

Mumbai Municipal Corporation (Amendment) Ordinance, 2019

9th March 2019

CONTENT

1. Short title and commencement.

2. Amendment of section 140 of Bom. III of 1888.

3. Amendment of section 140A of Bom. III of 1888.

4. Power to remove difficulty.

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Mumbai Municipal Corporation (Amendment) Ordinance, 2019 (Mah. Ord. XI of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

Secretary (Legislation) to Government, Law and Judiciary Department.

[Translation in English of the Mumbai Municipal Corporation (Amendment) Ordinance, 2019 (Mah. Ord. XI of 2019), published under the authority of the Governor].

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk, Mumbai 400 032, dated the 10th March 2019.

MAHARASHTRA ORDINANCE No. XI OF 2019.

AN ORDINANCE

further to amend the Mumbai Municipal Corporation Act.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act, Bom. III of 1888.

for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. Short title and commencement.

(1) This Ordinance may be called the Mumbai Municipal Corporation (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

2. Amendment of section 140 of Bom. III of 1888.

In section 140 of the Mumbai Municipal Corporation Act (hereinafter referred to as "the principal Act"), in sub-section (1), to clause (c), the following proviso and the Explanation shall be added, namely :—

"Provided that, the Corporation shall not levy property tax leviable under this clause, on residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less.

Explanation.— For the purposes of the above proviso, the term "residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less" means the residential buildings or residential tenements, existing on the date of coming into force of the Mumbai Municipal Corporation (Amendment) Ordinance, 2019, having carpet area of 46.45 sq. meter (500 sq. feet) or less and recorded with such area in the Municipal records on the 1st January 2019 or in respect of which the permission to occupy has been granted by the Corporation permitting such area to be occupied after such date of coming into force of the said Ordinance."

3. Amendment of section 140A of Bom. III of 1888.

In section 140A of the principal Act, in sub-section (1), after the fifth proviso, the following proviso shall be added, namely :—

"Provided also that, for the Financial Year 2019-20, the provisions of the preceding proviso shall apply as if the general tax leviable under clause (c) of sub-section (1) of section 140 do not form part of the property tax leviable under that section."

4. Power to remove difficulty.

(1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Ordinance, the State Government may, as occasion arises, by an order published in the Official Gazette, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

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

STATEMENT

The Mumbai Municipal Corporation has adopted the system of levy of property tax on buildings and lands in Brihan Mumbai, on the basis of their capital value with

effect from the 1st April 2010.

The fifth proviso to section 140A of the Mumbai Municipal Corporation Act provides that, for the period of five years commencing on the 1st April 2015, the amount of property tax leviable in respect of residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less, shall not exceed the amount of property tax levied and payable as on 31st March 2015.

2. It has been brought to the notice of State Government that, the property taxes leviable and payable on all buildings and lands has been increased. It has also been brought to the notice of the Government that, the occupiers of small residential tenements or residential buildings, who are new occupants of such small residential tenements or residential buildings are likely to be mostly affected by such revision and higher property tax.

It has also been brought to the notice that, since most of such small residential tenements or residential buildings are being developed under the various schemes of the State Government and of the Municipal Corporation, it is expedient to continue the benefit of lower property tax for these small residential tenements or residential buildings.

The Mumbai Municipal Corporation has also passed a resolution, for not to levy property tax on such small tenements or residential buildings.

It is, therefore, considered expedient to amend sections 140 and 140A of the said Act, suitably, so as to provide that the general tax referred to in clause (c) of sub-section (1) of section 140 of the said Act, shall not be levied in respect of residential building or residential tenement, having carpet area of 46.45 sq. meter (500 sq. feet) or less.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act (Bom. Ill of 1888), for the purposes aforesaid, this Ordinance is promulgated.