

[THE TRIPURA ACT NO 12 OF 2018]

**THE TRIPURA URBAN PLANNING AND DEVELOPMENT
ACT, 2018**

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**AN
ACT**

to make provisions for planning, development and utilization of urban and rural lands in a planned manner and to provide for constitution of a Urban Planning and Development Board and the matters connected therewith and incidental thereto,

WHEREAS, it is expedient to make provision for planning the development and use of land in Regions established for that purpose; to make better provision for the preparation of Development plans with a view to ensuring that town planning schemes are made in a proper manner and their executions is made effective; to provide for the creation of new towns by means of Development Authority; to make provision for the compulsory acquisition of land required for public purposes in respect of the plans; and for purposes connected with the matters aforesaid ;

BE it enacted by the Tripura Legislative Assembly in the sixty-ninth year of the Republic of India as follows: -

CHAPTER I

PRELIMINARY

1.

- i. The act may be called the Tripura Urban Planning and Development Act, 2018.
- ii. It shall extend to the whole of the State of Tripura.
- iii. It shall come into force on the date of publication in the Official Gazette.

2. Definitions:-

In this Act, unless the context otherwise requires-

- i. *“Agriculture”* includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; and use of land which is ancillary to the farming of land or any other agricultural purposes; but does not include the use of any land attached to a building for the purposes of garden to be used along with such building and expression *“agricultural”* shall be construed accordingly;
- ii. *“Amenities”* means any one or more than one utilities such as roads, streets, open spaces, parks, recreational, grounds, play grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;
- iii. *“Expert Committee(Arbitrator)”* means an Arbitrator appointed as such under Section 102;
- iv. *“Authority”* means the Tripura Urban Planning and Development Authority constituted under Section 17
- v. *“Board”* means the Tripura Urban Planning and Development Board constituted under Section 3;
- vi. *“Building”* means any construction or part of a construction which is intended to be used for residential, commercial, industrial or other purposes whether in actual use or not and includes any out-house, stable, cattle shed and garage;
- vii. *“Building operations”* include-
 - a. Erection or re-erection of a building or any part of it;
 - b. Roofing or re-roofing of a building or any part of a building or an open space;

- c. Any material alteration or enlargement of any building;
 - d. Any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security;
 - e. The construction of a door opening on any Street or land not belonging to the owner;
- viii. *“Bypass”* means a road specified in the schedule to this Act, provided as a permanent diversion to a scheduled road, whether such diversion is situated within or without the limits of Local Authority and whether it is constructed before or after the commencement of this Act and includes a road which is specified as bypass by the State Government, by notification, for the purposes of this Act;
- ix. *“Chapter”* means a Chapter of this Act;
- x. *“Commissioner”* means the Commissioner of the Tripura Urban Planning and Development Authority (Referred as Authority hereinafter).
- xi. *“Commerce”* means the carrying of any trade, business or profession, sale or exchange of goods of any type whatsoever and includes the running of with a view to make profits, hospitals or nursing homes, infirmaries, educational Institutions and also includes hotels, restaurants and boarding houses not attached to educational Institutions and the expression *“commercial”* shall be constructed accordingly;
- xii. *“Commercial use”* includes the use of any land or building or part thereof for purposes of commerce or for storage of goods or as an office, whether attached to any Industry or otherwise;
- xiii. *“Competent Authority”* shall mean any person or authority appointed by the State Government by notification to exercise and perform all or any of the powers and functions of the competent authority under this Act. Provided that in relation to an area falling within the jurisdiction of a Municipality or a Municipal Corporation the powers of the competent Authority under chapter XI of this Act, except the powers in respect of change of land use exercised under section 81, shall be exercised and performed by the Municipality or the Municipal Corporation in whose jurisdiction such as area falls;
- xiv. *“Court”* means a principal civil court of law original jurisdiction and includes any other civil court empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;

- xv. *“Development”* with its grammatical variations cognate expressions means the carrying out of building, engineering, mining, quarrying or other operations in, on, over or under land or making or any structural or material change in any building or land including that which affects the appearance or any feature of a heritage site and includes demolition of any part or whole of the building or change in use of any building or land and also includes reclamation, redevelopment a layout or subdivision of any land and the expression “develop” shall be constructed accordingly;
- xvi. *“Development rights”* means a right to carry out development or to develop the land or building or both and shall include the transferrable development right in the form of right to utilize the floor area ratio or land utilizable either on the remainder of the land partially reserved for the public purpose or elsewhere as may be provided in the zoning regulations;
- xvii. *“Engineering operations”* include the formation or laying out means of access to a road or the laying out of means of water supply, drainage, sewerage, or of electricity cables or lines or of telephone lines or any other communication lines of cables;
- xviii. *“Erect or re-erect”* any building includes-
 - a. Any material alteration or enlargement of any building;
 - b. The conversion, by structural alteration, into place for human habitation of any building not originally constructed for human habitation;
 - c. The conversion into more than one place for human habitation of a building originally constructed as one such place;
 - d. The conversion of two or more places of human habitation into a greater number of such places;
 - e. Such alterations a building as effect an alteration its drainage or sanitary arrangement or materially affect its security;
 - f. The addition of any rooms, buildings, out-houses or other structures to any building; and
 - g. The construction in a wall adjoining any street or land not belonging to the owner of the wall of a door opening on to such street of land;
- xix. *“Estate Officer”* means a person appointed by the Authority to perform the functions of an Estate Officer under this Act;

- xx. *"Floor area ratio"* means the ratio derived by dividing the total covered area of all floors by the area of plot;
- xxi. *"Heritage site"* includes buildings, artifacts, structures, areas, precincts of historical or aesthetical or architectural or educational or scientific or cultural or environmental significance and those natural features of environmental significance or scenic beauty as may be declared as such by the competent Authority by a notification;
- xxii. *"Land"* includes benefits arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- xxiii. *"Local Authority"* means a Municipal Corporation, a Municipal Council or Nagar Panchayat any other Authority entrusted with the functions of a Local Authority under any law for the time being in force;
- xxiv. *"Master Plan"* means master plan prepared under this Act and includes a new Town Development Plan;
- xxv. *"Means of Access"* includes any means of access, whether private or public for vehicles or for foot passengers and includes a road;
- xxvi. *"Occupier"* include-
 - a. A tenant;
 - b. An owner in occupation of or otherwise using his land or building or part thereof;
 - c. A rent-free occupant of any land or building or part thereof;
 - d. A license in occupation of any land or building or part thereof;
 - e. Any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;
- xxvii. *"Operational construction"* means any construction whether temporary or permanent which is necessary for operation, maintenance, development or execution of any of the following services, namely-
 - a. Railways;
 - b. National Highways;
 - c. National Waterways
 - d. Airways and Aerodromes;
 - e. Posts and telegraph, telephone, wireless, broadcasting and other such like forms of communication;
 - f. Regional grid for electricity;

- g. Any other service which the State Government may, if it is of opinion that the operation, maintenance, development or execution of such other service is essential to the life the community, by notification, declare to be a service for the purposes of this clause;

Explanation- For the removal of doubts, it is hereby declared that the construction of-

- New residential buildings except those connected with operations like gate lodges, hospitals, clubs, Institutions, schools, railway colonies, roads, drains and the like in the case of railways; and
 - A new building, new structure of a new installation or any extension thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause;
- xxviii. “*Owner*” includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium of any land whether on his own account or on account of or on behalf of or for the benefit of any other person or as an agent, trustee, guardian, or receiver for any other person or for any religious or charitable institution or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant; and includes the Head of a Government Department, General Manager of Railways, the Secretary or other Principal Officer of a local authority, statutory authority or company, in respect of properties under their respective control;
- xxix. “*Planning Agency*” means any firm, agency, company outsourced by the Tripura Urban Planning and Development Authority for planning and development purpose;
- xxx. “*Planning Area*” means a Regional planning area, a local planning area or a site as notified by the State Government, in consultation with the concerned urban body if it falls within the notified area of that body, for taking up for planning and development under this Act;
- xxxi. “*Plot*” means a portion of land held in one ownership and numbered and shown as one plot in a town planning scheme;
- xxxii. “*Layout*” means any land more than one acre of area within or outside the limits of Urban Local Body where planned townships are to be approved and set up under this Act which consists of various plots for construction of commercial,

residential, industrial, institutional structures or mixed structures along with the space for amenities such as underground sewage lines, gas pipelines, water pipelines and water tanks, water treatment plants, optic fibre cables, electric cable, lines poles, telecommunication lines, cables poles, public park or open spaces Roads, lanes, parking spaces and any other public amenity or facilities;

- xxxiii. *“Regulations”* means regulations made by the Board, or the Authority under this Act;
- xxxiv. *“Road reservation in relation to a scheduled road”* means the land whether metaled or un-metaled, which vests in the State Government or the Central Government or a local Authority for the purposes of such road and the boundaries of which are demarcated by pillars, posts or wires or in any other manner;
- xxxv. *“Rules”* means rule made under this Act;
- xxxvi. *“Scheduled Road”* means a road specified in the Schedule to this Act which is wholly situated within the State of Tripura and where any road so specified is not so wholly situated, the portion of such road which is situated in the State of Tripura and includes a “by-pass” and shall also include any road which the State Government may, by notification add to the Scheduled to this Act;
- xxxvii. *“Scheme”* means any town and development scheme framed under this Act;
- xxxviii. *“Section”* means the Section of this Act;
- xxxix. *“State Government”* means the Government of Tripura represented by the Urban Development Department for the purpose of this act
- xl. *“Townships”* means any area of one acre or more within or outside Urban local Body notified under this act by state government, in consultation with the concerned local body if it falls within the notified area of the local body, having planned development with all the urban amenities for either industrial, commercial, institutional or residential purpose or for mixed purpose.
- xli. *“Transferee”* means a person, including a firm or other body of individual whether incorporated or not, to whom a site or building is sold, list or transferred under this Act and includes his successors and assignees; and
- xlii. *“Tribunal of Appeal”* means the tribunal of Appeal appointed as such under Section 105.

- xliii. *Urban* means an area within the limits of the Urban Local Bodies or such an area outside the limits of Urban local Bodies notified to be Townships from time to time by the State Government
- xliv. *Urban Local bodies (ULB)* mean Municipal Corporation, Municipal Council or a Nagar Panchayat under Tripura Municipal Act 1994 or any other area or township notified under this act or any other relevant act.

CHAPTER II

ESTABLISHMENT OF TRIPURA URBAN PLANNING AND DEVELOPMENT BOARD

3. As soon as may be, after the commencement of this Act, the State Government shall by notification in the Official Gazette, establish for the purposes of carrying out of the functions assign to it under this Act, a Board to be called the Tripura Urban Planning and Development Board.
4.
 - i. Tripura Urban Planning and Development Board established under Section 3 shall consist of a Chairman, Vice-chairman, a Member Secretary and the following other members, namely-
 - a. Not more than six(6) ex-officio members to be appointed by the State Government from among the Secretaries and other Officers of the State Government specifically from Urban Development, Revenue, Power, Drinking Water Supply, PWD and other relevant departments.
 - b. Not more than three (3) non-official members to be nominated by the State Government from amongst the persons having special knowledge or experience in matters relating to Regional Planning, Town Planning, Development and related areas or elected representatives including Mayor/Chairperson of the urban local bodies.
 - ii. The Chief Minister, Tripura shall be the ex-officio Chairman of the Board.
 - iii. The Chief Secretary, Tripura shall be the ex-officio Vice Chairman of the Board. Provided that if Minister-in-charge of Urban Development Department is different from the Chief Minister, he will be Vice Chairman and the Chief Secretary will be member of the Board.
 - iv. Commissioner of the Tripura Urban Planning and Development Authority shall be the ex-officio Member Secretary of the Board.
Provided that Mayor/Chairperson of the urban local bodies concerned shall be invited in meeting when their matter is under consideration.
5.
 - i. A person shall be disqualified for being nominated as and for being a member of the Board, if he-

- a. Has been convicted by a criminal court at any time for an offence involving moral turpitude, heinous crimes unless such conviction has been set aside;
 - b. Is an undischarged insolvent;
 - c. Is of unsound mind and declared so by the competent Court of law.
 - ii. If any question, dispute or doubt arises as to whether or not any person is eligible for membership of the Board or has incurred any of the disqualifications specified under sub-section (i) whether before or after becoming a member, it shall be determined by the State Government whose decision shall be final and binding.
6. If a member of the Board nominated under clause (b) of sub-section (i) of Section 4-
 - a. Becomes subject to any disqualification referred to in section 5; or
 - b. Absent himself, without permission of the Chairman from three consecutive meetings of the Board, the State Government shall declare his office to be vacant.
7. If the State Government is of opinion that any member nominated under clause (b) of sub-section (i) of Section 4 is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such member, or that he should for any other good and sufficient reason be removed the State Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.
8. Any member nominated under clause (b) of sub-section (i) of Section 4 may resign from the membership of the Board by giving notice in writing to the State Government and on such resignation being accepted by the State Government, he shall cease to be a member of Board.
9. In the event of a vacancy in the office of any member nominated under clause (a) or (b) of sub-section (i) of section 4, the vacancy shall be filled by the State Government in the manner laid down in the aforesaid clause (a) or clause (b), as the case may be.
10. The Board shall have its Headquarter at such as may be notified by the State Government from time to time.
11.
 - i. The Board shall meet at such times and places as the Chairman may determine and shall, subject to the provisions of sub-section (2) and (3), observe such procedure in regard to the transaction of business at its meetings as may be laid down by it in the regulations.

- ii. All questions at a meeting of the Board shall be decided, by a majority of the votes of the members present and voting and in case of equality of votes, the person presiding shall have a casting vote.
 - iii. One third members shall form quorum at a meeting of the Board:
 - a. Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business;
 - b. Provided further that a notice of the adjourned meeting shall be sent to all the members of the Board.
 - iv. Minutes of the names of the members present and the proceedings at each meeting shall be kept in a book to be maintained for this purpose which, shall be signed at the next ensuing meeting by the person presiding at such meeting.
 - v. A copy of the proceedings of every meeting of the Board shall be sent by the Member-Secretary of the Board to the State Government within fifteen days after the meeting is held.
 - vi. No acts done or proceedings taken under the Act by the Board shall be invalid merely on the ground of existence of any vacancy amongst its members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.
- 12.** The Member-Secretary of the Board shall arrange for transaction of business of the Board, authenticate orders and decisions of the Board and discharge such other functions of the Board as may be assigned to him by the Board under its regulations.
- 13.** The State Government on the request of the Board may make available to the Board such staff as may be necessary for the performance of functions conferred on the Board under this Act.
- 14.** Subject to the provisions of the Act and rules framed there under, the functions of the Board shall be to advise the State Government on the matters relating to the Planning, Development and use of Urban and notified lands in the State and to perform such other functions as the State Government from time to time assign to it.
- 15.**
- i. The Board may associate with itself in such manner and for such purpose as may be prescribed any person whose assistance or advice it may require in performing any of its functions under this Act;

- ii. Any person associated with it by the Board under sub-section (i) for any purpose shall have a right to take part in the discussion of the Board relevant to that purpose but shall not have a right to vote at a meeting.

16. Subject to any rules in this behalf, the Board may from time to time appoint one or more Committees for the purpose of securing efficient discharge of its functions.

CHAPTER III

ESTABLISHMENT OF THE TRIPURA URBAN PLANNING AND DEVELOPMENT AUTHORITY, SPECIAL URBAN PLANNING AND DEVELOPMENT AUTHORITIES

17.

- i. With effect from such date as the State Government may, by notification, specify in this behalf, the State Government shall establish for the purposes of this Act, an Authority to be known as the Tripura Urban Planning and Development Authority (referred hereinafter as “Authority”) with Headquarters at such places as the State Government may specify.
- ii. The Authority established under sub-section (i) shall be a body corporate as well as by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, and to contract, and shall, by the said name, sue and be sued.
- iii. The Authority established under sub-section (i) shall consist of the following members to be appointed by the State Government, namely:
 - a. A Chairman;
 - b. A Vice-chairman;
 - c. A Commissioner who shall be appointed from amongst the officers of the Government of Tripura having such qualifications and experience as may be prescribed and shall act as Member Secretary and Chief Executive of the Authority;
 - d. Not more than four(4) official members including the officials from relevant departments specifically from Urban Development, Town & Country Planning and Revenue sector to be prescribed by the notifications in Official Gazette;
 - e. Not more than 2 (two) members from officers of not less than Secretary of State rank retired from government having relevant experience or from academic institutions having relevant expertise.

- iv. The Minister-in-Charge of Urban Development and the Secretary to the Government of Tripura, holding the charge of Urban Development shall, respectively, be the Chairman and the Vice-Chairman of the Authority.

18.

- i. The term of office and conditions of service of the members of the Authority shall be such as may be prescribed.
- ii. The Commissioner shall be entitled to receive from the fund of the Authority such salary and such allowances, if any, as may be prescribed.
- iii. Any member, other than the Commissioner, may be paid from the fund of the Authority such allowances, if any, as may be prescribed.

19. The State Government may remove from office any member of the Authority-

- i. Who, without excuse, sufficient in the opinion of the State Government, is absent for more than three consecutive meetings of the Authority;
- ii. Who has, in the opinion of the State Government, so abused his position as a member as to render his continuance on the Authority detrimental to the interests of the Authority.

20. Upon occurrence any vacancy in the office of Chairman, Vice-chairman, Commissioner or any other member of the Authority, a new Chairman, Vice-chairman, Commissioner or member, as the case may be, shall be appointed.

21.

- i. The Authority shall meet at such times and places and shall, observe such procedure in regard to the transaction of its business at such meetings as the Authority may provide by regulations.
- ii. At every meeting of the Authority, the Chairman, if present, or, in his absence, the Vice-chairman, and if the Vice-chairman is also not present, then any one of its members, whom the members present may elect, shall preside.
- iii. All questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting and in the case of equality of votes; the member presiding shall have a casting vote.
- iv. Minutes shall be kept of the names of the members present and the proceedings at each meeting shall be kept in a book to be maintained for this purpose which,

shall be signed at the next meeting by the person presiding at such meeting and shall be open to inspection by any member during office hours.

- v. For the transaction of business at a meeting of the Authority, the quorum shall be one-third of the number of members actually serving for the time being but shall not, in any case, be less than four:
 - Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business.
 - Provided further that a notice of the adjourned meeting shall be sent to all members of the Authority.

22. The commissioner shall be the Chief Executive of the Authority and shall arrange for the transaction of business of the Authority, authenticate orders and decisions of the Authority as may be assigned to him by the Authority under its regulations.

23. Subject to any regulations made in this behalf by the Authority, the Authority may, from time to time, appoint Executive Committee headed by the Commissioner of the Authority and having such other members as notified by the Authority for the purpose of securing the efficient discharge of the functions of the Authority and in particular for the purpose of ensuring the efficient planning, maintenance of public amenities and execution of development works and projects.

24.

- i. The Authority or Executive Committee appointed under Section 23 may associate with itself any person whose assistance or advice it may require in the performance of its functions under this Act.
- ii. Any person associated with it by the Authority under sub-section (i) for any purpose shall have a right to that purpose and shall have a right to take part in the discussions of the Authority relevant to that purpose but shall not have a right to vote at the meeting.

25. No act done or proceedings taken under this Act shall be questioned merely on the ground of-

- a. The existence of any vacancy in or any defect in the Constitution of the Authority;

- b. Any person associated under Section 24 having voted in contravention of the provisions of this Act in this behalf;
- c. The failure to serve a notice on any person where no substantial injustice has resulted from such failure;
- d. Any omission, defect or irregularity not affecting the merits of the case.

26.

- i. The Authority shall establish its office which will be headed by the Commissioner of the Authority and shall have powers to hire, outsource, depute officers, experts, engineers, consultants, consulting firms, employees, staff as and when required either for temporary period or for specific duration to carry out day to day function, technical, legal, survey work and other activities as may be necessary and may determine their designations and grades by way of notifications.
- ii. The officers and other employees of the Authority shall be entitled to receive, from the fund of the Authority, such salaries and allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf by the Authority.
- iii. The exercise of any powers or discharge of any duties or functions under subsection (i) by any officer or other employees of the Authority shall be subject to such restrictions, conditions and limitations, if any, as may be laid down by regulations of the Authority and shall also be subject to its control and supervision.

27. No person who has, directly or indirectly, by himself or through his partner or agent, any share or interest in any contract by or on behalf of the Authority, or in any employment under, by or on behalf of the authority, otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority.

28.

- i. The object of the Authority shall be to promote and secure better planning and development of any area of the State as well as set up amenities and for that purpose the Authority shall have the powers to acquire by way of allotment, purchase, transfer, exchange or gift or to hold, manage, plan, develop and mortgage or otherwise dispose of land or other property or to carry out itself or in collaboration with any other agency or through any other agency on its behalf, building, engineering, mining and other operations to execute works in

connection with supply of water, disposal of sewerage, control of pollution, construction of road & buildings, development of water bodies or open spaces and other services and amenities and generally to do anything for carrying out the purposes of this Act.

- ii. In particular and without prejudice to the generality of the foregoing provisions, the authority itself or in collaboration with any other agency or through any other agency on its behalf-
 - a. Take up the works in connection with the preparation and implementation of Regional Plans, Master Plans and New Township Plans, Town improvement schemes;
 - b. Undertake the work relating to the amenities and services to be provided in the Urban & Planning Area, Urban estates, for Urban Development as well as construction of houses & other infrastructure;
 - c. Promote research, development of new techniques of planning, land development and house construction and manufacture of building material;
 - d. Promote companies, association and other bodies for carrying out the purposes of the Act; and
 - e. Perform any other function which are supplemental, incidental or consequential to any of the functions referred to in this sub-section or which may be prescribed;
 - f. Accord approval of layout plan or any other development plan, any other statutory clearances as may be prescribed by the state government, in the local planning areas taken up for development by the Authority.
 - g. The implementation of master plan and development in the local planning area will be responsibility of the Authority and rest of municipal areas with ULB concerned.

29.

- i. Where the State Government is of opinion that the object of proper development of any area or group of areas together with such adjacent areas as may be considered necessary will be best served by entrusting the work of development or redevelopment thereof to a Special Authority, instead to the Tripura Urban Planning and Development Authority, the State Government may, by notification,

constitute an Authority for such area to be called the Special Urban Planning and Development Authority for that area and thereupon, all the powers and functions of the Tripura Urban Planning and Development Authority relating to development and redevelopment of that area under this Act, shall be exercised and performed by the Special Urban Planning and Development Authority so constituted.

- ii. Every notification issued under sub-section (i) shall define the limits of the area to which it relates.
- iii. The Special Urban Planning and Development Authority constituted under sub-section (i) shall consist of a Chairman, such a number of official non official members notified by the State Government to that effect and a Commissioner who shall be appointed from amongst the officers of the Government of Tripura having such qualifications and experience as may be prescribed
- iv. Every Special Urban planning and Development Authority constituted under sub-section (i) shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and, to contract and by the said name sue and be sued.
- v. The provisions of this Act shall *mutatis mutandis* apply to Special Urban Planning and Development Authority constituted under sub-section (i) as they apply in relation to the Tripura Urban Planning and Development Authority, shall be constructed as references to the Special Urban Planning and Development Authority.

30.

- i. Where the State Government is satisfied that it is expedient in the Public interest so to do, it may, by notification, designate any local authority functioning in a planning area to be the Special Urban Planning and Development Authority for that area or any part thereof and thereupon all the powers and functions of the Tripura Urban Planning and Development Authority relating to that area or part thereof, as the case may be, shall be exercised by such local authority.
- ii. On the issue of a notification under sub-section (i), the powers to be exercised and functions to be performed by the Chairman of the Authority under this Act shall be exercised and performed in the case of a Municipal Corporation by its

Mayor and in the case of Municipal Council / Nagar Panchayat by its Chairperson and those of the Chief Administrator of the Authority by the Executive Head, by whatever name he is called, of the Municipal Corporation or the Municipal council, or the Nagar Panchayat, as the case may be.

31.

- i. Where the State Government is of opinion that the object of proper planning and development of a site of a new town will be best served by entrusting the work of development thereof to a Special Authority, instead to the Tripura Urban Planning and Development Authority, it may, by notification, constitute a Special Authority for that site to be called the New Town Planning and Development Authority for that area and thereupon, all the powers and functions of the Tripura Urban Planning and Development Authority relating to development of that site of the new town under this Act, shall be exercised and performed by such New Town Planning and Development Authority.
- ii. A New Town Planning and Development Authority constituted under sub-section (i), shall be a body corporate as well as local authority by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable and to contract, and by the said name sue and be sued.
- iii. A New Town Planning and Development Authority shall consist of a Chairman, such number of official & non official members notified by the State Government to that effect and a Commissioner who shall be appointed from amongst the officers of the Government of Tripura having such qualifications and experience as may be prescribed.
- iv. The provisions of this Act shall *mutatis mutandis* apply to a New Town Planning and Development Authority as they apply in relation to the Tripura Urban Planning and Development Authority, with the modification that references to the Tripura Urban Planning and Development Authority shall be constructed as references to a New Town Planning and Development Authority.

32.

- i. Where the State Government after consultation with the Board, is of the opinion that it is expedient in the public interest or in the interest of the Development of

the area under the jurisdiction of two or more Special Urban Planning and Development Authorities, that two or more Special Urban Planning and Development Authorities, should be amalgamated, the State Government may, by notification in the Official Gazette, provide for the amalgamation such Special Urban Planning and Development Authorities (hereinafter in this chapter referred to as the transferor Special Urban Planning and Development Authorities) into a single Special Urban Planning and Development Authority (herewith in this Chapter referred to as the transferee Special Urban Planning and Development Authority) with such constitution, property, powers, rights, interests, Authorities and privileges and with such liabilities, duties and obligation as may be specified in the notification.

- ii. Every notification issued under sub-section (i) shall define the limits of the area to which it relates and specify the date with effect from which the amalgamation shall become effective.
- iii. Every notification issued under sub-section (i) may also provide for one or any of the following matters namely-
 - a. The continuance in service of all the employees of the transferor of the Special Urban Planning and Development Authorities in the transferee Special Urban Planning and Development Authority at the same remuneration and on the same terms and condition of the service which they were getting or as the case may be, by which they were being govern, immediately before the date on which the amalgamation takes effect.
 - b. The other terms and conditions for the amalgamation of the Special Urban Planning and Development Authorities.
 - c. The continuance by or against the transferee Special Urban Planning and Development Authority of any pending legal proceedings by or against any transferor Special Urban Planning and Development Authority, and
 - d. Such consequential, incidental and supplementary provisions, as maybe necessary, in the opinion of the State Government, to give effect to the amalgamation.
- iv. Notwithstanding anything contained in clause (a) of sub-section (iii), where any employee of the transferor Special Urban Planning and Development Authority by notice in writing given to the transferee Special Urban Planning and

Development Authority at any time before the expiry of three months next following the date of which the amalgamation takes effect has intimated his intention of not becoming an employee of the transferee Special Urban Planning and Development Authority, he shall cease to be employee of the Authority of the expiry of the notice served and shall be entitled to get such gratuity, provident fund and other retirement benefits as are ordinarily admissible to him under the rules or Authorization of transferor Special Urban Planning and Development Authority immediately before the date of amalgamation;

- v. On and from the date on which the amalgamation takes effect under sub-section (ii) the transfer or Special Urban Planning and Development Authorities shall cease to carry on business or to discharge any liability or obligation except to the extent as may be necessary for the implantation of the provisions of the same amalgamation shall stand dissolved from the date of amalgamation.
- vi. Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act XIV of 1947) or any other law for the time being in force, the transfer of the service of any employee of the transferor Special Urban Planning and Development Authorities to the transferee Special Urban Planning and Development Authority shall not entitle any such employee to any compensation under that Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or any other authority.

33.

- i. Where the State Government after consultation with the Board, is of the opinion that it is necessary or expedient in the public interest or in the interest of the development of the area under the jurisdiction of any Special Urban Planning and Development Authority, that any area under the jurisdiction of the said Authority should be excluded from its jurisdiction, the State Government may, by notification in the official Gazette, provide for the exclusion of such area and to constitute new Special Urban Planning and Development Authority for that area so excluded.
- ii. On the constitution of a new Special Urban Planning and Development Authority under sub-section (i), the assets and liabilities of the Special Urban Planning and Development Authority from whose jurisdiction the area is so excluded hereinafter referred to the existing Special Urban Planning and Development

Authority shall be appointed between the successor Special Urban Planning and Development Authorities in the manner specified hereinafter-

- 1) All lands and stores, articles and other goods belonging to the existing Special Urban Planning and Development Authority shall-
 - a. If within the area of jurisdiction of the Special Urban Planning and Development Authority, pass on to the successor Special Urban Planning and Development Authority in whose area they are situated;
 - b. If outside the area of the Special Urban Planning and Development Authority, be appointed between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction.
- 2) The bank balances and grants received from time to time shall be appointed between the successor Special Urban Planning and Development Authorities according to ratio of the area falling under their respective jurisdiction.

Provided that a grant given for the development of an area which falls within the exclusive jurisdiction of any of the successor Special Urban Planning and Development Authorities, shall be transferred to that successor Special Urban Planning and Development Authority

- 3) Where before the date of exclusive of any area the existing Special Urban Planning and Development Authority has made any contract for the purpose of that Authorities, that contract shall be deemed to have been made-
 - a. If the purposes of the contract are on and from the date of exclusion of the area exclusively purposes of any one of the successor Special Urban Planning and Development Authority, by that successor Authority, and
 - b. If the purposes of the contract are on and from that date not exclusively purposes of any one of the Special Urban Planning and Development Authorities, by all the Special Urban Planning and Development Authorities and, the rights and liabilities which has accrued or may accrue under any such contract shall, to the extent to which they would have been the rights and liabilities of

the existing Special Urban Planning and Development Authority, be the rights and the liabilities of the successor Special Urban Planning and Development Authority, or, as the case may be, the successor Special Urban Planning and Development Authorities, according to the ratio of the area falling under their respective jurisdiction.

- iii. Where the existing Special Urban Planning and Development Authority is a party to any legal proceedings with respect to any property, rights or liabilities, subject to appointment under this section, the successor Special Urban Planning and Development Authority which succeeds to or acquires a share in that property or to those proceedings and the proceedings may continue accordingly.
- iv.
 - a. Every whole time employee of the existing Special Urban Planning and Development Authority shall on and from the date of notification under sub-section (i) shall provisionally continue to be an employee of that Authority unless he is required by, general or special order of the State Government, to serve as an employee of any other successor Special Urban Planning and Development Authority.
 - b. As soon as may be after the date of notification under sub-section (i), the State Government shall by general or Special order, determine the successor Special Urban Planning and Development Authority to which every employee referred to in clause (a) shall be finally allotted for service and the date with effect from which such allotment shall take effect or be deemed to have taken effect.
 - c. Every employee who is finally allotted under the provisions of clauses (b), to a successor Special Urban Planning and Development Authority shall, if he is not already serving with the Authority, be made available for serving with the successor Special Urban Planning and Development Authority from such date as may be agreed upon between the successor Special Urban Planning and Development Authorities or in default of such agreement as may be determined by the State Government.
 - d. The State Government may, by order, establish an advisory committee for the purpose of assisting it with regard to-

- I. The division and integration of the employees among the Successor Special Urban Planning and Development Authorities and,
 - II. The ensuring of fair and equitable treatment to all employees affected by the provisions of the sub-section and the proper consideration of any representations made by such employees.
- e. The terms and conditions of the employees of the existing Special Urban Planning and Development Authority applicable to them immediately before the date of notification under sub-section (i) shall not be varied to their disadvantage except with the previous approval of the State Government.
 - f. Notwithstanding anything contained in clause (a) of sub-section (iv), where any employee of the existing Special Urban Planning and Development Authority by notice in writing given to the Successor Special Urban Planning and Development Authority at any time before the expiry of three months next following the date of his final allocation has intimated his intention of not becoming an employee of the Successor Special Urban Planning and Development Authority to which he is so allocated, he shall cease to be employee of that Authority on the expiry of the notice period and shall be entitled to get such gratuity. Provident fund and other retirement benefits as are ordinarily admissible to him under the rules or authorizations of the existing Special Urban Planning and Development Authority immediately before the date of amalgamation.

The benefit or burden of any assets and liabilities of the existing Special Urban Planning and Development Authority not dealt within the foregoing provisions of this section shall pass on to the Success or Special Urban Planning and Development Authorities in the manner agreed upon, between them in case no such agreement is reached within a period of one year from the date of exclusion of the area, the State Government shall be competent to determine the same at the request of either of the Success or Special Urban Planning and Development Authorities.

34.

- i. Where the State Government is satisfied that purposes for which an Authority is constituted or designated under this Act have been substantially achieved so as

to render the continued existence of the Authority in the opinion of the State Government unnecessary, the State Government may, by notification, declared that the Authority shall be dissolved with effect from such date as may specified in the notification and the Authority shall be deemed to be dissolved accordingly.

- ii. From the date specified under sub-section (i)-
 - a. All properties, funds and dues which are vested in, or realizable by, the Authority shall vest in, or be realizable by, the State Government;
 - b. All liabilities which are enforceable against the Authority shall be enforceable against the State Government; and
 - c. For the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the State Government.

CHAPTER IV

RELATIONS BETWEEN THE STATE GOVERNMENT, THE AUTHORITY AND THE LOCAL AUTHORITIES ETC.

35. Where any infrastructure or area has been developed by the Authority, the authority shall entrust the Local Authority discharging municipal functions, within whose local limits the area so developed is situated, with the responsibility for the maintenance of the amenities which have been provided in the area by the Authority or for the provisions of the amenities which have not been provided by the Authority but which in its opinion should be provided, on such terms and conditions including vesting of streets, amenities and public places in the local authorities, as may be agreed upon between the authorities and the local authority and where such terms and conditions cannot be agreed upon such terms and conditions as are settled by the State Government in consultation with the local Authority on a reference being made to the State Government by the Authority. Provided that an amenity created by the Authority may also be entrusted to any government department or any government body or any outsourcing agency/ NGO for operation and maintenance.

36.

- i. The Authority shall carry out such directions as may be issued to it, from time to time, by the State Government for the efficient administration of this Act.
- ii. The State Government may depute any Officer to inspect or examine the office of the Authority, or its development works and to report thereon and the officer so deputed may, for the purpose of such inspection or examination call for-
 - a. Any extract from any proceedings of the Authority or any committee constituted under this Act, record, correspondence, plan or other documents;
 - b. Any return, estimates, statement of accounts or statistics;
 - c. Any report, and the authority shall furnish the same.

37. The authority shall furnish to the State Government such report, returns, record and other information as the State Government may, from time to time, require.

CHAPTER V
ACQUISITION AND DISPOSAL OF LAND BY THE AUTHORITY

38.

- i. When any land other than the land owned by the Central Government is required for the purposes of the Authority under this Act, the State Government may, at the request of the Authority, proceed to acquire it under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and on payment by the Authority of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the Authority.
- ii. For the purposes of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and any other law for the time being in force, the Authority shall be deemed to be a local authority.
- iii. The Authority may also acquire property by way of allotment, direct purchase, gift, lease or any other instrumentality.

39.

- i. Subject any directions by the State Government under this Act, the Authority may dispose of-
 - a. Any land acquired by it or transferred to it by the State Government without undertaking or carrying out any development thereon, or
 - b. Any such land after undertaking or carrying out such development as it thinks fit to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing proper development.
- ii. The transfer of land to any person under sub-section (i) shall be subject to such further conditions as may be prescribed with regard to completion of buildings or parts thereof or with regard to extension of period for such completion and payment of fees for such extension.
- iii. Nothing in this Act shall be constructed as enabling the Authority to dispose of land by way of gift, but subject to this conditions, reference in this Act to the disposal of land shall be constructed as reference to the disposal thereof in any

manner whether by way of sale, exchange, lease or by the creation of any easement, right or privilege or otherwise.

- iv. Subject to the provisions hereinbefore contained, the Authority may sell, lease, or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to it on such terms and conditions as it may, from time to time determine.
- v. The consideration money for any transfer under sub-section (iv) shall be paid to the Authority in such manner as may be determined by the Authority.
- vi. Notwithstanding anything contained in any other law for the time being in force, any land or building, or both, as the case may be, shall continue to belong to the Authority until the entire consideration money together with interest and any other amount, if any, due to the Authority, on accounts of the transfer of such land or building or both is paid.
- vii. Unless and until conditions provided in the regulations made by the Authority are fulfilled, the transferee shall not transfer any of his rights in the land or building except with the previous permission of the Authority which may be determined by the Authority which may be granted on such terms and conditions and on payment of such fee as may be determined by the Authority.

40.

- i. Where any person makes default in the payment of-
 - a. Any rent due in respect of any lease of any land or building, or both, as the case may be, under section 39; or
 - b. Any fees or contribution payable under this Act in respect of any land or building, or both, the Estate Officer may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty: provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.
- ii. Where any person makes default in the payment of any amount, being the arrears or penalty or both directed to be paid under sub-section (i), such amount may be recovered from him, as arrears of land revenue.

41.

- i. Where any transferee makes default in the payment of any consideration money, or any installment, on account of the transfer of any land or building, or both, under section 39, the Estate Officer may, by notice in writing, call upon the transferee to show cause, within a period of thirty days, why a penalty as may be determined by the Authority be not imposed upon him, Provided that the penalty so imposed shall not exceed the amount due from the transferee.
- ii. After considering the cause, if any, shown by the transferee and after giving him a reasonable opportunity of being heard in the matter, the Estate Officer may, for reasons to be recorded, in writing, make an order imposing the penalty and directed that the amount of money due along with the penalty shall be paid by the transferee within such period as may be specified in the order.
- iii. If the transferee fails to pay the amount due together with the penalty in accordance with the order made under sub-section (ii) and commits a breach or any other conditions of transfer, the Estate Officer may, by notice in writing call upon the transferee to show cause within a period of thirty days, why an order of resumption of the land or building or both, as the case may be, and forfeiture of the whole or any part of the money, if any, paid in respect thereof which in no case shall exceed ten percent of the total amount of the consideration money, interest and other dues payable in respect of the transfer of the land or building or both, should not be made.
- iv. After considering the cause, if any, shown by the transferee in pursuance of a notice under sub-section (iii), and any evidence that he may produce in respect of the same and after giving him a reasonable opportunity of being heard in the matter, the Estate officer may, for reasons to be recorded, in writing, make an order resuming the land or building or both, as the case may be, and direct the forfeiture as provided in sub-section (iii) of the whole or any part of the money paid in respect of such transfer.
- v. Any person aggrieved by an order of the Estate Officer under section 40 or under this section may, within a period of thirty days of the date of communication to

him of such order prefer an appeal to the Commissioner in such form and manner as may be prescribed:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days, if he satisfied that the appellant was prevented by sufficient cause from filling the appeal in time.

- vi. The Commissioner may, after hearing the appeal, confirm, vary or reverse the ordered appeal from and may pass such order as he thinks fit.
- vii. The Commissioner may either on his own motion or on an application received in this behalf at any time within a period of six months from the date of the order, call for the record of any proceeding in which the Estate Officer has passed an order for the purpose of satisfying himself as to the legality or propriety of such order and may pass such order in relation there as he thinks fit: Provided that the Commissioner shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.
- viii. Where a person is aggrieved by any order of the Commissioner, deciding the case under sub-section (vi) or sub-section (vii), he may, within thirty days of the date of communication to him of such order, make an application in writing to the State Government for revision against the said order and the State Government may confirm, alter or rescind the order of the Commissioner.

CHAPTER VI

POWERS OF THE AUTHORITY TO ENTER, SEARCH & EVICT PERSONS FROM PREMISES

42.

- i. If the Estate Officer appointed by the Authority is satisfied-
 - a. that any person authorized to occupy any premises of the Authority has not paid rent lawfully due from him in respect of such premises for a period of more than two months; or sublet, without the permission of the Estate Officer, the whole or any part of such premises; or otherwise acted in contravention of any of the terms expressed or implied, under which he is authorized to occupy such premises; or
 - b. that any person is in un-authorized occupation of any premises of the Authority; or
 - c. that any person has not vacated any premises which has been resumed under Section 41:

The Estate Officer may, notwithstanding anything contained in any law for the time being in force, by notice served by post or affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner may be prescribed order that person, as well as any other person, who may be in occupation of the whole or any part of the premises, shall vacate them within the period of thirty days from the date of the service of the notice:

Provided that no such order shall be passed unless such person has been afforded an opportunity to show cause as to why such order should not be made.

- ii. If any person refuses or fails to comply with an order made under sub-section (i), the Estate Officer may evict that person from, and take possession of, the premises and may for that purpose use such force, as may be necessary.

- iii. If a person, who has been ordered to vacate any premises under sub-clause (1) or sub-clause (3) of clause (a) of sub-section (i), within a period of thirty days from the date of service of the notice or within such longer time as the Estate Officer may allow, pays the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the Estate Officer, as the case may be, the Estate Officer shall in lieu of evicting such person under sub-section (ii) cancel his order made under sub-section (ii) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

43. Where any person is in unauthorized occupation of any premises of the Authority, the Estate Officer may in the prescribed manner, assess such damages on account of the use and occupation of the premises as he may deem fit and may by notice served by post, or by affixing a copy of it on the outer door or some other conspicuous part of such premises or in such other manner as may be prescribed, order that person to pay the damages within such time not being less than thirty days may be specified in the notice and if any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrear of land revenue.

44.

- i. Any person aggrieved by an order of the Estate Officer under section 42 or section 43 may within a period of thirty days from the date of the service of notice under section 42 or section 43, as the case may be, prefer an appeal to the Competent Authority, which will be notified by the State Government.
Provided that the Competent Authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- ii. Where an appeal is preferred under sub-section (i), the Competent Authority may stay the enforcement of the order of the Estate Officer for such period and on such conditions, as it deems fit.
- iii. Every appeal under this section shall be disposed of by the Competent Authority as expeditiously as possible.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT OF THE ACCOUNTS OF THE AUTHORITY

45.

- i) The Authority shall have and maintain its own fund to which shall be credited-
 - a. all moneys received by the authority from the State Government and the Central Government by way of grants, loans, advances or otherwise;
 - b. all moneys received by the Authority from sources other than the State Government or the Central Government, by way of loans or debentures;
 - c. all fees received by the Authority under this Act;
 - d. all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
 - e. all moneys received by the Authority by way of the rent, profits, fees, charges, penalty or in any other manner or from any other source; and
 - f. all moneys received by the Authority in connection with the execution of any town development scheme;
 - g. Any penalty imposed by the Authority.
- ii) The funds of the Authority shall be applied towards meeting-
 - a. the expenditure incurred in the administration, implementation and carrying out the provisions of this Act;
 - b. the cost of acquisition of land for the purposes of this Act;
 - c. the expenditure for the development of land and construction of houses; and
 - d. the expenditure for such other purposes as the State Government may direct or permit.
- iii) The Authority shall keep its fund in any Scheduled Bank or in any Apex Co-operative bank or a Central Co-operative Bank.
- iv) The Authority may invest any portion of its fund in such securities or in such other manner as it may determine from time to time.
- v) The income resulting from investments mentioned in sub-section (iv) and proceeds of the sale of the same shall be credited to the fund of the Authority.

46. The State Government may make such grants, advances and loans to the Authority, as the State Government may deem necessary, for the performances of its functions under this Act and all grants, loans and advances so made shall be on such terms and conditions as the State Government may determine.

47.

- i. The Authority may, from time to time, borrow money by way of loans and debentures or bonds or such other financial instruments from such sources, other than the State Government, and on such terms and conditions as it may determine from time to time.
- ii. The Authority may advance money for constructing buildings for residential, industrial or commercial purposes on such terms and conditions, as it may determine from time to time.

48. The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and in such manner as may be prescribed.

49.

- i. The authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and in such manner as may be prescribed.
- ii. The Authority shall cause its accounts to be audited annually by the auditors duly qualified to act as auditors under sub-section (i) of section 226 of the Companies Act, 1956.
- iii. As soon as the accounts of the Authority are audited, the Authority shall send a copy thereof together with the audit report thereon to the State Government and also cause the accounts to be published in the prescribed manner.
- iv. Notwithstanding anything contained in this section, the State Government may order that there shall be concurrent or special audit of accounts of the Authority by such person or authority as it thinks fit.
- v. The State Government shall cause to be laid a copy of the audit report before the House of the State Legislature.

50.

- i. The Authority shall prepare every year a report of its activities during that year, and submit that report to the State Government, in such form and on or before such date as may be prescribed.
- ii. The State Government shall, as soon as may be, cause the report submitted by the authority under sub-section (i) to be laid before the House of the State Legislature.

51. The Authority shall constitute, for the benefit of its whole time paid members and of its Officers and other employees in such manner and subject to such conditions, as may be prescribed, such provident fund as it may deem fit.

CHAPTER VIII

PLANNING AREAS AND PLANNING AGENCIES

52.

- i. The State Government may, from time to time by notification in the Official Gazette, declare any area in the State to be a regional planning area, a local planning area or the site for a new township provided that if the area falls within the notified area of any urban local body, it will done after consultation with such body.
- ii. Before making the declaration under sub-section (i) the State Government may take into consideration such matters as may be prescribed.
- iii. Every notification published under sub-section (i) shall indicate the limits and the name of the area to which it relates.
- iv. Except in such class or category of cases, which the State Government may, by order for the reasons to be recorded in writing, exempt, no person shall, on or after publication of notification under sub-section (i), and till the date, the Regional Plan or the Master Plan comes into operation under section 60 or under section 67, as the case may be, institute or change the use of land for any purpose or carry out any development in respect of any land without the previous permission of the Authority in local planning area and local authorities in rest of urban local body area and the provisions of sections 63 and 64 mutatis mutandis shall apply to the grant of such permission.
Provided that the exemptions granted in the case of operational construction, shall not apply in the case of development affecting heritage site or its vicinity.
- v. The State Government may, after following the procedure as laid down in this section, alter the limits of any regional planning area, local planning area or the site for a new town.

- 53.** As soon as may be, after declaration of a regional planning area, a local planning area or a site for new township, the Authority may, designate Planning Agency for that area by which may be either private or Government, deputed, hired, empaneled, outsourced or contractual.

54.

- i. The Designated Planning Agencies will work under the over all directions and control of the Authority.
- ii. The Authority may assign any or all of the following functions to the Designated Planning Agency, namely-
 - a. To carry out survey of the regional planning area, local planning area or a site for new town, as the case may be, and, prepare reports on the surveys so carried out;
 - b. To prepare an existing land use map and such other maps, as may be necessary for the purposes of preparing regional plan, master plan, a new town development specified in sub-section (ii) or as may be prescribed.
 - c. To prepare a Regional Plan, a Master Plan and a new town development plan; and
- iii. In accordance with the directions of the Authority, a Designated Planning Agency shall exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act and also perform any other functions which are supplement, incidental or consequential to any of the functions specified in sub-section (ii) or as may be prescribed.

55.

- i. Preparation of present land use map,- As soon as may be, the Designated Planning Agency shall, prepare a present land use map in the form to be prescribed indicating the present use of every piece of land in the planning area.
- ii. After the preparation of the present land use map and register under sub-section (i) by the Designated Planning Agency, the Authority shall publish a public notice of the preparation of the map and register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the map and register within thirty days of the publication of such notice.
- iii. After the expiry of the period mentioned in the sub-section (ii), the Authority after allowing a reasonable opportunity of being heard to all the persons, who have filed the objections and after considering all the objections filed and after making such modifications in the map or register or both as it considers proper, adopt the map and register.

- iv. As soon as may be after the adoption of the map and the register under sub-section (iii), the Authority shall publish a public notice of the publication of the map and register and the place or places where the copies of the same may be inspected and shall submit copies of the map and register to the state Government.
- v. A copy of public notice published under sub-section (iv) shall also be published in the Official Gazette and the publication of the public notice in the Official Gazette in respect of the map and register shall be conclusive evidence that the map and register have been duly prepared and adopted.

56. The State Government may determine in the prescribed manner the amount which a Local Body, State Government or any other Authority functioning in the planning area shall pay to the Authority agency as contribution towards the expenses incurred by it in the discharge of its functions under this Act and the amount shall be accordingly paid.

CHAPTER IX

REGIONAL PLANS

- 57.** Subject to the provisions of this Act and the rules and regulations made there under, the State Government shall, with a view to securing planned development and use of land in a regional planning area, get surveys thereof carried-out, maps as are necessary for the purpose of preparing regional plan for that area and shall within such period or periods as the state Government shall, with a view to securing planned development and use of land in a regional planning area, get surveys thereof carried-out, maps as are necessary for the purpose of preparing regional plan for that area prepared and shall within such period or periods as the State Government may from time to time determine, get a report of the surveys and the Regional plan and such other documents, maps and information as it may deem fit for illustrating or explaining the provisions of the Regional Plan.
- 58.** Subject to the provisions of this Act and any rules made hereunder for regulating the form of a Regional Plan and the manner in which it may be prepared and published any such Regional Plan shall indicate the manner in which the State Government proposes that land in the Regional Planning Area should be used, whether by carrying out there on development or otherwise, the stages by which any such development is to be carried out, the network of communications and transport, the proposals for conservation and development of natural resources, and such other matters as are likely to have an important influence on the development of the Regional Planning area and any such Regional Plan may in particular provide for all or any of the following matters, or for such matters thereof, as the State Government may direct, namely-
- i. Demarcation of areas for agriculture, forestry, industry, mineral development, urban and township settlement and other activities;
 - ii. Reservation of areas for open spaces, public parks recreation, health & education facilities and any other amenities as the notified;
 - iii. Transport and communication network such as roads, highways, railways, waterways, canals and airports including their development;
 - iv. Water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas;

- v. Reservation of sites for new towns, industrial estates and any other large scale developments or projects which are required to be undertaken for proper development of the regional planning area;
- vi. Preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources, landscaping, heritage site and control of development, which is either affecting the heritage site or its vicinity;
- vii. Preservation of objects, features, structure or places of historical, natural, architectural or scientific interest, educational value and heritage site;
- viii. Areas required for military and defence purposes;
- ix. Preservation of erosion, provision for afforestation or reforestation, improvement and redevelopment of water front area, rivers and lakes;
- x. Irrigation, water supply and hydro-electric works, flood control and prevention of river pollution; and
- xi. Re-allocation of population or industry from over populated and industrially congested area, indicating the density of population or the concentration of industry to be allowed in any area.

59.

- i. The Authority shall, after the surveys have been carried out and necessary maps prepared, prepare or get prepared and publish a draft Regional Plan, by making copy thereof available for inspecting and publish a notice in such form and manner as may be prescribed inviting objections and suggestions from any person with respect to the draft Regional Plan before such date as may be specified in the notice, such date not being earlier than thirty days from the date of first publication of the notice.
- ii. Any person may, within such period as may be specified in the notice published under sub-section (i), send to the Authority, his objections and suggestions, if any, in respect of such draft Regional Plan.
- iii. The Authority shall, after allowing reasonable after allowing a reasonable opportunity of being heard, to all the persons, who have filed the objections suggestions under sub-section (ii), finalise the draft Regional Plan and send it to the State Government for its consideration along with the objections, if any, received under sub-section (ii), with its comments thereon.
- iv. The Authority after preparation of the draft Regional Plan with or without modifications, if any, shall place the same before the Board for recommendation

and thereafter shall forward the same to the State Government for approval, the State Government may or approve it as such, in consultation with the Board.

60.

- i. Immediately, after a Regional plan has been approved by the State Government under section 59 subsection iv, the Authority shall publish in the prescribed form and manner, a notice stating that the Regional Plan has been approved, and naming a place, where a copy thereof, any be inspected at all reasonable hours and shall specify therein, a date on which the Regional Plan shall come into operation; and
- ii. Notwithstanding anything contained in any other act and rule under force Except in such class or category of cases which the State Government in its regulations exempt, no person shall, on or after the date the draft Regional Plan comes into operation under sub-section (i) institute or change use of any land for any purpose or carry out any development in respect of any land without the previous permission of the Authority.

Provided that the exemptions granted in the case of operational constructions, shall not apply in the case of development affecting heritage site or its vicinity.

61. At any time after the date on which the Regional Plan comes into operation, the Authority may within the prior approval of the State Government make such minor changes in the Regional Plan as may be necessitated by topographical and cartographical errors or omissions, indicate details of proposal not fully indicated on the Regional Plan or provide for changes arising out of the implementation of the proposal in the Regional Plan, provided that no such change shall be made unless the same is in the public interest and is notified to the public.

62. If, after the Regional Plan has come into operation, the State Government is of the opinion that revision of such Regional Plan is necessary, State Government may direct the Authority concerned to undertake such a revision and thereupon the foregoing provisions of this chapter, shall, so far as they can be made applicable, apply to the revision of the Regional Plan as these provisions apply in relation to the preparation, publication and approval of the Regional Plan, provided that no such direction shall be

given unless a period of five years has elapsed since the coming into operating of the Regional Plan.

63.

- i. Every person including a Department of State Government or the Central Government desiring to obtain permission under sub-section (ii) of section 60 shall make an application to the Authority in such form as may be prescribed.
- ii. Every application under sub-section (i) shall be accompanied by such fee as may be prescribed:
Provided that no fee shall be payable in the case of application made by a Department of the State Government or the Central Government.
- iii. On receipt of an application for permission under sub-section (i), the Authority after making such enquiry as it considers necessary, shall, by order, in writing, either grant the permission, subject to such conditions and for such period, as may be specified in the order or refuse to grant such permission.
- iv. Notwithstanding anything contained in any law for the time being in-force, the permission referred to in this section shall not be granted otherwise than in conformity with the provisions of the draft Regional Plan or the Regional Plan, as the case may be.
- v. Where the permission is refused under sub-section (iii), the grounds of such refusal shall be recorded in writing and communicated to the applicant in the prescribed manner.
- vi. The Authority shall keep in such form as may be prescribed a Register of applications in physical or electronic form for permission under this section.
- vii. The Register referred to in sub-section (vi) shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee as may be prescribed.

64.

- i. Any person aggrieved by an order passed by the Authority under section 63 may appeal, within thirty days of the communication of that order to him, to the Appellate Authority, as the State Government may, by notification, appoint for the

purpose of this section, in such manner and on payment of such fees as may be prescribed.

- ii. The Appellate Authority may, after giving reasonable opportunity of being heard to the appellant and the Authority, pass an order dismissing the appeal or accept the appeal by-
 - a. Granting permission unconditionally; or
 - b. Granting permission subject to such condition as it may think fit:
Provided that the grant of permission by the Appellate Authority, whether conditional or otherwise, shall be in conformity with the provisions of the Regional Plan.
- iii. The decision of the Appellate Authority on the appeal shall be final.

65. Any person who contravenes the provisions of sub-section (iv) of section 52 or sub-section (ii) of section 60 shall be punishable with imprisonment of either description for a term which may extend to three years or a fine which may extend to ten thousand rupees or with both and in the case of continuing contravention with a further fine which may extend to one thousand rupees for every day after the date of the first conviction during which he is proved to have persisted in the contravention.

CHAPTER X

PREPARATION AND APPROVAL OF MASTER PLANS

66.

- i) As soon as may be after the declaration of a planning area and after the designation of a Planning Agency for that area, the Authority shall, not later than one year after such declaration or within such time as the State Government may, from time to time, extend, prepare and submit to the State Government for its approval a plan (hereinafter called the "Master Plan") for the planning area or any or its part and the Master Plan so prepared shall-
 - a. Indicate broadly the manner in which the land in the area should be used;
 - b. Allocate area or zones of land for use for different purpose;
 - c. Include, define and provide the existing and proposed highways, roads, streets and other lines of communication;
 - d. Indicate, regulations (hereinafter called "Zoning Regulations") to regulate within each zone the location, height, number of stories and size of buildings and other structures open spaces and the use of building, structures and land.
- ii) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Master Plan, any such plan shall include such maps in physical, digital, GIS etc forms and such descriptive matters as may be necessary to explain and illustrate the proposals in the Master Plan;
- iii) As soon as after the Master Plan has been prepared under sub-section (i), by the Designated Planning Agency, the State Government, not later than such time, as may be prescribed, shall direct the Authority to publish the existing land use plan and master plan and the place or places, where the copies of the same may be inspected, for inviting objections in writing from any person with respect to the existing land use plan and Master Plan within a period of thirty days from the date of publication.
- iv) The State Government, after considering the objections and in consultation with the Board, may, direct the Authority to modify the Master Plan or approve it as such.

- v) The Authority, after approval of the State Government, shall publish the final Master Plan in the State Government within a period of thirty days from the date of according approval by the State Government.

67. Coming into operation of Master Plan;- The Master Plan come into operation from the date of publication, referred in sub-section (v) of section 66.

68.

- i. At any time after the date on which the Master Plan for an area comes into operation, and at least once after every ten years, after that date, the Authority shall after carrying out such fresh surveys as may be considered necessary or as directed by the State Government, prepare and submit to the Board, a Master Plan after making alterations or additions as it considers necessary.
- ii. The provisions of sections 66 and 67 shall *mutatis mutandis* as far as may be possible, apply to the Master Plan submitted under sub-section (i)

69. At any time after the date on which the Master Plan for a planning area comes into operation the Designated Planning Agency may with the prior approval of the State Government, make such minor changes in the Master Plan, as may be necessitated by typographical and cartographical errors and omissions, details of proposals not fully indicated on plan or changes arising out of the implementation of the proposals in the Master Plan:

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

70. After the designation of a site for a new town and after the designation of a Planning Agency for the same, the Designated Planning Agency shall prepare a Master Plan for the new town and the provisions of section 66 and 67 shall *mutatis mutandis* apply to such a Master Plan.

CHAPTER XI

CONTROL OF DEVELOPMENT AND USE OF LAND IN THE AREA WHERE MASTER PLAN IS IN OPERATION

71. After the coming into operation of any Master Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan:

Provided that the Authority may allow the continuance of any use of any land, for a period not exceeding ten year, upon such terms and conditions as may be provided by regulations made in this behalf for the purpose and to the extent, for the purpose and to extent, for and to which it was being used on the date on which such a Master Plan came into operation.

72. After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area-

- i. Without obtaining the permission from the concerned Urban Local Body (ULB) in the area under the jurisdiction of ULB excluding the declared Local Planning Area, if any, in writing as provided;
- ii. Without obtaining the permission from the Authority in a local planning area or the site for a new township in writing as provided for hereafter; and
- iii. Without obtaining a certificate from the Authority in a local planning area or the site for a new township certifying that the development charge or betterment charge as livable have been paid:

Provided that except in the case of development, affecting heritage site or its vicinity, no such permission shall be necessary-

- a. For operational constructions;
- b. For carrying out such works for the maintenance, improvement or other alteration of any building which affect only its interior or which do not materially affect the external appearance of the building;
- c. For the carrying out by the Central Government or the State Government or any local Authority of-

- i) Any work required for the maintenance or improvement of a highway, road or public street, being work carried out on land within the boundaries of such highway, road or public street;
 - ii) Any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- d. For the excavations (including wells and tube well) made in the ordinary course of agricultural operation or for such constructions which are made for agricultural purposes subservient to agriculture:
 Provided that such excavation or constructions are situated in the area in which agriculture is permitted land use as per the Master Plan;
- e. For the construction of unmetalled roads intended to give access to land solely meant for agricultural purpose.

73.

- i. Notwithstanding anything contained in any other act and rules in force, any person intending to carry out any development in respect of, or a change of use of any land or intending to sub-divide his plot or to layout a private street shall make an application in writing to the Authority in local planning areas or new township or prescribed authority in rest of municipal areas, as the case may be, for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.
- ii.
 - a) In the case of a Department in respect of, or, change of use of, any land, the concerned Department or the local Authority, as the case may be, shall notify in writing to the Authority in local planning areas and ULBs in rest of municipal areas of its intention to do so giving full particulars thereof and accompanied by such documents and plans as may be prescribed, at least, two months, prior to the undertaking of such development or change, as the case may be.
 - b) Where the Authority or local authorities have raised any objection in respect of the conformity or the proposed development either to any Master Plan under preparation or to any rules in force at that time, or due to any other material consideration, the Department of the State

Government or the Central Government or the local Authority, as the case may be, shall either make necessary modifications in the proposals for such development or change of use to meet the objections raised by the Authority or submit to the State Government the proposal for such development or change of use together with the objections raised by the Competent authority for decision.

- c) The State Government on receipt of such proposal together with the objections of the Authority shall either approve the proposals with or without modifications or direct the Department of the State Government or the Central Government or the local Authority, as the case may be, to make such modifications in the proposals as it considers necessary in the circumstances.
- iii. Every application under sub-section (i) shall be accompanied by such fee payable to the Authority or ULB, as the case may be, as may be prescribed;
- iv. On an application having being duly made under sub-section (i) and on payment of the development charge or betterment charges if any, as may be assessed under chapter XIII, the Authority or ULB, as the case may be, may-
 - a. Pass an order-
 - i) Granting permission unconditionally; or
 - ii) Granting permission subject to such conditions as it may think necessary to impose; or
 - iii) Refusing permission with suitable reasons;
 - b. Without prejudice to the generality of clause (a) impose conditions-
 - i) To the effect that the permission granted is only for a specified period and after the expiry of that period, the land shall be restored to its previous condition or the use of the land so permitted shall be discontinued; or
 - ii) For regulating the development or use of any land under control of the applicant or for the carrying out of works on any such land as may appear to the Authority expedient.
- v. The Authority in considering the application for permission shall ensure that it is in conformity with the provisions of the Master Plan prepared or under preparation under this Act and where the development or change or use of any

land is likely in the opinion of the Authority to interfere with the operation of the Master Plan or to be prejudicial to planned development, or any plan for development of the Authority, the Authority may refuse such permission.

- vi. Where permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and such order shall be communicated to the applicant in the prescribed manner.
- vii. If the Authority does not communicate its decision to grant or refuse permission to the applicant within a period of sixty days from the date of receipt of his application in case other than the heritage site, and within a period of one hundred twenty days in the case of heritage site and development affecting such site, or within a period of sixty days from the date of receipt of reply from the applicant in respect of any requisition made by the Authority, whichever is later, then such permission shall be deemed to have been granted to the application to the applicant on the date immediately following the date of expiry of the later date without prejudice to the provisions of this Act, rules and regulations made there under:

Provided that any development came out in pursuance of such deemed permission which is in contravention of the provisions of the Act, rules and regulations made there under, shall be deemed to be an unauthorized development for the purposes of sections 78, 79, 80, 81 and 82.

74.

- i. Any person aggrieved by the order passed by the Authority or ULB, as the case may be, under section 73 may, within thirty days of the communication of that order to him, appeal to the Appellate Authority, as the State Government may, by notification, appoint for the purpose of this section, in such manner and on payment of such fees as may be prescribed.
- ii. The Appellate Authority may, after giving a reasonable opportunity of being heard to the appellant and the Competent authority concerned, pass an order dismissing the appeal or accepting the appeal by-
 - 1. Granting permission unconditionally; or
 - 2. Granting permission subject to such conditions as it may think fit; and
 - 3. Removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may think fit;

Provided that the grant of permission by the Appellate Authority, whether conditional or otherwise, shall be in conformity with the provisions of the Master Plan.

iii. The decision of the Appellate Authority on the appeal shall be final.

75. Any permission granted under section 72 shall remain in force for a period of three years from the date of grant of such permission and should the permission be not availed of for the purpose for which it is granted within the aforesaid period, the permission shall be deemed to have lapsed:

Provided further that such lapse shall not bar any subsequent application for fresh permission under section 72.

76.

- i) Where any person, aggrieved by an order of the Authority under section 69 or of the Appellate Authority under section 70 refusing to grant permission or granting permission subject to conditions, claims-
 - a. That the land has become incapable of reasonably beneficial use in its existing state; or
 - b. In a case where permission is given subject to conditions, that the land and building cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions; he may, within such time and in such manner as may be prescribed, serve on the State Government a notice hereinafter referred to as the "Acquisition notice" requiring the State Government to acquire his interest in the land.
- ii) A copy of the acquisition notice referred to in sub-section (i) shall be served on the Authority.
- iii) After receiving the notice under sub-section (i), the State Government shall appoint an Expert Committee specifying the number and qualifications of the members along with the Chairman of such committee as may be prescribed which shall after giving a reasonable opportunity of being heard to the person serving the acquisition notice, and the Authority concerned, submit a report thereon to the State Government
- iv) After receiving the report under sub-section (iii) the State Government shall-

- a.
 - 1. If it is satisfied that any of the conditions specified in clause (a) and clause (b) of sub-section (i) is not fulfilled; or
 - 2. If the order appealed against was passed on the ground that any of the provisions of this Act or the rules made thereunder had not been complied with; pass an order refusing to confirm the notice; or
- b. If it is satisfied that any of the conditions specified in clause (a) or clause (b) of sub-section (i) is fulfilled, pass an order-
 - 1. Confirming the notice; or
 - 2. Directing the Authority to grant such permission or to alter the conditions in such a way as will leave the land or part thereof capable of reasonably beneficial use.
- v) If within a period of one hundred and twenty days from the date of which an acquisition notice is served, the State Government does not pass an order thereon under sub-section (iv) the notice shall be deemed to have been confirmed on the expiration of such period.
- vi) On an acquisition notice being confirmed under sub-section (iv) or deemed to have been confirmed under sub-section (v), the Authority shall get the land or that part thereof acquired in respect of which the notice has been confirmed within one year of such confirmation.

77.

- i. If it appears to the Authority that it is necessary or expedient having regard to the Master Plan prepared or under preparation or revision and to any other material considerations, that any permission to develop land granted under this Act or any other law for the time being in force should be revoked or modified, it may, after giving a reasonable opportunity of being heard to the person in whose favor the permission had been granted, by an order revoke or modify the permission to such extent as appears to it to be necessary:

Provided that-

- a) Where the permission relates to the carrying out of building or other operation, no such order-
 - 1. Shall affect such of the operations as have been previously carried out;

2. Shall be passed after these operations have been completed;
 - b) Where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.
- ii. When permission is revoked or modified by an order made under sub-section (i), the owner may, within such time and in such manner as may be prescribed, claim compensation for the expenditure incurred in carrying out any work in accordance with such permission and which has been rendered abortive by the revocation or modification of permission.
- iii. Where a claim under sub-section (ii) is received by the Competent Authority concerned, it shall, after giving the owner reasonable opportunity of being heard, assess the amount of compensation and offer it to the owner.
- iv. If the owner does not accept the compensation offered under sub-section (iii), and gives notice, within such time as may be prescribed, of such refusal, the Competent Authority shall refer the matter for the adjudication of the prescribed Authority and the decision of the prescribed Authority shall be final and binding on the owner and the Competent Authority.

78.

- i. Any person who, either, by himself or at the instance of any other person, commences, undertakes or carries out development of or changes the use of any land-
 - a) In contravention of any Master Plan prepared or under preparation or revision; or
 - b) Without obtaining certificate regarding development or betterment charge under section 76; or
 - c) Without the permission as required under section 77; or
 - d) In contravention of any condition subject to which such permission has been granted; or
 - e) After the permission for development has been revoked under section 73; or
 - f) In contravention of the permission which has been modified under section 73, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both, and in the case of continuing offence with a

further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

- ii. Any person who continues to use or allows the use of any land or building in contravention of the provisions of a Master Plan prepared or under preparation or revision without having been allowed under section 76 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to fifty thousand, or, with both, and in the case of continuing offence with a further fine which extend to one thousand rupees for everyday during which such contravention continues after conviction for the first such contravention.
- iii. Any person who, either by himself or at the instance of any other person, erects or re-erects any building or makes or extends any excavation or lays out any means of access to a road in contravention of the provision of section 68, shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or, with both, and in case of a continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

79.

- i. Where any development or land has been or being carried out in any manner specified in clause (a) to (f) of sub-section of section 74 or any building has been erected or re-erected or excavation has been made of extended or any means of access has been laid out to a road in contravention of the provisions of section 68, the Authority may, within four years of completion of such development, erection or re-erection of building, or making or extending any excavation, or laying out of any means of access to a road as the case may be, serve on the owner a notice requiring him, being not less than one month, as may be specified therein, after the service of the notice, to take such steps, as may be specified in the notice, namely-

- a) In cases specified clause (a), (c) or (e) of sub-section (i) of section 74, or sub-section (iii) thereof, to restore the land to its condition before the said development, erection, re-erection, excavation or laying out of any means of access to road took place;
 - b) In cases specified in clause (d) or (f) of sub-section (i) of section 74, to secure compliance with the conditions or with permission as modified;
 - c) In case specified in clause (b) of sub-section (i) of section 74, to pay the development charge or betterment charge and such penalty, if any, as may be prescribed:
 Provided that in case the notice requires the discontinuance of the use of any land, the Competent Authority shall serve a notice on the occupier also.
- ii. In particular, any such notice may, for the purposes of sub-section (i), require-
 - a) The demolition or alteration of any building or other operations;
 - b) The carrying out on land, of any building or other operations;
 - c) The discontinuance any use land.
- iii. Any person aggrieved by such notice may within such period and in such manner as may be prescribed-
 - a) Apply for permission under section 69 for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or
 - b) Appeal to the Appellate Authority as prescribed by the State Government.
- iv.
 - a) The notice shall be of no effect pending the final disposal or withdrawal of the application or the appeal.
 - b) Where the permission is granted on an application referred to in clause (a) of sub-section (iii), the notice shall not take effect; and where such permission is granted for the retention only of some building or work or for the continuance of use of only a part of the land, such notice shall not take effect regarding the works or other parts of the land.
- v. Where an appeal has been preferred under clause (b) of sub-section (iii), the Appellate Authority may, after allowing a reasonable opportunity to the appellant and the Authority of being heard, dismiss the appeal or accept the appeal by

quashing or varying the notice as it may think fit and the decision of the Appellate Authority on the appeal shall be final.

- vi. If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under sub-section (iii), as the case may be, the notice or so much of it as continues to have effect, or the notice with variations made in appeal is not complied with, the Authority may,-
- (a) prosecute the owner for not complying with the notice and in the case where the notice required the discontinuance of any use of land prosecute any other person also who uses the land or causes or permits the land to be used in contravention of the notice : and
 - (b) (i) in the case of a notice requiring the demolition or alteration of any building or other operations. Itself cause the restoration of the land to the condition in which it was before the development, erection, re-erection, excavation or laying out of any means of access to a road, as the case may be, took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the Competent Authority concerned may consider necessary including demotion or alteration of any building or works or carrying out of any building or other operations;
 - (ii) may recover the cost of any expenses incurred by it in this behalf from the owner as arrear of land revenue.
- vii. Any person prosecuted under clause (a) of sub-section (6) shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees, or with both, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

80.

- (i) Where any development of land has been carried out in any manner specified in clauses (a) to (f) of sub-section (1) of section 78 or any building has been erected or re-erected or any excavation has been made or extended or any means of access has been laid to any road in contravention of the provisions of section 73, but has not been completed, the Authority or ULB, as the case may be, may serve on the owner and the person carrying out the development or the erection or re-erection of building or making or extending any excavation or laying out any

means of access to a road, a notice requiring him to discontinue the same from the time of service of such notice.

- (ii) Where a notice has been served under sub-section (1), the person aggrieved by such notice may appeal to the State Government and the provisions of sub-sections (5) and (6) of section 79 shall apply with such modifications as may be necessary.
- (iii) Any person, who continues to carry out the development of land whether for himself or on behalf of the owner or any other person, after such notice has been served shall be, punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to fifty thousand rupees, or with both, and when the non-compliance is a continuing one with a further fine which may extend to one thousand rupees for every day after the date of the notice during which the non-compliance has continued or continues.
- (iv) If a notice under sub-section (i) is not complied with forthwith, the Authority or any office authorized by it in this behalf, as the case may be, may require and police officer to remove such person and other workmen from the land with his assistance and such police officer shall comply with such requisition.
- (v) Where action has been taken by a Police Officer under sub-section (4), the Authority or the officer referred to in that sub-section, shall take necessary steps to ensure that such development is not continued.
- (vi) Any expenses incurred by the Authority under sub-section (4) and sub-section (5), shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as arrear of land revenue.

81.

- (i) If it appears to the Authority or ULB, as the case may be, that it is expedient the interests of the proper planning of any area (including the interests of amenities), having regard to the Master Plan prepared or under preparation or revision to be prepared –
 - (a) that any use of land should be discontinued; or

- (b) that any conditions should be imposed on the continuance of use of any land ; or
 - (c) that any building or work should be altered or removed.
- the Authority or ULB, may, by notice served on the owner –
- (i) require the discontinuance of that use, or
 - (ii) impose such conditions as may be specified in the notice, on the continuance of use of the land, or
 - (iii) require such steps, as may be specified in the notice, to be taken for the alteration or removal of any building or work, as the case may be, within such period, being not less than thirty days from the date of service of such notice, as may be specified therein.
- (ii) Any person aggrieved by the notice served under sub-section (1), may appeal to the Appellate Authority within such period and in such manner as may be prescribed.
 - (iii) If an appeal is filed under sub-section (2), the provisions of sub-sections (3) and (6) of section 79 shall apply, with such modifications as may be necessary.
 - (iv) If any person,-
 - (a) who has suffered damage in consequence of the compliance with the notice, by the deprecation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or
 - (b) who has carried out any works in compliance with the notice, claims from the Authority, within the time and in such a manner as may be prescribed compensation in respect of the damage, or any expenses reasonably incurred by him for complying with the notice, the provisions of sub-sections (3) and (4) of section 77 shall apply with such modifications as may be necessary.
 - (v) (a) If any person interested in the land in respect of which a notice is issued under this section, claims that by the reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any filed under sub-section (2) and in the manner prescribed, serve on the Authority acquisition notice requiring his interest in the land to be acquired.
 - (b) When a notice is served under clause (a), the provisions of sub-section (2) to (6) of section 76 shall apply with such modifications as may be necessary.

82.

(i) If at any time after permission has been granted under sub-section (4) of section 73, the Authority is satisfied that such permission was granted in consequence of any material misrepresentation made of any fraudulent statement or information furnished the Authority may after giving an opportunity of being heard to the person in whose favour the permission had been granted, cancel such permission for reasons to be recorded in writing and any development carried out without proper permission shall be treated as unauthorized development in terms of the provisions of section 89 and proceeded with accordingly.

(ii) The decision of the Authority in this respect shall be final.

CHAPTER XII

TOWN DEVELOPMENT SCHEMES

83.

- (i) Subject to the provision of this Act, the Authority may for the purpose of implementation of the provision of the Master Plan or for providing amenities where the same are not available or are inadequate or for planning for re-development or renewal of areas having undesirable developments, prepare one or more town development schemes (hereinafter referred to as the scheme) after declaration of the concerned area as local planning area.
- (ii) The scheme may make provisions for any or all of the following matters, namely:
- (a) the matters specified in section 58,
 - (b) the laying-out or relaying-out land, either vacant or already built upon;
 - (c) the filling up or reclamation or low-lying swampy or unhealthy areas or leveling up of land;
 - (d) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets, roads and communication;
 - (e) the reconstitution of plots;
 - (f) the construction, alteration and removal of buildings, bridges, and other structures;
 - (g) the allotment or reservation of land for roads, open spaces, gardens, recreation, grounds, schools, markets, industrial and commercial activities, green belts and diaries, transport facilities and public purpose of all kinds;
 - (h) undertaking housing schemes for different income groups, commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar types of development;
 - (i) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
 - (j) street lighting
 - (k) drinking water supply;
 - (l) preservation and protection of objects of historical importance or national interest, natural beauty or heritage site ;
 - (m) the imposition of conditions and restrictions in regard to the open space to be maintained around building the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the sub-division of plots, the discontinuance of objectionable uses of land or building in any areas in specified periods, parking spaces and loading and unloading, spaces for any building advertisement signs, digital screens;
 - (n) the suspension, so far as may be necessary for proper carrying out of the scheme of any rules, bye-laws, regulation notification or order made or

issued under any Act of the State Legislature or any of the Act which the State Legislature is competent to amend;

- (o) acquisitions by purchase, exchange or otherwise of any property necessary for or effected by the execution of the scheme, and
- (p) such other matters not inconsistent with the objects of this Act, as may be prescribed.

84.

(1) The Authority may by an order declare its intention to make scheme in respect of any planning area or any part of the planning area.

(2) Not later than thirty days from the date of declaration of intention to make a scheme (hereinafter referred to as the declaration) the Authority shall publish the declaration in the Official Gazette and in such other manner as may be prescribed and dispatch a copy thereof together with a copy of the plan showing the area to be included in the scheme to the State Government and the Board and also to the Local Authority in whose jurisdiction the land under the proposed scheme falls.

(3) A copy of the plan referred to in sub-section (2) shall be open to the inspection of the public at all reasonable hours at the office of the Authority and also on the website of the Authority.

85.

(i) Not after than twelve months from the date of declaration, subject, however to sub-section (3), the Authority shall, with the prior consent of the Local Authority in whose jurisdiction the land under the proposed scheme falls make a draft scheme for the area in respect of which the declaration was made and publish a notice in the Official Gazette and in such other manner as may be prescribed stating that the draft scheme in respect of such area has been made and notice shall state the name of the place where a copy thereof shall be available for inspection by public and shall also state that copies thereof or any extract there from certified to be correct shall be available for sale to the public at a reasonable price.

(ii) The Local Authority shall give its consent under sub-section (i) within period of thirty (30) days and if such consent is not given within the prescribed period, the Authority shall presume that the local authority has no objection to the provisions of the draft scheme.

Provided that where the Local Authority conveys its refusal to give consent to the draft scheme within the prescribed period or where there is a difference of opinion between the Authority and the Local Authority with regard to the draft scheme, the matter shall be referred by the Authority to the Board having representation of the concerned Local Authority for decision and the decision of the Board shall be final.

(iii) After thirty days from the date of publication of the notice under sub-section (1) regarding preparation of the draft scheme if any person affected thereby communicates in writing any objection relating to such scheme, the Authority shall consider such objection and may at any time before submitting the draft scheme to the State Government as hereinafter provided, modify such scheme as it thinks fit.

(iv) If the Authority fails to make a draft scheme and publish a notice regarding its making within the period specified in sub-section (3) the declaration shall lapse, but any such lapse of the declaration shall not debar the Authority from making afresh declaration any time in respect of the same area.

(v) The State Government may, on application made by the Authority from time to time, by notification in the Official Gazette extend the period specified in sub-section (1) or sub-section (2) by such period not exceeding, six months as may be specified in the notification.

86. If at any time before a draft scheme is submitted to the State Government for sanction, the Authority suo moto or on any representation made to it, is of the opinion that additional area be included within the scheme, the Authority may, after informing the State Government and the Board giving notice in the Official Gazette and also in local newspapers and on the website, include such additional area in the scheme and thereupon, all the provisions of sections 82, 83, and 84 shall apply in relation to such additional area as they apply to any original area of the scheme and draft scheme shall be prepared for the original area and additional area and submitted to the State Government for sanction.

87.

(i) Notwithstanding anything contained in this Act, the State Government may, in respect of any Authority after making such enquiry as it deems necessary, direct that Authority to make and submit for its sanction, a draft scheme in respect of any land in regard to which a scheme may be made after a notice regarding its making has been duly published in the prescribed manner.

(ii) If the Authority fails to make the declaration of intention to make a scheme within ninety days from the date of direction made under sub-section (1), the State Government may, by notification in the Official Gazette, appoint an officer to make and submit the draft scheme for the land to the State Government after a notice regarding its making has been duly published as aforesaid and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such a scheme.

88.

(i) If the draft scheme requires re-constitution of plots, the size and shape or reconstituted plots shall be determined, so far as may be, to render them suitable for building purposes, and where a plot is already built upon, to ensure that the buildings, as far as possible complies with the provisions of the scheme as regards open spaces.

(ii) For the purpose of sub-section (1), a draft scheme may contain proposals,-

- (a) to form a re-constituted plot of an original plot by alteration of the boundaries of the original plot, if necessary;
- (b) to form a re-constituted plot from an original plot by the transfer wholly or partly of the adjoining lands.
- (c) to provide, with the consent of the owners, that two or more original plots each of which is held in ownership in severally or in joint ownership, shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;
- (d) to allot a re-constituted plot to any owner dispossessed of land in furtherance of the scheme; and
- (e) to transfer for ownership of an original plot from one person to another.

89. Where under sub-clause (a) of sub-section (2) of section 83, the purpose is such to which the buildings or areas may not be appropriated or used in pursuance of section 66, the building or area shall cease to be used for any purpose other than the purposes specified in the scheme within such time as may be specified in the final scheme, and the person affected by this provision shall be entitled to such compensation from the Authority as may be determined by the Arbitrator.

Provided that in ascertaining whether compensation is to be paid, the time within which the person affected was permitted to change the use shall be taken into consideration

90.

(i) The Authority not later than six months from the date of publication of the draft scheme under section 84, shall submit the same with any modifications which it may have made therein together with a copy of objections received by it to the State Government, and shall at the apply for its sanction.

(ii) On receiving application under sub-section (1) and after making such Enquiry as it may think fit, the State Government may, not later than three months from the date of its submission, by notification in the Official Gazette, or not later than such draft scheme

with or without modification and subject to such conditions as it may think fit to impose or refuse to give sanction.

(iii) If the State Government sanctions the scheme under sub-section (2), it shall in such notification, state at what place and time the sanctioned draft scheme shall be open to the inspection of the public and State Government shall also state therein that copies of the scheme or any extract there from certified to be correct, shall on application be available for sale to the public at a reasonable price.

91.

(i) On or after the date on which a declaration of intention to make a scheme is published in the Official Gazette under sub-section (1) of section 85 –

(a) no person shall within the area included in the scheme, institute or change the use of any land or building or carry out any development, unless such person has applied for and obtained the permission of the Authority in the prescribed form ;

(b) the Authority on receipt of such application shall at once furnish the applicant with a written acknowledgement of its receipt and after enquiry and where an Arbitrator has been appointed in respect of a draft scheme after obtaining his approval may either grant or refuse such permission, or grant it subject to such conditions as the Authority may think fit to impose.

(ii) If the Authority communicates no decision to the applicant within sixty days from the date of such acknowledgement, referred to in clause (b) of sub-section (1), the applicant shall be deemed to have been granted such permission.

(iii) If any person contravenes the provisions of clause (a) or clause (b) of sub-section (1), the Authority may direct such person by notice in writing to stop any development in progress and after making enquiry in the prescribed manner, remove, pull down or alter any building or other developmental or restore the in respect of which such contravention is made to its original condition.

(iv) Any expense incurred by the Authority in the discharge of its duties under sub-section (3) shall be sum due to the Authority under this Act from the person in default or the owner of the plot.

(v) The provisions of Chapter XI shall mutatis mutandis; apply in relation to the development and use of land included in a scheme in so far as they are not inconsistent with the provision of this Chapter.

(vi) The restriction imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the final scheme or in the

event of the withdrawal of the scheme under section 106 or in the event of the declaration lapsing under sub-section (4) of section 93.

92.

(i) Where the authority has published a declaration under section 84, the State Government may, on an application of the Authority by order published in the Official Gazette suspend to such extent such may be necessary for the proper carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any law which the State Legislature is competent to make or amend.

(ii) Any order issued under sub-section (1) shall cease in the event of the State Government refusing the sanction the scheme or in the event of the withdrawal of the scheme under section 136 or in the event of coming into force of the final scheme or in the event of the declaration lapsing under sub-section (4) of section 85.

93.

(i) Where there is a disputed claim as to ownership of any piece of land included in an area in respect of which a declaration of intention of make has been made and any entry in the record of rights or mutation register relevant to such disputed claim, is inaccurate or inconclusive, an enquiry may be held on an application being made by the Authority at any time prior to the date on which the Authority draws up the final scheme under clause (u) of sub-section (iii) of section 94 by any such Committee as the State Government may appoint for the purpose of deciding as to who shall be deemed to be the owner for the purposes of this Act.

(ii) The decision under sub-section (i) shall not be subject to appeal but it shall not operate as a bar to a regular suit in a civil court.

(iii) The decision under sub-section (i) shall in the event of a court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Authority either by the civil court or by a person affected by such decree however the Authority shall have powers to appeal in the higher Courts against the order of the civil court passing the decree if the Authority deems it fit.

(iv) Where a decree referred to in sub-section (iii) of the civil court passed after final scheme has been sanctioned by the State Government under section 105, the final scheme shall be deemed to have been suitably varied by reason of such decree.

94.

(i) Within one month from the date on which the sanction of the State government to the draft scheme is published in the Official Gazette under sub-section (i) of section 85, the State Government shall, wherever necessary for the purposes of one or more scheme

received by it for sanction, appoint any Expert Committee with such a number of persons, possessing such qualifications as may be prescribed to be an Arbitrator and duties shall be as hereinafter notified.

(ii) The State Government may, if it at any time, remove for incompetence or misconduct or replace for any good or sufficient reason any member or chairman of the Expert Committee acting as an arbitrator appointed under sub-section (i).

(iii) In accordance with the prescribed procedure, every Expert Committee, may, -

- a. after notice given by the committee in the prescribed manner, define, demarcate and decide the areas allotted to, or reserved for the public purposes or purposes of the Authority, and also the reconstituted plots;
- b. after notice given by the Committee in the prescribed manner, decide the person or persons to whom a reconstituted plot is to be allotted, when such plot is to be allotted, and when such plot is to be allotted to persons having ownership in common, decide the shares of such persons;
- c. estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted plots included in the final scheme in accordance with the provisions of clause (f) of sub-section (1) of section 115;
- d. estimate the compensation payable for the loss of the area of the original plot in accordance with the provisions of clause (f) of sub-section (1) of section 115 in respect of any original plot which is wholly acquired under the scheme;
- e. determine whether the areas allotted or reserved for the public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;
- f. estimate the proportion of the sums payable as compensation on each plot use, allotted or reserved for the public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the construction of the scheme;
- g. determine the proportion of contribution to be levied on each plot used, allotted or reserved for a public purpose or purposes of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;
- h. determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for religious or charitable purposes at the date on which the final scheme is drawn up under clause (xxi) of this sub-section;
- i. estimate the value of reconstituted plots included in the final scheme and the increment to accrue in respect of such plots in accordance with the provisions of section 116;

- j. calculate the proportion in which the increment in respect of the reconstituted plots included in the final scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions of section 115;
- k. calculate the contribution to be levied on each reconstituted plot included in the final scheme;
- l. determine the amount to be deducted from or added to as , as the case may be the contribution leviable from a person in accordance with the provisions of section 118;
- m. provide for the total or partial of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot in accordance with the provisions of section 122;
- n. estimate the amount of compensation payable under section 89;
- o. where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgage or lessee on one hand and the mortgagor or lesser on the other ;
- p. estimate with reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a scheme in accordance with the provisions of section 120;
- q. determine the period in which the works provided in the scheme shall be completed by the Authority;
- r. determine the amount of development charge leviable under Chapter XIII and the apportionment and mode of recovery;
- s. determine on the request of the Authority the amount of betterment charge leviable under Chapter XIII;
- t. determine such other matters as may be prescribed,
- u. draw in the prescribed form the final scheme in accordance with the draft scheme;

Provided that: -

- (a) the Committee may make variations from the draft scheme;
- (b) the Committee may, with the previous sanction of the State government after hearing the Authority and any owner who may, raise objections, make substantial variations in the draft scheme.

Explanation : -

For the purpose of sub-clause (b) of the aforesaid proviso "substantial variation" means increase or decrease in the total cost of the draft scheme by more than

twenty per cent, on account of the provision of the works or the reservation of additional sites for public purposes included in the final scheme.

(iv) The Expert Committee shall decide all matters referred to in sub-section (iii) within a period of four months from the date of his appointment.

Provided that the State Government may, if it thinks fit, whether the said period has expired or not, and whether all the matters referred to in sub-section (iii) have been decided or not, extend, from time to time, by a notification in the Official Gazette, the period for deciding all the matters referred to in sub-section (iii).

(v) The State Government shall provide honorarium and other allowances to the Chairman and members of the Expert Committee as may be prescribed.

95. Except in matters arising out of clauses (d) to (k) (both inclusive) and clause (n), (o), (p), (r), (s) and (t) of sub-section (iii) of section 94 every decision of the Expert Committee shall be final and conclusive and binding on all parties including the Authority.

96.

(i) Any decision of the Expert Committee under clauses (d) to (k) (both inclusive) and clauses ((n), (o), (p) (r), (s) and (t) of sub-section (iii) of section 94 shall be forthwith communicated to the party concerned including the Authority and any party aggrieved by such decision may, within sixty days from the date of communication of the decision, prefer an appeal to the Tribunal of Appeal constituted under section 97.

(ii) The provisions of sections 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963) shall apply to appeals submitted under this section.

97.

(i) The Tribunal of Appeal shall consist of a Chairperson and Two members.

(ii) The person to be appointed as President by the State Government shall be a retired or serving District Judge:

Provided that the serving District Judge shall be appointed on the recommendations of the High Court of Tripura.

(iii) The State Government may appoint two members, who shall, have proper knowledge or experience of town planning.

(iv) The Chairperson of the Tribunal of Appeal and the members shall be appointed for such period as may be required to decided appeals preferred against the decisions under clauses (d) to (k) (both inclusive) and clauses ((n), (o), (p) (r), (s) and (t) of sub-section (iii) of section 94.

(v) The State Government may, if it thinks fit, remove for incompetence or misconduct or any good and sufficient reason any member appointed under sub-section (iii).

(vi) If any member is removed or dies or refuses or neglects to act or becomes incapable of acting, the State Government shall appoint forthwith another person to take the place of such member.

98. The Expert Committee shall not be required to give evidence in the proceedings before the Tribunal of Appeal but the Chairperson may require the Expert Committee to assist the Tribunal of Appeal in an advisory capacity.

99. The Tribunal of Appeal may sit either at the State Headquarters or at any other place which the State Government may specify from time to time in this behalf.

100. All the matters shall be decided by the Tribunal by majority.

101.

(i) The Tribunal of Appeal shall after making such enquiry as it may think fit, decide all matters arising out of clauses (d) to (k) (both inclusive) and clauses ((n), (o), (p) (r), (s) and (t) of sub-section (iii) of section 94 in respect of appeals preferred before the Tribunal of Appeal and may either confirm the proposals of the Expert Committee, wherever necessary to reconsider, vary or modify his proposals only in respect of aforesaid matters.

(ii) Every decision of the Tribunal of Appeal under sub-section (1) shall be final and conclusive and binding on all persons and parties including the Authority.

102. Nothing contained in this Act shall be deemed to constitute the Tribunal of Appeal to be a court.

103.

(i) The Chairperson of the Tribunal of appeal and the Assessor shall save where they are salaried Government Officers, be entitled to such remunerations and allowances as the State Government may, from time to time prescribe in the notification to be published in the Official Gazette.

Provided that in exceptional cases where the scheme is a large one or the work involved is complicated the State Government may authorized the Chairperson and the Members even if they are salaried Government Officers, to received such remuneration, as the state Government may, by order, decide from time to time.

(ii) The salary of the Chairperson of the Tribunal of Appeal or the members who are salaried Government Officers, and any remuneration payable under sub-section (i) of this section and fees payable to expert Committee under sub-section (2) of section 98 and all expenses incidental to the working of the Tribunal of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Authority and shall be added to the cost of the scheme.

104.

(i) Where no appeal has been made under section 96 decisions of the Expert Committee under clauses (d) to (k) (both inclusive) and clauses ((n), (o), (p) (r), (s) and (t) of sub-section (3) of section 94 shall be final and binding on the parties.

(ii) The Tribunal of Appeal shall send a copy of its decision in appeal to the Chairman of Expert Committee who shall then where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to his notices after publication of the final scheme as drawn up by him under clause (u) of sub-section (iii) of section 94 and the Chairman of Expert Committee shall forward such final scheme together with a copy of his decision under section 94 and a copy of the decision of Tribunal of Appeal to the State government for the sanction of the final scheme.

105.

(i) The State Government may, within the period of one hundred twenty days from the date of receipt of the final scheme under section 104 from the Chairman of Expert Committee, or within such further period as the State Government may, extend, by notification in the Official Gazette, either sanction the scheme or refuse to give such sanction.

Provided that in sanctioning the scheme the State Government may make such modifications as may in its opinion be necessary for the purposes of rectifying an error, irregularity or infirmity.

(ii) If the State Government sanctions the scheme in terms of sub-section (1) it shall state in the notification –

(a) the place at which a copy of the final scheme is kept open to inspection by the public and also state therein that copies of the scheme or extract therefrom

certified to be correct shall, on application, be available for sale to the public at a reasonable price.

(b) A date which shall not be earlier than thirty days after the date of publication of the notification on which all the liabilities created by the scheme take effect and the final scheme shall come into force.

provided that the state Government may from time to time, postpone such date, by notification in the Official Gazette, by such period not exceeding ninety days at a time as it thinks fit.

(iii) on and after the date fixed in the notification referred to in sub-section (ii) the scheme shall have effect as if it were enacted in this Act.

106.

(i) If at any time before the final scheme is sanctioned under section 105, the State Government considers it expedient that the scheme should be withdrawn, it may serve a notice in the prescribed manner on the Authority and on all the persons interest in the scheme for its intention to withdraw the scheme.

(ii) After considering the objections, if any, received under sub-section (i) and after making such enquiry as it may think fit, the State Government may be notification in the Official Gazette, direct that the scheme shall by withdrawn and on such withdrawal no further proceeding shall be taken in regard to such scheme.

107. On and after date on which a final scheme comes into force –

(a) all land required by the Authority shall, unless it is otherwise determined in such scheme, vest absolutely in the Authority free from all encumbrances;

(b) all rights in the original plots which have been reconstituted shall terminate and the re-constituted plot shall become subject to the rights settled by the Expert Committee

(c) the authority shall hand over possession of the re-constituted plots to the owners to whom they are allotted in the final scheme.

108.

(i) On and after the date on which a final scheme comes into force, any person continuing to occupy and land which he is not entitled to occupy under the final scheme, may in accordance with the prescribed procedure be summarily evicted by the Authority or any of its officers authorized in that behalf by that Authority.

(2) If the Authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Magistrate & Collector shall at the request of the Authority enforce the eviction of such person or secure delivery of possession of the land to the Authority as may be necessary as per the provisions various eviction laws in force.

109.

(i) On and after the date on which the final scheme comes into force, the Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme, -

(a) remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection of which or carrying out of which any provision of the scheme has not been complied with;

(b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of work would prejudice the efficient operation of the scheme.

(ii) Any expenses incurred by the Authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of the sum due to the Authority under the provisions of this Act.

110.

(i) If after the final scheme has come into force, the Authority considers that the scheme is defective on account of an error, irregularity or infirmity or that the scheme needs variation or modifications of a minor nature, the Authority may apply in writing to the State Government for variation of the scheme.

(ii) If, on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall, by notification in the Official Gazette, authorize the Authority to prepare a draft of such variation and publish a notice in the Official Gazette, and in such other manner as may be prescribed stating that a draft variation has been prepared.

(iii) The notice of preparation of draft variation under sub-section (ii) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses (ii) of section 83, the draft variation shall also contain such other particulars as may be prescribed.

(iv) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours and copies of such draft variation or any abstract therefrom certified to be correct shall be available for sale to the public at a reasonable price.

(v) Not later than thirty days of the date of the publication of the notice regarding preparation of the draft variation any person affected thereby may communicate in writing his objections to such variation, to the State Government and send a copy thereof of the Authority.

(vi) After receiving the objections under sub-section (v), the State Government may, after consulting the Authority and after making such enquiry as it may think fit, by notification in the Official Gazette sanction the variation with or without modifications or refuse to sanction the variation.

(vii) From the date of the notification sanctioning the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

111. Notwithstanding anything contained in sanction 110, a scheme may at any time be varied by a subsequent scheme made, published by means of notice and sanctioned in accordance with this Act:

Provided that when a scheme is so varied the provisions of this Chapter shall, so far as may be applicable, apply to such variation and making of subsequent scheme and the date of the declaration of intention of the Authority to vary the scheme shall, for the purposes of sections 86, 92, 115, 116, and 118 be deemed to be the date of declaration of intention to make a scheme referred to in those sections.

112. In the event of a scheme being withdrawn or sanction to a final scheme being refused by the State Government, the State Government may direct that the cost of the scheme be borne by the Authority or be paid to the Authority by the owners concerned, in such proportion as the State government may in each case determine.

113. Every party to any proceeding before an Arbitrator or the Tribunal of Appeal shall be entitled to appear either in person or by his agent authorized in writing in that behalf.

114. For the purpose of this Act, an officer appointed under sub-section (i) of section 94 as an Expert Committee (Arbitrator) or the Tribunal of Appeal may summon or enforce the attendance of witnesses including the parties, interested or any of them and compel them to give evidence and compel the production of documents by the same means, and as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

115.

(i) The cost of a scheme shall include, -

(a) all sums payable by the Authority under the provisions of this Act which are not specifically excluded from the cost of the scheme.

(b) all sums spent or estimated to be spent by the Authority in the making and in the execution of the scheme, the estimates for works included in the scheme being made on the date, the final scheme is drawn up by the Expert Committee under clause (u) of sub-section (iii) of section 94

(c) all sums payable as compensation for land reserved to be allotted for any public purpose or purpose of the Authority which is solely beneficial to the owners or residents within the area of the scheme,

(d) such portions of the sums payable as compensation for land reserved or allotted for any public purpose or purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public as is attributable to the benefit accruing to the allotment.

(e) All legal expenses incurred by the Authority in the making and in the execution of the scheme: and

(f) The amount by which the total of the value of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market values at the date of declaration of intention to make a scheme, with all the buildings and works thereon on date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(ii) If any case the total of the value of the plots included in the final scheme exceeds the total of the value of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (i), then the amount of such excess shall be deducted in arriving at the cost of scheme as de defined in sub-section (i).

116. For the purposes of this Act, the increment shall be deemed to the amount by which, at the date of the declaration of intention to make a scheme, the market value of any plot, with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed, would exceed, on the same date, the market value of the same plot estimated without reference to such improvements. Provided that while estimating such value, the value of buildings or other works erected or in the course of erection on such plot not be taken into consideration.

117.

(i) The cost of the scheme shall be met wholly or in part –

(a) Where reconstitution of plots is not involved, by the levy of development charge under Chapter XIII, and

(b) in other cases, by a contribution to be levied by the Authority on each re-constituted plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Arbitrator:

Provided that – no such contribution shall exceed half the increment estimated by the Arbitrator to accrue in respect of such re-constituted plot or no such contribution shall be levied on a plot used allotted or reserved for a public purpose or purpose of the Authority, such plot being solely for the benefit of the owners or residents within the area of the scheme or the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the Authority which beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in the proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(ii) The owner of each re-constituted plot included in a final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

118. The amount by which the total value of re-constituted plots included in a final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plot with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contribution leviable on such person under section 117, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

119. Any right in an original plot which in the opinion of the Arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a re-constituted plot shall be so transferred and any right in an original plot which in the opinion of the Arbitrator is not capable of being so transferred shall be extinguished.

Provided that an agricultural lease shall not be transferred from an original plot to a re-constituted plot without the consent of all parties to such lease.

120. The owner of any property or right which is injuriously affected by the making of a scheme shall, subject to provisions of section 122, if he makes a claim before the Arbitrator within sixty days of the receipt of the notice from the Arbitrator, be entitled to obtain compensation in respect thereof from the Authority or from any person benefited or partly from the Authority and partly from such person as the Arbitrator may in each case determine.

121.

- (i) No compensation shall be payable in receipt of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision contained in the scheme, if under any other law for the time being in force applicable to the area for which such scheme is to be made, no compensation is payable for such injurious affection.
- (ii) Property or a private right of any sort shall not be injuriously affected by reason of any provisions inserted in a scheme which with a view to securing the amenity of the Area included in such scheme or any part thereof, imposes any conditions specified in clause (b) sub-section (ii) of section 88.

122. If the owner of an original plot is not provided with a re-constituted plot in the final scheme or if the contribution to be levied on him under section 117 than the total amount to be deducted therefrom under any of the provisions of this Act the net amount of his loss shall be payable to him by the Authority in cash or in such other way as may be agreed upon by the parties.

123.

- (i) If from any cause, the total amount due to the Authority under the provisions of this Act from the owner of a re-constituted plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Arbitrator shall, at the request of the Authority, direct the owner of such plot to make payment to the Authority of the amount of such excess.
- (ii) If the owner referred to in sub-section (i) fails to make the payment within the prescribed period the Arbitrator shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated as its market value at the date of declaration of intention to make a scheme and without reference to improvements contemplated in the scheme and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances, but subject to the provisions of this Act

Provided that the payment made by the Authority on account of value of original plot shall not be included in the cost of the scheme.

124. All payment due to be made to any person by the Authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the Authority in respect of the re-constituted plot concerned, or of any other plot in which he has an interest and falling such adjustment shall be paid in cash or in such other any as may be agreed upon by the parties.

- 125.** (i) The net amount payable under the provisions of this Act by the owner of a reconstituted plot included in the final scheme may, at the opinion of the contributor, be paid in lumpsum or in such annual installments as may be prescribed and if the owner elects to pay the amount by installments interest at such rate as may be prescribed shall be charged on the net amount payable and if the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the Authority, he shall be deemed to have elected the option of paying contribution by installments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid.

Provided that, where an owner elects to pay the amount in lumpsum but fails to do so, interest at such rate as may be prescribed shall be payable by him to the Authority from the date specified in the notice to the date of payment.

- (ii) Where two or more reconstituted plots included in a final scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several reconstituted plots in proportion to the increment which is estimated to accrue in respect of each reconstituted plot, unless the owner and the Authority agree to a different method of distribution.

126.

- (i) An Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a scheme subject to the power of the State Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on or after the day on which the scheme comes into force.
- (ii) an agreement referred to in sub-section (i) shall not in any way effect the duties of the arbitrator as stated in section 94 or the rights of the third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be made by the arbitrator.

Provided that, if any agreement contains any provisions which are inconsistent with the final scheme as drawn up by the Arbitrator under section 94 such an agreement shall be void.

Provided further that if the agreement is modified by the State Government either party shall have the option of avoiding it if it so elects.

127.

- (i) Any sum due to the Authority under this Act, rule or any regulation made thereunder shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any due to the State Government thereon.
- (ii) any sum due to the Authority under this Act, rule or regulation made thereunder which is not paid on demand on the day on which it becomes due or on the day fixed

by the Authority, shall be recoverable by the Authority from the defaulter as if they were arrears of land revenue.

- (iii) If any question arises whether a sum is due to the Authority within the meaning of sub-section (ii), it shall be referred to the Tribunal of Appeal and the Tribunal of Appeal after making such enquiry as it may deem fit and giving to the person by whom the same is alleged to be payable, an opportunity of being heard decide the question and the decision of the Tribunal of Appeal thereon shall be final shall not be called in question in any court of before any other authority.
- (iv) The procedure to be followed by the Tribunal of Appeal in deciding questions referred to it under sub-section (iii) shall be such as may be prescribed.

128. Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Authority under this Act remains as surplus, the Authority shall, in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.

129.

- (i) The Authority shall complete all the works provided in a final scheme within the period specified in the final scheme by the Arbitrator under clause (t) of sub-section (iii) of section 94.

Provided that exceptional circumstances on application by the Authority, the State Government may by an order in writing specifying those circumstances grant to the Authority in this behalf further extension of time as it may deem fit.

- (ii) If the Authority falls to complete all the works within the specified period or within the period extended under sub-section (i), the State Government may, notwithstanding anything contained in sub-section (i), require the Authority to complete the works within such further period as it may consider reasonable or appoint an officer to complete such works at the cost of the Authority and recover the cost from the Authority in the prescribed manner.

130. Whoever willfully destroys or injures or without lawful authority, removes a boundary stone or mark lawfully fixed or constructed, the Competent Authority on receipt of the intimation from the Arbitrator or the Authority, may order such person to pay a penalty not exceeding five rupees for each stone or mark so destroyed, injured or removed as may in its option be necessary to defray the expenses of restoring the same.

CHAPTER XIII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT

CHARGE AND BETTERMENT CHARGE

131.

(i) Subject to the provisions of this Act and the rules made thereunder, the Authority may levy a charge (hereinafter called the development charge) for the recovery of total cost of amenities already provided or proposed to be provided in future by the Authority or on the institution or change of, use of land or buildings or on the carrying out of any development under this Act in the whole or any part of the local planning area or the site for a new township in the manner hereunder provided.

(ii) (a) Where no other mode of recovery of the cost of any scheme prepared by the Authority under Chapter XII is provided under this Act, the Authority may levy development charge not exceeding the amount of the total cost of amenities already provided or proposed to be provided in future with a view to recover the cost of such amenities.

(b) The development charge may also be levied on the institution, or change of use of land or building or on the carrying out of any development in the local planning area or the site for a new township.

Provided that deferent rates of development charge may be levied on institution, or change of use of any land or building vested in or under the control or in possession of, the Central Government or the State Government.

(iii) The rates of development charge leviable shall be assessed by the Expert Committee (Arbitrator) on a reference having been made in this behalf to the Arbitrator by the Authority.

132.

(i) On receipt of a reference from the Authority for the assessment of development charge under section 113, the Expert Committee (Arbitrator) may, after serving a notice in writing on the person liable to pay development charge and after giving them opportunity of being heard and after calling a report in this behalf from the Authority, assess the amount of development charge payable by such persons in respect of the lands or buildings owned by them.

(ii) On the assessment of development charge under sub-section (i) the Expert Committee (Arbitrator), shall give to the person liable to pay development charge a notice in writing of the amount of development charge payable by him and the date by which such payment shall be made and such notice shall also state that in the event of failure to make such payment on or before such date interest at the rate as may be prescribed shall be payable from such date on the amount remaining unpaid.

(iii) For removal of doubts it is hereby declared that no person shall refuse to pay the development charge assessed under sub-section (i) merely on the ground that the amenities already provided or proposed to be provided in future for which the development charge have been levied and assessed are not required by him or he does not want to avail the same.

(a) The development charge payable in respect of any land or building shall be first charge on such land or building subject to the prior payment of land revenue, if any, due to the State Government thereon and any other sum due to the Authority.

(b) All development charges payable in respect of any land or building by any person shall together with interest due up to the date of realization, be recoverable from such person or his successor in interest in such land or building as arrears of land revenue.

133.

(i) Where a scheme has been prepared under Chapter XII of this Act, the Authority is of the opinion that as a consequence of the scheme having been executed the value of any land or building in a planning area has increased or is likely to increase the Authority may in respect of such land or building levy a charge (hereinafter called the betterment charge) keeping in view the increase or likely increase of value resulting from the execution of such a scheme.

Provided that the betterment charge so levied shall not exceed one-third of the amount by which the value of the land or building has increased or is likely to increase.

Provided further that no betterment charge will be levied on the land vested in or under the control or in the possession of the Central Government of the State Government.

(ii) The rates of betterment charge leviable under sub-section (i) shall be assessed by the Expert Committee (Arbitrator) on a reference having been made to the Expert Committee (Arbitrator) by the Authority.

(iii) As soon as reference is received by the Expert Committee (Arbitrator) under sub-section (ii), he shall serve a notice in writing on the person liable to pay betterment charge and after giving the person concerned an opportunity of being heard and after calling for a report in this behalf from the Authority, the Expert Committee (Arbitrator) shall assess the amount of the betterment charge payable by such a person.

(iv) On the assessment of the betterment charge un sub-section (iii) the Authority shall give to the person liable to pay such charge a notice in writing of the amount of betterment charge payable by him and the date by which such payment shall be made and such notice may also state that in the event of failure to make such payment on or before such date the interest at such rate as may be prescribed shall be charged on the amount remaining unpaid.

(v) (a) The betterment charge payable in respect of any land or building shall be a first charge on such land or building subject to the prior payment of land revenue if any, due to the State Government thereof and any other sum due to the Authority.

(b) The betterment charge payable in respect of any land or building by any person shall together with interest due up to the date of realization, be recoverable from such person or his successors in interest in such land or building as arrears of land revenue.

134.

(i) Any person aggrieved by an order passed by the Expert Committee (Arbitrator) under section 131 or section 132 may, within a period of sixty days from the date on which the order was communicated to him, in the manner specified in section 96, prefer appeal against such order to the Tribunal of Appeal.

(ii) In disposing of an appeal, the Tribunal of Appeal may, after giving the appellant an opportunity of making his representation and also hearing the authority. –

- a) confirm reduce enhance or annual the order of assessment, or
- b) set aside such order and direct the Expert Committee (Arbitrator) to make a fresh assessment after such further enquiry as may be directed, or
- c) pass such other order as it may think fit.

(iii) The decision of Tribunal of Appeal shall be final and binding on all the parties to such appeal.

(iv) Notwithstanding that an appeal has been prepared under sub-section (i), the payment of development charge or the betterment charge in accordance with the order against which the appeal has been preferred, shall not be stayed. Provided that the Tribunal of Appeal may in its discretion, give such directions as it thinks fit in regard to the payment of the development charge or the betterment

charge before the disposal of the appeal if the applicant furnished sufficient security to its satisfaction for such payment, in such form and in such manner as may be prescribed.

(v) Any order passed by the Tribunal of Appeal under the provisions of this section shall be enforced by such Authority and in such manner as may be prescribed.

CHAPTER XVI
INSPECTION AND PENALTIES

135.

(i) The Authority may authorize any person to enter into or upon any land or building other than the land or building owned by the Central Government or the State Government in the local planning area or the site for a new township with or without assistance or workmen for the purpose of, -

- (a) making any enquiry, inspection, measurement or surveys or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub-soil;
- (d) setting out boundaries and intended lines of work;
- (e) marking levels, boundaries and lines by placing marks and cutting trenches;
- (f) ascertaining whether any land is being or has been developed in contravention of any provision of this act or rules or regulations made thereunder; and
- (g) doing any other thing necessary for the efficient administration of this Act.

Provided that –

- (a) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building
- (b) sufficient opportunity shall in every instance be given to enable women, if any to withdraw from such land or building,
- (c) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the land or building entered

(ii) Subject to the provisions of proviso to sub-section (i), the Competent Authority or any officer authorized by it may enter into or upon any land, building, execution or operation with or without assistants or workmen for the purpose of checking of any violation of the provisions of this Act.

136. Any person who obstructs the entry of a person authorized under section 135 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both.

137. Except as otherwise provided for in this Act, any contravention of any of the rules or regulations made thereunder shall be punishable with fine which may extend to an amount as decided by the State Government from time to time by a notification, and in the case of continuing contravention, with an additional fine, which may extend to one hundred rupees, for each day during which such contravention continues after the first conviction and the court, while passing any sentence on conviction of any person for the contravention of any rule or regulation, may direct that any property or part thereof in respect of which the rule or regulation has been contravened shall be forfeited to the Authority.

Provided that if a building is begun, erected or re-erected in contravention of any of the building regulations, the Commissioner shall be competent to require the building, to be altered or demolished by a written notice delivered to the owner thereof, within six months of its having been begun, or having been completed, as the case may be, and the notice so delivered shall also specify the period during which such alteration or demolition has to be completed and if the notice is not complied with the Chief Administrator shall be competent to demolish the said building at the expense of the owner.

Provided further that Commissioner may instead of requiring alteration or demolition of any such building, accept by way of compensation such sum as he may deem reasonable.

138. Any person who contravenes the provisions of this Act, for the contravention of which no penalty is expressly provided elsewhere in this Act, shall, on conviction be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to twenty five thousand rupees, or with both.

139.

(i) Where any 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 under 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.

(ii) Notwithstanding anything contained in sub-section (i) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or 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 be deemed to be guilty of that offence and shall also be liable to be proceeded against and punished accordingly.

Explanation – For the purposes of this section –

(a) “company” means a body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm, means a partner in the firm.

140. Where an offence under this Act has been committed by any Department of Government or it is proved that the offence has been committed with the consent or co-connivance or is attributable to any neglect on the part of any officer or employee of the department the Head of such Department, 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 section shall render the Head of such department, liable to any punishment under this act if such Head of department proves that the offence was committed without his knowledge or that the exercised all due diligence to prevent the commission of such offence.

CHAPTER XVII

MISCELLANEOUS

- 141.** Where, in the opinion of the State Government, it is necessary that the amenities provided by the Authority in an area should be extended to any land or building situated within the area or within such distance from that area as it may deem expedient, such amenities shall be extended to such land or building and the owner of such land or building shall be liable to pay to the Authority, in the manner prescribed, such development charge therefore as may be fixed by the State Government having regard to the expenses to be incurred for providing such amenities and the benefits to be extended to the land or building.
- 142.** Every member, officer and other employee of the Authority, the Competent Authority, Appellate Authority, Arbitrator and the Tribunal of Appeal shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860.
- 143.** No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Act.
- 144.** No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or the Competent Authority, as the case may be, or any officer authorized by these Authorities.
- 145.**
- (i) All notices, all orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act of such rule or regulation, be deemed to be duly served; -
 - (a) where the person to be served is a company, if the document is addressed to the Secretary of the said company, at its registered office or at its principal office or place of business and it is either – sent by registered post, or delivered at registered office or at the principal office or place of business of the said company;
 - (b) where the person to be served is a partnership firm, if the document is addressed to the said partnership firm, at its principal place of business, identifying it by the name or style under which its business is carried on and is either - sent by registered post, or delivered at the said place or business;
 - (c) where the document is to be served on a Government Department, Railway, Local Authority, Statutory Company, Corporation, Society or any other body, if the document is addressed to the Head of the Government Department, General Manager of the Railway Secretary or Principal Officer of the local authority, statutory company, corporation, society, or body, at its principal branch, local or registered office, as the case may be, and is either – sent by registered post; or delivered at the said office;

(d) in any other case, if the document is addressed to the person to be served and –

- (i) is given or tendered to him, or
- (ii) is sent by registered post to the person, or

(iii) if such person cannot be found, is affixed on some conspicuous part of this last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates.

(ii) Any document which is required or authorized to be served to the owner or occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of that land or building (naming that land or building) without further name or description and shall be deemed to be duly served –

(a) if the document so addressed is sent to be delivered in accordance with clause (b) of sub-section (i), or

(b) if the document so addressed or a copy thereof so addressed is delivered to any person on the land or building or where there is no person on the land or building to whom it can be delivered is affixed on some conspicuous part of the land or building.

(iii) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(iv) For the purpose of enabling any document to be served on the owner of any property, an officer of the Authority authorized in this behalf may by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(v) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

Explanation - A servant of that person is not member of the family within the meaning of this section.

146. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder required anything to be done for doing after which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same

147.

(i) (a) Notwithstanding anything contained in other act or rules in force, the Authority shall be vested with the powers to issue Lay-Out permissions

for the notified township projects or Local Planning Areas having total area one acre or more and shall have right to charge appropriate fees from the individuals, developers, firms, agencies, companies etc developing such projects for which the rates shall be notified by the Authority by way of Notifications as and when required.

(b) Notwithstanding anything contained in other act or rules in force, the Authority shall also be vested with the powers to issue Building Permission to the structures on such Layouts mentioned in the section 28(ii)(f) in the Local planning areas as per the latest edition of Tripura Building Rules or any other rules or regulations or notifications made under this Act and shall have right to charge appropriate fees from the developers, firms, agencies, companies individuals, departments etc constructing such structures and also to issue occupancy certificates for such structures after completion as per the Tripura building rules.

(c) Notwithstanding anything contained in other act or rules, the Authority shall have all the rights to impose fine, stop, prohibit, demolish the structures either completely or in part for which layout permission or building plan permission has not been obtained, deviations have been made to the non-permissible limits, standard norms for disaster prevention measures not followed or standard provisions of national building codes not observed or there is any threat to the safety or security to human life from such structures, following the provisions of the latest edition of Tripura Building Rules or any other rules or regulations or notifications made under this Act in the planning areas. If any fine remains unpaid, it will be recovered as arrears of land revenue.

(d) Notwithstanding anything contained in any other acts and rules in force, the powers to issue diversion permissions, layout approval, building plan approval as per provisions of the latest edition of Tripura Building Rules within the Local planning areas notified by the State Government for development by the Authority shall solely vest in the Authority and no District Magistrate or Collector, no any Municipal or Local Body Authority

or any other State Government or Officer shall interfere in exercise of such powers.

(e) The rates of the fees and procedures of applications for layout permissions, building permissions, diversion permissions given by the Authority as mentioned shall be notified by the Authority from time to time.

(f) Notwithstanding anything contained in this Act all the draft Master Plans, Regional Plans, Township Schemes or Township Projects under prepared by the designated Planning Agency and at various stages thereafter shall be placed by the Authority before the Board for recommendation to the State Government for approval.

(ii) All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated under the signatures of an officer authorized by the Authority in this behalf.

148. Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared made or sanctioned in connection with a Master Plan or a town development scheme under this Act and all such documents, plans and maps shall, for the purposes of sections 44 and 45 of that Act, be deemed to have been registered in accordance with the provisions of that Act.

Provided that copies of documents, plans and maps relating to a sanctioned scheme shall be sent to the sub-register's office concerned where such copies shall be kept and made accessible to the public in the manner prescribed.

149. Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of any receipt application, plan, notice, entry in register, or other document, in the possession of the Authority, if duly certified by the legal keeper thereof or other person authorized by the Authority in this behalf, shall be received as prima facie evidence of the existence of such receipt, application, plan, notice, order entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extent as, the original document would, if produced have been admissible to prove such matters.

- 150.** No member, officer or other employee of the Authority shall, in any proceedings to which the Authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transition recorded therein, unless by order of the court made for special cause.
- 151.** No suit, prosecution or other legal proceedings shall be against the State Government, the Authority or any of its officers or persons duly appointed or authorized in respect of anything which is in good faith done or intended to be done or purporting to be done under this Act or any rule or regulation made thereunder.
- 152.** It shall be the duty of every police officer, -
- (i) to communicate without delay to the proper officer or the employee of the Authority any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder, and
 - (ii) to assist the member or any officer or other employee of the Authority in the lawful exercise of any power vested in such member, officer or other employee under this Act or any rule or regulation made thereunder.
- 153.**
- (i) A Police Officer, not below the rank of a sub-Inspector, shall arrest any person who commits, in his view, any offence against this Act or any rule or any regulation made thereunder, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or give such name or address which such officer has reason to believe to be false.
 - (ii) The person so arrested shall, without unavoidable delay be produced before the Judicial Magistrate authorized to try the offence for which the arrest has been made and no person so arrested shall be detained in custody for a period exceeding twenty four hours without any order from the Judicial Magistrate.
- 154.**
- (i) Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or order passed or notice issued by the authority or the Competent Authority or their officers under this Act shall be final and shall not be questioned in any suit or other legal proceedings.
 - (ii) No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter the cognizance of which can be taken and disposed to by

any authority empowered by this Act or the rules or regulations made thereunder.

155.

(i) The Authority may, by a resolution, authorize that any power exercisable by it under this Act or the rules or regulations made thereunder, except the power to make regulations, may also be exercised by such officers of the Authority or the State Government or a local authority, as may be mentioned therein, in such cases and subject to such conditions, if any as may be specified therein.

(ii) The State Government may, by notification, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised as may be mentioned therein by such officers in such cases and subject to such conditions, if any, as may be specified therein.

(iii) The Authority may, by order, direct that any power exercisable by it under this Act may also be exercised by such officer as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.

(iv) The State Government may, by notification, direct that any power exercisable by Commissioner / Chief Administrator under this Act may be exercised by such officer of the Authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

156.

(i) If in the opinion of the State Government the Authority is not competent to exercise or perform or neglects or falls to exercise or perform any power, any power conferred or duty imposed upon by it or under any of the provisions of this Act, the State Government or any person appointed in this behalf by the State Government may exercise such power or perform such duty.

(ii) Any expenses incurred by the State Government or by the person appointed under sub-section (i) in exercising such power or performing such duty shall be paid out of the fund of the Authority and if the authority fails to pay the expenses, then the State Government may make an order directing any person who, for the time being, has custody of such fund to pay such expenses from such fund, and such person shall be bound to obey such order.

157.

(i) If any difficulty arises in giving effect to the provisions of this Act, or by reason of anything contained in this Act, or in any order enactment for the time being in force, the State Government may, as occasion arises, by order direct that this act, shall during such period as may be specified in the order but not extending

beyond the expiry of two years from the date of commencement of this Act, have effect subject to such adoption whether by way of modification, addition or omission as it may deem to be necessary and expended.

(ii) Every order made under sub-section (i), shall as soon as may be, after it is made, be laid before the State legislative.

158.

(i) Nothing in this Act shall apply to the operational constructions.

(ii) Where the State Government is of the opinion that operation of any of the provisions of this Act causes any undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by general or special order, except class of persons or areas, from all or any of the provisions of this Act.

159.

(i) Save as otherwise provided in this Act, the provisions of this Act, the rules and regulations made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in other law for the time being in force.

(ii) Notwithstanding anything contained in any law –

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be not validly undertaken or carried out by reason only of the fact that the permission, approval or sanction required under such other law for such development has not been obtained.

(b) when permission for the development has not been obtained under this Act, such development shall not be deemed to be validly undertaken or carried out by reason only of the fact that permission, approval or sanctioned required under this such other law for such development had been obtained.

160.

(i) The State Government may, by notification, make rules for carrying out the purposes of this Act,

(iii) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive session and if, before the expiry of the session in which it is in laid or the successive sessions aforesaid the House agrees in making any modification in the rules or the House agrees that the rule should not be made the rule shall thereafter have effect only in such

modified form or to 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 under that rule.

161. The Board may make regulations, consistent with this Act and rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generally of this power, the Board may make regulations, -

(a) for regulating its procedure and the conduct of the business under section 11;

(b) providing for the functions which the Member Secretary of the Board may discharge under section 12;

(c) the functions to be assigned by the Board to the Member-Secretary under section 12;

(d) providing for any other matter which has to be or may be specified by regulations.

162. The Authority may make regulations as far as its proper functioning is concerned consistent with this Act, and the rules made thereunder, to carry out the purposes of this Act.

163. (i) The Tripura Town and Country Planning Act, 1975 (Tripura Act No 4 of 1976) is hereby repealed;

(ii) Notwithstanding such repeal, any order or notification issued, any action taken under the Act, so repealed, shall be deemed to have been issued or done under the corresponding provision of this Act.

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GOVERNMENT OF TRIPURA**
