

CHHATTISGARH NAGAR TATHA GRAM NIVESH ACT, 1973

104, 26 6, 1924 26 2002 207 18-4-2002 3tr\$. 208 cru 37 (38-i 2' 2002 20 Fl 2002)) 3fi.fiqq, 2002 1973 (23 1973) (ÉtER) 2002 (E 20 q2002) (1) (2) 2. 3. 4. 3fiÄ, 1973 23 q 1973) 33frfiq•q (VT) gift* ' t fiqfvr 1972 3 VI 1972) 37 () 38 38-äi (1) (2) fiÄ k. s. 6, 7. 8. 9. 10. 26 2002 39 37qf 3i•afi7 ferq 40 40-T(I) (2) (3) (4) (S) 40-a 4C• qgi 34fUfiqq 46 q•ii 63• fiq 63Ä 1972 3 n 1972) 208 (I) 39-G fi%rq 40-0 46 (2 63-u ZOOZ 9Z 2.4.h ZOOZ ZZ 09 1b 'PdE4E€ Lh toot 9t (L) LUh-hE OZ zoot (z) a-f9 U-E9 (t) sot 26 3üa 2002 CHHATTISGARH ACT (No. 20 of 2002) CHHATTISGARH NAGAR TATHA GRAM NIVESH (SANSHODHAN) ADHINIYAM, 2002 An Act to further amend the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1913) in its application to the State of Chhattisgarh. Be it enacted by the Chhattisgarh Legislature in the Fifty-third Year of the Republic Of India as follows (2) This Act may be called the Chhattisgarh Nagar Tatha Gram Nivesh (Sanshodhan) Adhiniyam. 2002 (No. 20 of 2002), It shall come into force on such date as the State Government may, by notification, appoints. 2. 3. 4

5. After clause (c) in section 2 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam. 1973 (No. 23 of 1973) (hereinafter referred to as the Principal Act) the following clause shall be inserted namely (e.e.) "Competent authority" means any person authorized by the State Government, by notification, to perform the functions of the competent authority under Chapter- VII and under Chapter-XII of Chhattisgarh Griha Nirman Mandal Adhiniyam. 1972 (No. 3 of 1972) for such area as may be specified in the notification and shall be a person who is holding or has held an office, not lower in rank than that of a Deputy Collector. or Executive Engineer under the Authority. In section 37 (I) of the Principal Act the words "within five years Of such development", shall be omitted. After section-38 of the Principal Act the following section shall be inserted. namely 38-A (I) The State Government may, by notification establish Housing and Urban Deve- (2) lopment Authority of Chhattisgarh. The duty Of implementing the proposals in the development plans. housing schemes, preparing one or more town development schemes, acquisition and development of land for the purpose of expansion, constructing houses and improvement Of the area specified in the notification under sub-section (I) shall. subject to the provision of this Act vest in the Housing and Urban Development Authority of Chhattisgarh. After section-39 of the Principal Act the following section shall be inserted, namely 39•A Housing and Urban Development authority of Chhattisgarh shall be a body corporate and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable and subject to the provisions of this Act or any rules made thereunder, to transfer any property held by it, to contract and to do all other things necessary for the purposes of this Act and may sue and be sued in its corporate name. 208 (3) Short title and com• mencement. Insertion or definition (e.e.) in Section•2. Omission in Section t'wertion Of Section Establishment of • Housing and Urban Development Author. ity or Insertion of Section Incorporation or Hous- iog and Urban Deve• opment Authority Of Chhattisgarh. 208 (4) Insertion Of Section. Constitu tiOn of Hous. ing und Urban Deve- topment Authority Of Chhattisgarh. Insertion or Section 40.B. Omission in Section Amendment in See. Hon 63•A. Insertion of Section 63-B. Power to evict certain from Author. ity Insertion of Section 63.C. Appeal. 6. 7. 8. 9. 10. 11. 26 2002 After section-40 Of the Principal Act the following sections Shall be inserted namely 40-A(I) Housing and Urban Development Authority of Chhattisgarh shall consist of (a) (b) (c) a Chairman; one or more Vice-Chairman: such number Of members, as the State Government may determine from time to time. (2) (3) (4) (5) The Chairman, Vice-Chairmen and the members shall be appointed by the State Government. The term of office of Chairman. Vice-Chairmen and other members shall be Such as may be prescribed under the rules. ne salaries and allowances payable to, and other terms and conditions Of service of the Chairman and V icc-Chairmen shall be such as may be prescribed under the rules. ne members shall not be entitled to any salary but shall receive such allowances as may be prescribed under the rules. 40-B In Chapter-VI of the Principal Act after Section upto Section 63-A wherever the words "Town and Country Development Authority" occur the words "or Housing and Urban Development Authority of Chhattisgarh" shall be added. In Sub-Section (2) of Section 46 Of the Principal Act the words •"from amongst the members Of the Development authority Service belonging to the Statccardrc from amongst the members of the State Technical/Administrative Services if necessary" shall be omitted. At the end of Section 63-A of the Principal Act the following words shall be added, namely The Authority may have one or more than one

competent authority for specified area, Who may be vested with the powers of Tahsildar under this section. After Section 63-A of the principal Act, the following Sections shall be inserted. namely 63-B The competent authority shall have the same powers to civil the occupants of the premises of the Authority and in the same manner and contingencies as enumerated in Section-55 Of Chhattisgarh Griha Nirman Mandal Adhiniyam. 1972 (No. 3 of 1972). 63-C (1) Any person aggrieved by an order of the competent authority under section 63-8. may Within one month from the date of service of the notice of such order. Before an appeal to the State Government: Provided that State Government may entertain the appeal after the expiry of the said of one month, if it is satisfied that the appellant. was prevented by sufficient cause, from filing the appeal in time. (2) 26 2002 On receipt of an appeal under sub-section (1) the State Government may after calling for a report from the competent authority and after making such further enquiry, if any, as may be necessary, pass such orders as it may think fit and the order of the State Government shall be final. 12. 13. 63-D order passed by the State Government or the competent authority, as the case may be, in the exercise of any power conferred by or under this Chapter shall not be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter. 63-E No suit shall be instituted against the authority or any member, or any officer or servant of the authority or any person acting under the direction of the authority, or of the Chairman or any officer or servant of the authority in respect of any act done or intended to be done under this Act or any rule or regulation or bye-law made thereunder until the expiration of sixty days next after written notice have been delivered or left at the Authority's office or the place of the abode of the Chairman such officer or servant or person stating the cause of action, the name and place of abode of the intending plaintiff, and relief which he claims, and the plaint must contain a statement that such notice has been so delivered or left. 208 insertion of Section 63-F Bar or Jurisdiction or Courts. insertion of Section 63-F. Notice or suit against authority. *r.RNV17/2002. " 2-22-*ræwg m. Q. 30-5-2001. " 9-30 13 23, 1926 13 345/21 5-1-2005 40-5 40-« QT(r 63-«, 63-11, 63- 2, 3. 4. 5. 6. 13 20 2004) (iüqq) 2004 1973 (Fü 23 1973) ' 'ÜÆrærtl% (.ü•ftæg) 2004' (ii) 1973 1973), 63-@, 63-rr, 63-q 63-3. 13 2005 348 (3) (ü?fta) 2004 20 2004) e. 13 2005 CHHATTISGARH ACT (No. 20 of 2004) CHHATTISGARH NAGAR TATHA GRAM NIVESH (SANSKODHAN) ACT, 2004 • An Act further to amend the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973). Be it enacted by the Chhattisgarh Legislative in the Fifty-fifth year of the Republic of India as follows :- (i) This Act may be called the Chhattisgarh Nagar Tatha Gram Nivesh (Sanskodhan) Adhiniyam, 2004. It shall come into force from the date of its publication in the official Gazette. 2 3. 4. 5. 6, -B, 63 Clause (ee) of Section 2 of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) (hereinafter referred to as the Principal Act), shall be omitted. Sub-Section (1) and (2) of Section 38-A of the Principal Act, shall be omitted. Section 39-A of the Principal Act, shall be omitted. Section 40-A and 40-B of the Principal Act, shall be omitted. Section 63-B, 63-C, 63-D and 63-E of the Principal Act, shall be omitted. Short title and Commencement. Omission of Clause (ee) of • Section 2. Omission of sub- section (1) and (2) of section 38-A. Omission of . Section 39-A Omission of Section 40.A and 40-B. Omission Section 63 C, 63-1) and 63-E. mfra-2005. .«-qqgrgi/09/2010-2012." f&iZ) GO. 2-22-#HTTZIMZ/38 fi4. 30-5-2001." 7.*243] 6 2010—vrq IS, 1932 fifü 4 20io 30-08-2010 i. t. a-q-Ff*q. 485 486 30. 31 ura 33 36 6 2010 22 3.füfiqq, 2010 1973 (23 1973 3tr«ivfrfiR 37fi-ifiztq (*ea) 2010 1973 (7. 23 æ%11973) 30 30 (3) 2. 3. 4. (1) (2) (3) 30-ÄF (1) (2) (3) 31 (1) - (1) 30 30-z& @Fit 33 frNTTå, 31qfit 37T0, 30 31 32 t, 36 (Y) 37 i, za ftßT (L) 98b LHÄh.æ (L) OS Ak ILLE Ihu E P-L±Er1J1h (S) OS 2.Hæ (æ) (9) (L) PAJk4k:tkJ (L) h.lh kkEh Lursh2 'ih (S) otoz 9 486 (2) (u) (q) 11. 6 2010 vtzr:if fit-a *Tit. (æ#ir.R) 2010 (E 1 7712010) 4 2010 348 (3) (#üq) 37fUfrqq, 2010 ("F 22 qt2010) 6 2010 CHHAITISGARH ACT (No. 22 of 2010) CHHATTISGARH NAGAR TATHA GRAM NIVESH (AMENDMENT) ACT, 2010 An Act further to amend the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973). Be it enacted by the Chhattisgarh Legislature in the Sixty first year of the Republic Of India. as follows (2) (3) This Act may be called the Chhattisgarh Nagar Tatha Gram Nivesh (Amend- ment) Act

2010. It extends to the whole State of Chhattisgarh. It shall come into force from the date of its publication in the Official Gazette. 2. 3, 4

5. After section 30 Of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No.23 of 1973) (hereinafter referred to as the Principal Adhiniyam), the following Section shall be inserted. nameß' (2) (3)

Any applicant may submit an application to the director in such manner as may be prescribed for amendment in the approved layout plan provided that such amendment is in conformity with the development plan. within the permitted time period from the date of communication of the order issued conditionally under sub-section (3) of section 30. All such reasons for which amendment is sought shall be mentioned while submitting the application to the Director. The Director on submission of such application, may pass appropriate order after giving a reasonable opportunity of hearing to the applicant. For sub-section (1) of section 31 of the Principal Adhiniyam, the following shall be substituted, namely (1) Any applicant aggrieved by an order granting permission on condition or refusing permission under section 30 or amendment under section 30-A may, within thirty days of the date of communication of the order to him, prefer an appeal to such authority, in such manner and accompanied by such fees as may be prescribed. In section 33 of the Principal Adhiniyam, for the first paragraph, the following shall be substituted, namely "Every permission granted under section 30 or section 30-A or section 31 or section 32 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse." After sub clause (d) of section 36 of the Principal Adhiniyam, the last paragraph shall be substituted by the para as follows, namely "shall without prejudice to any action that may be taken under section 37, be punished with simple imprisonment for a term which may extend to six months or with fine of minimum ten thousand rupees or with both, and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first offence, and such property of unauthorized development may be forfeited". 486 (3) Short title, extent and commencement. Insertion of new Section 30-A. Amendment Section 31' Amendment Section 33. Amendment Section 486 (4) Amendment Section 37. Amendment Section 50. 6. 8. 10. 6 2010 For sub-section (1) and clause (a) section 37 of the principal Adhiniyam, the following sub-section (1) and clause (d) shall be substituted, namely (1) Where any development has been carried out as indicated in Section-36 or may serve on the owner a notice requiring him, within such period being not less than one week and not more than three weeks from the date of service or notice, as may be specified therein: In cases specified in clause (a) or (c) of Section 36 to stop illegal (a) development on the land and (c) restore the land to its condition existing before the said development took place: For sub-section (5) of section 37 of the Principal Adhiniyam, the following sub-section shall be substituted, namely If the permission applied for, on depositing the compound sum prescribed (5) by the State Government by issuing notification from 10 lime, is granted, the notice shall stand withdrawn; but if not granted, the notice shall stand; or if such permission is granted for the retention only of some buildings or works, or for the continuance of use of (only a part of) the land or (only a part) of land, the notice shall stand withdrawn in respect of such buildings or works or such part of the kind, as the case may be and thereupon the owner shall be required to take steps specified in the notice under sub-section (1) in respect of such other buildings, works or part of the land. For sub-section (7) of section-37 of the Principal Adhiniyam, the following sub-section shall be substituted, namely (7) Any person prosecuted under clause (9) of sub-section (6) shall, on conviction, be punished with simple imprisonment for a term which may extend to six months or with fine of minimum ten thousand rupees or with both, and in the case of a continuing offence with further fine which may extend to one thousand rupees for every day during which the offence continues after conviction for the first offence. For sub-section (5) of section 50 of the Principal Adhiniyam, the following sub-section shall be substituted, namely (5) Where the town development scheme relates to reconstitution of plots, the Town and Country Development Authority shall, notwithstanding anything contained in sub-section (4), constitute a committee consisting of the Chief Executive Officer of the said Authority and two other members of whom one shall be representative of the district collector, not below the rank of Deputy Collector and the other shall be an officer of the Town & Country Planning Department not below the rank of Deputy Director nominated by the Director of Town & Country Planning for the purpose of hearing objections and suggestions received under sub-section (3). After sub-section (7) of section 50 of the Principal Adhiniyam, the following sub-section shall be inserted, namely (8) (i) Where a town development scheme has come into operation, all lands required by the Town & Country Development Authority for the purposes specified in following clauses— (a) (b) (c) (d) Layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications, etc; Drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal; Lighting; Water supply;

11. Shall vests absolutely in the Town and Country Development Authority free [rom all encumbrances. Nothing in sub-section (i) shall affect any right of the owner of the land vesting in the appropriate authority under that sub-section. The Chhattisgarh Nagar Tatha Gram Nivesh (Amendment) Ordinance, 2010 (No. 1 of 2010) is hereby repealed. Provided that the repeal shall not affect the previous operation of the Ordinance so repealed as if this Act had not been passed and saving. *ritæ / 38 ft. 30-05-2001.* "i*üRM/09/2013-2015." 2018 —ü u. 1940 Rfå 14 2018 6055/8. 18. 24—04—2017 t. fäg 427 428 14F2018 31fÄ-fhu-q (m. 11 2018) (æi?TitFT 2017. 1973 (3b. 23 1973) 1. 2. (2) 2017 2 45, 1973 (m. 23 1973) 1 2000 opiq:— fifi &QTT 428 (l) 3. 2018 frF g-cpfe-q (wog03TIR0) Xia-a gzt f?rå zrg 1 2000 ZIOfq:— afiüa @ 428 (2) 2018 zrr 1 2000 gpltq. •— atfää (EO (Z) (tFf) 2000 fFQT JT21tq:— air 1 2000 G 2018 f?FZIT "(ur—Qi) "fü?T t qpr (q) (q—zq) ü1Tå, 0{21fq: _ RTf?r iFT (V) (tjr—tr) moo JIL7fq. — "(01—q) arfÄf2rqrq 55 -a@fö (ur—g) "y;pffirT füs-äi 49 428 (3) 428 (4) 2018 gzi 50 fibqf) Vt •€0 (qur) 2000 200b élfqf. — äztr e, ziÜFTr zâGFTTr zâüFT1@; (50 (IF) "(tF—o;) Pö fifi-zFT Rfiififte t. fäg (F2fi 81. 4. 5. 2018 RiEtfü?T 2000 0T2iq. — ara--ä-q;-t 14 1 2000 q-trerr; amfi?— f?rg (u) ttFQT (F 1995) 428 (5) 14 428 (6) 16 •n 6. 2018 1995 (Qi 19 1995) fÄ71filiT afiüfä&JtT æröTT;" 16 fi, (1) "(2) vq—E41RT (1) (3) (1) fäftx€l fh7T 1 0) 29 30 ft) 30-üi .31. 32 33 7. 2018 tT2tT * 30 (1) 3RFftT qrR<T Jlfüfäzrq 17 * PR, fi•rrfäfatT 1 2000 emfq:— "17. fäqz:rqq. — (1) TFiV qrå. . (2) ftv-qi. iöT gYrr. Zii 428 (7) 17 428 (8) 2018 qrtlf qfäqr.T fäg qrzbfï föiü q•räå. (O) fÄfi-q-q HZFit zetr;it. ui'i"å Nir zffF 8. (31) (Z) arGfrT fÄfü t 13 428 (9) 18 428 (10) 20. 21 gd 22 23 23Æ 2018 g. 20, 21 22 2000 fibur 10. 23 Qh (4) zrv 2000 11. 1 2000 f&iZli awitq. — 23—T. ztT fäg fiÄui1NT qrtr 2018 GTRT FF GiTgtJT, q; 5% tæg ft;zrr 1995 (19 1995) 1995 (tg 1995) 428 (11) 428 (12) 2018 kSf. frF fäf&iëf 3TFif?fiT FT NT rig, aik FFT gfiz (g•q;) grä (Q) \$ fäü 23 10% 3FtÄ@i ii+TT; (XITX) 7b (Q) UFT) (3) t11NT 18 19 12. 25 (1) 2000 I 13. 23 (t) 2000 ! 428 (13) fir 25 28 428 (14) 29 30 2018 14 oft 29 (2) aråVfr1 it fäg QTlitr frHTrr/YTÄGT?r fifi'P-FFT f&mr €1få '5. 30 (l) 2018 aprfq. — 29 (3) fib 012T4t q•rå 3ik föi @ 30—4i apåq. — "30—q. n; frÄfÄr 428 (IS) 30--75 qR'tf SO—Ü 428 (16) 32 33 2018 aft (2) 30 (1) 32 h, Gfrå I 19 33 33 finlT nfq:— k. 30 Ébåt 2018 fQ;g GRT ztr Äf&T friZI@ZFT RTtt{fif an-h föfifte afrv 3if?tq 'Vi 428 (17) 428 (18) 35 38 2018 21. 35 (1) A, atk 2000 22. 38 å. 1 2000 iViT, — (03) (1) 711M fii fÄfhf&z •(1—75) (1) fib 2 (Z) (Wb), @) Vt (tth) ii iÄjqT (I—u) (I—Gi) 2018 ØFTFq 7FTR fäg N2*iet:— (W) (I—Qi) (tF•1) GTTVTT; GIN) (I—Qi) (Viti) 1995 (m. 19 1995) tifh (I—Qi) 3R7f7 fiFliq; 428 (19) 428 (20) 2018 (1—11) (i—u) (71) qq, Olufq:— gtt füfrlfriz O, ftzFNT 40 23. 40 (1) 1 2000 aw;iq. — 2018 (qr-€fi) err* (q) fäg Äfrlfriz (dbl) Yfi7fiT 1995 (F. 19 1995) ibTå I 24. 49 1 2000 fSZiT "49. (1) fäg, fib €1) 211 428 (21) 49 428 (22) 2018 (ifh) f*fiëf Rig t. fh#T •f) 3124fq:— Wi) qe--å W. TFFT; fibur 2018 37Fizq ur (GO qé1Ttkfä; (31) Qfäg1RFF FFFTT; øqrzr tpf (e) (m) f>fGTft1töTër eiëFf-ër Jfrq (åfr) üFTfrrq; 428 (23) 428 (24) 2018 (EIN) f?Tå fi;-zr GTIVIT I ii a, iihfit 2018 (20 atfäTT fÄ?öTq RftT 25. 50 1 2000 qTzbTT, -t affü7F iifi 428 (25) 50 428 (26) fib Gift, fiFf fri a. fir40T fäi. — (3) (v) 3iåt3 Wi 2018 qrei) Qil ZIT 3ifÄ•q qqFf 3TBifi« (4) aif&i ftiÄf+e uzi gRiq 428 (27) 428 (28) ?Tfäëf: (Wi) (4) zfrüFiT fib V). 50 (3) eqqTFFT 428 (29) (ETR) 49 (3) (v) (q) fäfhf& (&i) 50 (a) qRq&T fts. aifüq t; fib 3ifiF1 428 (30) aifäq ufr7fi: fhtliRÜT (qi) TJffttf-&r (RFT) 58—q (ZIR) Fiff&f 3-TTQRFT (nit;) get fib 2018 (3JT7) ziGFTTr fiq1R&it fäü -Q (iGf) aifäv-{ 58ÄT ITUFTT (121TV6) arcî Oliütf 428 (31) 428 (32) q:iNRT I fhT (tåqv) øif&l iFT (atuv) tg. 20 I (yq-ö) ftqui 2018 XTfhfii fäg I (8) (1) 50 (7) 3iftq zhGFTT (2) (1) 3if7f aifd1T (3) (2) 3TfäTFiT tFfÉå 428 (33) 428 (34) 50—q 50 1 2000 fhr q-eFT. — afi afiq; 49 50 eiltq fii Nt?Få 2018 fib fitfi) t ft-ü orffqfä. ufötT. — föfiT eiföq t. füzfrö ufÄ;uT Aki 50—ET. (1) zâGFTT aft t. fiF4T 428 (35) 428 (36) 14 F 2018 -Qi-r-ä @ ?åRFT arfQa•-qi (4) aiëpfQT 11TH ÄltümrT AT ail f*ifrJT sitiT: so-me. FT. — 50 2018 uaq; 3ifäV1 qR 27. 51 1 2000 3TQ.1tq:— "51. Ø(IOFT. — (1) 50 \$1 (7) (1) (*TTf), (311d), (rung) gtf?fh f?ftu ENT frF fib 428 (37) 51 428 (38) 52 2018 (HITO. (aæ.). (vi). (Qi). (åëé) 3iföH fhtJiq aff attr 28. aft 52 atæ 1 2000 "52. (1) EFFT -ot-et (7b) i-&TR; 2018 (2) fQg 29. 54 fö3ZTT 1 2000 50 fäAJ fib 41 eifäëf 428 (39) 54 428 (40) 55 56 2018 30. 55 1 2000 "55. gzt 2013 (2013 30) 31. 56 32. zfi 56 2000 GIT&iTT, "56—Qi- ziff &T,— (1) 190B CF. 16 lgcg) ZU Rfå fhfr 1899 2 1899) 2018 (qti) 1" 33. 57 (1) i. 56" go 50" fibztT 34. 7 1 2000 3æiq. — 7—7b (gas) fÄÄQi 7FT 071) fib fib (q-Ér) G; fff; 428 (41) 57 428 (42) 2018 -ei5 Or. fib f&rå (u) (PIT 7B Äfifie 1745 GFi aviftT?F 011, (RTET) qrÉF.F1ëi Old) fä-w\$ aifröT tif& 428 (43) arfäqs g, (1) (31TZ) •Ofö 0. gg—qrq (1) fät itire i fh ztûFiT a, iFTZf t2iFT I 58—vr. 3izr<E.— Jifäq fib, (30 t. cefa: 0th' 428 (44) (RI) wig, fibxq fafifæ (€41?) fib-ü fä-ü 3iif?FF 58—V. 2018 fä7T, 5d—Ü. .qYäFTT elif?BF fQi .t Qi iâf&i zh-üFTT it 58—q. .3ifiÄ7;r€ 428 (45) 428 (46) 2018 49 Héf & (2) oiftJT 2018 -Ft fFil fü-QiF8 7TQT 5B—ü. zå 35. 63—75 1 2000 awiq:— "63--u. 428 428 (48) 2018 36 65

"65A5. (2) ENT, f?Fi Fifi?e t, ofrq föFßfi OT f); i. 2018 t ar I 65—u. (1) gbTT. fib frF tÄfBÉT fib-ur f?mF3i gg. 37 68 312-lfq.— (iTö) ii 428 (49) 66 428 (50) 69 2018 (tiR) fib "69. zitFffi. t, fi)fhfifie lifi7 Q) t. fib qzt 2013 (2013 30) 2018 ffrufiT(T f*ztftFT, åzn-å ur fät, (1+1) ufhl iör.l[428 (51) 428 (52) -4 2018 (qi-to ih-g (q) ofr fib 24 aiqt7 VFtrå friRTå, Sti.— (Vt;) mild: fäg (dbr) 2018 Gift) 39. 69 012fi.— "69—qi. 'frg Yf&qr.— (1) aft qfhT. (2) YTFüiTÉT t. *iftar. 1959 (m. 20 1959) 69—u. aft Zift(T.— (1) aiëpf(T fib-ur 428 (53) gei 69—tr 428 (54) 2018 fibg?T qVii (3) fib 100 AITT. ø,rqfå I fib€5 QStFfi åT*T fibz;r föi 2018 t, alh Q. fibÄ "69—71 QiT V?PFI.— (1) 1973 (V 2 1974) 3t?TfitGE (ilTüf?fre (2) 3q— q1RT (1) fkur 40. 70 ;i.— "(2) fûq frTR— (ib) 3fr? 428 (55) 70 428 (56) 2018 31fi.F1 fifå (IT) gro Fifet:— föfå aiti föfipii 71 41. fibul uff:- uil 2018 fäg I GIRT 42. 72 fö-qT zpfifq.— -Qi-a qTf&T f?WITg fhvf 81 arerf(T— "81. q;rzfqftzä arqgY.— (1) 428 (57) 81 428 (58) 85 2018 fibQT 44 i, (2) amfq:— 16(2) (O 16(3) 7B fû5 16(3) OF-ifq.— *TlfiTü qå atFiiT (IT) (H) 23 2018 fhuffta i 29 (3) iå 3iaufiT 307b fib 3121fq:— •(u—gq;) 50(6) föfiT ÉT—q) 50(7) 3iiFfiT atfr gfhr Sr." (ü) (öqg) qzarq. 3Fif-q.— 50—71 qfhTT; (tr8—u) 50—q (1) G; Oil 53 7B 428 (59) 428 (60) 2018 u-IT 2; ur OIetFT 7Tg font f&tft 2017 GIVTT, fûiUT t. åqr€ 2018 ftfåa; 3t<Tfiärz -em 2021, RIFT) gri*FT 07.04.2008 t, 4300 656 4300 656 friü%oi, 428 (61) 428 (62) gro artpf?f 13 aliifrT q-qT 4 fiz.a) fifÄ aFqtfiä TSf I fÄufiT, zu ä. fû5 2 2. 56 vå) 022014 2018 t. ait-q grqr g, fib tåg fäg fri\$ frF* üTVTr. fifätT g, (VFTR NIT Alfåå5Tü) GRT arfÄfÄ4'i 31fåfh7FT 428 (63) 428 (64) 2018 fib*tt Zi; gg ziGFTT. t. 50 (3).0 17.022012 t 50 t, fii 50 (6) et<7ftT t, fäg q-g ai<FfiT mg 31fÄfizrq øiTfq 14 2018 60551ST. — 348 (3) 16—06—2018 3täift 2018 CHHATTISGARH ACT (No. 11 of 2018) CHHATTISGARH NAGAR TATHA GRAM NIVESH (AMENDMENT AND VALIDATION) ACT, 2017 428 (65) An further to amend the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973). Be it enacted by the Chhattisgarh Legislature in the Sixty-eighth Year of the Republic of India, as follows:- 1. 2. (1) This Act may be called the Chhattisgarh Short title and Nagar Tatha Gram Nivesh (Amendment and commencement. Validation) Act, 2017. (2) Save as otherwise provided in this Act, Section 2 to 45 shall come into force on such date as the State Government may, by notification in the Official Gazette, appoints. In the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) (hereinafter referred to as the Principal Act), for the Preamble, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day Of November, 2000, namely:- "An Act to make provision for planning, development and use of land in Regions established for that purpose; to make provisions of regional plan, to make better Substitution of Preamble. 428 (66) Amendment of 3. Section 2. (a) 2018 provisions for the preparation of Development Plan and District Plan, in context of privileged local self- governance, with a view to ensure that town development schemes are made in a proper manner and their execution is made effective; to constitute Town and Country Development Authority for proper implemen tation of town development schemes and matters connected thereto; to make provisions for Reconstitution of plots etc., to make provisions for giving building permissions through Transfer of Development Rights, Premium FAR, to provide for the development, administration and management of special areas through Special Area Development Authority for purposes connected with the matters aforesaid, to make provisions for the acquisition of land required for public purposes in respect of the plan and purposes connected to the matters aforesaid and for matters connected therewith and incidental thereto." In Section 2 of the Principal Act, for clause (g), the following shall be substituted and shall be deemed to have 428 (67) been substituted with effect from 1st day of November, 2000, namely:- "(g) "development plan" means a plan for the development or redevelopment or improvement of a planning area or part of planning area;" (b) after clause (g), the following shall be inserted, namely:- "(g-a) "development right" means right to carry out development or to develop the land or building or both and shall include the Transferable Development Right in the form of right to utilize the Floor Area Ratio of land utilizable either on the remainder of the land partially reserved for a public purpose or elsewhere, as the Final development control regulations provide in this behalf in the Development Plan or town development scheme;" (c) after clause (i), the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "(i-a) "final plot" means a plot reconstituted and allotted under the 428 (68) (d) (e) (O 2018 Town Development Scheme as final plot;" in clause (k), after sub-clause (iii), the following shall be inserted and shall be deemed to have been inserted with effect from day of November, 2000, namely:- "(iv) any authority constituted under this Act." after clause (o), the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "(O-a)

"planning unit(s)" means any part or section of the development plan; "(o-b) "plot" means a portion of land held in one ownership and enclosed by definite boundary, area and numbered;" after clause (o-b), the following shall be inserted, namely:- a (O-c) "premium floor area" means the extra floor area, over and above the regular floor area, which can be granted by paying a premium amount, to the extent as may be decided in the development plan or town development scheme, as the case may be;" 428 (69) (h) 2018 after clause (OT), the following shall be inserted and shall be deemed to have been inserted with effect from day of November, 2000, namely:- "(o-d) public purpose" means purposes as stated under Section 55 of the Act;" (O-e) "reconstituted plot" means a plot which is in any way altered by the making of a town development scheme; Explanation — for the purposes of this clause "altered" includes the alteration of ownership of a plot partly or fully and its boundaries QS per Section 19 and 50 of the Act; clause (00) shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. for clause (u), the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "town development scheme" means the scheme prepared under this Act and includes a. plan or plans, together with descriptive matter, if any, relating to such scheme; 428 (70) O) 2018 after clause (v), the following shall be inserted, namely:- t(v-a) "transfer Of development rights" means a development right to transfer the potential of a plot designated for a public purpose or otherwise, as specified in regulations, expressed in terms of total permissible built space calculated on the basis of Floor Area Ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the planning area as additional built space over and above the permissible limit: Provided that in the case when a plot is designated for public purpose, the development rights will be transferred in lieu of compensation for the surrender of the concerned plot to the concerned authority free from all encumbrances;" (k) clause (w) shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. 4. 5. (a) (b) 2018 In Section 3 of the Principal Act, after sub- section (3), the following shall be inserted, namely:- "(4) The Director may, with prior approval of the State Government delegate any of its powers and functions to any Authority." In Section 14 of the Principal Act, with effect from 1st day of November, 2000,- for marginal heading "Director to prepare development plans", the marginal heading Preparation of Development Plan" shall be deemed to have been substituted; and for clauses (a) and (b) respectively, the following shall be deemed to have been substituted, namely:- (a) prepare an existing land use map for planning area; (b) prepare a development plan for the whole or any part of the planning area in conformity with the plan prepared under the Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995): Provided that, in the case where the proposals so incorporated in the development plan are contrary to the plan prepared under the 428 (71) Amendment of Section 3. Amendment of Section 14. 428 Amendment of 6. Section 16. 2018 Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995), the same shall be incorporated in the Development Plan after recording the reasons thereof and the State Government shall after taking into consideration the reasons recorded, may either approve or reject such proposal incorporated in the Development Plan;" In Section 16 of the Principal Act, after sub-section (I), the following shall be added, namely:- "(2) The permission under sub-section (I) may be granted in such cases and subject to such conditions as may be prescribed. (3) An Application under sub-section (1) shall be made in writing to the Director in such form accompanied by such fees and documents as may be prescribed. (4) The provisions of Section 30 for the grant or refusal of permission to an application under Section 29 shall apply mutatis mutandis to an application for permission under sub-section (1). (5) The Provision of appeal, revision and 7. 2018 lapse of permission under Sections 30-A, 31, 32 and 33 respectively, which are applicable to an order granting or refusing permission under Section 30, shall apply mutatis mutandis to an order made under sub-section (I)." For Section 17 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "17. Contents of development plan.- (1) A draft development plan shall generally indicate the use of land and regulations in the area covered by it and the manner in which the development of land therein shall be carried out. (2) In particular, it shall provide, so far as may be necessary, for all or any of the following matters, namely:- (a) indicate broadly the land use proposed in the planning area; (b) allocate broadly areas of land, keeping in view regulations for natural hazard prone areas for:- (i) designation' of land use for 428 (73) Substitution of Section 17. residential, industrial, mixed use, commercial, 428 (74) 2018 educational, agricultural, recreational or such other purposes; (ii) open spaces, parks and gardens, green belts, zoological

playgrounds, gardens, natural reserves; water bodies, water course and sanctuaries; (iii) such special purposes as the Director may deem fit; (c) lay down the pattern of National and State Highways connecting the planning area with the rest of the region, ring roads, arterial roads and the major roads within planning area; (d) provide for the location of air-ports, railway stations, bus terminus and indicate the proposed extension and development of railways and canals; (e) make proposals for general landscaping and preservation of natural areas; (f) Project the requirement of the planning area of such amenities and utilities as water, drainage, electricity and suggest their fulfillment; (g) Propose broad based regulations 2018 for—planning units, by way of guidelines, within such planning units sector of the location, height, size of buildings and structures, open spaces, court yards and the use to which such buildings, structures and land may be put; (h) lay down the broad based traffic circulation patterns in a city; (i) suggest architectural control features elevation and frontages of buildings and structures; (j) indicate measures for flood control, prevention of air and water pollution, disposal of garbage and general environmental control; (k) indicate the land liable to acquisition for public purpose for the purposes of the Union Government, any State, Local Authority or any other Authority or body established by or under any law for the time being in force; (l) proposals for transfer of development rights, identification of planning units where it will be consumed and its manner of utilization; such other proposals for public (m) or other purposes as may from time to time be approved by the State 428 (75) 428 (76) Amendment of Section 18. Omission of Section 20, 21, and 22. Amendment of Section 23 Substitution of Section 23-A. s. 9. 10. 11. 2018 Goi in this behalf." In Section 18 of the Principal Act, in sub- section (3), for the figure and word "30 days", the figure and word "90 days" shall be substituted. Sections 20, 21 and 22 of the Principal Act shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. Sub-section (4) of Section 23 of the Principal Act shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. For Section 23-A of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "23-A. Modification of Development Plan by the State Government in Certain Circumstances.- (1) (a) Notwithstanding anything contained in this Act, the State Government may, on its own motion, or on the request of Town and Country Development Authority, make modifications in the 2018 development plan, for any proposed project of the Government of India or the State Government and its enterprises or for a proposed project related to development of the State or for implementing a town development scheme of a Town and Country Development Authority, and the modifications so made in development plan shall be an integral part of the sanctioned Development Plan; (b) The State Government, in accordance with the rules made in this behalf, may on an application from any person or an association of persons for modification of development plan, for the purpose of undertaking an activity or scheme which is considered by the State Government or the Director, on the advice of the Committee constituted by the State Government for this purpose to be beneficial to the society, make such modification in the development plan as may be deemed necessary in the 428 (77) circumstances of the case modification so made development plan shall and the in the be an 428 (78) 2018 integral part of the sanctioned development plan. The application for modification of development plan shall be in such form and accompanied by such fee and documents, as may be prescribed; (c) If the proposed modification application as stated in clause (a) or (b) of sub-section (1), is below 5% of the total area covered under the development plan, then such modification, if sanctioned by state government, shall also, be deemed to have been approved under the Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995) and in the case when the proposed modification application is more than 5%, then the same shall be sent for its approval to the committee constituted under the Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995). (2) The State Government shall publish a notice of preparation of the draft modified plan and the place or places where such draft modified plan may be inspected, for one day in two daily newspapers, which are in the approved list of Government for advertisement 2018 purposv having circulation in the area to which it relates and a copy thereof shall be affixed in a conspicuous place in the office of the Collector, inviting objections and suggestions in writing from any person with respect thereto within fifteen days from the date of publication of such notice and after considering all the objections and suggestions as may be received within the period specified in the notice and giving reasonable opportunity to all persons affected thereby of being heard, the State Government may modify the plan as it deems fit, and thereby confirm the modified development plan: Provided that the State Government may. (i) impose

such conditions as it considers appropriate while modifying the plan; (ii) prescribe the minimum size of land for each category of land use which may be considered for change; (iii) While modifying the plan, levy a charge to the applicant under clause (b) of sub-section (1) of section 23-A, not exceeding 10% of the market value of the land involved. The scale of levy for 428 (79) 428 (80) Amendment of 12. Section 25. Amendment of 13. Section 28. 2018 various categories of cases and the manner in which the market value may be determined shall be such as may be prescribed; (iv) prescribe the category of the cases which may be exempted from clause (ii) and/or (iii). (3) The provisions of Sections 18 and 19 shall not apply in case of modification made by the State Government. (4) Notwithstanding anything contained in this section, the permissible limits of floor area ratio shall not be modified in case of an application made under clause (b) of sub-section (1)." In Section 25 of the Principal Act, in sub-section (I), in the first proviso, the words Zila Yojana Samiti shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. Section 28 of the Principal Act shall be renumbered as sub-section (I) thereof and after sub-section (1) as so renumbered, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "(2) Notwithstanding anything contained in sub-section (1), whenever a town development scheme as per the 2018 provisions of this Act is prepared by any Authority authorized under this Act and approved by the State Government, then the plan of the said scheme shall be treated as deemed approved plan under this section and no separate approval shall be required for the development under this Act." In Section 29 of the Principal Act, after sub-section (2), the following shall be inserted, namely:- "(3) If a person intends to surrender his land or part thereof to the Government or any of its Department/Authority for implementation of any scheme prepared under this Act or otherwise, he may be allowed to use the FAR as specified in regulations, on submission of a written application to the Director in the manner prescribed in the regulations, and he will not be entitled for any compensation of such land surrender. (4) If a person intends to develop the built area over and above the normal FAR provided at the place of construction, he may be allowed to do so in part or whole of the premium FAR fixed for the planning unit at the premium rates decided, from time to time." 428 (81) Amendment of Section 29. 428 (82) Amendment Of 15. Section 30. (a) (b) 2018 time, by the State Government, on submission of a written application to the Director in the manner as may be prescribed in the regulation." In Section 30 of the Principal Act, in sub-section (I) in clause (c), for the punctuation full stop the punctuation colon shall be substituted; and below clause (c), the following shall be inserted, namely:- "provided that in case of an application under sub-section (3) of Section 29, the Director shall not pass any order under clause (a) or (b) hereinabove unless he has heard such persons as may have interest in the proposed modification and considered encumbrance, if any created in the land or building. The interest and encumbrances that may be considered, procedure for such consideration, manner in which encumbrances, if any, may be remedied and the form of order shall be such as may be prescribed." 16. 17. 2018 In Section 30-A of the Principal Act, in sub-section (I), for the words "within the permitted time period" the words "if any within five years" shall be substituted. After Section 30-A of the Principal Act, the following shall be inserted, namely:- "30-B. Merger or division of a plot.- (1) The State Government or an officer so authorized by it may, subject to the provisions of this Act and such conditions as may be prescribed, allow merger or division of the plot, as per the regulations made under this Act as per the provision Of sanctioned Town Development Scheme: Provided that,- (a) plots for economically weaker sections and low income groups shall not be merged; (b) except in the case of town development scheme, the number of dwelling units permissible in the plot formed after merger shall not exceed the sum of the dwelling units permissible in the plots that were merged. (2) An application under sub-section 428 (83) Amendment Of Section 30-A. Insertion of new Section 30-B. 428 (84) Amendment of 18. Section 32. Amendment of 19. Section 33. Insertion of new 20. Section 33-A. 2018 (1) of- Section 30 shall contain such details, documents and fee as may be prescribed." In Section 32 of the Principal Act, for the words "twelve months", the words "thirty- six months" shall be substituted. In Section 33 of the Principal Act, for the words "one year", the words "three years" shall be substituted. After Section 33 of the Principal Act, the following shall be inserted, namely:- "33-A. Power of revocation and of permission to modification development.- (I) On the request Of Director or on its own, if it appears to the State Government, that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any in the final modification made development plan, that any permission granted under Section 30 should be revoked or modified, the director, after giving the person

concerned, an opportunity of being heard, by order, revoke or modify the permission to such extent as appears to it to be necessary: Provided that where the 2018 permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission; and no such order shall be passed after such operations have substantially progressed or have been completed. (2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such permission which has been rendered abortive by the revocation or modification, the Director shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it may think fit. (3) If the owner does not accept the compensation and give notice within such time as may be prescribed of his refusal to accept the compensation, the Director shall refer the matter, in the Court of District Judge or a first class 428 (85) 428 (86) Amendment of Section 35. Amendment of Section 38. 21. 22. 2018 magistrate of the concerned planning Area and the decision of such Judge shall be final and binding on the owner and Director." In Section 35 of the Principal Act, in sub-section (I), the words "or Zoning Plan", wherever they occur, shall be omitted and shall be deemed to have been omitted with effect from 1st day of November, 2000. In Section 38 of the Principal Act, with effect from 1st day of November, 2000,- (a) for sub-section (1), the following shall be deemed to have been substituted, namely:- "(I) The State Government may, by notification, establish a Town and Country Development Authority by such name and for such area as may be specified in the notification and the said authority shall be deemed to be Local Authority under this Act." (b) after sub-section (1), the following shall be deemed to have been inserted, namely:- "(I-A) The State Government may, instead of constituting a Town and Country Development Authority under sub-section (I), designate any local authority as stated in sub- 2018 clause (i), (ii), and (iii) of clause (k) of Section 2 already functioning in such area, as may be specified in the notification and perform the functions assigned to the Town and Country Development Authority under this Act. (I-B) The local authority designated under sub-section (I-A) as the Town and Country Development Authority, shall perform the functions assigned to the Town and Country Development Authority under this Act and for performing the said functions, shall set up a planning committee consisting of the following members, namely:- (i) six elected members of the local authority designated under sub-section (I-A), out of whom one shall be designated as chairman; (ii) one person having specialized knowledge in the field of planning; (iii) one official of the State Government to be nominated by the State Government, ex-officio; (iv) chief officer or, as the case 428 (87) 428 (88) 2018 may be, secretary of the local authority designated under sub-section (I-A); (v) chairman of the committee constituted under the Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995): Provided that in case the local authority designated under sub-section (I-A) does not set up the planning committee within the period of three months from the date on which it is required to set up such committee, then, the State Government shall appoint such committee. (I-C) The Planning Committee set up under sub-section (I-B) shall have all the powers, responsibilities and status as are given to a standing committee, or as the case may be executive committee, if any, appointed under the Act under which the local authority is constituted." (c) 23. 2018 for subsection (2), the following shall be deemed to have been substituted, namely: "(2) The duty to prepare one or more town development scheme and execute the said scheme, and development of land for the purpose of expansion or improvement of the area specified in the notification under sub-section (I) shall subject to provisions of this Act vest in the Town and Country Development Authority established for the said area." Section 40 of the Principal Act shall be renumbered as sub-section (I) thereof and after sub-section (1) as so renumbered, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "(2) The Town and Country Development Authority so constituted under sub-section (1) shall, for the purposes of Town Development Scheme under this Act, set up a Town Planning Committee consisting of the members as stated in sub-section (1) alongwith the following members, namely:- (i) the members of the House of the People and the members of the 428 (89) Amendment of Section 40. 428 (90) Substitution of 24. Section 49. 2018 Legislative Assembly of the State representing constituencies which comprise wholly or partly within the area specified; (ii) the ward parshad or sarpanch or both, as the case may be, of the area specified for Town Development Scheme; (iii) Chairman of the committee constituted under the Chhattisgarh Zila Yojana Samiti Adhiniyam, 1995 (No. 19 of 1995). (3) The Town Planning Committee set up under sub-section (2)

shall function in accordance with the provisions of this Act." For Section 49 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "49. Preparation and contents of a town Development scheme.- (1) Subject to the provisions of this Act or any other law for the time being in force, the Town and Country Development Authority may make one or more town development schemes for the area as 2018 may be specified, and the directions issued by a general or specific order by the State Government, from time to time, if any. (2) A town development scheme may be made in accordance with the provisions of this Act in respect of any land which is,- (i) in the course of development; (ii) likely to be used for residential or commercial or industrial or for building purposes; or (iii) already built upon. Explanation.- For the purpose of this sub-section the expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, parking spaces or for the purpose of executing any work upon or under the land incidental to a town development scheme, whether in the nature of a building work or not. (3) A town Development scheme may make provision for any of the following matters, namely:- (a) the laying out of relaying out of land, either vacant or already built upon; 428 (91) 428 (92) 2018 (b) the filling up or reclamation of low-lying, swampy or unhealthy areas, or leveling up of land; (c) lay-out of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications; (d) the construction, alteration and removal of buildings, bridges and other structures; (e) the allotment or earmarked of land for roads, open spaces, gardens, recreation grounds, schools, markets, green belts, dairies, transport facilities, public purposes of all kinds; (f) drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal; (g) lighting; (h) water supply; (i) the preservation of objects of historical or national interest or natural beauty, and of buildings actually used for religious purposes; (o) the reservation of land to the extent of ten per cent; or such percentage as near thereto as possible of the net residential area covered under 2018 the scheme, for the purpose of providing housing accommodation to the members of Economically Weaker Section of the society and Lower Income Group. (k) (a) the allotment of land from the total area covered under the scheme, to the extent of Fifty per cent for the following purposes:- (i) roads; (ii) parks, playgrounds, gardens and open space; (iii) social infrastructure such as school, dispensary, fire brigade public utility 428 (93) place, industrial development; (iv) sale by Town and Country Development Authority for residential, commercial, industrial use or any other use, to raise the funds to provide infrastructure facilities under the scheme area depending the of nature upon development. (b) the proceeds from the sale of land referred to in paragraph (iv) of sub-clause (a) of Clause (ij), shall be used for the purpose of 428 (94) 2018 providing infrastructural facilities and its maintenance. (l) reconstitution of plots for fulfilling the purposes as prescribed under this section; (m) the town development Scheme may also provide the social facilities as per rules made under this Act; (n) The proposals of the Town development Scheme shall be treated as "Public Purpose"; (o) to prepare development control regulations for town development scheme or schemes; (p) the suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend; (q) exclude the areas of Village settlement, as identified under the Development Plan for the purpose of town development scheme; (r) proposals to allocate transferable development right to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; 25. 2018 (s) estimate of the total cost of the scheme and manner in which the cost to be recovered including the levy of betterment charges and/or development charges; and (t) such other matters not inconsistent with the objects of this Act as may be prescribed." For Section 50 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day Of November, 2000, namely:- "50. Preparation of Town Development 428 (95) Substitution of Section 50. Schemes.- (1) Declaration of Intention: The Town and Country Development Authority may, at any time, by resolution, declare its intention to prepare a town development scheme in respect of such area: Provided that no such declaration of intent shall be made without prior approval of the State Government. (2) Publication of Intention: Not later than thirty days from the date of such declaration of intention under sub-section (1) to make a town development scheme, the Town and Country Development Authority shall publish the declaration in the Official Gazette and in 428 (96) 2018 such of her manners, as may be prescribed. (3) Preparation and publication of Draft scheme: (i) Not later than two years from the date

of publication or the declaration under sub-section (2), the Town and Country Development Authority shall prepare a town development scheme in draft form and publish it in such form and manner as may be prescribed together with a inviting objections and notice suggestions from any person with respect to the said draft town development scheme before such date as may be specified therein, such date being not earlier than thirty days from the date of publications of such notice; (ii) Contents of Draft Scheme:- A draft scheme shall contain the following particulars so far as may be necessary, that is to say,- (a) the area, ownership and tenure of each original plot; (b) The particulars of land allotted or reserved under clause (e) of sub- section (3) of Section 49 with general indication of the uses to which such land is to be put and the terms and condition, subject to which such land is to be put 2018 to such uses; (c) The extent to which it is proposed to alter the boundaries of original plots; (d) A full description of all the details of the scheme under sub- section (3) of Section 49 as may be applicable; (e) an estimate of the net cost of the scheme to be borne by the Town and Country Development Authority; (f) to form a final plot by the reconstitution of an original plot by the alteration of its boundaries, if necessary; (g) to form a final plot from an original plot by the transfer of any adjoining lands; (h) to provide with the consent of the owners that two or more original plots which are owned by several persons or owned by persons jointly be held in ownership in common as a final plot, with or without alteration of boundaries; (i) to allot a final plot to any owner dispossessed of land in furtherance of the scheme; (j) to transfer the ownership of a plot from one person to another; 428 428 (98) 2018 and (k) any other prescribed particulars. (4) Finalization of the Draft Scheme: The Town and Country Development the Authority shall consider all objections and suggestions as may be received within the period specified in the notice under sub-section (3) and after incorporating necessary modifications, as it think fits in the Draft Scheme, submit the draft scheme to the State Government along with all the suggestions and objections for sanction. (5) (1) Power of the State Government to Sanction Draft Scheme: (i) On receiving draft scheme under the State sub-section Government may, not later than six months from the date of its receipt, sanction such by notification, with scheme or without modifications or subject to such conditions as it may think fit to impose or refuse to sanction it; (ii) The State Government may if deemed fit, by notification in the official gazette, return the scheme to the Town and Country Au thority to carry modifications as may including the direction Development out such be directed, to include or 2018 exclude any land in question in the Scheme; (iii) The Town and Country Development Authority shall comply with the directions of the State Government and shall after following the procedure as laid down under sub-section (3) of Section 50, submit the scheme within the specified time limit to the State Government; (iv) If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open for the inspection of the public. (2) Vesting of Land in Town and Country Development Authority- (i). As Soon as the date on which the draft scheme is sanctioned by the State Government under sub- clause (iv) of clause (1) of sub- section (5) of Section 50, all the lands required by the Town and Country Development Authority for the purposes specified in clause (c), (f), (g) or (h) of sub- section (3) of Section 49 shall vest absolutely in the Town and Country Development Authority free from all encumbrances; (ii) Nothing in sub-clause (i) shall 428 (99) 428 (100) 2018 affect any right of the owner of the land vesting in the Town and Country Development Authority under that section; (iii) The provision of sub-section (8) of Section 50 shall mutatis mutandis apply to the sanctioned draft scheme for the purpose as specified under sub-clause (i), as if the sanctioned draft scheme were a final scheme (6) Within one month from the date on which the notification sanctioning the draft scheme by the State Government is published in the official gazette, the State Government shall for the purposes of one or more Town Development Schemes received by it for sanction, constitute a committee consisting of such officers as may be prescribed, who shall prepare the Final Scheme in accordance with the sanctioned draft scheme and call for objections and suggestions with regard to the final Scheme in the manner as prescribed; (7) (1) The committee constituted under su b-section (6) shall consider the objections and suggestions and u q 2018 hearing to such persons as are desirous of being heard and shall submit its Final Scheme to the State Government within such time as it may fix along with proposals as under:- (i) define and demarcate the areas allotted to or reserved for any public purpose on plan; (ii) demarcate the reconstitu ted final plots on plan; (iii) provide for the total or partial transfer of any right in an original plot to a final plot or provide for the transfer of any right in an original plot in accordance with the provisions of Section 58-D; (iv) evaluate the value of original plot and reconstituted plot; (v) estimate the value and fix the difference between the total values of the original

plots and the plots included in the final scheme in accordance with the provisions of this Act; (vi) determine whether the areas used, allotted, or reserved for public purpose or public purposes of town and country development authority are 428 001) 428 (102) 2018 beneficial wholly or partly to the residents or owners within the area of the scheme, if applicable; (vii) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the Town and Country Development 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 cost of scheme; (viii) Calculate the contribution to be levied under section 58-C, on each plot used, allotted or reserved for a public purpose or for the purpose of the town and country development authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public; (ix) Estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions 428 (103) (x) (xi) 2018 of Section 58-B; Calculate the proportion of the contribution to be levied on each plot in the final scheme to the increment estimated to accrue in respect of such plot under Section 58-C; Calculate the contribution to be levied on each plot included in the final scheme; (xii) determine the amount to be deducted from, added to, as the case may be, the contribution leviable from a person in accordance with the Section 58-C. (xiii) estimate the claims made before it, after notice has been given in the prescribed manner and in the prescribed form, the compensation to be paid to the owner of any property or right injuriously affected by the of the making town development scheme in accordance with the provisions of Section 58-E; (xiv) draw in prescribed form the final scheme in accordance with the sanctioned draft scheme Provided that the 428 (104) 2018 Committee may make modification from the draft scheme, but no such variation, if it is of a substantial nature, shall be made except with the previous sanction of the State Government, and except after hearing the Town and Country Development Authority; Explanation.- for the purpose of clause (xiv), substantial variation means increase in the total cost of the draft scheme by more than 20 percent, on account of new works or reservation of additional sites for public purposes included in the final scheme drawn up by the committee. (xv) determine such other matters as may be prescribed. (2) The Committee shall decide the matters referred to in the clause (I) within a period of three months, which may be extended by the State Government, from time to time, after recording reasons in writing, submit the Final Scheme together with a copy of objections and suggestions received by it, to the State government for its sanction. 428 (105) (8) 2018 Sanction of Scheme: (I) The State Government on receipt of the Final Scheme under clause (2) of sub-Section (7) of Section 50 may within three months from the date of its receipt, by notification sanction the Final Scheme: Provided that in sanctioning such scheme, the State Government may make modifications as may in its opinion, be necessary for the purpose of correcting an error, irregularity or informality. (2) Immediately after the town development scheme is sanctioned by the State Government under clause (1), the same shall be publish in the Gazette and in such other manner as may be prescribed, as a final town development scheme and specify the date on which it shall come into operation. (3) On and after the date fixed in such notification under clause (2), a town development scheme shall have effect as if it were enacted in this Act. (4) Within a period of one year from the date of publication of final notification of enforcement of Town Development Scheme, plots specified 428 (106) Insertion of new 26. Sections SO-A, 50-B, 50-C, 50-D, and 50-E. 2018 in this scheme shall have allotted to the land owners." to After Section 50 of the Principal Act, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "50-A. Increasing or decreasing area Of town development scheme.- If at any time before a draft scheme is submitted to the State Government for sanction, the Town and country Development Authority is of the opinion that additional area to be included within the scheme or area to be excluded from the scheme, the Town and Country Development Authority may, after taking approval from the State Government and giving notice in the official gazette and also in one or more local newspapers, include such additional area in the scheme or exclude such area, and thereupon all the provisions of Section 49, 50, shall apply in relation to such additional area, as they apply to such area of the scheme, and draft scheme shall be prepared accordingly and submitted to the State Government for Sanction. 2018 50-B. Effect of Scheme.- On the day on which the final scheme comes into force,- 428 (107) (a) (b) (c) all lands required by the Town Country Development and Authority shall, unless otherwise determined in such scheme, vest absolutely in the authority free from all encumbrances; all the rights in the original plots, which have been reconstituted into final plots shall determine and the final plots shall become

subject to the rights settled by the Committee so constituted; land use prescribed while allotting the final plot to the owner under the town development scheme shall be final and no permission for such diversion of land use under any other law for the time being in force, shall be necessary. 50-C. Power of authority to evict summarily.- On and after the date on which a final scheme comes into force, any person continuing to occupy any 428 (108) 2018 land which he is not entitled to occupy under the final scheme shall, in accordance with the prescribed procedure, be summarily evicted by the Town and Country Development Authority. 50-1). Power to enforce scheme.- (I) On and after the date on which the final scheme comes into force, the Town and Country Development Authority shall, 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 as such contravenes the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with; (b) execute any work which is the duty of any person to execute under the scheme, in any case where it appears to the Town and Country Development Authority that delay in the execution of the work would prejudice the 2018 efficient operation of the scheme. (2) Any expenses incurred by the Town and Country Development Authority under this section shall be recovered from the person in default or from the owner of the plot in the manner provided for the recovery of sums due to the Town and Country Development Authority under the provisions of this Act. (3) If any question arises as to whether any building or work contravenes a town development scheme or whether any provision of a town development scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the State Government and the decision of the State Government shall be final and binding on all persons. (4) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Town and Country Development Authority under the provisions of this section except in 428 (109) 428 (110) 2018 respect of the building or work being before the date referred to in sub section (I) and only in so far as such building or work has proceeded until that date : Provided that any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Town and Country Development Authority. (5) The provisions of this section shall not apply to any construction undertaken by the Central Government or a State Government. 50-E. Certain decisions of the Committee shall be final.- Except in matters arising out of sub-clauses (vii), (viii), (ix), (x), (xi) and (xiii) of clause (1) of sub-section (7) of Section 5(), every 27. 2018 decision of the Committee so constituted, shall be final and binding on all persons: For Section 51 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "51. Appeal.- (I) Any person aggrieved by the decision of the committee taken under sub-clause (vii), (viii), (ix), (x), (xi) and (xiii) of clause (1) Of sub-section (7) of Section 50 may within thirty days from the date of the publication of the final scheme, file the Appeal before the Appellate Authority constituted by the State Government consisting of a person, who has been a district judge or a first class Magistrate, who may call for and examine the decision taken by the Committee and after examining the record, pass such order as he may thinks fit and thereby communicate the said decision to the State Government for its sanction and the State Government may, if it deems fit accept the said modification, and the modification so accepted, will be part of the sanctioned final scheme as if 428 (111) Substitution of Section 51. 428 (112) 2018 enacted in the Act: Provided that no order shall be passed unless the person affected thereby and the Town and Country Development Authority have been given a reasonable opportunity of being heard. Provided further that if no appeal has been presented under sub- section (I) within the statutory period, then the decisions of the committee in respect of matter arising out under sub-clause (vii), (viii), (ix), (x), (xi) and (xiii) of clause (1) of sub-section (7) of Section 50 shall be final and binding on the parties. (2) The State Government shall appoint such other persons, possessing such qualifications and experience, as may be prescribed, for assisting the Appellate Authority to decide the appeal under sub-section (1). (3) Notwithstanding anything contained under sub-section (1), the pendency of Appeal, will not be a ground for not implementing the town development scheme." 28. 2018 For Section 52 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "52 Powers of the state government to (1) The State give direction. Government may, if considers it necessary in public interest so to do, or on the request of the Town and Country Development Authority, as the case may be, direct the Town And Country Development Authority,- (a) to frame a town development scheme; (b) to modify a town

development scheme during execution; (c) to revoke a town development scheme, for reasons to be specified in such directions: Provided that no Suo-motto direction to modify or revoke a town development scheme shall be given unless the Town and Country Development Authority is given an opportunity to present its case (2) The directions given by the State 428 (113) Substitution of Section 52. Government under this section binding on the Town and Development Authority and all owners whose lands has been shall be Country the land included 428 (114) Substitution of 29. Section 54. within the scheme area. (3) From the date of the notification under sub-clause (b) of sub-section (1), such modification shall take effect as it were incorporated in the scheme, as if it were enacted in this Act." For Section 54 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "54. Completion of scheme.- If the Town and Country Development Authority fails to complete its implementation within a period of five years from the date Of notification Of the final scheme under Section 50, it shall on expiration of the said period of five years, record its reasons for the same and forward it to the State the Government and State Government may take such actions against the Town And Country Development Authority as it deems fit: Provided that, if a dispute between the authority and parties, if any aggrieved by such scheme, is brought before a Court or Tribunal of 2018 jurisdiction, competent for 30. 31. 32. consideration, the period for which such dispute is pending before such Court or Tribunal shall not be reckoned for determination of the completion of the Scheme." For Section 55 of the Principal Act, the following shall be substituted and shall be deemed to have been substituted with effect from 1st day of November, 2000, namely:- "55. Development plan/ town development scheme, public purpose.- Land needed for the purposes of town development scheme or development plan shall be deemed to be a land needed for a public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013)." Sections 56 of the Principal Act shall be omitted. After Section 56 of the Principal Act, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- 428 (115) Substitution of Section 55. Omission of Section 56. Insertion of new section 56-A. 428 (116) Amendment of 33. Section 57. Insertion of new 34. Chapter VIIA. 2018 "56-A. No fees for Registration, stamp duty on instrument of agreement, plans or maps in connection with town Development scheme.- (1) Notwithstanding anything contained in the Registration Act, 1908 (No. 16 of 1908) or any other law for the time being in force, no instrument executed between any owner of the land and the Town and Country Development Authority for giving effect to an agreement under this Act shall be chargeable with any fee under that Act. (2) Notwithstanding anything contained in the Indian Stamp Act, 1899 (No.2 of 1899), no instrument executed between any owner of the land and the Town and Country Development Authority for giving effect to an agreement under this Act shall be chargeable with any duty under that Act." In Section 57 of the Principal Act, in sub- section (1), for the word and figure "Section 56", the word and figure "Section 50" shall be substituted. After Chapter VII of the Principal Act, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- 14.2018 "CHAPTER VII-A FINANCE 58-A Cost of Scheme.- (I) The town development scheme shall include,- 428 (117) (i) (ii) (iii) (iv) (v) A brief summary of all the costs including the cost of development cost of compensation, Legal expenses if any, establishment cost etc; A brief summary of the revenue generation from the scheme, Loan component repayment and grants, if any; all sums payable by the Town and Country Development authority under the provisions of this Act, which are -not specifically excluded from the costs of the scheme; all sums spent or estimated to be spent by the Town and Country Development Authority in the making and execution of the scheme; all sums payable as compensation for land reserved or designated for any public purpose or for the purpose's of the Town and Country Development Authority which is solely beneficial to the 428 (118) (vi) (vii) (viii) 2018 owners of land or residents within the area of the scheme; such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the Town and Country Development Authority, which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation; all legal expenses incurred by the Town and Country Development Authority in the making and in the execution of the scheme; any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market

value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to 2018 improvements contemplated in the scheme other than improvements due to alteration of 428 (119) (ix) its boundaries; Amount towards infrastructure as cost may of be prescribed for the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme. (2) If in any case the total amount of the values of the plots included in the final scheme exceeds the total amount of the values of the original plots, each of such plots being estimated in the manner provided clause (viii) Of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1). 58-B. Calculation of increment.- For the purposes of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme: 428 (120) f*TiT, 2018 Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration. 58-C. Contribution towards costs of scheme.- (I) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Town and Country Development Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot: Provided that,- (i) (a) where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution; and (b) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the Town and Country development authority; (ii) where a plot is subject to a mortgage with possession or to a lease, the committee shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution; 428 (121) (iii) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Town and Country Development Authority which is solely beneficial to the owners of land or residents within the area of the scheme; and (iv) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Town and Country Development Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation. (2) The owner of each plot included in the final schemes shall be primarily liable for the payment of the contribution leviable in respect of such plot. 58-D. Transfer of right from original to final plot or extinction of such right.- Any right in an original plot which in the opinion of the Committee is capable of being transferred wholly or in part, without prejudice to the making of a town development scheme, to a final plot shall be so transferred and any right in an 428 (122) 2018 original plot which in tile opinion the Committee 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 final plot without the consent of all the parties to such lease 58-E. Compensation in respect of property or right injuriously affected by scheme.- The owner of any property or right which is injuriously affected by the making of a town development scheme shall, if he makes a claim before the Committee within the prescribed time, be entitled to be compensated in respect thereof by the Town and Country Development Authority or by any person benefitted or partly by the Town and Country Development Authority and partly by such person as the Committee may in each case determine: Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme, as the case may be. 58-F. Exclusion of compensation in certain cases.- (I) No compensation shall be payable in respect of any property or 2018 private right which is alleged to be injuriously affected by reason or any provisions contained in the town development scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection. (2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town development scheme which imposes any conditions and restrictions in regard to any of the matters specified in clause (o) of sub- section (3) of section 49. 58-G. Provision for cases in which amount payable to owners exceeds amount due from him or less than amount payable by owner.- (I) If the owner of an original plot is not provided with a plot in the final scheme or if the contribution to be levied from him is less 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 Town and Country Development Authority in cheque or in such other manner as may be agreed upon by the parties. 428 (123) 428 (124) 201s If the contribution amount which (2) would be due to the Town and Country Development Authority under the provisions of this Act from the owner of a 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 owner of such plot shall make payment to the Town and Country Development Authority of the amount of such excess. (3) If such owner fails to make such payment under sub-section (2) within the prescribed period, the Town and Country Development Authority shall acquire the Final plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Town and Country development Authority of the value of such plot 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; and thereupon the plot included in the final scheme shall vest absolutely in the Town and Country Development Authority free from all encumbrances but subject to the provisions of this Act: Provided that the payment made 35. 2018 by the Town and Country Development Authority on account of the value of the original plot shall not be included in the costs of the scheme. 58-H. Payment by adjustment of account.- All payments due to be made to any person by the Town and Country Development Authority under this Act shall, as far as possible, be made by adjustment in such account with the Town and Country Development Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cheque or in such other manner as may be agreed upon by the parties." After Section 63-A of the Principal Act, the following shall be inserted and shall be deemed to have been inserted with effect from 1st day of November, 2000, namely:- "63-B. Power of Town and country development Authority to make agreement.- The Town and Country Development Authority shall be competent to make any agreement with any person in respect of any matter, which is to be provided for in a town development scheme, subject to 428 (125) Insertion of new Section 63-B. 428 (126) Insertion of new 36. Section 65-A and 65-B. 2018 the powers of the State Government to modify or disallow such agreement." After Section 65 of the Principal Act, the following shall be inserted, namely:- "65-A. Meetings of Special Area Development Authority.- (1) The meetings of the Authority shall be held at such time, at such place and in such manner as may be specified by regulations: Provided that until regulations are made in this behalf, such meeting shall be convened by the Chairman. (2) The Authority may, by resolution, direct that any power exercisable by it under this Act, except the power to make Regulations and Bye - laws may also be exercised by the Chief Executive Officer or officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein. (3) (a) The Authority may from time to time appoint committees consisting of the President of the committee and such other members as it thinks fit, and may, associate with such 428 (127) committees in such manner and for such period as may be prescribed by rules, any person or persons whose assistance or advise it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act. (b) Every such committee appointed under the clause (a) of sub-section (3) shall conform to any instructions that may, from time to time, be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. 65-B. Chief Executive Officer.- (1) There shall be a Chief Executive Officer (CEO) to the Authority, who shall be the Member-Secretary and also the principal executive and administrative officer of the Authority and subject to the overall control of the Authority, all other officers and servants of the Authority shall be sub-ordinate to him. (2) The Chief Executive Officer shall have such powers and shall perform such duties as may be prescribed by the State Government. (3) The Chief Executive Officer may by order direct that any power exercisable 428 (128) Substitution of 37. Section 68. by him under this Act may also be exercised by the officers of the Authority subject to such restrictions and conditions as may be specified therein. " For Section 68 of the Principal Act, following shall be substituted, namely:- "68. Functions.-The functions of the the Special Area Development Authority shall be,- (i) to prepare, revise if required, and implement, the Development Plan and Town Development scheme; (ii) to carry out construction activity, to provide, operate; maintain, manage and regulate amenities; (iii) For the purpose of implementation of the plans specified in clause (i), can acquire, hold, develop, manage and dispose of land and other property; and (iv) to otherwise perform all such functions and exercise such powers with regard to the special area as the State Government may, from time to time, direct." 38. 2018 For Section 69 of the Principal Act, the

following shall be substituted, namely:- 428 (129) Substitution of Section 69. "69.POWERS.- The Special Area Development Authority shall,- (a) (i) for the purposes of this Act, enter into an agreement of purchase or otherwise with the owner of the land, situated within the special area for development of such land in the manner as may be prescribed by rules; (ii) where, on the representation from the Authority, it appears to the State Government that, for the purposes of this Act, which shall be deemed to be a public purpose, it is necessary that any land within special area should be acquired, the State Government may acquire under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013). (b)(i) For the purpose of planning, preparation of development plan and revision thereof, as the case may be, within the special area, shall exercise the powers, which the Director, Town and County Planning has under this Act and also shall have the power to 428 (130) 2018 control and regulate the Development and use of land in its jurisdiction, if directed to do so by the State Government. (ii) For the purpose of planning, preparation and implementation of town development scheme within special area, shall exercise the powers which the Town and Country Planning Development Authority has under this Act. (c) (i) Contracts by or on behalf of the Authority shall be made by the Chief Executive Officer, after taking the sanction from Authority. (ii) No such contract for any purpose which, is not in accordance with any provision of this Act or any other Act, shall be made by him. (iii) The manner and procedure for giving contract, shall be such as may be prescribed. (iv) The Authority, in order to take assistance in technical, financial or other matters, may engage the services of a qualified individual consultant or consultancy firm and the procedure for the appointment of such consultant shall be subject to rules made in this behalf. 2018 (v) The Authority may take assistance of a company, firm, society, trust or any other agency or any Government agency that is established under any existing rules, to execute any type of project relating urban to infrastructure related with facilities. The Authority, can also execute works with the help of such private agency. (vi) Private sector participation for development, agreements operation, maintenance, providing service or any combination thereof shall be such as may be prescribed. (d) The Authority shall have power to pull down, demolish, remove, or take such appropriate action against any development undertaken by any Authority or person in contravention to rules made under Section 24 of this Act. (e) Notwithstanding anything contained in this Act or any law for time being in force, the Authority shall have power to levy one or more of the following user charges, fees, premium, toll and duty in the manner and at such rates as may be prescribed by rules, namely:- 428 (131) 428 (132) Insertion of new 39. Section 69-A, 69-B and 69-C. 2018 (i) General Amenities User Charges; (ii) charges for completion of internal and/or external developmental works; (iii) Water Supply, Sewerage, Solid Waste Management, charges for use of Information Communication Technology (ICT) based project / projects; (iv) Any other user charge which the State Government may notify from time to time." After Section 69 of the Principal Act, the following shall be inserted, namely:- "69-A. Power and procedure for collecting user charges.- (1) The manner and procedure of presentation of bill of User Charges, and recovery thereof shall be as specified by regulation. (2) Any user charges due, but not paid to the Authority within the time specified in the regulation shall be recovered as dues recoverable as an arrear of land revenue under the provisions of Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959). 69-B. Power of Authority in matters of unauthorized entry, etc. and offences.- (1) In the matter of 2018 unauthorized entry', development or use of Land within special area, the Authority shall exercise the powers which the Director, Town and Country Planning has, under this Act. (2) Whoever,- (a) obstructs any person, with whom the Authority has entered into a contract, in the performance of his duty or of anything which is empowered or required to do under this Act; or (b) removes any mark set-up for the purpose of indicating any level or direction necessary to the execution of the work authorized under this Act, Shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to fifty thousand rupees, or with both. (3) Whoever damages any infrastructure such as retaining wall, parapet, railing, sewerage line, water supply line, drainage, electric line, plants, street or furniture, Information Communication Technology (ICT) system etc. then he shall be liable to pay the cost of the repair along with 100% of the cost of 428 (133) 428 (134) repair as service charges failing which he shall be punished with imprisonment for a term not exceeding three months. (4) Whosoever contravenes any of the provisions of this Act or of any rule or regulations made there under shall, if no other penalty is elsewhere provided in this Act for such contravention, shall be punished with imprisonment for a term which may extend to three Months or with fine which may extend to five thousand rupees or with both. (5)

Any person who after having been convicted of the offence under the above sub-section, carrying on or continues to commit the same offence shall be punished with a fine not exceeding one thousand rupees per day, for every day during which such offence continues, after the conviction for the first offence. (6) Where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the such director, manager, company, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be punished with a fine not exceeding Twenty Thousand rupees per day, for every day during which such offence continues. 69-C. Compounding of offences.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), any offence punishable under this Act may, either before the institution of prosecution (before filing of charge-sheet) or with the permission of the Court after the institution of the prosecution, be compounded by the Authority on payment to the Authority such compounding fees as may be notified. (2) Where an offence is compounded under subsection (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith." In Section 70 of the Principal Act,- 428 (135) Amendment of Section 70. 428 (136) (a) 2018 for subsection (2), the following shall be substituted, namely:- "(2) The Special Area Development Authority may for all or any of the purposes of this Act,- (a) accept grants from the State Government and Government of India, Companies, Corporations and Boards constituted by the State Government and Government of India, multilateral agencies and local financial institutions or authorities or with prior permission of the Government from any other entities. (b) raise loans or advances from the State Government, Government of India, Companies, Corporations, Boards constituted by the State Government/ Government of India, multilateral agencies and financial institutions or local authorities or with prior permission of the Government from any other entities or by issue of bonds or debentures or through any other mode permitted by Law. (c) The Authority may raise such loans and advances on the security of the immovable property vested in the Authority or of all or any user (b) 41. 2018 charges, fees and dues authorised by this Act or of both the immovable property and all or any user charges, fees and dues as may be required." After sub-section (2), the following shall be added, namely:- "(3) The Authority may constitute such special funds as may be specified by regulations and such other funds as may be necessary for the purposes of this Act." After Section 71 of the Principal Act, the following shall be inserted, namely:- "71-A. Maintaining of accounts.- (1) The Authority shall keep accounts in such form and in such a manner as it may by regulations made in this behalf determine. (2) The Authority shall adopt accrual- based double entry system of accounts and shall endeavor adopt to international best practices in regard to financial documentation. (3) The Authority may provide for internal Audit of the day to day Accounts of the Authority. (4) The accounts of the Authority shall 428 (137) Insertion of new Section 71-A. 428 (138) Insertion Of new 42. Section 72-A. Substitution of 43. Section 81. 2018 be audited by the Auditor, appointed by the State Government from time to time in this regard. (5) The audit shall be as thorough as possible, and be made in such manner as may be determined by the regulations from time to time." After Section 72 of the Principal Act, the following shall be inserted, namely:- "72-A. Powers of the State Government to rectify, revoke or modify.- The State Government may, at any stage or time, rectify, revoke or modify any of the acts, proceedings or decisions taken by the officers appointed under Section 3 as well as of the authorities constituted under this Act." For Section 81 of the Principal Act, the following shall be substituted, namely:- "81. Bar of legal proceedings.- (1) NO legal suit, prosecution or other proceeding shall lie against the State Government, the Town and Country Development Authority/ Special Area Development Authority; or any public servant or person duly appointed or authorized under this Act, in respect of 428 (139) Amendment of Section 85. (a) (b) 2018 anything done in good faith or reporting to be done under the provisions of this Act or any rules or regulations, byelaws or notification made or issued there under. (2) No suit for damages or specific performance shall be maintainable against any of the Authority constituted under this Act its chairman, or any of its officer or member thereof; on the ground that any of the duties specified in this Act have not been performed." In Section 85 of the Principal Act, in sub- section After clause (iv), the following shall be inserted, namely:- "(iv-a) (a) the form in which the permission shall be granted, manner of communication of order and the conditions thereof under Section 16(2); (b) the form of the application under Section 16(3), the such which particulars application shall contain and the documents alongwith fee, which shall be accompanied with the application under

Section 16(3);" After clause (vi), the following shall be 428 (140) (c) (d) (e) 2018 inserted, namely:- "(vi-a) (a) the form of the application under Section 23-A(1)(b), the which such particulars application shall contain and the documents alongwith fee, which shall be accompan ied with the application under Section 23-A (1)(b); (b) the rules under section 23- (c)the manner of of notice under section 23-A(2); (d) the manner of determining the market value under section (vi-b) to make Regulations under Section 29 (3);" In clause (ix), after sub-clause (b), the following shall be inserted, namely:- "(c) the form of order under Section After clause (ix), the following shall be inserted, namely:- "(ix-a) the form of application under Section 30A, the particulars which such application shall contain and the documents alongwith fee which shall accompany such application;" In clause (xiii), after sub-clause (b), the following shall be inserted, namely:- 45. (O (g) (1) 2018 "(b-i) the fonn in which and the manner in which the Final Scheme shall be published under Section 50(6); (b-ii) the manner in which and the method by which, compensation shall be payable under Section 50(7);" After clause (xiii), the following shall be inserted, namely:- "(xiii-a) the procedure for eviction of a person under Section 50-C; (xiii-b) the form of the notice to be given under sub-section (1) of Section 50-D; (xiii-c) the time within which any claim is to be made by the owner of any property or right injuriously affected by the making of a town development scheme under Section 58-E; (xiii-d) the period for payment of excess amount by the owner under Section 58- Clause (xiv) shall be omitted. Notwithstanding anything contained in the Principal Act, or in any rules or regulations made thereunder or in the development plan or town development scheme or in any judgment, decree or order of any court of law, tribunal or other authority, or any law for the time being in force/ any action of the State Government or the Town and Country Development Authority or the 428 (141) Validation. 428 (142) 2018 the to taken pu rsuance Director development plan and town development scheme under the provisions of the Principal Act, or any rules or regulations made thereunder, prior to the date of commencement of the Chhattisgarh Nagar Tatha Gram Nivesh (Amendment and Validation) Act, 2017, shall be deemed to be validly done and shall be deemed to be always validly done under the provisions of the Principal Act, as amended by this Bill, and no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the Principal Act or Che Development Plan and Town Development Scheme prepared thereunder, prior to such commencement, did not provide for such power to the State Government, Director or the Town and Country Development Authority. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court or before any tribunal or other authority, for such action taken and implemented by the Director or Town And Country Development Authority under the Principal Act. (2) Notwithstanding anything contained in the Principal Act, or in any rules or regulations 2018 made thereunder, any judgment, decree or order of any court of law, tribunal or other authority, or any law for the time being in force, the Raipur Development Plan (punarvilokit) 2021 (Master Plan), which is already prepared and sanctioned by the State Government on 7.4.2008 and the Town Development Scheme No.4 (Kamal Vihar), which is prepared and already implemented so far as 4300 land owners are concerned and, is in progress as regards remaining 656 land owners, who have also already given their consent to be the part of the scheme, the said scheme shall be deemed to have and always be valid in the Principal Act, as amended by this Bill and the reconstituted plots which are already transferred to 4300 land owners and the reconstituted plots which are already agreed to be transferred to remaining 656 land owners shall be construed as legal transfer and the roads, drainage, electricity and other facilities which are already constructed or is in progress, shall be deemed to be construed legally constructed by the Raipur Development Authority (Town and Country Development Authority) under the Town Development Scheme No.4 (kamal Vihar) and all the land owners shall be construed as legally valid in possession of the said 428 (143) 428 (144) 2018 reconstituted plots and shall be deemed to be validly transferred to the land owners by the Government instrumentality or the transfer to the Government instrumentality by the said land owners, under the Principal Act, as amended by this Act, excluding those 13 land owners whose acquisition is quashed by the Honourable Supreme Court of India and all action taken by the Raipur Development Authority of preparing the town development Scheme no.4 (Kamal Vihar) and all the acts done in furtherance thereof shall be deemed to be validly done under the provisions of the Principal Act, as amended by this Act and shall not be challenged in any court of law, tribunal or Authority and no person included within the Town Development Scheme -4 (Kamal Vihar), will be entitled for any return of the original plot or for compensation covered under the Scheme. (3) Notwithstanding anything contained in

the Principal Act, or in any rules or regulations made thereunder, any judgment, decree or order of any court of law, tribunal or other authority, or any law for the time being in force, the Town Development Scheme nomenclature as "Indraprasth Phase-2, which is already prepared and notified in the gazette notification, wherein the 2018 process of executing the agreements for acquiring the lands by mutual consent has already been began since 1.2.2014 by the Raipur Development Authority with the land owners under Section 56 of the Principal Act and wherein majority of the agreements are already executed by the Raipur Development Authority with the mutual consent of the land owners since then and the development of the said lands is already in progress and substantial developmental work has already been completed by the Raipur Development Authority in the said scheme, wherein the majority of the lands owners have also already given their consent to be the part of the scheme, the said scheme shall be deemed to have and always be valid in the Principal Act, as amended by this Act and the reconstituted plots which are already transferred and the reconstituted plots which are already agreed to be transferred to remaining land owners shall be construed as legal transfer and the roads, drainage, electricity and other facilities which are already constructed or is in progress, shall be deemed to be construed legally developed by the Raipur Development Authority (Town and Country Development Authority) under the Town Development Scheme "Indraprasth Phase-2 428 (145) 428 (146) 2018 and all the land owners shall be construed as legally valid in possession of the said reconstituted plots and shall be deemed to be validly transferred to the land owners by the Government instrumentality or the transfer to the Government instrumentality by the said land owners, under the Principal Act, as amended by this Act, and all the acts done in furtherance thereof shall be deemed to be validly done under the provisions of the Principal Act as amended by this Act and shall not be challenged in any court of law, tribunal or Authority and no person included within the Town Development Scheme Indraprasth Phase-2, will be entitled for any return of the original plot or for compensation covered under the said Scheme. (4) Notwithstanding anything contained in the Principal Act, or in any rules or regulations made thereunder, any judgment, decree or order of any court of law, tribunal or other authority, or any law for the time being in force, the Town Development Scheme nomenclature as "Specialized Commercial Zone", wherein the Raipur Development Authority has already notified the said Draft Town Development scheme and published in gazette notification dated 2018 17.2.2012 under sub-section (3) of Section 50 of the Principal Act and wherein the committee is already constituted and objections are already heard under sub- section (5) of Section 50 of the Act: and wherein the recommendation of the committee are submitted under sub- section (6) of Section 50 of the Principal Act to the Raipur Development Authority- Town and Country Development Authority, the actions already taken under the said scheme shall be deemed to have and always be valid in the Principal Act, as amended by this Act and, and all the acts done in furtherance thereof shall be also deemed to be validly done under the provisions of the Principal Act as amended by this Act and shall not be challenged in any court of law, tribunal or Authority. 428 (147)