

**Maharashtra Municipal Corporations And Municipal Councils
(Third Amendment) Act, 2012**

28 of 2012

[20 December 2012]

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**Maharashtra Municipal Corporations And Municipal Councils
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PREAMBLE

An Act further to amend the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS it is expedient further to amend the Mumbai Municipal

Corporation Act, the Maharashtra Municipal Corporations Act (III of 1888. LIX of 1949) and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing; it is hereby enacted in the Sixty-third Year of the Republic of India as follows:--

CHAPTER 1 PRELIMINARY

1. Short Title :-

This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2012.

CHAPTER 2 AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

2. Insertion of section 252A in III of 1888 :-

After section 252 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act(III of 1888) "), the following section shall be inserted, namely:--

"252A. Obligation of corporation to partake common facility.--If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the Official Gazette:

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the corporation to make within fifteen days a representation, if any, in this regard. If the corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same."

3. Insertion of section 478-1AA in III of 1888 :-

After section 478-1A of the Mumbai Corporation Act, the following section shall be inserted, namely:--

"478-1AA. Compounding of offence of evasion of octroi.--

(1) The Commissioner or an officer not below the rank of Assistant Commissioner authorised in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 478-1A, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (i), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.".

CHAPTER 3 AMENDMENTS TO THE MAHARASHTRA MUNICIPAL CORPORATIONS ACT

4. Insertion of section 194A in LIX of 1949 :-

After section 194 of the Maharashtra Municipal Corporations Act (hereinafter in this Chapter, referred to as "the Maharashtra Corporations Act (LIX of 1949)"), the following section shall be inserted, namely:--

"194A. Obligation of Corporation to partake common facility.--If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Corporation, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the Official Gazette:

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Corporation to make within fifteen days a representation, if any, in this regard. If the Corporation fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same.".

5. Amendment of section 398 of LIX of 1949 :-

In section 398 of the Maharashtra Corporations Act, the words "or to two hundred and fifty rupees, whichever may be greater " shall be deleted.

6. Insertion of section 398-1A in LIX of 1949 :-

After section 398 of the Maharashtra Corporations Act, the following section shall be inserted, namely:--

"398-1A. Compounding of offence of evasion of octroi.--

(1) The Commissioner or an officer not below the rank of Assistant Commissioner authorized in this regard by the Commissioner, may, by an order, either before or after institution of the proceedings, compound any offence regarding evasion of octroi, punishable under section 398, on payment of an amount equal to ten times the amount of octroi payable in addition to the payment of amount of octroi.

(2) When an offence has been compounded under sub-section (1), no further proceedings shall be taken against the accused person in respect of the offence compounded and any proceedings if already taken, shall stand abated, and the accused person, if in custody, shall be discharged."

CHAPTER 4 AMENDMENT TO THE MAHARASHTRA MUNICIPAL COUNCILS, NAGAR PANCHAYATS AND INDUSTRIAL TOWNSHIPS ACT, 1965

7. Insertion of section 219A in Mah. XL of 1965 :-

After section 219 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), the following section shall be inserted, namely:--

"219A. Obligation of Council to partake common facility.--If, a common facility is created by the State Government or by any agency of the State Government, under instructions from the State Government, for processing or disposal of solid waste or treatment or recycling sewage and waste water or bulk supply or treatment of water for drinking purpose, it shall be mandatory for the Council, if so directed by the State Government, to partake of that facility in accordance with such terms and conditions as may be specified by the State Government, by an order in the Official Gazette:

Provided that, the State Government shall, before issuing any direction under this section, give an opportunity to the Council to make within fifteen days a representation, if any, in this regard. If

the Council fails to represent within fifteen days or, after having represented, the State Government, on considering the representation, is of the opinion that issuing such direction is necessary, the State Government may issue the same."