

MAHARASHTRA TRUCK TERMINAL (REGULATION OF LOCATION) ACT, 1995

11 of 1997

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MAHARASHTRA TRUCK TERMINAL (REGULATION OF LOCATION) ACT, 1995

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An Act to regulate the movement of goods carriages and transport vehicles in respect of loading and unloading of goods in urban areas, to regulate the location of the offices and godowns of transport companies, booking agents and others engaged in the business of collecting, forwarding or distribution of goods carried by goods carriages or transport vehicles, to establish Truck Terminal Authority to manage and control the truck terminal and to provide for matters connected there with or supplemental or incidental thereto. WHEREAS, with the fast growth of population and commercial activities, the congestion and traffic problems in urban areas and particularly in the Bombay Metropolitan Region have increased enormously; AND WHEREAS, with a view of relieving some of the congestion in traffic, steps have been taken under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964) to shift the wholesale markets for some of the agricultural produce like onions, potatoes, dry fruits condiments and spices etc., sugar, gur, ghee, wheat-flour and coconut outside Bombay, and under the provisions of the Bombay Metropolitan Region Specified Commodities Markets (Regulation of Location) Act, 1983 (Mah. XLII of 1983) to regulate in Greater Bombay and location of market areas and wholesale markets in respect of textiles, and iron and steel; AND WHEREAS, it is further expedient to enact a law immediately to accelerate the process of decongestion by regulating the movement of goods carriages and transport vehicles in respect of loading and unloading of goods at the specified areas, to regulate the location of the offices and godowns of transport companies, booking agents and others

engaged in the business of collecting, forwarding or distribution of goods carried by goods carriages and transport vehicles, to establish Truck Terminal Authority to manage and control such areas and to provide for matters connected therewith or supplemental or incidental thereto; It is hereby enacted in the Forty-Sixth Year of the Republic of India as follows:-

CHAPTER 1

Preliminary

1. Short title, extent, commencement and application :-

(1) This Act may be called the MAHARASHTRATRUCK TERMINAL (REGULATION OF LOCATION) ACT, 1995.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in the Bombay Metropolitan Region at once. It shall come into force in any other area on such date as the State Government may, by Notification in the Official Gazette, appoint, and different dates may be appointed for different areas.

(4) The provisions of this Act shall apply to control area or part thereof on the date appointed in the Notification under sub-section (1) of section 3; and different dates may be appointed for different control areas or different parts of a control area.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "appointed day" means the day on which the provisions of this Act apply to any control area or part thereof;

(b) "Authority" or "Truck Terminal Authority" means the Truck Terminal Authority established under section 4;

(c) "Bombay Metropolitan Region" means the area specified in Schedule 1 to the Bombay Metropolitan Region Development Authority Act, 1974 ; (Mah IV of 1975.),

(d) "Chairman" means the Chairman of the Authority;

(e) "Chief Executive Officer" means the Chief Executive Officer of the Authority;

(f) "Control area" means an area declared as control area under section 3;

(g) "Member" means a member of the Authority and includes the

Chairman and Chief Executive Officer;

(h) "Metropolitan Commissioner" means the Metropolitan Commissioner of the Bombay Metropolitan Region Development Authority;

(i) "Regulations" means the regulations made under this Act:

(j) "Rules" means the rules made under this Act;

(k) "Terminal" or "Truck Terminal" means the area declared as the Truck Terminal under section 5;

(l) "Truck Terminal Fund" means the fund constituted under section 36;

(m) Words and expressions used in this Act, and not defined herein, shall have the meanings assigned to them in the Motor Vehicles Act, 1988 (59 of 1988.)

CHAPTER 2

Declaration of Control, Area and Establishment of Truck Terminal Authority

3. Declaration of control area :-

(1) The State Government may, by notification in the Official Gazette, declare any area to be the control area, and may, by the same notification or by any other like notification, from time to time, appoint the date on which the provisions of the Act shall apply to such area or part thereof.

(2) Before issuing any notification under sub-section (1), for declaring any area to be the control area, the State Government shall publish or cause to be published in the Official Gazette and in at least two newspapers having circulation in the proposed control area, a public notice of its intention to issue such notification in respect of an area described in such notice; and inviting objections or suggestions, in writing, within a period of not less than thirty days from the date of publication of such public notice in the Official Gazette. Any objections or suggestions which may be received in time shall be taken into consideration by the State Government.

(3) A plan showing the boundaries of the control area shall be made available for inspection at such place as may be specified in the notification under sub-section (2).

4. Establishment of Truck Terminal Authority :-

(1) As soon as possible, after any area is declared to be the control area under sub-section (1) of section 3, the State Government shall, by notification in the Official Gazette, establish a Truck Terminal Authority for one or more control areas, or different Truck Terminal Authorities for different control areas.

(2) Every Truck Terminal Authority shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

(3) Notwithstanding anything contained in any law for the time being in force, every Truck Terminal Authority shall for all purposes, be deemed to be a local authority.

5. Declaration of area of Truck Terminal :-

The Truck Terminal Authority shall, after obtaining previous approval of the State Government or of such other authority as the State Government may, by general or special order, specify in this behalf, declare, by notification in the Official Gazette, the area or areas including the premises and precincts thereof to be the Truck Terminal for one or more control areas, which shall be used by a holder of a permit of a goods carriage or agent or any other person for arrival or departure of goods carriages or transport vehicles or for carrying on business of collecting, forwarding, distributing or transporting goods for the purpose of loading or unloading such goods into or from such goods carriages or transport vehicles.

6. Prohibition on person in engaging himself or as agent for transport or for loading and unloading goods in any place other than Truck Terminal :-

Notwithstanding anything contained in the Motor Vehicles Act, 1988 (59 of 1988), or any other law for the time being in force, on and from the appointed day

(1) No person shall engage within the control area by himself or as agent to otherwise in the business of collecting, forwarding or distributing goods carried or to be carried by a goods carriage or transport vehicle, except at the Truck Terminal.

(2) Where any goods carriage or transport vehicle in any region, transports goods in any control area or part thereof to which this Act applies, the permit granted in respect of such goods carriage or

transport vehicle for one region or countersigned for any other region shall be deemed to contain the following condition, namely :-

"No person or holder of a permit or his agent shall load or unload goods in or from a goods carriage or transport vehicle at any place in a control area or part thereof to which the Maharashtra Truck Terminal (Regulation of Location) Act, 1995, (Mah. of 1995), applies, except at the Truck Terminal."

7. Provisions of section 6 not to apply to certain transport vehicles :-

Nothing contained in section 6 shall apply to,

(a) a person loading or unloading goods wholly and exclusively for one person and at any one place in the control area ;

(b) a person loading goods at any one place in the control area; and unloading the same goods at any other place in the control area ;

(c) the goods carriages or transport vehicles exclusively transporting goods of any,

(i) consul de carriers, whether called a consul-general, consul, vice-consul, consular agent, proconsul or by any other name, of a Foreign State; [when such transport of goods is by themselves or for their own official use and such exemption is available on the reciprocal basis in the respective nation to which they belong;

(ii) departments or offices of the State or Central Government or of any companies or undertakings set up by the State or Central Government;

(iii) statutory corporations or a local authority established under any State or Central Act.

8. Permission for use of premises, etc in Truck Terminal :-

The Truck Terminal Authority shall, upon an application made by any person who is engaged by himself or as an agent in the business of collecting, forwarding or distributing goods carried by goods carriages, in accordance with the provisions of Section 93 of the Motor Vehicles Act, 1988 , (59 of 1988), permit such person or agent to use premises, facilities and services in the Truck Terminal in such manner and upon such terms and condition as may be prescribed by regulations.

9. Constitution of Authority :-

(1) The Authority shall consist of a Chairman, a Chief Executive Officer and seven other members all appointed by the State Government.

(2) The Metropolitan Commissioner shall be the ex-officio Chairman of the Authority in the Bombay Metropolitan Region. If similar authorities are established outside the Bombay Metropolitan Region, the concerned Divisional Commissioner shall be the ex-officio Chairman. The State Government shall appoint a full-time Chief Executive Officer. The Chief Executive Officer shall be a person who, in the opinion of the State Government, has administrative and management experience necessary for conducting and managing the affairs of the Authority under this Act. The following shall be the other seven members, namely,

(a) four official members who, in the opinion of the State Government, have special knowledge of, or practical experience in, municipal or public administration, town and country planning, public transport, traffic control or finance;

(b) three non-official members of whom one shall be a representative of the person engaged in the business of collecting, forwarding and distributing goods carried by goods carriages having offices in the control area.

(3) The names of the Chairman, Chief Executive Officer and the designations or as the case may be, names of other members appointed under this section shall be published in the official Gazette, and upon such publication, the Authority shall be deemed to be duly constituted.

10. Term of office :-

(1) The term of office of every non-official members shall subject, to the provisions of this Act and unless terminated earlier by the State Government for any reason whatsoever, ordinarily be for three years from the date of publication of his appointment in the Official Gazette.

(2) Where a person becomes or is appointed as a member of the Authority by virtue of holding any office or being a member of the

Parliament, State Legislature, any local authority, association or body, whether incorporated or not he shall cease to be a member of the Authority as soon as he ceases to be the holder of that office or ceases to be such member, as the case may be.

11. Conditions of service of Chief Executive Officer and non-official members :-

(1) The remuneration and other conditions of service of the Chief Executive Officer shall be such as the State Government may, by order, from time to time, determine.

(2) Every non-official member shall receive such allowances for the purpose of meeting personal expenditure incurred in attending the meetings of the Authority or for attending to any other business of the Authority as such member, as the State Government may, by order, from time to time determine.

(3) The remuneration of the Chief Executive Officer and the allowances to the non-official members shall be paid from the Truck Terminal Fund.

(4) Notwithstanding anything contained in this Act, if a member of Parliament or State Legislature is appointed as a member of the Authority, the remuneration and allowances payable to him, -

(a) if he is member of the Parliament, shall not exceed the compensatory allowance as defined in the Parliament (Prevention of Disqualification) Act, 1959 ;(10 of 1959)

(b) if he is a member of the State Legislature, shall not exceed the compensatory allowances permissible to him under entry 11 of the Maharashtra Legislature Members (Removal of Disqualifications) Act, 1956

12. Resignation of non-official members :-

Any non-official member may, at any time, resign his office by writing under his hand addressed to the State Government, and upon the acceptance thereof, the office of the member shall become vacant.

13. Temporary absence of members :-

If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties as a member or is absent on leave or otherwise, not involving the vacation of his appointment, the State Government may, appoint another person to officiate for

him and carry out his functions under this Act or any rules or regulations made thereunder.

14. Disqualification of members :-

(1) Subject to the provisions of sub-section (2), a person shall be disqualified for being appointed or continuing as the member of the Authority, if he,

- (a) holds any office of profit under the Authority;
- (b) is of unsound mind, and stands so declared by a competent Court;
- (c) is an uncertificated bankrupt or an undischarged insolvent;
- (d) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment with, by or on behalf of, the Authority;
- (e) is a director, secretary, manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment with by or on behalf of the Authority; or
- (f) has been or is convicted of any offence involving moral turpitude.

(2) A person shall not, however, be disqualified under Clause (d) or(e) of sub-section (1) or be deemed to have the share or interest -

- (a) In any contract or employment within the meaning of these clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted;
- (b) Any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Authority, by reason only of his being a shareholder of such company:

Provided that, such person discloses to the State Government, the nature and extent of the shares held by him.

15. Removal of members :-

(1) The State Government may, by notification in the official Gazette, remove from office any non-official member who,

(a) is, or has become, subject to any of the disqualifications mentioned in section 14; or

(b) in the opinion of the State Government, has been guilty of any misconduct whether before or after the appointment or neglects or has so abused his position as to render his continuance as member detrimental to the interest of the Authority or of the general public, or is otherwise unfit to continue as a member; or

(c) is absent without permission of the Authority for two consecutive meetings of the Authority

Provided that, no person shall be so removed from office unless he has been given an opportunity to show cause against his removal.

(2) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act, the non-official members shall hold office during the pleasure of the State Government; and the State Government, if it appears to it to be necessary or expedient so to do in the public interest, may, by order, remove all or any of them from office at any time.

16. Filing of vacancies :-

(1) In the event of a vacancy in the office of any member, the vacancy may be filled by the State Government, and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office.

(2) A vacancy of a member shall be filled as early as practicable.

Provided that, during any such vacancy, the continuing members may act as if no vacancy had occurred.

17. Proceedings presumed to be good and valid :-

No disqualification of, or defect in, the appointment or continuation of any person acting as a member of the Authority shall be deemed to vitiate any act or proceedings of the Authority, if such act or proceeding is otherwise in accordance with the provisions of this Act.

18. Meeting of Authority :-

(1) The Authority shall meet at such times, at least once in two months and at such places as the Chairman may determine.

(2) The Chairman or in his absence the Chief Executive Officer and

in the absence of both the Chairman and Chief Executive Officer, any other member chosen by the members present from amongst themselves, shall preside over a meeting of the Authority.

(3) All questions at meeting of the Authority shall be decided by a majority of votes of the members present and voting; and in the case of an equality of votes, the person presiding shall have and exercise a second or casting vote.

(4) Five members shall form a quorum to constitute a meeting of the Authority.

(5) Minutes shall be kept of the names of the members present and of others who attend the meeting of the Authority under the provisions of this Act and of the proceedings of each meeting, in a minute book to be kept for the purpose. The minutes shall be signed at the next meeting, after confirmation of such minutes shall be open to inspection by any member during office hours of the Authority.

(6) Subject to the foregoing provisions, the Authority may observe such rules of procedure in regard to the transaction of its business as it may deem proper and expedient.

19. Temporary association of persons with Authority for particular purpose :-

(1) The Authority may associate with itself, any person whose assistance or advice it may desire for carrying into effect any of the provisions of this Act:

Provided that, the number of persons so associated shall not be more than three.

(2) A person associated with Authority under sub-section (1) for any purpose shall have the right to take part in the deliberations of the Authority relevant to that purpose, but shall not have the right to vote.

(3) The State Government may, by order, depute its representatives to attend any meeting of the Authority and to take part in the deliberations of the Authority, on such items or subjects as the State Government may, specify but such representatives shall not have the right to vote.

20. Constitution of committees :-

The Authority may, from time to time, constitute committee or committees out of its members consisting of such number of them as it may think proper and may delegate to such committee such powers of the Authority as it may deem fit for carrying out the purposes of this Act.

CHAPTER 4

Organisation of the Authority and Officers and Servants of the Authority

21. Authorities charged with execution of this Act :-

The authorities charged with carrying out the provisions of this Act are

(a) the Authority; and

(b) the Chairman and the Chief Executive Officer of the Authority.

22. Superintendence and control :-

The Chief Executive Officer of the Authority shall be under the general superintendence and control of the Authority.

23. Powers and duties of Chief Executive Officer :-

(1) Subject to the superintendence, direction and control of the Authority, all the executive functions of the Authority shall be exercised by the Chief Executive Officer.

(2) Without prejudice to the provisions of sub-section (1), the Chief Executive Officer shall,

(i) supervise the financial and executive administration of the Authority and exercise such power and perform such duties and functions as may be conferred or imposed upon him by this Act or the rules or regulations or delegated to him by the Authority under this Act;

(ii) supervise and control all officers and servants of the Authority;

(iii) be responsible for collection of all suras due to the Authority and payment of all sums payable by the Authority;

(iv) ensure adequate security of all assets and property of the Authority;

(v) to be responsible for the proper application of the Truck Terminal Funds and property according to the provisions of this Act and rules or regulation made thereunder.

(3) The Chief Executive Officer may, with the sanction of the

Authority, delegate any of the powers or functions conferred or imposed upon him by or under this Act, to any officer or servant of the Authority.

24. Appointment of officers and servants :-

(1) The Authority,

(a) may, from time to time, create such posts of officers and servants as may be necessary for the purposes of this Act:

Provided that, no post with a pay-scale, the minimum of which exceeds rupees one thousand per month or such higher amount per month as the State Government may from time to time determine shall be created by the Authority without the previous approval of the State Government or such officer as the State Government may by general or special order specify in this behalf;

(b) may, from time to time appoint officers and servants to hold such posts; and

(c) shall pay such officers and servants such pay, allowances and other perquisites prospectively or retrospectively as it may, by regulations, determine.

(2) The powers and duties of such officers and servants shall be such as the Authority may from time to time by regulations made for the purpose, determine.

25. Conditions of service of officers and servants to be regulated by regulations :-

The Authority may, by regulations made for the purpose prospectively or retrospectively regulate the recruitment and the conditions of service of its officers and servants; and without prejudice to the generality of this power, such regulations may provide for the following matters, namely :-

(i) regulating the grant of leave and the payment of leave salary and allowances while on leave;

(ii) authorizing the payment of traveling or conveyance allowance;

(iii) regulating the period of service;

(iv) determining the conditions under which the employees shall receive the retirement benefits including provident fund, pension, gratuity or compassionate allowance and the conditions under

which heirs or surviving relatives of the employees shall receive such pension, gratuity or compassionate allowance;

(v) authorizing payment of contributions out of the Truck Terminal Fund to any pension or provident fund, which may be established for the benefit of the employees;

(vi) determining subsistence allowance in lieu of pay during the period of suspension of the employees pending enquiry;

(vii) prescribing any other conditions of service of the employees.

26. Provident Fund :-

(1) The Authority shall establish a provident fund for employees of the Authority, and such provident fund (hereinafter referred to as "the provident fund") shall notwithstanding anything contained in the Provident Funds Act, 1925 .(19 of 1925), be administered by the Authority.

(2) The Authority shall, in respect of each of its employees who is a subscriber to the provident fund pay into that fund such portion of the contribution in such manner as the Authority may from time to time determine.

27. Expenses of Authority :-

All expenses incurred by the Authority including expenses incurred on account of salaries, allowances, fees and other remuneration payable to the employees serving under the Authority, shall be met from the Truck Terminal Fund.

CHAPTER 5

Power and Duties of the Authority

28. Power and duties of Authority :-

In addition to the powers conferred and duties imposed upon it by or under this Act, the Authority may

(a) construct maintain and manage the Truck Terminal including any buildings or structures;

(b) provide, maintain and manage any instruments or implements required in the Truck Terminal;

(c) acquire, hold and dispose of any movable or immovable property;

(d) regulate the entry of persons and vehicular traffic into and exit

from the control area and the Truck Terminal;

(e) provide such facilities and services as may be necessary or expedient for the beneficial use of the Truck Terminal;

(f) perform such other functions and duties as may, from time to time be, necessary or expedient for the purpose of maintaining or managing the Truck Terminal;

(g) collect data and maintain records and statistical information and carryout necessary monitoring to detect trends and changes in the goods transport industry in the control area.

29. Powers of Authority to levy fees :-

It shall be competent for the Authority to levy and collect fees or service charges

(i) to cover its expenses on maintenance of roads, drainage, water supply, provisions for storage of goods, parking places, and such other facilities, amenities or services as may be provided by it, including provision of street lighting, at the Truck Terminal; and

(ii) for the entry of persons, vehicles and goods into Truck Terminal, in such manner, at such rates and from such persons as may be prescribed, from time to time, by regulations.

30. Power of Authority to give grants, share expenses, etc :-

Without prejudice to the generality of the powers conferred by section 28 the Authority may, within its discretion, give grants, advances or loans to or share expenses with, any local authority or public undertaking, within or without the area of its operation, towards expenses incurred or to be incurred by such authority or undertaking, in the performance, in relation to any facilities, amenities or services at the Truck Terminal, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land; and, notwithstanding anything contained in any law for the time being in force, it shall be lawful for such authority or undertaking to accept such grants, advances or loans or share in the expenses, subject to such terms and conditions as the Authority may from time to time, in consultation with such authority or undertaking, specify.

CHAPTER 6

Budget, Finance, Accounts and Audit, etc

31. Submission of budget to Authority :-

(1) The Chief Executive Officer of the Authority shall, at a special meeting to be held in the month of February in each year, lay before the Authority, the budget estimates of the Authority for the next year.

(2) Every such budget estimates shall be prepared in such form as the State Government may, from time to time, by order, determine and shall provide for,

(i) the proposals, plans and projects, which the Authority proposes to execute either in part or in the whole during the next year;

(ii) the due fulfillment of all the liabilities of the Authority; and

(iii) the implementation of the provisions of this Act;

32. Section of budget estimates :-

The Authority shall consider the budget estimates submitted to it under section 31 and approve the same with or without modification on or before such date as the State Government may, from time to time, determine.

33. Submission of approved budget estimates to State Government :-

(1) Every budget estimates approved by the Authority under the last preceding section shall be submitted to the State Government for information.

(2) After the receipt of the approved budget estimates, the State Government may, as far as practicable, before the beginning of the next year, suggested to the Authority, such modification therein as the State Government may deem fit, and the Authority shall carry out such modifications in the budget estimates in such manner as the Authority may think fit.

34. Supplementary budget :-

The Chief Executive Officer may, at any time during the year for which a budget has been approved by the Authority, lay before the Authority a supplementary budget estimate and the provisions of section 31, 32 and 33 shall so far as may be, apply to such supplementary budget estimates.

35. Application of the assets of Authority :-

(1) All property, fund and other assets vesting in the Authority shall be held and applied by it, subject to the provisions, and for the purposes, of this Act.

36. Truck Terminal Fund :-

(1) The Authority shall have and maintain its own Fund to be called "the Truck Terminal Fund" to which shall be credited,

(a) all money received by the Authority by way of grants, subventions, loan advances or otherwise;

(b) all money received from any statutory authority for carrying out the purposes of this Act;

(c) all fees, costs, fines and charges received by the Authority under this Act;

(d) all money received by the Authority from the disposal of lands, buildings and other properties movable and immovable and other transactions.

(e) all money received by the Authority by way of rent and profits or in any other manner or from any other source.

(2) The amount to the Credit of the Truck Terminal Fund shall be kept or invested in the State Bank of India or in any corresponding new Bank specified in the First Schedule to the BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970, (40 of 1970), or in the BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970, (40 of 1980), or in such Co-operative Bank as the State Government may, approved for the purpose.

(3) The accounts of the Truck Terminal Fund shall be operated by such officers of the Authority and in such manner as the Authority may, authorised by regulations made in this regard.

37. Power of Authority to borrow :-

The Authority may, with the previous approval of the State Government, borrow money for the purpose of providing itself with adequate resources.

38. Deposits :-

The Authority may accept deposits on such conditions as it may deem fit from persons, authorities or institutions, to whom allotment or sale of land, buildings or premises is made or is likely

to be made in furtherance of the objects of this Act.

39. Accounts and audit :-

(1) The Authority shall cause to be maintained proper books of accounts and such other books as the rules may require, and shall prepare in accordance with the rules an annual statement of accounts.

(2) The Authority shall cause its accounts to be audited annually by such person and by such date in the next succeeding year as the State Government may direct. The person so directed shall have the right to demand the production of books accounts, and connected vouchers, documents and papers, and to inspect any of the offices of the Authority.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof with a copy of the report of the auditor thereon to the State Government; and the Authority shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

(4) The accounts together with the report of the auditor thereon shall be laid by the State Government before each House of the State Legislature as far as possible, before the expiry of the year next succeeding the year to which they relate.

40. Concurrent and special audit of accounts :-

(1) Notwithstanding anything contained in section 39, there shall be a concurrent audit of the accounts of the Authority by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Authority relating to any particular transaction or a class or series of transactions or to a particular period.

(2) Where an order is made under sub-section (1) Authority shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit; and shall remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government.

CHAPTER 7

Acquisition of Land

41. Power to acquire land for the purposes of this Act :-

The State Government may, for carrying out the purposes of this compulsorily acquire land under the Land Acquisition Act, 1894 , (1) of 1894), as amended from time to time and the acquisition of any land for any of the said purposes shall be deemed to be a public purpose within the meaning of that Act.

42. Vesting in Truck Terminal Authority lands etc. transferred by the Bombay Metropolitan Region Development Authority or any other statutory Corporation :-

Notwithstanding anything contained in the Bombay Metropolitan Region Development Authority Act, 1974 , (Mah IV of 1975), or any other law for the time being in force, it shall be competent for the Bombay Metropolitan Region Development Authority constituted under the Bombay Metropolitan Region Development Authority Act, 1974 (Mah.IV of 1975), or for any statutory corporation constituted under any other law, to transfer any land with or without building constructed or any other work carried out, thereon to a Truck Terminal Authority subject to such terms and conditions as the State Government may, in consultation with the Metropolitan Authority or the statutory Corporation, from time to time, determine and thereupon such lands together with buildings or work if any, shall vest in the Truck Terminal Authority for the purposes of this Act.

43. Transfer of Government lands to Authority :-

(1) For the furtherance of the object of this Act, the State Government may, by notification in the Official Gazette, upon such conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority any lands vested in the State Government.

(2) After such land has been developed, by or under the control and supervision of the authority, it shall be dealt with by the Authority in accordance with the provisions of this Act or the rules or regulations made thereunder and the directions, if any, given by the State Government in this behalf.

(3) If any land placed at the disposal of the Authority under subsection (1), is required at any time thereafter by the State Government, the Authority shall replace it at the disposal of the State Government upon such terms and conditions as may be

mutually agreed upon.

44. Power of Authority to dispose of land, etc :-

Subject to any rules made by the State Government under this Act, the Authority may retain, lease, sell, exchange or otherwise dispose of any land, any building or other property vested in it, in such manner as it thinks fit for subserving the purposes of this Act.

CHAPTER 8

Offences and Penalties

45. Offences and penalties :-

(1) Whoever

(a) contravenes any provisions of section 6; or

(b) voluntarily obstructs the authorised officer under sub-section (1) of section 50 in carrying out inspection under Clause (a), or holding an enquiry under Clause (b) of the said sub-section; or

(c) knowingly fails to comply with any requisition or willfully furnishes false return, statement, accounts, return or proceedings, under Clause (c), or (d) of section 50; or

(d) willfully neglects or refuses to furnish any information or willfully furnishes false information under section 51; or

(e) willfully obstructs the authorised officer referred to in Clause (b) from seizing or taking possession of books, records, funds or property of the Authority under section 52; or

(f) aids or abets any person in the commission of any act specified in Clauses (a) to (e) shall, on conviction, be punished-

(i) when the offence is under Clauses (a) or (b) with imprisonment for a term which shall not be less than three months but which may extend to three years or with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with both;

(ii) when the offence is under Clauses (c), (d) or (e), with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both;

(iii) when the offence is under Clause (f), with same punishment as provided for the offence aided or abetted;

(iv) when the offence under Clauses (a) or (b) is continuing one after first

conviction, with further daily fine which shall not be less than one hundred rupees but which may extend to one thousand rupees per day during the period of continuance of the offence.

(2) If it appears to the Court taking cognizance of an offence under sub-section (1) on taking such evidence as it may deem necessary, that the accused person by himself or as an agent is carrying on the business of collecting, forwarding or distributing goods, carried by goods carriages in any place in the control area other than in Truck Terminal in contravention of any provision of section 6, the Court may order,-

(i) that the transport vehicle be seized and kept in the custody of that Authority; or

(ii) that the accused person shall not carry on such business in any place in the control area other than in Truck Terminal in contravention of the provisions of section 6 until the complaint is finally disposed of.

(3) Where any such accused person has been convicted for contravention of the provisions of section 6, the transport vehicle in respect of which any order is made under sub-section (2) may be forfeited to the State Government and in case where such person is acquitted or discharged, the transport vehicle if it is seized and kept in the custody of the Authority shall be returned to him.

46. Offences by companies :-

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent

and connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be proceeded against and punished accordingly.

Explanation - For the purposes of this section-

(a) "company" means a body corporate and includes a firm association of persons or body of individuals whether incorporated or not, and

(b) "director" in relation to a firm means a partner in the firm, and in relation to any association of persons or body of individuals means any member controlling the affairs thereof.

47. Cognizance and trial of offences :-

(1) No Court shall take cognizance of any offence punishable under this Act, except with the previous sanction of the Chief Executive Officer, or any person authorised by the Chief Executive Officer by general or special order, in this behalf.

[Provided that, where an offence is committed by a member of the Authority (including the Chairman of the Authority and the Chief Executive Officer), the authority competent to grant such previous sanction shall be the State Government or an officer authorised by the State Government in this behalf.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of First Class shall try an offence punishable under this Act.

48. Magistrates power to impose enhanced penalties :-

Notwithstanding anything contained in section 29 of the Code of Civil Procedure, 1973 (11 of 1974), it shall be lawful for any Metropolitan Magistrate or a Judicial Magistrate of First Class to pass any sentence authorised by this Act, in excess of his powers under the said section.

49. Compounding of offences :-

(1) The Chief Executive Officer may, either before or after the institution of the proceedings of an offence, other than an offence involving contravention of section 6, punishable under this Act, with the approval of the Authority, accept from any person charged with

such offence, by way of composition of the offence a sum not less than the amount of the maximum

Provided that in the case of an offence committed by a member of the Authority (including the Chairman and the Chief Executive Officer), the offence may be compounded by the State Government or by any officer authorised by the State Government in this behalf.;

(ii) On payment of such sum as may be determined by the Chief Executive Officer or the State Government or any officer authorised by the State Government under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence, and any proceedings, if already taken, shall stand abated and the accused person, if in custody, shall be discharged.

CHAPTER 9

Miscellaneous

50. Inspection, enquiry, submission of statements, etc :-

(1) The officer authorised by the State Government by general or special order in this behalf (hereinafter in this Chapter referred to as "the authorised officer") may-

(a) inspect or cause to be inspected the accounts and offices of the Authority, the Truck Terminal and any other establishment controlled by the Authority;

(b) hold enquiry into the affairs of the Authority;

(c) call for any return, statement, accounts or report which he may think fit to require such Authority to furnish;

(d) call for and examine the proceedings of the Authority;

(e) require the authority to take into consideration,-

(i) any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Authority and to make a written reply within a specified or reasonable time stating its reasons for doing such thing; or

(ii) any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Authority, and to make a written reply to him within a specified or reasonable time stating its reasons for not doing such thing;

(f) direct that anything which is about to be done should not be done, pending consideration of the reply; and

(g) direct that anything which is required to be done, but is not being done, should be done within such time as he may specify.

(2) If the Authority fails to comply with the order made or direction issued under sub-section (1), the authorised officer may direct the Chief Executive Officer to comply with such order and the Chief Executive Officer shall immediately comply with such direction.

51. Duty of officer, servant or member to furnish information to authorised officer :-

(1) Any officer, servant or member (including the Chairman and the Chief Executive Officer) of the Authority shall furnish such information in his possession in regard to the affairs or proceedings of the Authority as the authorised officer may require him so to do.

(2) An officer holding an enquiry into the affairs of the Authority or examining the proceedings under section 50 shall have powers to summon and enforce the attendance of any officer, servant or member including the Chairman and the Chief Executive Officer of the Authority and to compel him to give evidence and to produce documents by the same means and as far as possible in the same manner as provided in the case of a Civil Court by the Code of Civil Procedure, 1908, (V of 1908). The Officer shall thereafter submit a report of the enquiry or examination so made by him to the State Government.

52. Seizure of account books and other documents etc :-

Where the State Government or the authorised officer has reason to believe that the books and records of Authority are likely to be tampered with or destroyed or the funds or property of the Authority are likely to be misappropriated or misapplied, the authorised officer may seize and take possession of such books and records, funds and property of the Authority and the officers, servants or members (including the Chairman and the Chief Executive Officer), of the Authority responsible for the custody of such books, records and property shall give delivery thereof to the authorised officer.

53. Control of State Government :-

(1) The Authority shall exercise its powers and perform its duties

under this Act in accordance with the policy framed and guidelines, if any, laid down from time to time, by the State Government for carrying out the purposes of this Act.

(2) The Authority shall be bound to comply with such direction which may be issued from time to time, by the State Government in public interest for efficient administration of this Act.

(3) If, in connection with the exercise of the powers and performance of the duties of the Authority under this Act, any dispute arise between the Authority and the State Government, the matter shall be decided by the State Government and its decision shall be final.

54. Annual report :-

(1) The Authority shall, as soon as may be, after the end of each financial year, prepare and submit to the State Government, a report giving an account of its activities during the previous financial year, a statement of receipt and disbursement for the previous year, and a statement of operation of Truck Terminal Fund during the previous year, and the report shall also given an account of the activities, if any which are likely to be undertaken by the Authority during the next financial year.

(2) The State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is submitted.

55. Chairman, Chief Executive Officer, members and other officers and servants of Authority to be public servants :-

The Chairman, the Chief Executive Officer, members and other officers and servants of the Authority shall be deemed, while acting or purporting to act in pursuance of the provisions of this Act or the rules or regulations made thereunder to be public servants within the meaning of Section 21 Of the Indian Penal Code, 1860

56. Protection of action taken in good faith :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

57. Recovery of sums due to authority :-

Any sum due to the Authority on account of any I charge, costs, expenses, fees, rent, compensation or on any other account under

the provisions of this Act, or the rules or regulations made thereunder or any agreement made with the Authority shall be recoverable from the person from whom such sum is due in the same manner as an arrear of land revenue.

58. Non-applicability of Rent control Acts to Authority lands, building etc :-

The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom LVII of 1947), any other law corresponding thereto for the time being in force in any part of the State-

(a) shall not apply to any land, building or premises belonging to or vesting in the Authority under or for the purposes of this Act;

(b) shall not apply against the Authority, to any tenancy, licence or other like relationship created by the Authority in respect of any lands, buildings or premises; but

(c) shall apply to any land, building or premises let to the Authority.

59. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) All rules made under this Act shall be subject to the condition of previous publication,

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making modification in the rule or Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

60. Power to make regulations :-

The Authority may with the previous approval of the State Government make regulations consistent with this Act and the rules

made thereunder for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its Functions under this Act

61. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may as the occasion arises, by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no order shall be made under this section after the expiry of two years from the appointed day.