

THE TULJAPUR DEVELOPMENT AUTHORITY ACT, 2008

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MAHARASHTRA ACT NO. III OF 2009¹

[First published, after having received the assent of the Governor, in the
“*Maharashtra Government Gazette*”, on the 6th January 2009.]

An Act to provide for establishment of the Tuljapur Development Authority; for preparing plan for the Tuljapur Development Area; for ensuring timely implementation of various development works in the said area as per the said plan and for that purpose to ensure co-ordination between the concerned Government and Semi-Government agencies, giving directions for preparing plans and estimates of the works contained in the said plan, to grant administrative approval to the proposal of development works and plans and estimates, to give approval to the tenders for works invited by the concerned Government and Semi-Government agencies ; to receive and release Government grants to the concerned agencies after approval of tenders and to monitor implementation of development works by the concerned Government and Semi-Government agencies ; and for the matters connected therewith or incidental thereto.

WHEREAS the Tulja Bhawani Temple is an important place of pilgrimage in the Osmanabad District ;

AND WHEREAS a large number of pilgrims visit this temple and the other temples around it ;

AND WHEREAS such large number of visitors are required to be provided with basic amenities and there is need to develop the town of Tuljapur in a planned manner to cope up with such large floating population ;

AND WHEREAS a number works pertaining to different departments and agencies are required to be implemented in order to ensure planned development of Tuljapur ;

AND WHEREAS it is considered expedient to establish a Special Development Authority in order to ensure planned and well-co-ordinated implementation of a variety of such development works through different agencies involved in the development of the Tuljapur Municipal Area and its peripheral area ; it is hereby enacted in the Fifty-ninth year of the Republic of India as follows :—

CHAPTER I**PRELIMINARY**

1. Short title and extent.— (1) This Act may be called the Tuljapur Development Authority Act, 2008.

(2) It extends to the area of the Tuljapur Municipal Council and the peripheral area upto five kilometres from the limits of the Tuljapur Municipal Council;

2. Definitions.— In this Act, unless the context otherwise requires,—

(1) “amenity” includes road, street, bridge, any other means of communication, open space, park, recreation ground, play-ground, garden, market and conservancy, parking lot, supply of water and electricity, street-lighting, drainage, sewerage, educational and health care facility, any welfare measure and any utility, or service and any convenience which the State Government may, in consultation with the Development Authority, from time to time, by notification in the *Official Gazette*, specify to be an amenity ;

(2) “Chairperson” means the Chairperson of the Development Authority ;

(3) “Competent Authority” includes an officer of the Government and Semi-Government Agency, competent to give sanctions to the proposals placed before it as a part of its duties ;

(4) “development”, with its grammatical variations, means the carrying out of building, engineering, mining or other operations in or over or under any land (including land under river, lake or any other water) or the making of any material change in any building or land and

¹ For Statement of Objects and Reasons (in English) see *Maharashtra Government Gazette*, Part. V-A, Extraordinary, dated 17th December 2008, P. 531.

includes the development, re-development and layout and sub-division of any land and also the provisions of amenities and “to develop” shall be construed accordingly ;

(5) “Development Authority” means the Tuljapur Development Authority established under section 3 ;

(6) “Development Plan” means the plan prepared under the provisions of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) for the peripheral area upto five kilometres from the municipal limits of the Tuljapur Municipal Council ;

(7) “Government Agency” means any Department or office of the Government of Maharashtra ;

(8) “prescribed” means prescribed by the rules made under this Act ;

(9) “regulations” means regulations made under this Act ;

(10) “Semi-Government Agency” means any statutory or non-statutory organization, body, authority, Board or Government Company set-up by the State Government ;

(11) “Tulja Bhawani Mandir Trust” means the Trust registered under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), for administration of the affairs of the temple of Tulja Bhawani deity at Tuljapur ;

(12) “Tuljapur Development Area” means the area of the Tuljapur Municipal Council and includes an area within its periphery of five Kilometers ;

(13) “Tuljapur Development Master Plan” means the plan for development of Tuljapur Development Master Plan Area sanctioned by the State Government for the purposes of this Act ;

(14) “Tuljapur Development Master Plan Area” means the area of the Tuljapur Municipal Council and its peripheral area upto five kilometres from the municipal limits of the Tuljapur Municipal Council.

CHAPTER II

ESTABLISHMENT OF DEVELOPMENT AUTHORITY

3. Establishment and incorporation of Development Authority.— (1) The State Government may, by notification in the *Official Gazette*, establish the Development Authority to be called as “the Tuljapur Development Authority” for securing the objectives and purposes of this Act.

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

(3) The Headquarters of the Development Authority shall be at Osmanabad and it may normally sit at Osmanabad, but may also hold its sitting at any other place within the State, as the exigency of the Development Authority may require.

4. Constitution of Development Authority.— The Development Authority shall consist of the following, namely :—

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| (1) The Collector, Osmanabad District | <i>Ex Officio</i> -Chairperson. |
| (2) Member of the Legislative Assembly elected from the Tuljapur Legislative Assembly Constituency. | Member. |
| (3) The President of the Tuljapur Municipal Council. | Member. |
| (4) Two eminent persons to be nominated by the State Government. | Members. |
| (5) The Chief Executive Officer, <i>Zilla Parishad</i> , Osmanabad. | Member. |

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| (6) | The Superintendent of Police, Osmanabad. | Member. |
| (7) | The Superintending Engineer, Public Works Department, Osmanabad. | Member. |
| (8) | The Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd., Osmanabad. | Member. |
| (9) | The Civil Surgeon, Osmanabad | Member. |
| (10) | The Executive Engineer, Maharashtra Jivan Pradhikaran, Osmanabad. | Member. |
| (11) | Town Planner, Osmanabad | Member. |
| (12) | District Project Officer (Urban Development), | Member. |
| (13) | The Chief Officer, Tuljapur Municipal Council. | Member. |
| (14) | District Planning Officer, Osmanabad. | Member-Secretary. |

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

(2) The Chairperson shall preside over the meetings of the Development Authority and if the Chairperson, for any reason, is unable to attend the meeting, any other member of the Development Authority, chosen by the members present from amongst themselves at the meeting, shall preside over such meeting.

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

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

6. Vacancy, etc., not to invalidate proceedings of Development Authority.— No act or proceedings of the Development Authority shall be invalid merely by reason of,—

- (a) any vacancy or any defect in the constitution of the Development Authority ; or
- (b) any defect in the appointment of a person acting as the Chairperson or a member of the Development Authority ; or
- (c) any irregularity in the procedure of the Development Authority not affecting the merits of the case :

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

CHAPTER III

DUTIES, FUNCTIONS AND POWERS OF THE DEVELOPMENT AUTHORITY

7. Duties, functions and powers of Development Authority.— (1) Subject to the provisions of this Act and any other law for the time being in force, it shall be the duty of the Development Authority to draw a master plan for development of the Tuljapur Development Master Plan Area, to seek

approval of the State Government for the same, to regulate, promote and ensure orderly implementation of the development works approved in the Tuljapur Development Master Plan.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the duties, functions and powers of the Development Authority shall include,—

(a) to draw a master plan for development of the Tuljapur Development Master Plan Area ;

(b) to prepare Development Plan ; and to obtain approval of the State Government for the same ;

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

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

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

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

(g) to transfer the development works, structures, utilities, etc., after completion, to the concerned agency like Tuljapur Municipal Council, Police Department, Tulja Bhawani Mandir Trust, Public Works Department, Public Health Department, the Maharashtra State Electricity Distribution Company and the like ;

(h) to monitor and ensure that the arrangements of the main annual pilgrimage event at the Tulja Bhawani Temple are properly conducted by the Tulja Bhawani Mandir Trust and other agencies ;

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

Provided that, in case of requisition of services of any officer or employee on full time basis for a period exceeding one month in the aggregate, the Development Authority shall obtain the prior approval of the State Government ;

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

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

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

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

CHAPTER IV

BUDGET, ACCOUNTS AND AUDIT

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

(2) The State Government may, by due appropriation, make the requisite grants to the Development Authority for the works sanctioned under the Tuljapur Development Master Plan.

(3) The Development Authority shall open a Personal Ledger Account (PLA) in the Government Treasury at Osmanabad, which shall be operated under the joint names of the Chairperson and the Member-Secretary of the Development Authority.

(4) The procedure for incurring expenditure and utilisation of grants for the development works under this Act shall be as per the relevant financial rules of the State Government, and it shall be the responsibility of the concerned Government and Semi-Government Agencies to maintain proper record of each of such works, to submit utilisation certificate to the Development Authority periodically, as the State Government may specify for the purpose, and to make available records for audit, as and when necessary.

(5) Accounts of the Development Authority and of the Government and Semi-Government Agencies in respect of the expenditure incurred under the provisions of this Act shall be audited by the auditors of the Local Fund Audit or the Accountant General.

9. Annual Report of Development Authority.— The Development Authority shall prepare once every year in such form and at such time, as may be prescribed, an annual report, giving a summary of its activities during the previous year and copy of such report shall be forwarded to the State Government.

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

CHAPTER V

MISCELLANEOUS

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

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

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

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

13. Power to issue directions.— (1) In discharge of its functions, the Development Authority shall be guided by such directions in the matters of policy involving public interest as the State Government may give to it in writing.

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

14. Dissolution of Development Authority.— (1) Where the State Government is satisfied that the purposes for which the Development Authority was established under this Act have been

substantially achieved so as to render the continued existence of the Development Authority, in the opinion of the State Government is unnecessary, the Government may, by order in the *Official Gazette*, declare that the Development Authority shall be dissolved with effect from such date as may be specified in the order and the Development Authority shall be dissolved accordingly.

(2) With effect from the said date specified in the order under sub-section (1),—

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

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

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

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

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

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