

Mumbai Municipal Corporation And The Maharashtra (Urban Areas) Protection And Preservation Of Trees (Amendment) Act, 2012

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Mumbai Municipal Corporation And The Maharashtra (Urban Areas) Protection And Preservation Of Trees (Amendment) Act, 2012

An Act further to amend the Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

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 Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and

Preservation of trees Act, 1975, for the purposes hereinafter appearing; and, therefore, promulgated the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Ordinance, 2012, on the 12th March, 2012;

And Whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-third Year of the Republic of India as follows

CHAPTER 1 Preliminary

1. SHORT TITLE AND COMMENCEMENT :-

(1) This Act may be called the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 12th March, 2012

CHAPTER 2 AMENDMENTS TO THE MUMBAI MUNICIPAL CORPORATION ACT

2. AMENDMENT OF SECTION 128 OF BOM. III OF 1888 :-

In section 128 of the Mumbai Municipal Corporation Act (hereinafter, in this Chapter, referred to as "the Mumbai Corporation Act), in sub-section (3), -

(i) for the words and figures "at any time during the official years 2010-2011 and 2011-2012," the words and figures "at any time during the official years 2010-2011, 2011-2012 and 2012-2013," shall be substituted;

(ii) for the words "two years", wherever they occur, the words "three years" shall be substituted.

3. AMENDMENT OF SECTION 140A OF BOM. III OF 1888 :-

In section 140A of the Mumbai Corporation Act,-

(a) in sub-section (2), for the figures and word "2010-2011 and 2011-2012" the figures and word "2010-2011, 2011-2012 and 2012-2013" shall be substituted:

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(2A) Notwithstanding anything contained in sub-sections (1) or (2) or any other provisions of this Act, the tax on buildings and lands, which are liable to be assessed for the first time on or after the 1st April, 2010, shall provisionally be equal to the amount of tax, as if such buildings and lands are liable to be assessed in the year 2009-2010; and on ascertainment of the capital value of such buildings and lands, the corporation may issue a final bill in respect of the years for which they are liable to be assessed, on the basis of capital value thereof and accordingly it shall be the duty of the owner and occupier of such buildings and lands to pay such tax within the period specified in the final bill issued as aforesaid."

4. AMENDMENT OF SECTION 141 OF BOM. III OF 1888 :-

In section 141 of the Mumbai Corporation Act, for sub-section (2), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 1st April, 1967, as follows :-

"(2) Subject to the provisions of section 169, the water benefit tax shall be levied in respect of all premises situated in Brihan Mumbai, except the buildings and lands or parts thereof vesting in. or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit."

5. AMENDMENT OF SECTION 142 OF BOM. III OF 1888 :-

In section 142 of the Mumbai Corporation Act, for sub-section (4), the following section shall be substituted and shall be deemed to have been substituted, with effect from the 1st April, 1967, as follows ;"(4) Subject to the provisions of section 170, the sewerage benefit tax shall be levied in respect of all premises situated in Brihan Mumbai, except the buildings and lands or parts thereof vesting in, or in the occupation of, any consul do carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign Slate recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit

6. AMENDMENT OF SECTION 143 OF BOM. III OF 1888 :-

In section 143 of the Mumbai Corporation Act, in sub-section (1) for clause (c), the following clause shall be substituted, namely :-

"(c) such buildings and lands vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.".

7. AMENDMENT OF SECTION 144B OF BOM. III OF 1888 :-

In section 144B of the Mumbai Corporation Act,-

(i) in clause (a), for the words "by the Maharashtra Housing and Area Development Authority" the words "by the corporation, the of Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority" shall be substituted;

(ii) in clause (e), the word "or" shall be added at the end;

(iii) after clause (e), the following clauses shall be inserted, namely :-

"(f) buildings constructed or reconstructed, for transit accommodation, that is to say transit camps, by the corporation, the Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority; or

(g) buildings constructed or reconstructed under the rental housing scheme by the corporation, the Mumbai Metropolitan Region Development Authority or the Maharashtra Housing and Area Development Authority:".

8. AMENDMENT OF SECTION 154A OF BOM. III OF 1888 :-

In section 154A of the Mumbai Corporation Act,-

(i) for the words and figures "official years 2010-2011 and 2011-2012" the words and figures "official years 2010-2011, 2011-2012 and 2012-2013" shall be substituted;

(ii) the following proviso shall be inserted, namely :-

"Provided that, in respect of the buildings and lands which are liable to be assessed for the first time on or after the 1st April 2010, the capital value of such buildings and lands shall, until the final capital value is determined under this section, be provisionally equal to the amount of rateable value worked out on the basis of the prescribed letting rates by the corporation in respect of the official year 2009-2010.".

9. AMENDMENT OF SECTION 172 OF BOM. III OF 1888 :-

In section 172 of the Mumbai Corporation Act,-

(a) in sub-section (1), for the words and figures "for the years 2010-2011 and 2011-2012" the words and figures "for the years 2010-2011, 2011-2012 and 2012-2013" shall be substituted;

(b) in sub-section (2), in the proviso, for the words and figures "the rules fixing the rates for the official year 2010-2011 and 2011-2012" the words and figures "the rules fixing the rates for the official years 2010-2011, 2011-2012 and 2012-2013" shall be substituted;

(c) after sub-section (2), the following sub-section shall be added, namely:-

"(3) In case of the buildings and lands which are liable to be assessed for the first time on or after the 1st April, 2010, the water taxes and charges and sewerage taxes and charges shall provisionally be levied on the basis of rateable value thereof, as if such buildings and lands are assessed in the year 2009-2010; and on ascertainment of the capital value of such buildings- and lands, the corporation may issue a final bill in respect of the years, for which provisional bills have been issued on the basis of rateable value, on the basis of capital value thereof and accordingly it shall be the duty of the owner and occupier of such buildings and lands to pay such tax within the period specified in the final bill issued as aforesaid.

10. AMENDMENT OF SECTION 219A OF BOM. III OF 1888 :-

Section 219A of the Mumbai Corporation Act. providing for overriding effect of certain provisions of the Act, shall be re-numbered as section 219AB and in section 219AB, as so renumbered, for the words, brackets and figures "or, as the case may be, the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011" the words, brackets and figures", the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 or the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of trees (Amendment) Act, 2012, as the case may be." shall be substituted.

CHAPTER 3 AMENDMENTS TO THE MAHARASHTRA (URBAN AREAS) PROTECTION AND PRESERVATION OF TREES ACT, 1975

11. AMENDMENT OF SECTION 18 OF MAH. XLIV OF 1975 :-

In section 18 of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975,-

(a) after sub-section (1A), the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 1st April, 1988, namely :-

"(1B) No Tree Cess under sub-section (1) or (1A) shall be leviable in respect of the buildings and lands or parts thereof vesting in, or in the occupation of, any. consul de carriers, whether called as a consul general, consul, vice-consul, consular agent, pro-consul or by any other name of a foreign State recognised as such by the Government of India, or of any members (not being citizens of India) of staff of such officials, and such buildings and lands or pans thereof which are used or intended to be used for any purpose other than for the purpose of profit.

(1C) In respect of the buildings and lands which are liable to be assessed for the first time on or after the 1st April, 2010, it shall be lawful for the urban local authority to issue a provisional bill for the payment of Tree Cess, until the final capital value of such buildings and lands is determined under the relevant law. as if such buildings and lands are assessed as per the rateable value worked out on the basis of the prescribed letting rates by the urban local authority, in respect of the official year 2009-2010. On the determination of capital value thereof, the amount of such cess shall be determined under sub-section (1A) and accordingly it shall be lawful for the authority to issue the final bill in respect of the years for which the capita! value is determined.";

(b) in sub-section (2), for the words, brackets, figures and letter "sub-section (1) or, as the case may be, under sub-section (1A)" the words, brackets, figures and letters "sub-sections (1), (1A) or (1C), as the case may be" shall be substituted.

CHAPTER 4 MISCELLANEOUS

12. REPEAL OF MAH. ORD. IV OF 2012 AND SAVING :-

(1) The Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Ordinance, 2012, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Mumbai Municipal Corporation Act and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the relevant Act, as amended by this Act.