

**Maharashtra Regional And Town Planning (Amendment And Validation) Act, 2010**

**29 of 2010**

**[21 December 2010]**

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PREAMBLE

An Act further to amend the Maharashtra Regional and Town Planning Act, 1966.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Regional and Town Planning Act, 1966, for the purposes, hereinafter appearing; and, therefore, promulgated the Maharashtra Regional and Town Planning (Amendment and Validation) Ordinance, 2010, on the 21st September, 2010;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows :-

**1. Short Title And Commencement :-**

(1) This Act may be called the Maharashtra Regional and Town Planning (Amendment and Validation) Act, 2010.

(2) It shall be deemed to have come into force on the 21st

September, 2010.

## **2. Amendment of section 22 of Mah. XXXVII of 1966 :-**

In section 22 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the principal Act"), in clause (m), for the words "including imposition of, the following shall be substituted and shall be deemed to have been substituted, with effect from the 11th January, 1967, namely :—

"including imposition of fees, charges and premium, at such rate as may be fixed, by the State Government or the Planning Authority, from time to time, for grant of an additional Floor Space Index or for the special permissions or for the use of discretionary powers under the relevant Development Control Regulations, and also for imposition of.

## **3. Validation :-**

Notwithstanding anything contained in the principal Act, or in any rules or regulations made thereunder or in the Development plan or in any judgment, decree or order of any Court, tribunal or other authority, any levy and collection of fees, charges and premium by the State Government or the Planning Authority for grant of an additional Floor Space Index or for the special permissions or for the use of discretionary powers under the provisions of the principal Act, or any rules or regulations made thereunder, prior to the date of commencement of the Maharashtra Regional and Town Planning (Amendment and Validation) Act, 2010, shall be deemed to be validly levied and collected, and shall be deemed always to have been validly levied and collected, under the regulations made under section 22 of the Principal Act, as amended by the said Act, and accordingly no suit, prosecution or other legal proceedings shall lie in any Court or before any tribunal or other authority on the ground that, the provisions of the principal Act or the Development plan prepared thereunder, prior to such commencement, did not provide for making of the regulations regarding levy and collection of such fees, charges and premium by the State Government or the planning Authority. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any Court, or before any tribunal or other authority, for the refund of any such fees, charges and premium, so levied and collected.

## **4. Repeal of Mah. Ord. XIII of 2010 and saving :-**

(1) The Maharashtra Regional and Town Planning (Amendment and Validation) Ordinance, 2010, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any regulations made) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.