

No.N-11025/26/2003-UCD
Government of India
Ministry of Urban Development
UCD/LSG Section

Nirman Bhawan,
New Delhi dated 15th December 2009
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OFFICE MEMORANDUM

Subject: Payment of service charges to local bodies in respect of Central Government properties – Supreme Court Order in Civil Appeal No.9458-63/2003 -Rajkot Municipal Corporation & Others Vs. UOI & Others.

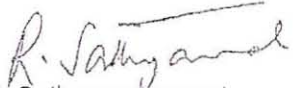
The undersigned is directed to State that the Hon'ble Supreme Court vide its order dated 19.11.2009 disposed of the Civil Appeal No.9458-63/2003 - filed by Rajkot Municipal Corporation & Others Vs. UOI & Others(copy enclosed) relating to payment of service charges by Central Government Departments to Urban Local Bodies, with the following directions:-

- (1) The UOI & its Departments will pay service charges for the services provided by appellants Municipal Corporations. No Property Tax will be paid by UOI but service charges calculated @ 75%, 50% or 33 1/3% of Property Tax levied on property owners will be paid, depending upon utilization of full or partial or Nil services. For this purpose agreements will be entered into UOI represented by concerned Departments with respective Municipal Corporation.
- (2) The arrangement at (1) is open to modification or revision by mutual consent. In the event of disagreement, the same shall be resolved by a 3 member Mediation Committee consisting of a representative of Central Government, a representative of concerned Municipal Corporation & a senior representative (preferably the Secretary in charge of Department of Municipal administration) of the State of Gujarat.
- (3) In the event of any Department or Railways owning a property changes the Agreement unilaterally or fails to reach settlement through Mediation Committee, the concerned Municipal Corporation could take such action as it deems fit by approaching Courts/Tribunals for reliefs.
- (4) The Municipal Corporations shall not resort to coercive steps (such as stoppage of services) nor resort to revenue recovery proceedings for recovery of service charges from UOI or its Departments.
- (5) The services payable by UOI shall not be more than the service charges paid by State Government for its properties. Wherever exemptions or concessions are granted to the properties belonging to the state government, the same shall also apply to the properties of Union of India.

(6) If Railways do not abide by the instructions of Ministry of Finance as contained in the 4 circulars dated 10.5.1954, 29.3.67, 28.5.1976 and 26.8.1986 and general consensus set out above, it is open to Municipal Corporation to take suitable action as is permissible in Law.

2. All State Governments have been requested to note the above orders of Supreme Court and advise their Urban Local Bodies in regulating the payment of service charges in respect of Central Government properties in terms of the above judgement. In this connection, it is stated that the arrangement mentioned in point (2) above of para 1 is specific to the State of Gujarat and State Governments have been requested to consider appropriate dispute resolution mechanism in respect of their States.

3. The above orders of Supreme Court are hereby brought to the notice of all Ministries/Departments of Central Government with the request to issue necessary instructions to the concerned authorities under their administrative control for suitable compliance with regard to regulating of service charges payable by UOI & its Departments to the Urban Local Bodies for their properties.


(R. Sathyanarayanan)

Under Secretary to the Government of India
Ph. 23061072

To

1. All Ministries/Departments of Central Government
2. DG(W), CPWD, MOUD.

Copy forwarded for kind information to:-

1. Sr.PPS to Secretary (UD)
2. P.S. to Addl. Secretary & all Jt. Secretaries of MOUD
3. P.S. to Director (LSG)/Dir.(UD)
4. Guard file/spares.