

Pandharpur Development Authority Act, 2009

15 of 2009

[25 June 2009]

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Pandharpur Development Authority Act, 2009

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An Act to provide for establishment of the Pandharpur Development

Authority; for preparing plan for the Pandharpur Development Area; for ensuring timely implementation of various development works in the said area as per the said plan and for that purpose to ensure co-ordination between the concerned Government and Semi-Government agencies; giving directions for preparing plans and estimates of the works contained in the said plan, to grant administrative approval to the proposals of development works and plans and estimates, to give approval to tenders for works invited by the concerned Government and Semi-Government agencies; to receive and release Government grants to the concerned agencies after approval of tenders and to monitor implementation of development works by the concerned Government and Semi-Government agencies; and for the matters connected therewith or incidental thereto. WHEREAS Shri Vitthal-Rukmini Temple at Pandharpur in the Solapur District is an important place of pilgrimage in the State and a large number of pilgrims visit this temple and the other temples around it; AND WHEREAS such large number of pilgrims are required to be provided with basic amenities and there is need to develop the town of Pandharpur in a planned manner to cope up with such large floating population; AND WHEREAS in order to ensure planned development of Pandharpur, a number of works pertaining to different departments and agencies are required to be implemented; AND WHEREAS it is considered expedient to establish a Special Development Authority in order to ensure planned and well coordinated implementation of a variety of such development works through different agencies involved in development of the Pandharpur Municipal Area and its peripheral area; it is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER 1

Preliminary

1. Short Title And Extent :-

(1) This Act may be called the Pandharpur Development Authority Act, 2009.

(2) It extends to the area of the Pandharpur Municipal Council and its peripheral area upto ten kilometers from the limits of the Pandharpur Municipal Council.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (1) "amenity" includes road, street, bridge, any other means of communication, open space, park, recreation ground, play-ground, garden, market and conservancy, parking lot, supply of water and electricity, street lighting, drainage, sewerage, educational and health care facility, any welfare measure and any utility, or service and any convenience which the State Government may, in consultation with the Development Authority, from time to time, by notification in the Official Gazette, specify to be an amenity;
- (2) "Chairperson" means the Chairperson of the Pandharpur Development Authority;
- (3) "Deosthan Committee" means the "Shri Vitthal-Rukmini Temples Committee", established under sub-section (1) of section 21 of the Pandharpur Temples Act, 1973 (Mah. IX of 1974).
- (4) "Development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in or over or under any land (including land under river, lake or any other water) or the making of any material change in any building or land and includes the development, re-development and layout and sub-division of any land and also the provision of amenities and "to develop" shall be construed accordingly;
- (5) "Development Authority" means the Pandharpur Development Authority established under section 3;
- (6) "Development Plan" means the plan prepared under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXX-VII of 1966), for the Pandharpur Municipal Council and its peripheral area upto ten kilometers from the limits of the Pandharpur Municipal Council;
- (7) "Government agency" means any Department or office of the Government of Maharashtra;
- (8) "Pandharpur Development Area" means the area of the Pandharpur Municipal Council and includes an area within its periphery of ten kilometers;
- (9) "Pandharpur Development Master Plan" means the plan for development of Pandharpur Development Area sanctioned by the Government of Maharashtra for the purposes of this Act;
- (10) "prescribed" means prescribed by rules made under this Act;
- (11) "regulations" means regulations made under this Act;
- (1 2) "Semi-Government Agency" means any statutory or nonstatutory organisation, body, authority, Board or Government Company set-up by the Government of Maharashtra.

CHAPTER 2

Establishment of Development Authority

3. Establishment And Incorporation Of Development Authority :-

(1) The State Government may, by notification in the Official Gazette, establish the Development Authority to be known as "the Pandharpur Development Authority" to exercise the powers conferred on, and to perform the duties and functions assigned to it, under this Act.

(2) The Development Authority established under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue or be sued by its corporate name.

(3) The headquarters of the Development Authority shall be at Solapur. It shall normally sit at Solapur, but may hold its sitting at any other place within the State, as the exigency of the Development Authority may require.

4. Constitution Of Development Authority :-

(1) The Development Authority shall consist of the following, namely:--

- (a) The Guardian Minister of Solapur District Chairperson;
- (b) The Ministers or State Ministers from Solapur District, to be nominated by the State Government. Vice-Chairpersons;
- (c) Member of the Legislative Assembly elected from the Pandharpur Legislative Assembly Constituency. Member;
- (d) The President of the Pandharpur Municipal Council. Ex officio Member;
- (e) Two eminent persons to be nominated by the State Government. Members;
- (f) The Chief Executive Officer, Zilla Parishad, Solapur. Ex officio Member;
- (g) The Superintendent of Police, Solapur District. Ex officio Member;
- (h) The Superintending Engineer, Public Works Department, Solapur. Ex officio Member;
- (i) The Superintending Engineer, Maharashtra State Electricity Distribution Company Limited, Solapur. Ex officio Member;
- (j) The Civil Surgeon, Solapur. Ex officio Member;
- (k) The Executive Engineer, Maharashtra Jivan Pradhikaran,

Solapur. Ex officio Member;

(l) The Assistant Director of Town planning, Solapur. Ex officio Member;

(m) The District Project Officer, Office of the Collector, Solapur. Ex officio Member;

(n) The Chairman, Shri Vitthal-Rukmini Temples Committee, Pandharpur. Ex officio Member;

(o) The Chief Officer, Pandharpur Municipal Council. Ex officio Member;

(p) The District Planning Officer, Solapur Ex officio Member;

(q) The Collector, Solapur District. Ex officio Member-Secretary.

(2) The term of non-official members of the Development Authority, their emoluments and other conditions of service shall be such as may be prescribed.

(3) Any non-official member of the Development Authority may at any time resign his office by writing under his hand addressed to the State Government, and his office shall on acceptance of the resignation, become vacant.

(4) Any non-official member of the Development Authority may be removed if he,--

(a) has been adjudged insolvent;

(b) is found to be a lunatic or becomes of unsound mind; or

(c) is or has been convicted of any offence involving moral turpitude.

5. Development Authority To Be Special Planning Authority :-

The Development Authority shall be an authority within the meaning of sub-section (1B) of section 40 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) and accordingly, it shall be lawful for the State Government to declare the Development Authority to be the Special Planning Authority for the Pandharpur Development Area or any part thereof.

6. Proceedings Of Development Authority :-

(1) The Development Authority shall observe such rules of procedure in regard to transaction of its business at its meeting (including quorum at such meeting), as may be prescribed.

(2) The Chairperson shall preside over the meetings of the Development Authority and if the Chairperson, for any reason, is unable to attend a meeting, the Vice-Chairperson shall preside over

such meeting. If the Vice-Chairperson is also unable to attend a meeting, any other member chosen by the members present from amongst the members shall preside over the meeting.

(3) Save as otherwise provided in the rules made under sub-section (1), all questions before any meeting of the Development Authority shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the person presiding shall have a second or casting vote.

(4) The Chairperson shall have the powers of general superintendence and direction in conduct of the affairs and administrative matters of the Development Authority and shall exercise such other powers and discharge such other functions as may be assigned to him by the Development Authority.

7. Vacancy, Etc., Not To Invalidate Proceedings Of Development :-

Authority

No act or proceedings of the Development Authority shall be invalid merely by reason of,--

(a) any vacancy or any defect in the constitution of the Development Authority;

(b) any defect in the appointment of a Chairperson or member of the Development Authority; or

(c) any irregularity in the procedure of the Development Authority not affecting the merits of the case:

Provided that, if any question arises as to whether any irregularity in the procedure has affected the merit of the case or not, the matter shall be referred to the State Government, whose decision thereon shall be final.

CHAPTER 3

Powers, Duties and Functions of the Development Authority

8. Powers, Duties And Functions Of Development Authority :-

(1) Subject to the provisions of this Act and any other law for the time being in force, the powers, duties and functions of the Development Authority shall be as follows:--

(a) to draw a Master Plan for the development of the Pandharpur Development Area and to seek approval of the State Government for the same;

(b) to prepare a development plan or proposals of development of land for Development of the Pandharpur Development Area or any

part thereof in respect of which it has been appointed as a Special Planning Authority and to obtain approval of the State Government for the same; where any proposal for Development of any land is approved by the State Government under section 115 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966), the approval given by the State Government shall be final in such notified area and to that extent the provisions of any such plan or part thereof shall stand modified by virtue of the said approval of the State Government;

(c) to regulate, promote and ensure orderly implementation of the development works approved in the Pandharpur Development Master Plan;

(d) to appoint, specify and fix responsibilities on the concerned Government and Semi-Government Agencies for preparation of detailed schemes, plans, maps, estimates of various development works envisaged in the Pandharpur Development Master Plan and for implementation of the same;

(e) to give administrative approval to the proposals regarding development submitted to it by the Government and Semi-Government Agencies;

(f) to call for tenders through the concerned Government and Semi-Government Agencies for the approved development works and give approval to the same;

(g) to distribute grants received from the State Government to the concerned Government and Semi-Government Agencies after approval of tenders;

(h) to transfer the development works, structures, utilities, etc., after completion, to the concerned agency like Pandharpur Municipal Council, Police Department, the Deosthan Committee, Public Works Department, Public Health Department, Maharashtra State Electricity Distribution Company Limited, etc.;

(i) to monitor and ensure that the arrangements for the important annual pilgrimage events at the Temple are properly conducted by the Deosthan Committee and other agencies;

(j) to requisition the services of any officer or employee of any Government or Semi-Government Agencies, on part or full time basis, for performing the office work or any other work of the Development Authority for preparation, sanctioning, implementation or monitoring of the works under the Pandharpur Development Master Plan:

Provided that, in case of requisition of services of any officer or employee on full time basis for a period exceeding one month in

the aggregate, the Development Authority shall obtain the prior approval of the State Government;

(k) to entrust any Government or Semi-Government Agency with any responsibility pertaining to implementation of the Pandharpur Development Master Plan or part thereof:

Provided that, it shall be the duty of the concerned Government or Semi-Government Agency so entrusted to discharge the same as part of its official duty:

Provided further that, no fees shall be charged by the concerned Government or Semi-Government Agency for performing any such responsibility;

(l) to perform all the powers, duties and functions of the Special Planning Authority under sub-section (1B) of section 40 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);

(m) to perform all other powers, duties and functions assigned to it by the State Government, from time to time.

CHAPTER 4

Funds, Budget, Accounts and Audit

9. Grants By State Government :-

The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Development Authority in each financial year by way of grants from the Consolidated Fund of the State, such sums of money as it may deem fit for being utilized for the purposes of this Act.

10. Budget, Accounts And Audit :-

(1) The Development Authority shall prepare its budget for the ensuing financial year and shall submit the same to the State Government, by such date and in such form as may be prescribed.

(2) The Development Authority shall open a Personal Ledger Account (PLA) in the Government Treasury at Solapur, which shall be operated under the name of the Member-Secretary of the Development Authority.

(3) The procedure for incurring expenditure and utilisation of grants for the development works under this Act shall be as per the relevant financial rules of the State Government and it shall be the responsibility of the concerned Government and Semi-Government Agencies to maintain proper record of each of such works, to submit utilisation certificate to the Development Authority

periodically, as the State Government may specify for the purpose and to make available records for audit, as and when necessary.

(4) The Accounts of the Development Authority and of the Government and Semi-Government Agencies in respect of the expenditure incurred under the provisions of this Act shall be audited by the auditors of the Local Fund Audit or the Accountant General, as the State Government may, by notification in the Official Gazette, specify.

11. Annual Report Of Development Authority :-

The Development Authority shall prepare once every year, in such form and at such time, as may be prescribed, its annual report, giving a summary of its activities during the previous financial year and forward a copy thereof to the State Government.

12. Power Of Government To Call For Information :-

The Development Authority shall furnish to the State Government such information relating to its activities, as the State Government may, by order, require.

CHAPTER 5

Miscellaneous

13. Power To Make Rules :-

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

(2) Except when the rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.

(3) Every rule made under this Act 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 or more 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 any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the Official Gazette, the rule shall, from the date of publication of such decision in the Official Gazette, have effect only in such modified form or be of no effect, as the case may be; so, 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.

14. Power To Make Regulations :-

The Development Authority may, subject to the previous approval of the State Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder, for all or any of the matters for which provision is, in the opinion of the Development Authority, necessary for the exercise of its powers and the discharge of its functions under this Act.

15. Power Of Government To Issue Directions :-

(1) The State Government may give to the Development Authority such directions which in its opinion are necessary or expedient in the matters of policy involving public interest and it shall be the duty of the Development Authority to comply with such directions.

(2) If any question arises as to whether any such direction referred to in sub-section (1) relates to the matters of policy involving public interest, the decision of the State Government thereon shall be final.

16. Dissolution Of Development Authority :-

(1) When the State Government is satisfied that the purposes for which the Development Authority was established under this Act have been substantially achieved so as to render the continued existence of the Development Authority, in the opinion of the Government, unnecessary, the Government may, by an order published in the Official Gazette, declare that the Development Authority shall be dissolved with effect from such date as may be specified in the order and the Development Authority shall be dissolved accordingly.

(2) With effect from the date specified in the order under subsection (1),--

(a) all properties, funds and dues which are vested in the Development Authority, or realisable by the Development Authority shall vest in, or be realisable by, the Government;

(b) all liabilities enforceable against the Development Authority shall be enforceable against the Government.

(3) Every order made under sub-section (1) shall be placed, as soon as may be, before each House of the State Legislature.

17. Power To Remove Difficulty :-

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

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.