

MAHARASHTRA INDUSTRIAL DEVELOPMENT RULES, 1962

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MAHARASHTRA INDUSTRIAL DEVELOPMENT RULES, 1962

In exercise of the powers conferred by sub-section (1) and by clauses (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) of Section 63 of the Maharashtra Industrial Development Act. 1961 (Mah. III of 1962), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules, namely

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the Maharashtra Industrial Development Rules, 1962

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "the Act" means the Maharashtra Industrial Development Act. 1961;
- (b) "Chief Executive Officer" means the officer appointed by the State Government as the Chief Executive Officer of the Corporation under sub-section (1) of Section 12;
- (c) "Chief Accounts Officer" means the officer appointed by the State Government as the Chief Accounts Officer of the Corporation under sub-section (1) of Section 12;
- (d) "Form" means a form appended to these rules;
- (e) "non-official member" means a member of the Corporation nominated under clauses (b), (c), or (d) of sub-section (1) of Section 4;
- (f) "regulations" means the regulations made by the Corporation

under Section 64;

(g) "section" means a section.

CHAPTER 2

Remuneration of Members of the Corporation

3. Salary and allowances and honorarium of members :-

(1) A non-official member shall be entitled to an allowance of Rs. 40 for every day on which he attends a meeting of the Corporation or any of its Committees.

¹ (2) An official member nominated under clause (a) of sub-section (1) of Section 4 shall, if he is a whole-time member, be entitled to draw the same salary and allowances which he was getting under Government immediately before such nomination. If such official member is a part-time member he shall not be entitled to draw any salary or allowances except travelling and daily allowances provided for in Rule 4.

1. Substituted by G.N. of 26-9-1974.

4. Travelling allowances :-

(1) The non-official members shall be entitled to travelling allowances admissible to a Government Officer of the first grade under Bombay Civil Service Rules,

Provided that, the Chairman, and with the permission of the Chairman a non-official member, may in the discharge of his duty, travel

(i) by the highest class of accommodation available, including air-conditioned accommodation, or

(ii) by air;

(2) The official members shall be eligible to draw such travelling and daily allowances as may be admissible to them under the rules governing such members;

Provided that, an official member shall not draw travelling or daily allowance from a Corporation if for the same journey or for the same halt he has drawn travelling or daily allowance, as the case may be, from Government treasury in another capacity.

(3) A bill for travelling allowance, daily allowance or conveyance allowance, as the case may be, claimed under this rule shall be countersigned, when such allowance is claimed by

- (a) the Chairman, by the Chairman himself,
- (b) the Vice-Chairman or by a non-official member, by the Chairman or the Vice-Chairman, and
- (c) an official member, by the official member, himself, before such bill is submitted for audit and payment.

CHAPTER 3

Conditions of appointment and service and scales of pay of Chief Executive Officer and Chief Accounts Officer

5. Pay and allowances :-

The Chief Executive Officer and the Chief Accounts Officer shall be appointed by the State Government on such pay as may be fixed by that Government in the following scales of pay and allowances, namely :

(a) Chief Executive Officer Scale of pay-¹"Rs. 5,900-2 6,700

(b) Chief Accounts Officer Scale of pay-²"Rs. 2,000-125/2-2,250

Dearness Allowance : As admissible according to the rates prescribed by the State Government for its officers³ in the corresponding scale.

1. Substituted by G.N. of 11-5-1988.
2. Substituted by G.N of 2-9-1982.
3. Added by G.N. of 22-7-1966.

6. Travelling allowance :-

(1) The Chief Executive Officer and the ChiefAccounts Officer shall be entitled to travelling allowances for the journeys performed in the service of the Corporation on the scale provided for Grade I Officers of the State Government.

(2)Notwithstanding anything contained in sub-rule (1), the Chief Executive Officer shall, whether he is a Government servant deputed on foreign service conditions or not and irrespective of the pay drawn by him, in the case of journeys on tour including various types of journeys for which travelling allowance is admissible as for the journey on tour, be entitled to travel by air:

Provided that, such concession shall not be admissible to him for journeys on transfer and similar types of ¹ journeys and, in the case of any types of journeys to the members of his family.

(3) A bill for travelling allowance, daily allowance or conveyance

allowance, as the case may be, claimed by the Chief Executive Officer or the competent authority shall be countersigned by the Chief Executive Officer.

1. Substituted by G.N. of 22-7-1966.

7. Leave and leave salary :-

The Chief Executive Officer or the Chief Accounts Officer who

(a) is a Government servant deputed on foreign service conditions to the Corporation shall, so long as he remains in Government service, be entitled to leave and leave salary under the rules applicable to him as such Government servant; and

(b) is not a Government servant, or being in Government service has subsequently ceased to be in such service, shall be entitled to leave and leave salary under the rules applicable to other officers of the Corporation under the Regulations.

8. Provident fund :-

The Chief Executive Officer or the Chief Accounts Officer who

(a) is a Government servant deputed on foreign service conditions to the Corporation and who has been admitted to the provident fund maintained by Government shall, so long as he is in Government service, be entitled to continue to subscribe to the said fund upon the same terms and conditions and subject to the same rules as apply to Government servants; and

(b) is not a Government servant, or being in Government service has subsequently ceased to be in Government service, shall be entitled to the benefit of the provident fund of the Corporation under the Regulations.

9. Termination of service :-

Except as otherwise expressly provided in the terms of a contract in any individual case, the State Government may terminate the services of the Chief Executive Officer or the Chief Accounts Officer, who is not a Government servant deputed on foreign service conditions to the Corporation or being a Government servant has ceased to be in Government service, by giving him three months' notice or in lieu of such notice an amount equal to three months' pay.

10. Resignation :-

Except as otherwise expressly provided in the terms of a contract in

any individual case, the State Government may terminate the services of the Chief Executive Officer or the Chief Accounts Officer, who is not a Government servant deputed on foreign service conditions to the Corporation or being a Government servant has ceased to be in Government service, may resign his office by giving him months' notice in writing to the State Government.

Provided that, if the State Government so directs before the expiry of the aforesaid period of three months, the Chief Executive Officer or the "Chief Accounts Officer, as the case may be, giving such notice, shall not vacate his office after the period of three months until such time as he is relieved thereof.

11. Disciplinary action :-

The Chief Executive Officer or the Chief Accounts Officer who -

(a) is a Government servant deputed on foreign service conditions to the Corporation shall, so long as he is in Government service, on the recommendation of the Corporation shall be subject to disciplinary action by the Government according to the rules applicable to its officers; and

(b) is not a Government servant, or being a Government servant has subsequently ceased to be in Government service, shall be subject to disciplinary action by the Corporation with the approval of Government according to the Regulations applicable to other officers of the Corporation.

12. Other conditions of service :-

All other matters relating to the conditions of service of the Chief Executive Officer or the Chief Accounts Officer who-

(a) is a Government servant deputed on foreign service conditions to the Corporation shall, be regulated in accordance with the provisions of the Bombay Civil Services Rules; and

(b) is not a Government servant, or being a Government servant has subsequently ceased to be in Government service, shall be regulated with the approval of Government in accordance with the provisions of the Regulations applicable to other officers of the Corporation.

13. Government servants on deputation :-

Notwithstanding anything contained in these Rules, the State Government may ¹ determine any other conditions of appointment,

service or scales of pay for the Chief Executive Officer or Chief Accounts Officer, who is a Government servant deputed on foreign service conditions.

1. Substituted by G.N. of 22-7-1966.

CHAPTER 4

Finance of the Corporation

14. Money to be kept by the Corporation in current or deposit account :-

Except as otherwise directed by Government, all monies forming part of the fund of the Corporation shall be kept in current or deposit account with the State Bank of India or the Reserve Bank of India or in any Schedule Bank or invested in such securities as may be approved by the State Government;

Provided that, the Corporation may keep on hand such sums not exceeding Rs. 10,000 as the Corporation may consider necessary.

15. Temporary borrowing by the Corporation :-

The Corporation may, for the purpose of meeting any current expenditure properly chargeable to revenue, borrow by way of temporary loan or over-draft from any bank or otherwise, such sums as it may require. on such terms and conditions as the Corporation thinks fit. The amount so borrowed, together with the interest thereon, shall be repaid from current revenues within a period of twelve months from the date of the temporary borrowing or within such extended period as the State Government may allow.

16. Limit on borrowing without previous consent of Government :-

The Corporation may borrow money and mortgage or charge its undertaking and property (including its revenues) or any part thereof and issue debentures, debenture stock, notes and other securities whether outright or as security for any debt, liability or obligation of the Corporation or of any third party, provided that the aggregate amount for the time being remaining undischarged of money borrowed or secured as aforesaid shall not at any time, without the previous consent of the State Government exceed the sum of Rs. 25,00,000. Nothing herein contained shall require a bonafide lender to the Corporation to ascertain if the limits herein prescribed have been or are about to be exceeded.

17. Manner of issuing securities :-

Every bond, obligation, debenture or other security issued by the Corporation for raising money or for securing money borrowed by or due from the Corporation shall be by a deed under the common seal of the Corporation and signed autographically by the Chief Executive Officer or any other officer authorised by the Corporation in that behalf.

18. Register of securities to be kept :-

A register of bonds, debentures and other securities shall be kept by the Corporation in which shall be entered the number and date of every such bond, debenture, or other security and the sum secured thereby and the names of the parties thereto (if any) with their proper addresses and all other necessary particulars thereof.

19. Instructions which may be issued for transfer of securities :-

The Corporation may from time to time issue instructions for controlling the transfer of any bond, debenture or other security as it may deem expedient, provided that no such instructions shall affect the holder or transferee of any bond, debenture or other security unless distinct notice of such instruction shall appear thereon.

20. Assigning or conveying property of corporation for certain purposes :-

The Corporation may, for the purpose of securing the payment of any such bonds, debentures or other securities as aforesaid, or the payment with interest of any money so borrowed as aforesaid or payable under any contract or otherwise, make and carry into effect any arrangement which the Corporation may deem expedient by assigning or conveying any property of the Corporation, including its revenues, to trustees.

21. Debentures ordinarily payable to bearer :-

Unless otherwise resolved by the Corporation in a general meeting, any debentures which may be issued by the Corporation may be so framed that the principal money and interest thereby secured shall be payable to the bearer and free from any equities between the Corporation and the persons to whom the same may be issued.

22. Particulars of borrowing on guarantee to be furnished :-

Where the Corporation proposes to borrow money on the guarantee of the State Government as provided in sub-section (2) of Section 22, the Corporation shall furnish to the State Government all such

particulars of the amount, purpose, nature and circumstances of the proposed borrowing and the amount of outstanding loans and such other information as the State Government may require.

23. Saving for Government :-

No security shall be issued or granted as a security in respect of which the payment of the principal and interest is guaranteed by the State Government, until the amount, price, rate of interest, date and method of issue of such security, the arrangements for the application of the proceeds of the issue and for the payment of the proceeds have been previously approved by the State Government and no variation of any such arrangement shall be made without the like approval of the State Government.

CHAPTER 5

Annual Financial Statement and other Statements and Reports to be furnished by the Corporation and manner of maintaining Accounts

24. Budget and programme of work :-

(1) The Corporation shall submit to the State Government for approval before the 1st day of February of each year the annual financial statement and programme of work for the succeeding financial year.

(2) The annual financial statement and the supplementary financial statement, shall be in Form 'A', and the programme of work in Form 'B'.

(3) ¹ [*****]

(4) The Corporation shall also forward to the State Government with its programme of work, a note giving history and description of each scheme including inter alia the progress made, expenditure incurred and receipts accrued in the previous years in respect of continuing schemes. The note shall, in particular, bring out the financial implications of each scheme.

1. Deleted by G.N. of 19-11-1965.

25. Maintaining of accounts :-

(1) The accounts of the Corporation shall be prepared and maintained in accordance with the Public Works Account Code, Bombay.

(2) The annual statement of accounts to be submitted to the State Government under sub-section (3) of Section 27 shall be in ¹ Form

'C'

1. Substituted by G.N. of 19-11-1965.

26. Annual report and other returns :-

(1) The Corporation shall within three months of the date of closing of each year submit to the State Government an annual report.

(2) The report shall contain inter alia particulars regarding the

(a) industrial areas/estates entrusted to the Corporation by the State Government;

(b) Programme of work for the year under report;

(c) progress of work during the year with particular reference to the

(i) land acquired,

(ii) development carried out,

(iii) amenities provided,

(iv) industries established in the industrial areas/ estates, and

(v) details of any other activities entrusted to and undertaken by the Corporation under and in accordance with the Act;

(d) finance for Corporation;

(e) changes, if any, in the constitution of the Corporation;

(f) establishment under the Corporation and administration of its business;

(g) directions given by the State Government to the Corporation and their compliance;

(h) 12*****

(i) 12*****

1

(3) The Corporation shall also submit to the State Government in April, July, October and January of each year, a progress report based on its working and accounts upto the end of the quarter immediately preceding the months aforesaid.

1. Substituted by G.N. of 22-7-1966

27. Time within which cases under Section 33 (3) to be disposed of :-

The Collector shall dispose of cases referred to him under subsection (3) of Section 33 within one year from the date on which they are referred to him ¹ or not later than such further period not exceeding twelve months, as the State Government may, in any case or class of cases, allow.

1. Added by G.N. of 9-10-1974

28. Powers of State Government :-

¹The powers of the State Government under Section 32, subsection (2) of Sections 33 (to the extent of ²Rs. 37,500 per hectare ³but subject to the limit of Rs. ⁴ 2,50,000 for each case of acquisition] for determination of compensation by mutual agreement), 36 and 38 are hereby delegated to the Collectors, Assistant and Deputy Collectors within their respective jurisdiction and any officer not below the rank of Deputy Collector, specially appointed by the State Government in that behalf

1. Substituted by G.N , of 26-2-1970
2. Substituted by G.N of 11-1-1993
3. Inserted by G.N., of 6-1-1976
4. Substituted by G.N of 11-1-1993

29. Service charges :-

¹Where the Coiporation provides any amenities in or to any industrial urea or estate, then there shall be levied and collected from every person holding under the Coiporation any premises whether as lessee or otherwise in such area or estate, a fee at such rate not exceeding the following rate as the Coiporation may determine, regard being had to the expenses incurred for providing and maintaining such amenities therein, namely :

(1) in the case of amenities provided in an industrial area where premises, consists of land, at a rate not exceeding ²50 paise, per square metre of the land;

(2) In the case of amenities provided in an industrial estate ,

(a) where the premises consists of land with or without building, at a rate not exceeding " ²50 paise, per square meter of the land; and

(b) where the premises consists of a part of a building at the rate not exceeding ⁴ 1 rupee, per square metre of the carpet area of such part of the building

1. Added by G.N of 26-9-1974
2. Substituted by G.N. of 11-1-1993
4. Substituted by G.N. of 11-1-1993

30. Period after which no notification shall be issued under first Proviso to Section 1(3) :-

¹ The following periods are hereby prescribed for different areas under the second proviso to sub-section (3) of Section 1 of the Act, after the expiry of which no notification shall be issued by the State Government under the first proviso to the said sub-section (3) directing that Chapter 6 of the Act shall cease to be in force in those areas or any part thereof, namely :

1. Inserted by G.N. of 9-2-1977