, 2002.

6. Amendment of section 14 in Presidents Act No. 27 of 1976 :-

In the principal Act, in section 14, for the words "may modify such plan as he thinks fit", the words "and then shall submit the same to the State Government alongwith his or its opinion on such objections or suggestions" shall be substituted.

7. Deletion of section 15 of Presidents Act No. 27 of 1976 :-

In the principal Act, section 15 shall be deleted.

8. Amendment of section 16 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 16,-

(1) in sub-section (1), the words and figures "with the modifications, if any, made thereto under section 14 or section 15" shall be deleted;

(2) in sub-section (2), the words and figures "or section 15" shall be deleted.

9. Amendment of section 20 of Presidents Act No. 27 of 1976 :-

In the principal Act, in section 20, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The area development authority or any other authority for whose purpose land is designated in the final development plan for

any purpose specified in clause (b), clause (d), clause (f), clause (k), clause (n) or clause (o) of sub-section (2) of section 12, may acquire the land,-

(a) by an agreement, or;

(b) in lieu of any development right by granting the owner against the area of land surrendered free of cost and free from all encumbrances;

(c) under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."

10. Amendment of section 23 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 23, in sub-section (1),-

(1) after clause (ii), the following clause shall be inserted, namely:-

"(ii-a) to undertake the preparation and execution of Local Area Plan under the provisions of this Act, if so directed by the State Government;

(2) after clause (ix), the following clause shall be inserted, namely:-

"(ix-a) to levy and collect such fees or charges for the execution of works and for provision of other services and amenities as specified in the Local Area Plan."

11. Amendment of section 35 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 35,-

(1) in sub-section (1), in clause (d), for the words "five thousand rupees", the words "fifty thousand rupees" and for the words "one hundred rupees", the words "one thousand rupees" shall be substituted;

(2) in sub-section (2), for the words "one thousand rupees", the words "ten thousand rupees" and for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

12. Amendment of section 36 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 36, in sub-section (6), for the words "five thousand rupees", the words "fifty thousand rupees" and for

the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

13. Amendment of section 40 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 40, -

(1) for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may make one or more town planning schemes for the development area regard being had to the proposals in the final development plan and the directions issued by a general or special order by the State Government from time to time, if any:

Provided that the State Government may in this behalf direct by specific or general order to make town planning scheme to the concerned authority:

Provided further that where any town planning scheme is not made for any specific area, adjacent to any town planning scheme the owners of the lands of such area, may make a request to the concerned authority to make a town planning scheme.

(2) in sub-section (3) -

(a) in clause (e), for the word "reservation", the word "earmarked" shall be substituted;

(b) in clause (j), the words "and of such other class of people as may be determined by the State Government" shall be added at the end;

(c) in clause (jj), in sub-clause (a), in item (iii), for the words "Draft Town Planning Scheme, and" the words "Draft Town Planning Scheme and also for industrial development, and" shall be substituted.

14. Amendment of section 48 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 48, in sub-section (2), the following shall be inserted at the end, namely:-

"However, the State Government may, if deemed fit, by notification in the Official Gazette, return the scheme to the appropriate authority to carry out such modifications as may be directed, including the direction to include or exclude any land in question in the scheme. The appropriate authority shall comply with the

directions of the State Government and shall, after following the procedure as laid down under sub-section (1) or sub-section (2) or both of section 42, submit the scheme within the specified time limit to the State Government."

15. Amendment of section 50 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 50, in proviso to sub-section (1), for the words "date of publication of draft scheme", the words "date of declaration of intention" shall be substituted.

16. Amendment of section 51 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 51,-

(1) in the proviso, after the words "period or periods", the words "but not exceeding six months" shall be inserted;

(2) after the existing proviso, the following proviso shall be inserted, namely :-

"Provided further that in respect of those draft town planning schemes wherein the Town Planning Officer has been appointed on or before the date of commencement of the Gujarat Town Planning and Urban Development (Amendment) Act, 2014, such period shall be extended from time to time as the State Government may by general or special order, specify, but not exceeding the period of eighteen months in aggregate from the commencement of the said Act."

17. Amendment of section 65 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 65, after sub-section (3), the following sub-section shall be inserted, namely:-

"(4) The appropriate authority shall, after the preliminary scheme is sanctioned by the State Government under subsection (2), complete the execution of such scheme within a period of two years from the date of the sanction of such scheme, failing which the State Government may take such actions against appropriate authority as it deems fit."

18. Insertion of new section 67A in Presidents Act No. 27 of 1976. :-

In the principal Act, after section 67, the following section shall be inserted, namely:-

"67A. Manner of resolution of grievances after sanctioning scheme.

(1) In case where the final plot is allotted in joint ownership in the sanctioned preliminary or final scheme, then on application being made to the Committee by any of the joint owners, the Committee constituted under sub-section (2) shall give a notice to all the concerned and after giving them an opportunity of being heard, shall with respect to such final plot define the share of the joint holders and demarcate the area that may be allotted to each of them.

(2) The committee shall consist of the following members, namely :-

(i) the Secretary, Urban Development and Urban Housing Department, shall be the Chairman;

(ii) the Chief Town Planner, - Member Secretary, ex-officio; and

(iii) any other member, appointed by the Chairman.

(3) The decision of the Committee in this regard shall be deemed to be the part of the scheme sanctioned under section 65."

19. Insertion of new Chapter V-I in Presidents Act No. 27 of 1976. :-

In the principal Act, after Chapter V, the following Chapter shall be inserted, namely:-

"CHAPTER V-I

SPECIAL PROVISIONS FOR LOCAL AREA PLAN

76A. Preparation, sanction, etc. of local area plan.

(1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may make one or more Local Area Plan for the development area or any part thereof, regard being had to the proposals in the final development plan, if any.

(2) The Local Area Plans may be made in respect of any land which is a part of the sanctioned preliminary scheme or not. However, before making the Local Area Plan, the appropriate authority shall publish in the Official Gazette, the boundaries of area for which the Local Area Plan is to be made and in the local newspapers:

Provided that for making the Local Area Plan in respect of any land which is not a part of the sanctioned preliminary scheme, the prior permission of the State Government shall be necessary.

(3) The Local Area Plan may provide provisions for any of the

following matters, namely:-

- (a) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation;
- (b) lay down in detail the projected road and street furniture;
- (c) access, make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and land scape;
- (d) prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity;
- (e) indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;
- (f) access the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;
- (g) make such provisions as are necessary which are enumerated in clause (m) of sub-section (2) of section 12;
- (h) indicate in the plan and other document, the land which shall vest with the appropriate authority.

(4) The appropriate authority, after making the draft Local Area Plan, shall-

- (a) for the purpose of making the Local Area Plan call a meeting or meetings of the persons affected by the Local Area Plan, by a public notice and notices to the individuals whose addresses are known, and explain the contents of the Local Area Plan for inviting their objections and suggestions on the said proposal.
- (b) consider the objections and suggestions received under sub-clause (a), and modify the plan as it thinks fit and publish it in the Official Gazette, inviting objections and suggestions from the person affected by the Local Area Plan within a period of thirty days.

(5) The appropriate authority may consider the objections and suggestions received under clause (b) of sub-section (4) and modify the plan if necessary and thereafter, the same shall be submitted to the State Government along with the objections and suggestions; and its conclusion thereon.

(6) On receipt of the draft Local Area Plan under sub-section (5), the State Government may, by notification,-

- (a) sanction such local area plan with or without modification or

subject to such conditions as it may think fit to impose; or
(b) return the plan to the appropriate authority with directions as it may think fit; or
(c) refuse to accord sanction."

20. Insertion of new section 91A in Presidents Act No. 27 of 1976. :-

In the principal Act, after section 91, the following section shall be inserted, namely:-

"91A. Establishment of Consolidated Infrastructure Fund.

(1) Notwithstanding anything contained in this Act and the rules or regulations made thereunder, any amount received towards development charge and fees collected under clause (vii-a) of subsection (1) of section 7, or under clause (m) of sub-section (2) of section 12, or fees collected under clauses (vi-a) and (ix-a) of subsection (1) of section 23, as the case may be, shall be credited to a fund called the "Consolidated Infrastructure Fund" which shall be held by the appropriate authority in the trust for the purposes of augmentation, improvement or creation of any infrastructure facility.

(2) The State Government, may by specific or special order, may utilise the fund in such proportion as it may think fit for any of the purposes provided under sub-section (1).".

21. Amendment of section 100 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 100, in the proviso to subsection (2), for the words "fifty thousand rupees", the words "ten lakhs rupees" and for the words "fifteen rupees", the words "one hundred rupees" shall be substituted.

22. Insertion of new section 116A in Presidents Act No. 27 of 1976. :-

In the principal Act, after section 116, the following section shall be inserted, namely :-

"116A. Variation in matters contained in clause (m) of sub-section (2) of section 12.

(1) Notwithstanding anything contained in this Act or any other law for the time being in force or rules or regulations made thereunder, if the State Government is of the opinion that it is necessary in

public interest to make any variation in any of the matters provided under clause (m) of sub-section (2) of section 12 in any development plan, it shall publish such variations in the Official Gazette, inviting suggestions or objections from public in respect of such variations, within a period of two months from the date of such publication.

(2) The State Government may, after considering such suggestions and objections, received under sub-section (1), if any, sanction the variation with or without modifications and publish the same by notification in the Official Gazette, and direct that such variation shall come in force on and from the date of its publication in the Official Gazette".

23. Insertion of new section 117A in Presidents Act No. 27 of 1976. :-

In the principal Act, after section 117, the following section shall be inserted, namely:-

"117A. Application of provisions of section 65 of Gujarat Land Revenue Code, 1879.

In respect of the land which is included in the scheme sanctioned under section 65, the provisions of section 65 of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf".

24. Amendment of section 118 of Presidents Act No. 27 of 1976. :-

In the principal Act, in section 118, in sub-section (2), in clause (vi), the words and figures "section 15 or under" shall be deleted.