

**THE ANDHRA PRADESH METROPOLITAN REGION AND URBAN
DEVELOPMENT AUTHORITIES ACT, 2016**

ARRANGEMENT OF SECTIONS

(ACT No.5 of 2016)

(19th January, 2016)

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**THE ANDHRA PRADESH METROPOLITAN REGION AND URBAN
DEVELOPMENT AUTHORITIES ACT, 2016**

(ACT No.5 of 2016)

(21st January, 2016)

AN ACT TO REVISE THE LAW RELATING TO THE REGULATION OF RENT AND TO BALANCE THE RIGHTS AND DUTIES OF LANDLORDS AND TENANTS TO RESIDENTIAL AND NON- RESIDENTIAL PREMISES IN THE URBAN AND OTHER AREAS AND TO PROVIDE FOR QUICK RESOLUTION OF DISPUTES AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-eighth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement -

(1) This Act may be called the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette appoint.

2. Definitions -

In this Act, unless the context otherwise requires,-

(1) 'agriculture' includes farming, raising of crops, fruits, vegetables, flowers, grass, trees, horticulture, floriculture, poultry, fishing, livestock breeding, bee keeping, upkeep of an orchard and the use of land ancillary and accessory to cultivation or any agriculture purpose; but does not include the use of any land as a garden which is an appendage to a building and the expression 'Agricultural' shall be construed accordingly;

(2) 'amenity' includes roads, streets, open spaces, parks, landscaping, playgrounds, recreational grounds, tourist spots, water and electric supply, street lighting, sewerage, drainage, public works and other utility services and conveniences as the Government may specify by notification to be an amenity for the purposes of the Act;

(3) 'area development plans' means the plans prepared under the provisions of this Act;

(4) 'authority' means the Development Authority constituted under sub-section (1) of section 4 of this Act;

(5) 'building' includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or any other purposes, whether in actual use or not;

(6) 'building operations', includes,-

- (a) erection or re-erection of a building or any part thereof;
- (b) roofing or re-roofing of a building or any part of a building or any open space;
- (c) any material or structural alteration or addition of a building as is likely to affect the alteration of its drainage or sanitary arrangement or to materially affect its security, or the construction of a door opening on any street or land not belonging to the owner;

(7) 'company' means a body corporate registered under the Companies Act, 2013 (Central Act No. 18/2013) and includes a firm or association of individuals;

(8) 'development' with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over, or under, land or the making of any material change, in any building or land or both, or in the use of any building or land or any material or structural change in any heritage building or its precinct, and includes demolition of any existing building, structure or erection and redevelopment, reclamation of land, conservation of environment, forming of layouts and sub-division of any land into plots, and development of amenities and the words "to develop" shall be construed accordingly;

(9) 'development area' means the area or group of areas declared to be a development area under sub-section (1) section 3 of this Act;

(10) 'developer entity' means and includes an individual, company or association or body of individuals whether incorporated or not, a cooperative society, a corporate body, or an agency national or international to whom a license is given to undertake development works/Scheme within the framework of a plan or development scheme duly approved under this Act;

(11) 'development fund' means a fund created under this Act;

(12) 'development plan' means a comprehensive plan for the development or redevelopment or improvement of the area within the jurisdiction of the Authority covering the whole or part thereof and includes revision of a development plan and proposals for development of land within its jurisdiction conceived within the framework of the Perspective Plan/Master Plan/Infrastructure development plan/area development plan/zonal development plan/or any other plan or scheme prepared under the Act by what so ever name known;

(13) 'development project or project' refers to the plans conceived within the framework of a Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or any other Plans, integrated with that of the Development Area containing detailed working layouts with all supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(14) 'engineering operations' includes the formation or laying of streets, roads, drainage, sewerage, water supply, electricity, gas, cables or telephone lines, irrigation works, and development of such other amenities;

(15) 'final plot' means a plot or land reconstituted from an original plot or land and allotted in development scheme as a final plot;

(16) 'former authority' means the authority or organization constituted under any other Act or under this Act existing / defunct / dissolved before the Authority presently constituted under this Act for the whole or part of the development area;

(17) 'government' means the State Government of Andhra Pradesh;

(18) 'government company' means a government company or corporation registered under the Companies Act, 2013 (Central Act No. 18/2013) which has one of its objects shall be the development of an area;

(19) 'heritage building' means a building/premises or any part thereof or structure or artifact possessing architectural, aesthetic, historic or cultural values or ecological or environmental importance and requires conservation or preservation and which is declared as heritage building by the Authority in whose jurisdiction such building is situated;

(20) 'heritage precinct' means an area comprising heritage building or buildings and precincts thereof or related places as declared by the Authority;

(21) 'Infrastructure Development Plan [IDP]' means the set of plans, projects and estimates for the development of the infrastructure such as water supply, storm water drainage, sewerage, streets and roads including ring/radial/grid roads connecting all settlements, electricity and street lighting, parks and playgrounds, solid waste disposal and management

system, communication network and related facilities such as roads, railways, metro ways, airports and the like and any other amenity as decided by the Authority for the Development Area or Zone or Special Area or part of the Development Area prepared and sanctioned under the provisions of the Act;

(22) 'land' includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(23) 'land use' means the principal use of land for which a plot of land or building thereon is used or intended to be used. For the purpose of classification of a plot according to the land uses, a land use shall be deemed to include subsidiary land uses which are contingent upon it;

(24) 'Land Pooling Scheme' means a scheme as provided in sub-section (1) of section 26 of this Act;

(25) 'Land Pooling Ownership Certificate [LPOC]' in the context of a Land Pooling Scheme means a certificate issued by the Authority under sub-section (4) of section 31 of this Act to each land owner participating in the Land Pooling Scheme certifying the details of the reconstituted plot / land / final plot allotted to him;

(26) 'local authority' means:

- (a) a Municipal Corporation constituted under the respective Act; or
- (b) a Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965; or
- (c) a Gram Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1994; or
- (d) any other body or authority constituted under the relevant Act to govern the urban services;

(27) 'Master Plan [MP]' means the set of plans for the promotion and development of the Development Area or Zone or Special Area or part of the development area prepared and sanctioned under the provisions of the Act;

(28) 'metropolitan area' means an area having a population of a million or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous area or an urban agglomeration area with a population of million and above as per the Census of India, specified by public notification to be a metropolitan area;

(29) 'metropolitan commissioner' means the Metropolitan Commissioner appointed by the Government under sub-Clause (d) of clause (i) of sub-section (3) of section 4;

(30) 'metropolitan region' means the metropolitan area as whole and its primary commuter areas, typically formed around the metropolitan area proper with a large concentration of people or a region as notified by the Government;

(31) 'notification' means a notification published in the following manner and the word 'notified' shall be construed accordingly;

(a) (i) in the Andhra Pradesh Gazette or District Gazette;

(ii) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(iii) in the local language in the Gram Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Revenue Divisional Officer, the Tahsildar, the District Registrar and Sub-Registrar of Stamps & Registration department;

(iv) uploaded on the website of the Authority;

or

(a) as may be decided by the Authority;

(32) 'occupier' includes,-

(a) any person including a firm or other body of individuals whether incorporated or not, who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner living in or otherwise using his land or building;

(c) a rent free tenant;

(d) a licensee in occupation of any land or building;

(e) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;

(33) 'operational construction' means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development, or execution of any of the following services, namely:-

(a) railways;

(b) national highways, state highways, other important roads;

(c) waterways;

(d) ports;

(e) airways and aerodromes;

(f) postal, telecom, wireless, broadcasting and other like forms of communication;

(g) electricity;

(h) defence;

(i) ONGC, GAIL;

- (j) works undertaken by the Authority or any Local Authority;
- (k) any other service which the Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause.

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

- (i) new residential buildings (other than lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways; and
- (ii) a new building, new structure or new installation or any extension thereof, in the case of any other service,

shall not be deemed to be construction within the meaning of this clause;

(34) 'original plot' in the context of Development Scheme means the parcel of land extent vesting with the land owner as per revenue records or in possession as on the day of notification of Declaration of Intention of the Development Scheme, whichever is less. While undertaking the preparation and sanction of the Development Scheme, the tenure and encumbrances on the plot remain unaffected;

(35) 'owner' in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof; and also includes a person, Company, Trust, Institute, Registered Body, State or Central Government and its attached subordinate departments, undertakings and the like, in whose name the property stands registered in the Revenue Records;

(36) 'periphery area' means the outer area of the development area declared as such under section 13 of this Act;

(37) 'plan' includes a map or maps indicating proposals, and/or sets of documents, and/or statements and policies and development briefs for securing, promoting and regulating development in the region or for any area and also includes all the sanctioned development plans prepared and sanctioned under the provisions of this Act;

(38) 'prescribed' means prescribed by rules and regulations made under the Act;

(39) 'reconstituted plot' means a final plot / land which is in any way altered by the making of a development scheme;

(40) 'regulation' means a regulation made under the Act and zoning and other regulations made as part of the Plans prepared under the Act;

(41) 'residence' includes the use of any land or building or part thereof for human habitation, and the expression 'Residential use' shall be construed accordingly;

(42) 'revolving fund' means the fund required for the purpose of performing its functions under the Act and for developing amenities and infrastructure facilities in the development area;

(43) 'rule' means a rule made under the Act by the government for enforcement;

(44) 'scheme' means a scheme or policy or directives or guidelines prepared under the Act; and also includes a scheme prepared under any other Act prevailing in the State for securing the planned development of any area or constituent of the Development Area;

(45) 'Town Planning Scheme [TPS]' means the scheme prepared under the Act for achieving the planned development as envisaged in the sanctioned development plan;

(46) 'urban area' means

(a) the area comprised within the Municipal Corporation constituted under the respective Act or within the Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 and any such area in the vicinity as the Government may, having regard to the extent of, and the scope for the urbanization of that area or other relevant considerations, specify in this behalf by notification or an area specified as urban as per the Census of India;

and

(b) such other area as the Government may, by notification, declare to be an urban area, which in the opinion of the Government, is likely to be urbanized;

(47) 'urban region' means the urban area as whole and the surrounding urban and rural areas and also the primary commuter areas typically formed around the urban area proper with a large concentration of people or a region as notified by the Government;

(48) 'Vice-Chairperson' means the Vice-Chairperson of the Authority appointed by the Government under sub- clause (b) of clause (ii) of sub-section (3) of section 4;

(49) 'Zonal Development Plan [ZDP]' means the set of plans for the promotion and development of a zone or part of a zone or a local authority of the development area prepared and sanctioned under the provisions of the Act;

(50) 'zone' means any one of the divisions in which a development area may be divided for the purpose of securing, promoting and regulating development and for providing the urban services under the Act, and the words 'Zoning Regulations' shall be construed accordingly;

(51) Words used but not defined in the Act shall have the same meanings as assigned under the respective Acts.

CHAPTER II

DECLARATION OF DEVELOPMENT AREA AND CONSTITUTION OF THE AUTHORITY

3. Declaration of Development Area -

(1) As soon as may be, after the commencement of this Act, the State Government may, by notification in the Andhra Pradesh Gazette declare the 'Development Area' consisting of such metropolitan region or urban region as a 'development area' for the purposes of this Act with effect from such date as may be specified therein.

(2) Every such notification shall define the limits of the development area to which it relates.

(3) The State Government may, by notification, in the Andhra Pradesh Gazette and in accordance with such rules as may be made in this behalf,--

- (a) exclude from the development area any area comprised therein; or
- (b) include in the development area any other area.

(4) The existing Gram Panchayats, Municipalities and Corporations within the Development Area shall remain functional within their respective jurisdictions based on the prevailing rules, made under the respective laws.

4. Constitution of the 'Development Authority' -

(1) As soon as may be, after the date of commencement of this Act, the State Government may, by notification, in the Andhra Pradesh Gazette, constitute the 'Metropolitan Region Development Authority' [MRDA] for any metropolitan region or 'Urban Development Authority' [UDA] for any urban

region, herein after called as the 'Authority' for the development area notified under section 3.

(2) The Authority constituted under sub-section (1) shall be a body corporate by the name of the development area for which it is constituted having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued.

(3) (i) The Metropolitan Region Development Authority shall have the following members, namely,—

- (a) the Chairperson to be appointed by the Government;
- (b) Principal Secretary to Government, Municipal Administration & Urban Development Department – Deputy Chairperson;
- (c) Principal Secretary to Government, Finance Department - Member;
- (d) 'Metropolitan Commissioner' who is a government officer to be appointed by the Government, shall be the whole time Chief Executive Officer of the Authority and shall be the Member-Convener;
- (e) Officers not more than six, dealing with Transportation, Roads & Buildings, Energy, Environment or such other departments as may be deemed necessary by the Government - Members;
- (f) District Collectors of the development area - Members;
- (g) Director of Town & Country Planning – Member; and
- (h) Three experts of national or international repute who possess knowledge in urban governance, urban planning, conservation, environment and transportation to be appointed by the Government – Members.

(ii) The Urban Development Authority shall have the following members, namely,—

- (a) the Chairperson to be appointed by the Government;
- (b) the 'Vice-Chairperson' who is a government officer to be appointed by the Government, shall be the whole time Chief Executive Officer of the Authority and shall be the Member-Convener;

- (c) Joint Secretary to Government, Municipal Administration & Urban Development Department or his nominee who shall be not less than Deputy Secretary in cadre or as deemed necessary by the Government - Member;
- (d) Joint Secretary to Government, Finance Department or his nominee who shall not be less than Deputy Secretary in cadre or as deemed necessary by the Government - Member;
- (e) Officers not more than four, dealing with Transportation, Roads & Buildings, Energy, Environment or such other departments as may be deemed necessary by the Government - Members;
- (f) District Collectors of the development area - Members;
- (g) Director of Town & Country Planning or his nominee - Member; and
- (h) Three experts of national or international repute who possess knowledge in urban governance, urban planning, conservation, environment and transportation to be appointed by the Government - Members.

(4) Any other officer or expert whom the Government thinks necessary may be invited to the meetings of the authority as special invitee.

(5) There shall be an Executive Committee of the Authority consisting of the following members, namely,-

- (a) (i) In case of Metropolitan Region Development Authority, the Principal Secretary to Government, Municipal Administration & Urban Development Department shall be Chairperson of the Executive Committee, and the Metropolitan Commissioner shall be a member-convenor of the Executive Committee.
- (ii) In case of Urban Development Authority, the Vice-Chairperson of Urban Development Authority shall be the Chairperson of the Executive Committee;
- (b) Joint Secretary to Government, Finance Department or his nominee as deemed necessary by the Government - Member;
- (c) Joint Secretary to Government Municipal Administration & Urban Development Department or his nominee as deemed necessary by the Government - Member;
- (d) Officers or Heads of Government Departments or the Authority not exceeding five in number - Members;

- (e) Secretary of the Authority to be the Member-Convener of the Executive Committee of Urban Development Authority;
- (f) Any other officer or expert as appointed by the Government.

(6) The Chairperson of the Executive Committee may invite any of the heads of the departments of Government or the Authority or experts as special invitees to the meetings of the Executive Committee.

(7) The members nominated by the Government to the Authority and Executive Committee shall hold office as may be prescribed by the Government and shall be eligible for re-appointment on such conditions as may be prescribed.

(8) The Government may, by notification, omit any member of the Authority or Executive Committee.

(9) Subject to the general superintendence and control of the Authority, the management and administration of the affairs of the Authority shall vest in the Executive Committee.

(10) The Government shall frame rules with regard to the functioning and conducting of meetings and any other matters relating to the powers and functions of the Authority and the Executive Committee.

(11) The term of office and conditions of service of the staff of the Authority, the procedure to be followed by the Executive Committee and all such other matters relating to the Executive Committee shall be as may be prescribed by rules.

(12) The Authority may,--

- (a) from time to time appoint one or more Functional Committees for the discharge of its functions. The functional committees shall report and discharge their responsibilities under the instructions and directions of the Authority.
- (b) every Committee appointed under clause (a) of sub-section (12) 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. The Authority shall nominate one of the members as the Chairman of every such Committee.
- (c) consult or associate with such persons or organizations whose assistance or advice it may desire. Such advisor or consultant shall be paid such fees as may be determined by the Authority.

- (d) constitute as many area level functional units or sub-regional units or offices as it deems fit and assign responsibilities and functions to such units.
- (e) create Special Purpose Vehicles (SPVs) with the approval of the Government for various purposes, including but not limited to, design and construction of buildings related to large infrastructure projects, provision of utility services, provision of urban services, design and execution of social infrastructure projects, and land acquisition and augmentation of financial resources. The Authority, as a representative of the Government could participate in such SPVs as an equity or debt holder, and also have specified members of the Authority as members of the Board of such SPVs.
- (f) The Authority may delegate any of its powers or functions to the Executive Committee or the Metropolitan Commissioner / Vice-Chairperson subject to its revision and to such conditions and limitations if any, as it may think fit to impose.

5. Powers and functions of the Authority -

Subject to the provisions of the Act, the functions of the Authority shall be:-

(1) Administration:-

- (a) to monitor, supervise or ensure adequate supervision over the execution of any development plan or project or scheme, the expenses of which in whole or in part are to be met from the Development Fund;
- (b) to co-ordinate with the Andhra Pradesh Transmission Corporation, the Southern Power Distribution Company Ltd, the Andhra Pradesh Industrial Infrastructure Corporation, the Andhra Pradesh State Road Transport Corporation, Roads & Buildings department, Housing Corporation, Housing Board, Infrastructure Corporation of Andhra Pradesh Ltd and such other bodies / departments of the Government to facilitate infrastructure development in the development area;
- (c) to delegate the powers of the Authority to the Executive Committee or specific members of the Executive Committee or the Metropolitan Commissioner / Vice-Chairperson with the responsibility for execution of specific projects of the Authority.
- (d) to fast track and facilitate issues such as project delays, issues related to Development Fund, inter-departmental coordination as raised by the Executive Committee;

- (e) to enter into contracts, agreements or arrangements with any person, body or organization as the Authority may deem necessary for the performance of its functions;
- (f) to perform any other function or exercise powers as are supplemental, incidental or consequential to any of the foregoing duties and powers, and/or take up such matters as the Government may direct in this regard;
- (g) to sanction and recruit officers and staff required for the Authority to perform functions of the Authority with the approval of the Government.
- (h) to meet at least once in three months and at such intervals, at such place and such time as the Chairperson may decide.
- (i) in case of Metropolitan Region Development Authority,
 - (i) to review, revise and approve proposed projects above Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of projects worth more than Rs. 100.00 crores;
 - (ii) to review, revise and approve all funding, financing and investment plans above Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of funding, financing and investment plans worth more than Rs. 100.00 crores;
 - (iii) to accord approval for all tenders / e-procurement for the projects exceeding Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of tenders / e-procurement for the projects exceeding Rs. 100.00 crores;
- (j) in case of Urban Development Authority,
 - (i) to review, revise and approve proposed projects above Rs. 5.00 crores and up to Rs. 50.00 crores in total contract value and approval of the Government shall be obtained in respect of projects worth more than Rs. 50.00 crores;
 - (ii) to review, revise and approve all funding, financing and investment plans above Rs. 5.00 crores and up to Rs. 50.00 crores in total contract value and approval of the

Government shall be obtained in respect of funding, financing and investment plans worth more than Rs. 50.00 crores;

- (iii) to accord approval for all tenders / e-procurement for the projects exceeding Rs. 5.00 crores and up to Rs. 50.00 crores in total contract value and approval of the Government shall be obtained in respect of tenders / e-procurement for the projects exceeding Rs. 50.00 crores in total contract value;

(2) Development and Regulation:

- (a) to undertake execution of the projects and schemes as per the sanctioned Plans and/or through Development Plans, Action Plans for any Sector or Zone or Development Area;
- (b) to undertake by itself or jointly with a developer entity or through any agency or any local authority, the implementation of the area level plans, execution of works relating to infrastructure development, public amenities, conservation of the environment;
- (c) to promote the development activities in accordance with the sanctioned development plans and to bring aesthetics, efficiency, and economy in the process of development;
- (d) to approve, co-ordinate and execute all transportation related interventions in the development area so as to promote planned development of traffic and transportation system and transit-oriented development;
- (e) to undertake and approve action plans of various departments and agencies and ensure implementation of the traffic and transportation plans for the development of modern, integrated and effective public transport systems such as BRTS, MMTS, MRTS and to introduce Intelligent Transport Systems for traffic management to make the development area most liveable in the world;
- (f) to formulate and monitor the implementation of affordable housing policies;
- (g) to formulate and implement economic development plans for the overall economic growth of the development area and to create new livelihood opportunities.
- (h) to regulate the development of the periphery area of the development area;

- (i) to undertake, manage and supervise the urban amenities and to make environment friendly, modern and SMART metropolitan / urban region either directly or through outsourced entities by delegating powers to collect user charges;
- (j) to raise finance for any development project or scheme and to extend assistance to the local authorities for the execution of such project or scheme;
- (k) to entrust to any local authority the work of execution of any development plan or scheme.
- (l) to make recommendations or submit proposals to the Government or any person or statutory body for the preservation and protection of any monument and land of historic, traditional, archaeological, architectural or aesthetic interest;

(3) Finance:

- (a) to promote environmental friendly investments in the development area;
- (b) to review, revise and approve annual financial budget for the Authority and for carrying out the provisions of the Act;
- (c) to levy and collect such fees for the execution of works as referred above and for provision of other services and amenities as may be prescribed by regulations;
- (d) to levy and collect such scrutiny fees for scrutiny of documents submitted to the Authority for permission for development as may be prescribed by regulations;
- (e) to levy and collect the development charges as may be prescribed by regulations;
- (f) to levy and collect the user charges for various services delivered in the development area as may be prescribed by regulations;
- (g) to levy and collect the Impact Fee, Urban Infrastructure Fee, Cess, or any other fee as may be prescribed by regulations;
- (h) to maintain and manage the Development Fund and allocate finances based on the plans and programmes of the functional departments or line agencies for undertaking development of amenities and infrastructure facilities and to monitor and exercise financial control over the budgetary allocations concerning development works made through it to the various public agencies, line agencies and other agencies;

(4) Land development:

- (a) to acquire any immovable property through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013) or purchase, exchange, gift, lease, mortgage, negotiated settlement, or by any other means permissible under any other law;
- (b) to approve the land development schemes or proposals of the functional departments, other departments and functional agencies in the development area;
- (c) to undertake Land Pooling Schemes and other Town Planning Schemes;
- (d) to prepare and undertake implementation of schemes for providing alternative areas for rehabilitation of persons displaced by projects and schemes which provide for such requirements;
- (e) to create and manage the Land Development Bank and take up land acquisition as may be necessary for various public uses, civic center, office complexes, township development, infrastructure development, etc.; allocation of lands to functional departments and various agencies upon such terms and conditions for undertaking development of amenities and infrastructure facilities.

(5) Planning:

- (a) to prepare and revise the Perspective Plan [PP], Master Plan [MP], Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan duly carrying out surveys in order to achieve ecological balance for sustainable development and for providing other facilities for liveable environment;
- (b) to formulate zoning regulations, building and energy codes, and any other development control norms for the development area so as to ensure the compact, transit-oriented, and environmentally sustainable development;
- (c) to prepare, review and revise the development control norms and rules or regulations, and all other related and similar norms governing the building and development in the development area and submit to the Government for approval;

6. Powers and Functions of the Executive Committee -

Subject to the provisions of the Act, Rules and Regulations, the functions of the Executive Committee shall be as follows:

(1) Administration:

- (a) to approve appointment/re-appointment of experts, including experts in the matters relating to urban planning, urban management, urban infrastructure and urban transportation, subject to such conditions as may be prescribed;
- (b) to review performance of special functional units (such as Special Purpose Vehicles, Area Level Committees) for carrying out specific functions including execution of projects;
- (c) to consult or associate with such persons or organizations, public or private, whose assistance or advice it may require. Such advisor or consultant shall be paid such fees as may be determined by the Executive Committee;
- (d) to recruit professional service providers and competent experts in accordance with the provisions of the Act to implement the activities of the Authority as may be prescribed;
- (e) to meet at least once in two months or as often as decided by the Chairperson of the Executive Committee.
- (f) In case of Metropolitan Region Development Authority,
 - (i) to scrutinize, revise and approve proposed projects above Rs. One crore and up to Rs.10.00 crores;
 - (ii) to review, revise and approve all funding, financing and investment plans above Rs. One crore and up to Rs.10.00 crores;
 - (iii) to scrutinize and accord approval for all tenders / e-procurement for execution of various categories of works with a value above Rs. One crore and up to Rs.10.00 crores;
- (g) in case of Urban Development Authority,
 - (i) to scrutinize, revise and approve proposed projects above Rs. 0.50 crore and up to Rs. 5.00 crores;

- (ii) to review, revise and approve all funding, financing and investment plans above Rs. 0.50 crore and up to Rs. 5.00 crores;
- (iii) to scrutinize and accord approval for all tenders / e-procurement for execution of various categories of works with a value above Rs. 0.50 crore and up to Rs. 5.00 crores;

(2) Finance:

- (a) to prepare the Annual Budget and place the same before the Authority for approval;
- (b) to prepare the schedule of various categories of fees and development charges and submit them to the Authority for approval;
- (c) to study and approve the matters such as related to Development Fund but not limited to special financial structures, investment plans to be met from the Development Fund, and loan repayment schedules.

(3) Land development:

- (a) to undertake the scrutiny of the Land Pooling Scheme or Town Planning Scheme or any other Development Scheme proposals and submit the same to the Authority for approval;
- (b) to undertake the scrutiny of the land acquisition proposals and submit the same to the Authority for approval.

(4) Planning:

- (a) to undertake the preparation of the Perspective Plan [PP], Master Plan [MP] and Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan under the Act and the revision of the said Plans as and when required and submit the same to the Government through the Authority for sanction;
- (b) to undertake the preparation of zoning regulations, development promotion norms and rules, including setbacks, open spaces and all other related and similar norms governing building and development in the Development Area and submit the same to the Authority and the Government for approval.

7. Powers and Functions of the Metropolitan Commissioner / Vice-Chairperson - Subject to the provisions of the Act, the functions of the Metropolitan Commissioner / Vice-Chairperson who is a government officer to be appointed by the Government shall be as follows:-

(1) Administration,-

- (a) to act as whole-time Chief Executive Officer of the Authority and shall be the Chairperson of the Executive Committee;
- (b) to execute all projects approved by Authority or Executive Committee and take all day to day decisions necessary for execution of projects;
- (c) to prepare the agenda for the meetings of Executive Committee and Authority;
- (d) to prepare and scrutinize projects and investment plans for any value and submit them for approval in accordance with the provisions of the Act;
- (e) to conduct periodic review meetings of the activities of the Authority;
- (f) to review the operational progress of various departments against project deliverables and initiatives taken periodically;
- (g) to arrange for delegation of the powers of the Authority or Executive Committee as vested under the Act to the respective Local Authorities and the officers working in the Authority duly obtaining the approval of the Authority or Executive Committee;
- (h) be competent to delegate the powers as vested in him under the Act to the local authority or any of the officers working in the Local Authority or in the Authority;
- (i) be competent to give directions to a body or department or functional agency or person with regard to the implementation of any development project or scheme financed under the Act, or land development conditions approved under the Act, or under taking survey, demarcation and development of roads, right-of-way for facilities, protection of open spaces or amenities, as he deems fit, and any such Authority or person shall be bound to comply with such directions;
- (j) notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with

by the body or department or functional agency or person to whom it is issued:

Provided if such body or department or functional agency or person fails to carry out the directions, it shall be competent to take necessary action to carry out the directions issued and recover expenses, if any, incurred therefore from the body concerned;

- (k) In case of Metropolitan Region Development Authority, the Metropolitan Commissioner may,-
- (i) prepare, scrutinize, approve, revise and execute the projects up to Rs. One crore;
 - (ii) prepare, scrutinize, revise and submit the proposed projects above Rs. One crore and up to Rs.10.00 crores in total contract value to the Executive Committee for approval and above Rs.10.00 crores and up to Rs.100.00 crores in total contract value to the Authority through the Executive Committee for approval;
 - (iii) prepare, scrutinize, approve, revise and sanction all funding, financing and investment plans up to Rs. One Crore;
 - (iv) prepare, scrutinize, revise and submit all funding, financing and investment plans above Rs. One crore and up to Rs.10.00 crores in total contract value to the Executive Committee for approval and above Rs.10.00 crores and up to Rs.100.00 crores in total contract value to the Authority through the Executive Committee for approval;
 - (v) prepare, scrutinize, approve, revise and sanction all tenders / e-procurement for execution of various categories of works with a value up to Rs. One crore;
 - (vi) scrutinize and submit all tenders / e-procurement for execution of various categories of works with a value above Rs. One crore and up to Rs.10.00 crores in total contract value to the Executive Committee for approval and above Rs.10.00 crores and up to Rs.100.00 crores in total contract value to the Authority through the Executive Committee for approval;
- (l) In case of Urban Development Authority, the Vice-Chairperson may,-

- (i) prepare, scrutinize, approve, revise and execute the projects up to Rs. 0.50 crore ;
- (ii) prepare, scrutinize, revise and submit the proposed projects above Rs. 0.50 crore and up to Rs. 5.00 crores in total contract value to the Executive Committee for approval and above Rs. 5.00 crores and up to Rs. 50.00 crores in total contract value to the Authority through the Executive Committee for approval;
- (iii) prepare, scrutinize, approve, revise and sanction all funding, financing and investment plans up to Rs. 0.50 crore;
- (iv) prepare, scrutinize, revise and submit all funding, financing and investment plans with a value above Rs. 0.50 crore and up to Rs.5.00 crores in total contract value to the Executive Committee for approval and above Rs.5.00 crores and up to Rs. 50.00 crores in total contract value to the Authority through the Executive Committee for approval;
- (v) prepare, scrutinize, approve, revise and sanction all tenders / e-procurement for execution of various categories of works with a value up to Rs.0.50 crore;
- (vi) scrutinize and submit all tenders / e-procurement for execution of various categories of works with a value above Rs. 0.50 crore and up to Rs.5.00 crores in total contract value to the Executive Committee for approval and above Rs.5.00 crores and up to Rs.50.00 crores in total contract value to the Authority through the Executive Committee for approval;

(2) Finance:

- (a) to arrange for the preparation of the annual budget for the Authority and for placing the same before the Executive committee for further action;
- (b) to arrange for the preparation of the schedule of development charges and various categories of fee and place it before the Executive Committee for further action;
- (c) to administer Development Fund in accordance with the provisions of the Act.

(3) Land development:

to arrange for preparation of the Land Acquisition proposals or Land Pooling Scheme or Town Planning Scheme and arrange for implementation of the same after approval.

(4) Planning:

- (a) to arrange for preparation of the Perspective Plan [PP], Master Plan [MP] and a separate Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan and to arrange for implementation and supervision of the same after sanction;
- (b) to review and ensure compliance of local authorities within the Development Area regarding the sanctioned development plans and also development promotion and control with regard to land use or Land Pooling Scheme or Town Planning Scheme.

8. Officers & staff and constitution of the 'Andhra Pradesh Metropolitan Region and Urban Development Authorities Service' –

(1) Notwithstanding anything in this Act or the rules made there under, the Government may after consulting all the Authorities constituted under this Act, by notification constitute any class of officers or employees of the said Authorities into the 'Andhra Pradesh Metropolitan Region and Urban Development Authorities Service' for the State.

(2) Upon the issue of the notification under sub-section (1), the Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, discipline, and conduct of the officers and employees of the Development Authorities Service thereby constituted and such rules may vest jurisdiction in relation to such service in the Government or in such other Authority or Authorities as may be prescribed therein.

(3) The Metropolitan Commissioner / Vice-Chairperson shall assess and prepare the staffing pattern required for the Authority and place the same before the Authority for approval. After obtaining the approval of the Authority, the same shall be submitted to the Government to obtain prior sanction.

(4) The Authority may, subject to approval of the Government, appoint suitable persons as heads of various departments of the Authority and they shall work under the overall control of the Metropolitan Commissioner / Vice-Chairperson. They shall be entitled to receive from the funds of the Authority such salaries and such allowances and shall be

governed by such conditions of services, as may be determined by rules made in this behalf.

(5) Subject to such control and restrictions as may be prescribed, the Authority may appoint such members or other officers and employees including the professional service providers and competent team of experts as may be necessary for the efficient performance of its functions and guide the Authority in implementation of the Act and may determine their designations, grades, scales of pay and allowances.

(6) The technical cadre of Town Planning wing and Engineering / Development wing of the Authority shall be filled up on deputation from the respective government departments. The services of the existing staff of the former Authorities shall be properly safeguarded.

(7) The Authority may utilize the services of the departmental staff in the State, Central Government Services and Public Sector undertakings for various cadres other than those mentioned in sub-section (6).

(8) The Authority may appoint external consultants, advisors and experts as per the need, may be at such rates and such works to be assigned and determined as may be prescribed.

(9) The Authority shall have the power to hire the services of private agencies and recruit people with expertise so as to meet any deficiencies in professional expertise required for the execution of its responsibilities as may be prescribed.

(10) The Authority may identify, recruit, surrender, remove, re-appoint and appraise the performance of Heads of Departments, officers and other employees as may be prescribed.

CHAPTER III

UNIFIED TRANSPORT AUTHORITY

9. Constitution of Unified Transport Authority –

(1) As soon as may be, the Government may constitute ‘Unified Metropolitan Transport Authority [UMTA]’ for the development area of Metropolitan Region Development Authority or ‘Unified Transport Authority [UTA]’ for the development area of Urban Development Authority, herein after called as “Transport Authority” with the following members, namely—

- (a) Metropolitan Commissioner / Vice-Chairperson of the Authority or any other person to be the Chairperson of the Transport Authority as nominated by the Government.

In case the Chairperson is other than the Metropolitan Commissioner / Vice-Chairperson of the Authority, the Metropolitan Commissioner / Vice-Chairperson shall be the member-convener.

- (b) Six members of heads of the departments of Government or officers connected with traffic and transportation as nominated by the Government.
- (c) District Collectors of the development area;
- (d) Commissioners of the Local Authorities of the development area;
- (e) Officers from Police, Transco, Roads & Buildings, MRTS, BRTS, Railways, Municipal Administration & Urban Development Department and Road Transport Corporation in the development area as nominated by the Government;
- (f) Three experts in the field of traffic and transportation.

(2) The term of the members nominated under clause (e) and (f) of subsection (1) shall hold office as may be prescribed by the Government.

(3) The Government may, by notification, omit any member of the Transport Authority.

(4) The Transport Authority constituted under sub section (1) shall ensure effective implementation and coordination of the various traffic and

transportation measures under taken by the functional departments and public agencies in the development area.

(5) The Transport Authority may co-opt any expert for dealing with specific traffic and transportation issues;

(6) The Transport Authority may constitute sub-groups for specific traffic and transportation issues of the development area.

10. Powers and functions of the Transport Authority -

(1) The powers and functions of the Transport Authority shall be:-

- (a) to assist the Authority with co-ordination and support so as to ensure the effective implementation of its transportation projects and policies that seek to enforce the Transportation Plan of the Development Area;
- (b) to oversee and ensure effective coordination and implementation of various traffic and transportation measures undertaken by various agencies in the development area;
- (c) to ensure that effective public transport systems are in place for the development area;
- (d) to promote and monitor key or major traffic and transportation projects;
- (e) to deliberate and recommend effective transportation strategies for the development area;
- (f) to integrate and consolidate all the action plans of various departments and agencies and ensure implementation of the traffic and transportation plans for the development area;
- (g) to give directions to different agencies involved in the implementation of traffic and transportation policies and measures, including shifting of utilities and services or amenities;
- (h) to integrate various routes of public transport and issues of combined ticketing, feeder services, etc as suggested by the Authority;
- (i) to expedite financial proposals pending with the Government related to transportation projects in the Development Area;
- (j) to direct the appropriation or subvention of funds from various departments and agencies of the Government for ensuring implementation of the traffic and transportation plans and measures in the development area.

(2) The recommendations or instructions of the Transport Authority shall be binding on all the concerned departments.

(3) The Transport Authority shall hold the meetings at least once in a quarter.

(4) The technical support staff and secretarial assistance to the Transport Authority shall be provided by the Authority.

(5) The Transport Authority shall build a detailed data base and carry out necessary traffic and transportation surveys to update its data base and also make it available for various studies and to the public.

Explanation: The data base would help in monitoring and understanding the various traffic and transportation needs in the development area.

(6) The Transport Authority should act as a Centre for technology transfer and also guide the other agencies for all their technical inputs or plans in the field of traffic and transportation.

(7) An escrow account shall be maintained in the Transport Authority in which 2% of estimated cost of all projects of traffic and transportation undertaken by various departments or functional agencies shall be deposited in this account. This amount shall be utilized for research, studies and capacity building in the field of traffic and transportation apart from meeting the administrative expenses of the Transport Authority.

(8) The Transport Authority shall be governed by such rules and regulations as shall be made in this regard.

CHAPTER IV

DEVELOPMENT PLANS

11. Preparation and Content of Development Plans -

Subject to the provisions of the Act, the Authority shall,-

(1) Within two years of its constitution or within such time as the Government may extend, prepare a Perspective Plan [PP] with a long term time frame preferably not less than thirty years, for the comprehensive physical, economic and social development of the Development Area, having due regard to, -

- (a) vision for the development area and provide policy framework and directions of growth and identification of thrust areas for development;
- (b) target population, employment pattern and GDP;

- (c) strategic land use plans, including green field developments and regeneration;
- (d) strategic transportation and mobility requirements;
- (e) environmental sustainability.

(2) Within three years of its constitution or within such time as the Government may extend, prepare a Master Plan [MP] for the Development Area or Zone or Special Area with a medium term time frame, preferably not less than ten years and it shall be in conformity with the Perspective Plan, having due regard to, –

- (a) proposals and policies for promoting growth, securing planned development in the development area;
- (b) proposals for conservation, optimum utilization and development of resources in the development area;
- (c) Land Use Plan indicating the broad areas of development and general location of residential, commercial, industrial, agricultural areas and areas for conservation and protection of ecologically fragile areas, including:--
 - (i) Proposals for the allotment of land for public purposes and policies for improvement and development of public amenities and services such as water supply, electricity, gas, storm water drainage, sewerage, waste disposal, educational facilities such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres, auditoriums and places for public entertainment, public assembly, museums, art galleries, religious buildings, play grounds, stadia, parks, open spaces, dairies, zoo parks and for such purposes as may, from time to time, be specified by the State Government;
 - (ii) Infrastructure network plan showing existing and proposals of major infrastructure facilities like circulation network including ring roads, radial and grid roads connecting all the settlements, transport, power, water supply, natural drainage, sewerage system, solid waste disposal and management system, communications network and related facilities like power plants, roads, highways, railways, metro ways, airports, and the like;
 - (iii) Proposals and policies for preservation, conservation and development of areas of natural beauty and scenic spots, and areas of historic and archaeological interest and tourism areas and heritage buildings and heritage precincts;
 - (iv) Proposals and policies for watershed management, water supply, water harvesting, recharge of ground water, flood control, and prevention of air and water pollution;

- (v) Proposals and policies for riverfront development and/or lake or water front development;
- (vi) Proposals and policies for enhancing greenery and urban landscape implementation in the development area and individual plots;
- (vii) Proposals and policies for promoting urban design and built form with aesthetics and architectural control for overall development and individual plots;
- (viii) Proposals and policies for promoting housing and community facilities for all sections of society;
- (ix) Proposals and policies for traffic and transportation, transit oriented developments (TOD) and promoting mass transportation facilities;
- (x) Proposals and policies for industrial development;
- (xi) Proposals and policies for major development projects;
- (xii) Proposals for the reservation of the land for the purpose of Union, State, Local Authority or any other authority or body established by or under any law for the time being in force;
- (xiii) Strategies and priorities for implementation of the various proposals with time frame and programmes;
- (xiv) Proposals and policies for promoting development and regulating uses and activities through Zoning and other Development Promotion Regulations, conservation and preservation of heritage buildings and areas;
- (xv) Any other matter which may be necessary for the development area.

(3) The Authority shall prepare and approve a separate Infrastructure Development Plan [IDP] for the Development Area or Zone or Special Area within the framework of the sanctioned Perspective Plan or Master Plan or Area Development Plan or Zonal Development Plan as and when required.

(4) The Authority shall undertake surveys and studies, and the creation and maintenance of the data base and information system, and collection of such information and preparation of reports and maps for the development area; and associate advisors, consultants as may be necessary for the preparation of the Projects or Plans mentioned above for the development area.

(5) The Authority shall undertake detailed area level plans for specific areas, plan programming and phasing of development and enforce special development regulations for the purpose of securing planned development.

(6) The Authority shall review and revise the Perspective Plan [PP], Master Plan [MP] and Infrastructure Development Plan [IDP] and other

statutory plans either at the end of the time period of the Plan or at fixed intervals as decided by the Authority or as directed by the Government.

12. Submission of plans to the Government for sanction -

(1) After preparing Perspective Plan or Master Plan or Area Development Plan or Zonal Development Plan in accordance with section 11, the Authority shall notify the same in such form and manner as may be prescribed along with a notice in the prescribed manner, inviting objections or suggestions from any person or body giving the time period of minimum thirty days or within such time as the Government may extend, for filing objections or suggestions.

(2) After considering all objections, suggestions and representations that may have been received, the Authority may make modifications or revision to the Plans in such manner as it thinks fit, and submit to the Government for the sanction of the Perspective Plan [PP], Master Plan [MP] or Area Development Plan or Zonal Development Plan with draft policies, development promotion regulations and reports along with remarks on the objections and suggestions, if any, received.

13. Sanction of plans by the Government –

(1) On receipt of the Plans under section 12, the Government shall within sixty days examine and sanction the said Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan with or without modifications or reject the plans with directions to modify or prepare revised plans.

(2) The sanction accorded by the Government shall be notified by the Government in the Andhra Pradesh Gazette and the Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan shall come into force from the date of its publication in the Gazette.

14. Power to undertake preparation of area development plan or action plan or Zonal Development plan –

(1) Subject to overall conformity with the Perspective Plan [PP] or Master Plan [MP], the Authority or the respective Local Authority under the guidance of the Authority, may undertake the preparation of Area Development Plan or Zonal Development Plan as deemed necessary for any of the provisions as stated at clause (c) of subsection (2) of section 11, and also for development promotion, execution of projects and schemes for any Sector or Area or Zone and / or for effective urban services and municipal functions of their respective jurisdiction in the development area with a time span of ten years or as prescribed by the Government.

(2) The Local Authority shall submit the said Plans prepared for its jurisdiction along with the resolution to the Authority for approval and thereafter shall follow the procedure as stated under sections 12 and 13.

15. Modification to the sanctioned plans –

(1) The Authority or the Government may, on a reference from the Authority or the Local Authority concerned or on an application made by a land owner to the Authority or Local Authority concerned, as the case may be, make such modifications to the sanctioned Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan, as it thinks fit and which in its opinion are necessary.

(2) The Metropolitan Commissioner / Vice-Chairperson shall prepare a report together with necessary plans, full particulars of any such modification and submit to the Government for approval.

(3) Before making any modifications to the Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan, the Authority, or as the case may be, the Government shall publish a notification inviting objections or suggestions from the public so as to reach within a period of fifteen days and shall consider all objections and suggestions that may be received by the Authority or Government.

(4) After due consideration of the objections and suggestions received, the final modification made under the provisions of this section shall be notified by the Government in the Andhra Pradesh Gazette and the final modifications shall come into operation from the date of publication of such notification.

(5) The Authority shall levy such fees and charges including development charges and conversion charges as applicable and as may be prescribed in any such modification effected to the sanctioned Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan from the land owners at whose instance the modifications are effected and also from the others who will have the advantage due to such modifications. These charges shall take into account the benefits that would accrue to the land owners from the change and shall seek to capture some share of the increased land value.

16. Enforcement of the sanctioned plans -

(1) The Perspective Plan [PP] or Master Plan [MP] or Area Development Plan or Zonal Development Plan after the approval of the Authority, shall be binding on all the local authorities, all other organizations and the citizens in the development area.

(2) The guidelines, policies, specifications and targets regarding the affordable housing and various other components as proposed in the said

sanctioned plans shall be implemented by the Authority / local authorities within the development area.

(3) The Local Authorities shall be responsible for the implementation of the sanctioned plans in the development area under the overall control of the Metropolitan Commissioner / Vice-Chairperson.

CHAPTER V

DEVELOPMENT SCHEMES

(i) Types and details of Development Schemes

17. Development Schemes -

(1) Subject to the provisions of the Act or any other law for the time being in force, the Authority may, within its jurisdiction, or any part thereof, for the purpose of achieving planned development and for providing better infrastructural facilities by implementing the proposals as envisaged in the sanctioned development plans on its own or authorize any other body or any Licensed Developer to prepare and implement one or more Development Schemes in conformity with such plans:

Provided that the scheme is contiguous and approachable by a public road.

(2) Land uses earmarked in the sanctioned development plans for 'Peri-urban use, conservation use, agricultural use or any other non-conflicting use as may be decided by the Authority, shall automatically stand converted to uses proposed under the development scheme.

Provided that land uses earmarked as 'bio-conservation use, water bodies, buffer zone, forest use and all other prohibited uses as may be decided by the Authority including roads and utilities in the sanctioned development plans are prohibited for automatic change of land use or modification.

Provided further that the marginal realignment of road network proposed in the sanctioned development plans may be considered by the Authority, if the said realignment is within the Scheme area only and is essential in the overall interest of the development of the area.

(3) The Authority or the Metropolitan Commissioner / Vice-Chairperson, as and when required, may by notification invite applications from any 'Developer Entity' to undertake a Development Scheme independently or jointly with the Authority as specified in accordance with the provisions of this Act, as per the terms and conditions specified in the notification and as per the conditions stipulated by the Authority while according sanction for the Development Scheme.

(4) Types of Development Schemes -

The types of development schemes shall be,-

- (a) Land Pooling Scheme [LPS],
- (b) Town Planning Scheme[TPS],
- (c) Any other special development scheme as prescribed.

Power of the Government to require the authority to make a development scheme -

(5) Notwithstanding anything contained under the Act, the Government may, after making such inquiry as it deems necessary, by notification, require the Authority to make Development Scheme in respect of any area within the development area which conforms to the provisions of the Act.

(6) For the purposes of the provisions of the Act, the requisition made by the Government through the notification shall be deemed to be the declaration of intention to make a scheme.

18. Provisions of the development scheme-

The development scheme may make provisions for any of the following matters, namely,--

- (1) the laying out or relaying out of land, either vacant or already built upon;
- (2) for the lands likely to be used for construction of buildings for residential or commercial or industrial or for any other purposes as decided by the Authority;
- (3) layout of new streets or roads, construction, diversion, extension, alternation, improvement of streets and communication network;
- (4) the allotment of land for roads, spaces for public purposes like open spaces, gardens, recreation grounds, schools, markets, green belt, transport facilities, utilities and amenities of all kinds;
- (5) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
- (6) lighting;
- (7) water supply;
- (8) trunk and other infrastructure required to service the infrastructure within the development area;
- (9) preservation, conservation and protection of all heritage related objects and also water bodies;
- (10) the preservation of objects of historical or national interest or natural beauty;
- (11) any other provisions as may be prescribed.

19. Content of the development scheme -

(1) The Development Scheme shall contain the following particulars, namely,-

- (a) survey numbers as in diglot or res-survey register or fair adangal, survey numbers as in record of rights and adangal, sub-division sketch from field measurement book of the original survey number as well as sub-divided survey number, revenue village, extent of land;
- (b) Details of ownership of all parcels of land;
- (c) Preparation of the scheme incorporating roads, amenity areas, land use etc in accordance with the sanctioned plans;
- (d) the land use break-up of the scheme;
- (e) the re-constituted plots [Final Plot / Land] which would be re-allotted to the land owners;
- (f) method of re-allotment or registration;
- (g) original location of the land and location of the developed land;
- (h) the plots or lands to be allotted to the Authority or 'developer entity' in lieu of the cost of development towards the preparation, sanction, provision of infrastructure and amenities and implementation of the Scheme;
- (i) the plots or land to be allotted to the Authority in lieu of the cost of development towards provision of infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure;
- (j) type of the development entitled for each of the plot / land based on the use of the development;
- (k) line estimates for development of the scheme. [level and cost of infrastructure shall be as per the prescribed standards];
- (l) the scheme shall also indicate the area proposed for the various purposes as may be prescribed;
- (m) any other particulars as may be prescribed.

(2) It shall also contain any specific development promotion regulations to control the developments in the scheme area.

20. Infrastructure and amenities to be provided –

(1) The Authority or the developer entity whoever undertakes the development scheme shall provide the following infrastructure and amenities in the development scheme area:-

- (a) road development;
- (b) electricity lines and street lighting;

- (c) water supply;
- (d) sewerage works – distribution network and sewerage treatment plant;
- (e) storm water drains network;
- (f) rain water harvesting system;
- (g) telecommunication lines located in exclusive strips of land over ground or in ducts under the surface;
- (h) development of open spaces for parks & play grounds and avenue plantation without obstructing pedestrian ways or roads;
- (i) any other amenity as may be prescribed.

(2) The responsibility of providing infrastructure within the reconstituted plot shall lie with the plot owner.

21. Cost of the development scheme –

The cost of the development scheme shall include,-

- (1) all sums payable to the Authority under the provisions of the Act;
- (2) all sums spent or estimated to be spent to undertake the scheme including proportionate external and full internal infrastructure cost or betterment charges;-
 - (a) in the making of the Scheme;
 - (b) in the execution of the Scheme;
 - (c) in the execution of such part of the peripheral and bulk services as may be considered necessary.
- (3) all sums payable to any other Agency or Government under the provisions of any other relevant Acts;
- (4) administrative and legal expenses including risk reserves based on the future litigations;
- (5) the cost of publication charges in the newspapers pertaining to the scheme;
- (6) registration charges, if any;
- (7) any other sum payable as may be prescribed.

22. Reconstitution of plots –

(1) The title of the land owners covered under the development scheme shall be verified with reference to the revenue records and registration documents and other relevant records of ownership of land by the officer authorized by the Authority and an order issued under his seal and signature

confirming the acceptance or otherwise of the land for the development scheme.

(2) In the development scheme, the size and shape of every plot shall be determined, so far as may be, to render it suitable for development and complying with the provisions of the scheme.

(3) The development scheme may be prepared in sectors with the name and number of the plots, roads and the developed final plots which shall be allotted in the development scheme area to the owners in accordance with the eligibility as may be prescribed.

(4) The Authority may earmark the land allotted to it as a separate sector or in a group of sectors for specific purposes and the reconstituted plot / land to the land owners in separate sector or group of sectors for the purposes specified in the development scheme.

(5) The development scheme may contain proposals:--

- (a) to form reconstituted plot / land by the reconstitution of the original lands by the alteration of its boundaries and by the transfer of any adjoining lands if necessary.
- (b) for location of the reconstituted plot / land anywhere in the identified area of the development scheme.
- (c) for allotment of reconstituted plot / land shall be by draw of lots.
- (d) to provide with the consent of the owners that the reconstituted plot / land may be allotted jointly as common reconstituted plot.
- (e) for allotment of a reconstituted plot / land to any owner dispossessed of land in furtherance of the scheme.

(6) The proportion and extent of eligibility for each land owner shall be determined before publishing the draft development scheme.

23. Restrictions on the use and development of land after publication of draft development scheme -

(1) On or after the date on which a draft development scheme is published, no person shall, within the area included in the scheme, carry out any development unless such person has applied for and obtained the necessary permission for doing so from the Metropolitan Commissioner / Vice-Chairperson in prescribed form and on payment of such scrutiny fees and charges as may be prescribed by regulations.

(2) Where an application for permission is received by the Metropolitan Commissioner / Vice-Chairperson, he shall, send to the applicant a written acknowledgement of its receipt and after making such inquiry as it deems fit

and in consultation with the officer authorized by the Metropolitan Commissioner / Vice-Chairperson, may either grant or refuse such permission or grant it subject to such conditions as he may think fit to impose.

(3) If any person contravenes the above provisions or of any conditions imposed, the Metropolitan Commissioner / Vice-Chairperson may direct such person by notice in writing to stop any development in progress, and after making an inquiry in the prescribed manner remove, pull down, or alter any building or other development or restore the land or building in respect of which such contravention is made to its original condition.

24. Disputed ownership -

(1) Where there is a disputed claim to the ownership of any piece of land included in the development scheme area in respect of which a declaration of intention to make a development scheme has been made and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by an Officer appointed by the Government in case of any development scheme in the manner as prescribed or the Planning Officer in case of a Town Planning Scheme, at any time before the final allotment of the reconstituted plot / land for the purposes of deciding as to who shall be deemed to be the owner for the purposes of the Act and pass orders under his seal and signature.

(2) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit in a Court of competent jurisdiction.

25. Registration of document, plan or map in connection with development scheme not required -

(1) Nothing in the Registration Act, 1908 (Act No.16 of 1908) shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a Development Scheme implemented by the Authority which has come into force.

(2) All such documents, plans and maps shall, for the purposes of Section 48 and 49 of the Registration Act, 1908 be deemed to have been registered in accordance with the provisions of that Act:

Provided that the documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

(ii) Land Pooling Scheme

26. Land Pooling Scheme - (1) "Land Pooling Scheme" means the pooling together of all the lands in an identified area, under different ownerships voluntarily and redistributing it in a properly reconstituted form after development and re-allotment of the pre-defined extent of the land to the Land Owners, after deducting the land required for public open spaces for parks and play grounds, social housing for economically weaker sections,

social amenities such as school, dispensary, other civic amenities etc, road network and other infrastructure as specified under the Act and duly retaining a part of the land by the Authority in lieu of the cost of development towards the provision of infrastructure and amenities and other costs and expenses to be incurred for the Scheme and external trunk infrastructure.

(2) The land pooling scheme is intended for land owners volunteering to surrender their land against a guaranteed return of a developed and reconstituted plot / land.

27. Reservation and allotment of land for various purposes in land pooling scheme -

(1) The reservation and allotment of land for various purposes in the Land Pooling Scheme may be as specified below:--

- (a) reservation of land to an extent of ten percent of total scheme area for parks, playgrounds, gardens and open spaces;
- (b) allotment of land for roads and utility services to an extent of thirty percent of total scheme area;
- (c) allotment of land to an extent of five percent of total scheme area for social amenities such as school, dispensary and other community facilities;
- (d) allotment of land to an extent of five percent of total scheme area for providing affordable housing for the poor;
- (e) a share of total area of the scheme specified by the Authority for reconstituted plots [Final Plot], for re-allotment to the Land Owners;
- (f) a share of total area of the scheme specified by the Authority in lieu of the cost of development towards the provision of infrastructure and amenities and other costs and expenses to be incurred for the Scheme and external trunk infrastructure for re-allotment to the Authority. The Authority may use this allotted land for residential or commercial or public or semipublic or any other purposes as may be approved by the Authority;

Provided that the percentage of the allotment of land as specified in Clauses from (b) to (d) may be altered by the Authority while preparing the Land Pooling Scheme depending upon the nature of existing and proposed development, sanctioned development plans and for the reasons to be recorded in writing.

(2) The area of the Land Pooling Scheme shall be as notified by the Authority under section 29 of the Act.

28. Role of developer entity -

The developer entity intending to undertake Land Pooling Scheme shall obtain a license from the Metropolitan Commissioner / Vice-Chairperson to formulate and implement a Land Pooling Scheme containing such particulars and details as may be prescribed:

Provided that,-

- (1) The developer entity shall submit the application to formulate and implement a Land Pooling Scheme only after the notification issued as stated at sub-section (3) of section 17 under the Act;
- (2) The developer entity shall be responsible for the pooling of the land under land pooling scheme and all the requirements of the scheme as may be prescribed under the Act shall be complied with;
- (3) The costs for development of the development scheme shall be factored into the project before the developer undertakes the development work;
- (4) The developer entity shall obtain all necessary permissions from the Metropolitan Commissioner / Vice-Chairperson as required under the Act duly paying the prescribed fees and charges to undertake the Scheme;
- (5) The developer entity shall mortgage a part of the Scheme area as prescribed in favour of the Authority in order to comply with the conditions of the development scheme. The same shall be re-conveyed by the Metropolitan Commissioner / Vice-Chairperson while issuing the completion certificate of the scheme.

29. Declaration to take up the land pooling scheme and Suggestions and objections to the notification of intention -

(1) The Competent Authority for land pooling scheme shall be the Metropolitan Commissioner / Vice-Chairperson or an officer appointed by the Government and also includes such other officers along with staff, appointed by Government for the purpose.

(2) The area for the land pooling scheme may be identified by the Competent Authority either on his own or based on the applications received from the land owners or developer entity.

(3) The Competent Authority shall obtain the approval of the Authority and initiate Land Pooling Scheme for the identified area:

Provided that no such approval shall be necessary in case of any area notified by the Government under sub-sections (5) and (6) of section 17.

(4) The Competent Authority for land pooling scheme shall issue a notification declaring its intention (hereafter referred to as the 'declaration of intention') to make the land pooling scheme in respect of such an area in the

prescribed manner within prescribed time period, calling for objections or suggestions as well as consent from the Land Owners or interested parties whose lands are included in the land pooling scheme so as to reach within thirty days from the date of publication of such notification.

(5) The Competent Authority shall consider and dispose of all such objections and suggestions within the prescribed time limit and approve the Land Pooling Scheme area with or without modifications within the prescribed time period.

(6) The Competent Authority for land pooling scheme within the prescribed time period shall notify the modified area of the land pooling scheme for the preparation of draft land pooling scheme.

(7) Verification of the title and extent of consenting land owners shall be done under sub-section (1) of section 22.

(8) Disputed ownership shall be resolved under section 24.

30. Preparation and notification of Draft Land Pooling Scheme -

(1) The Competent Authority for land pooling scheme shall make a draft land pooling scheme of the area in accordance with the sanctioned development plans in consultation with land owners within the time period. Such consultations shall be related to the provisions made under section 18 of the Act and each such consultation has to be recorded in writing and has to be signed by the Competent Authority for land pooling or any other authorized officer on behalf of the Authority.

(2) The Competent Authority shall approve and publish the notification of draft land pooling scheme within prescribed time period along with the conditions if any for carrying out the provisions of the scheme, calling for objections or suggestions from the land owners whose lands are included in the land pooling scheme giving a time period of thirty days from the date of publication of the notification.

31. Publication of final Land Pooling scheme and issue of the LPOC –

(1) If any person affected by such scheme communicates in writing, the Competent Authority shall consider such objections relating to such scheme and at any time before approving the final land pooling scheme, modify such scheme as it thinks fit.

(2) The Competent Authority after considering the modifications shall approve the final land pooling scheme and publish the notification of the final land pooling scheme.

(3) The notified area under the final land pooling scheme shall vest absolutely with the Authority or the developer entity, as the case may be, free from all encumbrances, for reconstituting and implementing the land pooling scheme.

(4) After publication of the Final Land Pooling Scheme, within a prescribed period of time, the Competent Authority shall issue a Land Pooling Ownership Certificate [LPOC] to each land owner which shall contain details of the land owner's original land and that of the reconstituted Plot / Land, including its original ownership details, along with a sketch of reconstituted plots and such Certificate shall be the conclusive evidence of the title of the property in respect of the reconstituted Plots / Lands and shall be eligible for transfer of rights of the property in accordance with the provisions of the Registration Act, 1908 (Act No.16 of 1908).

(5) After notification of the final land pooling scheme, the same shall be incorporated in the notified sanctioned development plans as the case may be.

(6) All lands reserved for the parks, play grounds and open spaces, and all lands allotted for roads, social amenities and affordable housing shall be deemed to be handed over to the Authority upon the notification of the final land pooling scheme.

(7) All lands allotted for the Authority or the developer entity, as the case may be, shall also be deemed to be handed over to the Authority or the developer entity, as the case may be.

(8) The notified final land pooling scheme shall be a deemed layout development permission by the Authority.

(9) The owner of the reconstituted plot will be responsible for the following, namely,--

- (a) for providing all the required infrastructure within the reconstituted plot or land and for obtaining development permissions as per applicable regulations;
- (b) to obtain all permissions and requisite 'No Objection Certificates' required for the development of the reconstituted plot; and
- (c) to pay necessary fees and charges as per the rules for the sanction of development permission before commencing any construction activity on reconstituted plots.

32. Implementation of Final Land Pooling Scheme –

(1) The permission for the final land pooling scheme shall remain valid for a period as may be prescribed.

(2) The physical demarcation of roads and plots of the final land pooling scheme shall be commenced immediately on final sanction and shall be completed within a period as may be prescribed.

(3) The Competent Authority for land pooling scheme shall hand over the reconstituted plots to the land owners after formation of the roads as per the final land pooling scheme within a period as may be prescribed.

(4) The remaining infrastructure shall be developed in a phased manner in a period as may be prescribed.

(5) If the works are not completed within a prescribed period, the final sanction and permission shall be revalidated by the Authority for a maximum period as may be prescribed.

33. Completion of final land pooling scheme-

(1) The Competent Authority shall, duly furnishing the details of completion of the works along with the necessary infrastructure plans, publish a notice of completion of the final land pooling scheme within the period as may be prescribed.

(2) The Competent Authority shall also publish the details of re-allotment of reconstituted plots / lands along with land mutation records or land pooling ownership certificates.

(3) On verification of the details in sub-sections (1) and (2), the Competent Authority shall issue the Completion Certificate along with layout of final land pooling scheme.

34. Maintenance of the common infrastructure & facilities after issue of completion certificate -

(1) The reconstituted plot / land owners shall have to pay for the usage, consumption and maintenance charges levied by the agencies responsible for the common infrastructure and respective services including roads, street lighting, solid waste management, sewerage treatment plant, water supply, parks and play grounds and other amenities.

(2) The Authority may maintain the common infrastructure and facilities either on its own or authorize a Local Authority or a resident welfare association duly collecting the necessary charges for such maintenance.

(iii) Town Planning Scheme

35. Town Planning Scheme - (1) Subject to the provision of this Act or any other law for the time being in force, the Authority may make one or more Town Planning Schemes for the development area or any part thereof, regard being had to the proposals in the final sanctioned development plans, if any.

(2) Town Planning Scheme may be in accordance with the provisions of this Act in respect of any land which is:-

- (a) in the course of development ;
- (b) likely to be used for residential or commercial or industrial or for building purposes; or

(c) 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 planning Scheme, whether in the nature of a building work or not.

(3) The reservation and allotment of land for various purposes in the Town planning Scheme shall be in accordance with sanctioned development plans under this Act and as specified in sub-section (1) of section 27.

36. Declaration of intention to make a Town Planning Scheme -

(1) Before making any Town Planning Scheme under the provisions of the Act in respect of any area, the Authority may, by resolution, declare its intention to make such a scheme in respect of such area.

(2) Within fifteen days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the Authority shall publish a notification it in the prescribed manner.

(3) A copy of the plan shall be kept open at the office of the Authority during the office hours for the inspection of the public.

(4) The Town Planning Scheme shall be mandatory and all the land owners shall invariably participate in such Town Planning Scheme on Declaration of Intention to make the Scheme by the Authority.

37. Making and publication of draft Town Planning Scheme -

Within six months from the date of the declaration of intention to make a scheme under the section 36, the Authority shall make a draft town planning scheme of the area in respect of which, the said declaration has been made and publish the notification, along with the draft regulations for carrying out the provisions of the scheme calling for objections or suggestions from the land owners whose lands are included in the draft town planning scheme within thirty days from the date of the publication of the draft town planning scheme.

38. Objections to draft Town Planning Scheme to be considered -

If any person affected by such Scheme communicates in writing to the Authority, any objections relating to such scheme, the Authority shall consider such objections and may at any time before submitting the draft town planning scheme to the Government as hereinafter provided modify

such Scheme as it thinks fit.

39. Power of Government to sanction draft Town Planning Scheme -

(1) The Authority shall, within sixty days from the date of the publication of the draft town planning scheme in the manner as may be prescribed, submit the draft town planning scheme with any modifications that may have been made therein under section 38 together with the objections which may have been communicated to it, to the Government for sanction.

(2) After receiving the draft town planning scheme, the Government may, within thirty days from the date of its receipt, by notification, sanction such scheme with or without modifications or subject to such conditions as it may think fit to impose or refuse to sanction it.

(3) If the Government sanctions such scheme, it shall in such notification, stating at what place and time the draft scheme be open for the inspection of the public.

40. Vesting of land in the Authority -

(1) Where a draft town planning scheme has been sanctioned by the Government under sub-section (2) of section 39, (hereinafter in this section, referred to as 'the sanctioned draft scheme'), all lands required by the Authority for the purposes in clauses (3), (5), (6) and (7) of section 18 shall vest absolutely in the Authority free from all encumbrances.

(2) Nothing in sub-section (1) shall affect any right of the owner of the land vesting in the Authority under that sub-section.

(3) The provisions of sections 54 and 55 shall mutatis mutandis apply to the 'sanctioned draft scheme' as if; 'sanctioned draft scheme' was a preliminary scheme.

41. Appointment of Planning Officer -

(1) Within thirty days from the date on which the sanction of the Government to a draft scheme is notified, the Government shall appoint a Planning Officer possessing such qualification as may be prescribed, for the purpose of such scheme and provide him with such number of officers and staff as may be considered necessary and his duties shall be as hereinafter provided:

Provided that the Government may, on the request made by the Authority, appoint a Planning Officer within thirty days from the date of the publication of the draft town planning Scheme under section 37.

(2) The Government may, if it thinks fit, at any time, remove on the ground of incompetence or misconduct or any other good and sufficient reason a Planning Officer appointed under this section and shall forthwith appoint another person in his place and any proceeding pending before Planning Officer immediately before the date of his removal shall be continued and disposed of by the new Planning Officer appointed in his place:

Provided that no Planning Officer shall be removed under this sub-section except after an inquiry in which he has been informed of the charges against him and a reasonable opportunity of being heard in respect of those charges has been given to him.

(3) Subject to the provisions of sub-section (2), a Planning Officer appointed under sub-section (1) for the purpose of any Scheme shall cease to hold office with effect from the date on which the Final Town Planning Scheme is sanctioned under section 56.

42. Duties of Planning Officer -

Within a period of six months from the date of his appointment, the Planning Officer shall, after following the prescribed procedure, sub divide the 'sanctioned draft scheme' into a preliminary scheme and a final scheme:

Provided that the Government may, from time to time, by order in writing, extend the said period by such further period or periods as may be specified in the order and any such order extending the period may be made so as to have retrospective effect.

43. Contents of preliminary and final scheme -

(1) In a Preliminary Scheme, the Planning Officer shall,-

- (a) after giving notice in the prescribed manner and in the prescribed form to the persons affected by the scheme, define and demarcate the areas allotted to, or reserved for, any public purpose, or for the purpose of the Authority and the final plot / land;
- (b) after giving notice as aforesaid, determine in a case in which a final plot / land is to be allotted to persons in ownership in common, the shares of such persons ;
- (c) 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 provisions of the Act;
- (d) determine the period within which the works provided in the scheme shall be completed by the Authority.

(2) The Planning Officer shall submit the Preliminary Scheme so prepared to the Government for sanction and shall thereafter prepare and submit to the Government the Final Scheme in accordance with the provisions of sub-section (3).

(3) In the Final Scheme, the Planning Officer shall,-

- (a) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the scheme in accordance with the provisions of clause (c) of sub-section (1) of section 69;
- (b) determine whether the areas used, allotted or reserved for a public purpose or purposes of the Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;
- (c) 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 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 costs of the scheme;
- (d) calculate the contribution to be levied under sub-section (1) of section 71, on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;
- (e) estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions of section 70;
- (f) 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 sub-section (1) of section 71;
- (g) calculate the contribution to be levied on each plot included in the final scheme;
- (h) determine the amount to be deducted from, or added to, as the case may be, the contribution to be levied from a person in accordance with the provisions of section 71;
- (i) estimate with reference to claims made before him, after notice has been given by him 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 making of the Town Planning Scheme in accordance with the provisions of section 74;

- (j) draw in the prescribed form the preliminary and the final scheme in accordance with the draft scheme:

Provided that the Planning Officer may make variation from the 'sanctioned draft scheme', but no such variation, if it is of a substantial nature, shall be made except with the previous sanction of the Government, and except after hearing the Authority and any owners who may raise objections.

Explanation:-

- (i) For the purpose of this proviso "Variation of a substantial nature" means a variation which is estimated by the Planning Officer to involve an increase of ten percent in the costs of the scheme as stated in section 69 on account of the provisions of new works or the allotment of additional sites for public purposes included in the Preliminary Scheme drawn up by the Planning Officer.
- (ii) If there is any difference of opinion between the Planning Officer and the Authority as to whether a variation made by the Planning Officer is of substantial nature or not, the matter shall be referred by the Authority to the Government whose decision shall be final.

44. Certain decisions of Planning Officers to be final -

Except in matters arising out of clauses (c), (d), (e), (f), (g) and (i) of sub-section (3) of section 43, every decision of the Planning Officer shall be final and binding on all persons.

45. Appeal -

Any decision of the Planning Officer under clause (c), (d), (e), (f), (g) and (i) of sub-section (3) of section 43 shall forth with be communicated to the party concerned in the prescribed form and any person aggrieved by such decision may within fifteen days from the date of communication of decision, present an appeal to the Board of Appeal constituted under section 46.

46. Constitution of Board of Appeal -

(1) The Government shall, from time to time by an order published in the Andhra Pradesh Gazette, constitute a Board of Appeal for hearing and deciding appeals under section 45.

(2) The Board of Appeal shall consist of three Members, one of whom shall be its President and two persons, possessing such qualifications and experience as may be prescribed, as assessors.

(3) The President shall be a person who is or has been a District Judge or a Judge of the City Civil Court.

(4) The terms of appointment of the President of the Board of Appeal and conditions of service shall be such as may be prescribed.

(5) The Board of Appeal constituted under sub-section (1) shall stand dissolved as soon as a copy of its decision in appeal is sent to the Planning Officer under sub-section (2) of section 53.

(6) The Government may, if it thinks fit, remove for incompetence or misconduct or for any other good or sufficient reason any assessor appointed under sub-section (1).

(7) If any assessor is removed or dies or refuses or neglects to act or becomes incapable of the acting, the authority who appointed such assessor shall appoint forth with a fit and proper person in his place.

47. Planning Officer to assist Board in advisory capacity -

(1) The Planning Officer shall be present at the proceedings before the Board of Appeal.

(2) The Planning Officer shall not be required to give evidence in such proceedings but the President may require him to assist the Board in an advisory capacity.

48. Place where Board may sit -

The Board of Appeal may sit either at the headquarters of the President or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Board.

49. Decision of questions of law and other questions -

All questions of law and procedure shall be decided by the President and all other questions shall be decided by the President and the two assessors or by a majority of them.

50. Powers of Board to decide matter finally -

(1) After making such inquiry as it may think fit, the Board of Appeal may either direct the Planning Officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the Planning Officer.

(2) Every decision of the Board of Appeal shall be final and binding on all persons.

51. Board not to be a court -

Nothing contained in the Act shall be deemed to constitute the Board of Appeal to be a court.

52. Remuneration of assessors and payment of incidental expenses of Board to be added to costs of scheme -

(1) The assessors shall, save where they are salaried Government Officers, be entitled to such remuneration either by way of monthly salary or by way of fees or partly by way of salary and partly by way of fees, as the Government may, from time to time, determine.

(2) The salary of the President of the Board of Appeal or an Assessor who is a salaried Government Officer and any remuneration payable under sub-section (1) and all expenses incidental to the working of the Board of Appeal shall, unless the Government otherwise determines, be defrayed from out of the funds of the Authority and shall be added to the costs of the scheme.

53. Decision of Planning Officer to be final in certain matters and variation of scheme in view of decision in Appeal -

(1) Where no appeal has been presented under section 45, in respect of a matter arising out of clauses (c), (d), (e), (f), (g) and (i) of sub-section (3) of section 43, the decision of the Planning Officer shall be final and binding on all the parties.

(2) The Board of Appeal shall send a copy of its decision in appeal to the Planning Officer who shall, if necessary, make any variation in the scheme in accordance with such decision and shall forward the Final Scheme together with a copy of his decision under section 44 and a copy of the decision of the Board of Appeal in appeal to the Government for the sanction of the Final Scheme.

54. Power to split up sanctioned draft scheme into separate sections -

(1) After a Planning Officer has been appointed under section 41, the Authority may apply to him to split up the 'sanctioned draft scheme' into different sections and to deal with each section separately as if such section were a separate Sanctioned Draft Scheme.

(2) On receipt of an application under sub-section (1), the Planning Officer may, after making such inquiry as he thinks fit, split up the 'sanctioned draft scheme' into Sections.

(3) The provisions of the Act and the rules made there under shall, so far as may be, apply to each of such Sections as if it were a separate 'sanctioned draft scheme'.

55. Submission of preliminary scheme and final scheme to Government -

The Planning Officer shall submit to the Government for sanction the preliminary scheme also before the final scheme is submitted to the Government under sub-section (2) of section 43, together with copy of his decision under section 44.

56. Power of Government to sanction or refuse to sanction the scheme and effect of sanction -

(1) On receipt of the Preliminary Scheme or as the case may be, the Final Scheme, the Government may,--

- (a) in the case of Preliminary Scheme, within a period of thirty days from the date of its receipt, and
- (b) in the case of final scheme, within a period of sixty days from the date of its receipt, by notification, sanction the Preliminary Scheme or the Final Scheme or refuse to give sanction, provided that in sanctioning any such scheme, the Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.

(2) Where the Government sanctions the Preliminary Scheme or the Final Scheme, it shall state in the notification,--

- (a) the place at which the scheme shall be kept open for inspection by the public, and
- (b) a date on which all the liabilities created by the scheme shall come into force:

Provided that the Government may from time to time extend such date, by notification, by such period, not exceeding thirty days at a time, as it thinks fit.

(3) On and after the date fixed in such notification, the Final Scheme shall have effect as if it were enacted in the Act.

57. Withdrawal of scheme -

(1) If at any time before the Preliminary Scheme is forwarded by the Planning Officer to the Government, a representation is made to the Planning

Officer by the Authority and if the owners of the majority of the land extent in the Scheme area represent that the Scheme should be withdrawn, the Planning Officer shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the Government.

(2) The Government after making such inquiry as it may deem fit, may, if it is of opinion that it is necessary or expedient so to do, by notification, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.

58. Effect of preliminary scheme -

On the day on which the Preliminary Scheme comes into force,—

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

(2) all rights in the original plots which have been re-constituted into reconstituted plots / land shall be determined and the final plots / land shall become subject to the rights settled by the Planning Officer.

59. Power of authority to evict summarily -

On and after the date on which a Preliminary Scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the Preliminary Scheme shall, in accordance with the prescribed procedure, be summarily evicted by the Authority.

60. Power to enforce the scheme -

(1) On and after the date on which the Preliminary Scheme comes into force, the 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 such as 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 it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the 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 Authority under the provisions of the Act.

(3) If any question arises as to whether any building or work contravenes a Town Planning Scheme or whether any provision of a Town Planning Scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the Government and the decision of the 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 all action taken by the Authority under the provisions of this section except in respect of the building or work begun before the date referred to in sub-section (1) 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 Authority.

(5) The provisions of this section shall not apply to any operational construction undertaken by the Central Government or a State Government.

61. Power to vary scheme on ground of error, irregularity or informality -

(1) If after the Preliminary Scheme or the Final Scheme has come into force, the Authority considers that the scheme is defective on account of an error, irregularity or informality, the Authority may apply in writing to the Government for the variation of the scheme.

(2) If on receiving such application or otherwise, the Government is satisfied that the variation required is not substantial, the Government shall publish a draft of such variation in the prescribed manner so that any person affected thereby may communicate in writing his objections to such variation to the Government through the Authority within thirty days of the date of publication of the draft variation.

(3) The draft variation published under sub-section (2) shall state every variation proposed to be made in the scheme and if any such variation relates to a matter specified in any of the sub-sections (1) to (8) of section 18, the draft variation shall also contain such other particulars as may be prescribed.

(4) The draft variation shall be open to the inspection of the public at such offices as published under sub-section (2).

(5) After receiving the objections, the Government may, after consulting the Authority and after making such inquiry as it may think fit, by notification-

- (a) appoint a Planning Officer and thereupon the provisions of this Chapter shall so far as may be, apply to such draft variation as if it were a draft scheme sanctioned by the Government or
- (b) make the variation with or without modification or
- (c) refuse to make the variation.

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

62. Variation of Town Planning Scheme for land allotted for public purpose -

If at any time after the Final Town Planning Scheme comes into force, the Authority is of the opinion that the purpose for which any land is allotted in such scheme under any of the clauses (a) and (c) of sub-section (1) of section 27 requires to be changed to any other purpose specified in any of the said clauses, the Authority may make such change after following the procedure relating to amendment of regulations, specified in section 64 as if such change were an amendment of regulations.

63. Variation of Town Planning Scheme by another scheme -

Notwithstanding anything contained in section 61, a Town Planning Scheme at any time be varied by a subsequent scheme made, published and sanctioned in accordance with the provisions of the Act.

64. Amendment of regulations -

(1) If at any time after the Final Town Planning Scheme comes into force, the Authority is of the opinion that the regulations relating to a Town Planning Scheme require to be amended, it may publish the requisite draft amendment in the prescribed manner and invite suggestions or objections thereto from any person to submit within thirty days from the date of publication of the draft amendment;

(2) if any suggestions or objections relating to such amendment are received, the Authority shall consider such suggestions or objections and may, at any time before submitting the draft amendment to the Government as hereinafter provided, modify such amendment as it thinks fit;

(3) the Authority shall within a period of sixty days from the date of its publication, submit the draft amendment along with the suggestions or objections to the Government and shall at the same time apply for its sanction;

(4) after receiving such application and after making such inquiry as it may think fit, the Government may sanction the amendment submitted with or without modifications as it deems necessary or refuse to sanction the amendment;

(5) if the amendment is sanctioned by the Government, the Final Town Planning Scheme shall be deemed to have been varied in accordance with the amendment.

65. Compensation when scheme is varied -

If at any time after the date on which the scheme has come into force, such scheme is varied, and any person who has incurred any expenditure for the purpose of complying with such scheme shall be entitled to be compensated by the Authority for the expenditure, if such expenditure is rendered abortive by reason of the variation of such scheme.

66. Apportionment of costs of scheme withdrawn not sanctioned -

In the event of a Town Planning Scheme being withdrawn, the Government may direct that the costs of the scheme shall be borne by the Authority or be paid to the Authority by the owners concerned in such proportion as the Government may in each case determine.

67. Right to appear by recognized Agent -

Every party to any proceedings before the Planning Officer or before the Board of Appeal shall be entitled to appear either in person or by his recognized agent.

68. Powers of civil courts in respect of certain matters -

For the purpose of the Act, the authority under sub-section (1) of section 24 or the Planning Officer or the Board of Appeal shall have the same powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act No.5 of 1908) in respect of the following matters, namely,-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witness or documents.

69. Costs of Town Planning Scheme -

(1) In addition to the requirements as stated in section 21 of the Act, the costs of a Town Planning Scheme shall include the following, namely,-

- (a) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- (b) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the 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;
- (c) 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 improvements contemplated in the scheme other than improvements due to alteration of its boundaries.
- (d) twenty percent of the amount of the cost of infrastructure provided in 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 in clause (c) 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).

70. Calculation of increment -

For the purpose of the 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:

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.

71. Contribution towards costs of scheme -

(1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the 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 by the Planning Officer:

Provided that—

(a) where the cost of the scheme—

(i) does not exceed half the increment, the cost shall be met wholly by a contribution, and

(ii) 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 Authority;

(b) where a plot is subject to a mortgage with possession or to a lease, the Planning Officer 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;

(c) no such contribution shall be levied on a plot, uses, allotted or reserved for a public purpose or for the purpose of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme; and

(d) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the 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 scheme shall be primarily liable for the payment of the contribution to be levied in respect of such plot.

72. Certain amounts to be added to, or deducted from, contribution to be levied from person -

The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, the contribution to be levied from such person, each of such plots being estimated at its market value at the date of declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (5) of section 17 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

73. 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 Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a Town Planning Scheme, to a final plot shall be so transferred and any right in an original plot which in the opinion of the Planning Officer 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.

74. 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 Planning Scheme shall, if he makes a claim before the Planning Officer within the prescribed time, be entitled to be compensated in respect thereof by the Authority or by any person benefited or partly by the Authority and partly by such person as the Planning Officer 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 or the date of the notification issued by the Government under sub-section (5) of section 17 without reference to improvements contemplated in the scheme, as the case may be.

75. Exclusion of compensation in certain cases -

(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provision contained in the Town Planning 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 Planning Scheme which imposes any conditions and restrictions in regard to any of the matters related to the construction of buildings such as Development Control / Promotion Regulations, Zoning Regulations or Building Rules / bye-laws.

76. Provision for cases in which amount payable to owners exceeds amount due from him -

If the owner of an original plot is not provided with a plot in the preliminary scheme or if the contribution to be levied from him under section 71 is less than the total amount to be deducted there from under any of the provisions of the Act, the net amount of his loss shall be payable to him by the Authority in cash or in such other manner as may be agreed upon by the parties.

77. Provision for cases in which value of developed plots is less than amount payable by owners -

(1) If from any cause the total amount which would be due to the Authority under the provisions of the 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 Planning Officer shall at the request of the Authority direct the owner of such plot to make payment to the Authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Planning Officer shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (5) of section 17 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances but subject to the provisions of the Act:

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

78. Payment of adjustment of account -

All payments due to be made to any person by the Authority under the Act shall, as far as possible, be made by adjustment in such account with the 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 cash or in such other manner as may be agreed upon by the parties.

79. Payment of net amount due to the authority -

(1) The net amount payable under the provisions of the Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in lump-sum or in annual installments not exceeding ten.

(2) If the owner elects to pay the amount by installments, interest at such rate as is arrived at by adding two percent to the bank rate published under section 50 of the Reserve Bank of India Act, 1934, (Act No.2 of 1934) from time to time, shall be charged per annum on the net amount payable.

(3) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the Authority, he shall be deemed to have exercised the option of paying contribution in installments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

(4) Where two or more plots included in the final scheme are of the same ownership the net amount payable by such owner under the provisions

of the Act shall be distributed over his several plots in proportion to the increments which is estimated to accrue in respect of each plot unless the owner and the Authority agree to a different method of distribution.

80. Power of authority to make agreement -

(1) The 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 Planning Scheme, subject to the power of the Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the Town Planning Scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Planning Officer as specified under section 42 or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Planning Officer:

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

81. Recovery of arrears -

(1) Any sum due to the Authority under the Act or any regulation made there under shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the Government thereon.

(2) Any sum due to the Authority under the Act or any regulation made there under which is not paid on demand on the day on which it becomes due or on the day fixed by the authority shall be recoverable by the Authority by distress and sale of the goods and chattel of the defaulter as if the amount thereof were a property tax due by the said defaulter.

(3) In lieu of the recovery of the dues of the Authority in the manner provided in sub-section (2), any sum due or the balance of any sum due, as the case may be, by such defaulter may be recovered from him by a suit in any court of competent jurisdiction.

CHAPTER VI **DEVELOPMENT PROMOTION**

82. Development permission mandatory -

(1) After the commencement of the Act, and subject to the provisions of the Act, no development of any land [for layout or sub-division of plot or construction] or building or institution of use or change of use of any land or building shall be undertaken or carried out in the development area without:--

(a) obtaining a Development Permission Order from the Metropolitan Commissioner / Vice-Chairperson, which shall be subject to the development conditions that are applicable and required to be complied with;

and

(b) payment of the development charges and other fees and charges to the Authority to be levied under the Act.

(2) No Local Authority or government department or agency shall grant any permission for any development work or sanction any development of land or building or any institution of change of use land or building or change of use of any land or building unless the Metropolitan Commissioner / Vice-Chairperson has granted the permission for the same.

(3) No such permission shall be necessary for the following activities but the concerned person shall intimate in writing and file the necessary detailed plans, site plans, layout plans and building plans for information and record of the Authority,--

(a) for carrying out such works for the maintenance of a building or land that do not materially alter or affect the building or land;

(b) for agriculture purpose and for the excavation (including wells, bore wells) made in the ordinary course of agricultural operations and for the construction of un-metalled roads intended to give access to land solely for agricultural purposes;

(c) In case of any operational construction.

83. Use and development of land and buildings to be in conformity with plans of the authority -

After the coming into operation of the Perspective Plan or Master Plan or Infrastructure Development Plan or Area Development Plan or Zonal Development Plan or Land Pooling Scheme or Town Planning Scheme or any area development plan in an area, formulated under the provisions of the Act, no person or body shall use or permitted to use any land or carry out any development in that area unless the development is in conformity with such plans.

84. Application for development permission -

(1) Any person or body intending to carry out any development of land for the purpose of layout or for sub-division into plots or for construction, reconstruction, addition or alteration of any building shall apply in writing to the Metropolitan Commissioner / Vice-Chairperson for Development Permission in such form and containing such particulars and accompanied by such plans, documents, ownership documents for the land or plot and on payment of fees and charges as prescribed under the Act in addition to statutory provisions made under the respective Acts of the Local Authorities;

(2) On receipt of the application for Development Permission under sub-section (1), the Metropolitan Commissioner / Vice-Chairperson, after making such enquiry as consider it necessary in relation to any matter concerning the Perspective Plan or Master Plan or Infrastructure Development Plan or Area Development Plan or Zonal Development Plan or Development Scheme, Layout Regulations, Development Promotion Regulations, aesthetics, architectural and urban design control briefs, landscaping stipulations or in relation to any other matter, may issue a Development Permission Order either:-

- (a) granting permission unconditionally
- or
- (b) granting permission subject to such conditions as it may consider necessary
- or
- (c) refuse permission citing the grounds of such refusal which shall be recorded in writing in the order.

(3) No compensation shall be payable for the refusal of a permission or for the imposition of modifications or conditions in granting permission.

(4) If within sixty days after the receipt of such application made under this section for Development Permission for layout or such similar land development scheme or construction of building or of any information or further information required, the Metropolitan Commissioner / Vice-Chairperson has neither granted or refused permission, such permission shall be deemed to have been granted and the applicant after intimating the Metropolitan Commissioner / Vice-Chairperson in writing, may proceed to carry out the development but not so as to contravene any of the provisions of the Act or plans or schemes or any rules or regulations made under the Act.

(5) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions under the Act, or of any development permission granted under the Act, the Metropolitan Commissioner / Vice-Chairperson may

direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or as the case may be, take any measures to stop such use.

(6) Any expenses incurred by the Metropolitan Commissioner / Vice-Chairperson under the sub-section (5) shall be a sum due to the Authority under the Act from the person in default.

(7) The Development Permission Order may among other conditions contain the implementation of Perspective Plan or Master Plan or Infrastructure Development Plan or Area Development Plan or Zonal Development Plan or Land Pooling Scheme or Town Planning Scheme or any area development plan in an area, Development Scheme, Layout Regulations, Development Promotion Regulations, road network and other communication network system and the area of land affected and to be surrendered free of cost to the Authority for development in accordance with such sanctioned Plan or regulations.

(8) In such layouts and such other similar site development:--

(a) such development permission shall be considered only if the same is undertaken through a licensed developer;

(b) the licensed developer shall be required to mortgage fifteen percent of the plotted saleable land to the Authority or any other condition as may be prescribed as surety for carrying out the developments and complying with other conditions as per specifications and in the given time period, in the failure of which, the Metropolitan Commissioner / Vice-Chairperson shall be empowered to sell away the mortgaged plots and utilize the amount so realized for completion of the development works.

85. Lapse of Development Permission -

(1) Every Development Permission granted under the Act shall remain valid for three years during which time the development works or layout works or construction and civil works shall be completed, and if not completed, such permission shall be got revalidated for another two years only on submitting an application and on payment of the additional fees and charges as may be prescribed.

(2) After obtaining the Development Permission under the Act, if the works are not commenced within one year from the date of such sanction, the Development Permission stands lapsed:

Provided further that such lapse shall not bar any subsequent application for fresh Development Permission under the Act, however, such application

shall be subject to the rules / regulations and payment of fees and charges which are in force as on that date of fresh application.

86. Deviations during development -

If during the execution of any development works or layout works or construction and civil works, any deviation is made from the Development Permission granted and the same are in accordance within the provisions of the Act or Plans or Schemes or any rules or regulations made under the Act, the revised Development Permission shall be obtained under the Act before further proceeding with the work.

87. Revoking of development Permission -

The Metropolitan Commissioner / Vice-Chairperson or the Authority or the Government as the case may be, may revoke any Development Permission issued under this Act, whenever it is found that there has been any false statement or wrong permission is issued or any misinterpretation of any material fact or rule on which the permission was granted, after giving the person concerned an opportunity of being heard against such revocation.

88. Penalty for unauthorized development or for use otherwise than in conformity with sanctioned plans -

(1) Any person who, whether at his own instance or at the instance of any other person or anybody including a department of Government commences, undertakes or carries out development of any land or building or institutes or changes the use of any land or building in contravention of the Perspective Plan or Master Plan or Infrastructure Development Plan or Area Development Plan or Zonal Development Plan or Land Pooling Scheme or Town Planning Scheme or any area development plan in an area or Notified Development Scheme or any Plan sanctioned under the Act-

- (a) Without permission as required under the Act; or
- (b) Which is not in accordance with any permission granted or in-contravention of any condition subject to which such permission has been granted;
- (c) After the permission for development has been duly revoked; or
- (d) In-contravention of any permission which has been duly modified;

shall be punishable with imprisonment for a term which may extend to three years or with a fine equivalent to twenty percent of the value of the land as fixed by the Registration Department at the time of undertaking the development of the land or building or both, and in the case of a continuing offence with a further daily fine which may extend to fine equivalent to one

percent of the value of the land as fixed by the Registration Department for everyday during which such offence continues after conviction for the first commission of the offence.

(2) Any person who deals with the development of land or building by way of sale or otherwise in contravention or without compliance of the provisions of the Act or rules or regulations made therein shall be punishable with imprisonment for a term which may extend to three years or with a fine equivalent to twenty percent of the value of the land in question as fixed by the Registration department at the time of undertaking development of any land or both and in the case of continuing the offence with a further daily fine which may extend to fine equivalent to one percent of the value of the land in question as fixed by the Registration Department at the time of undertaking development of any land for every day during which such offence continues after conviction for the first commission of the offence;

(3) Any person who continues to use or allows the use of any land or building in-contravention of the provisions of the Master Plan or any such plans sanctioned under the Act without being allowed to do so under the provisions of the Act, or where the continuance of such use has been allowed under the Act continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punished with a fine equivalent to ten percent of the value of the land as fixed by the Registration Department at the time of undertaking the development of the land or building; and in the case of a continuing offence, with a further daily fine which may extend to fine equivalent one percent of the value of the land as fixed by the Registration Department for every day during which such offence continues after conviction for the first commission of the offence.

(4) Any person, who obstructs the entry of a person authorized under the provisions of the Act, to enter into or upon any land or building or molests such persons after such entry, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees, or with both.

89. Power to require removal of unauthorized development -

(1) Where any development of land or construction of building has been commenced or is being carried on or has been completed as indicated in sub-section (1) of section 88, the Metropolitan Commissioner / Vice-Chairperson, may, subject to the provisions of this section, serve on the owner a provisional order requiring the person to demolish / remove such unauthorized construction or re-construction or work or development within a period specified to bring such construction or re-construction of the building or work in conformity with the provisions of the Act or as per sanctioned development permission or Rules or Bye-laws made there under and may also direct that until the said order is complied with, the concerned

person shall refrain from proceeding with such development or construction or re-construction of the building or work:

Provided that, where the order requires the discontinuance of any use of land, the Metropolitan Commissioner / Vice-Chairperson shall serve the order on the occupier also.

(2) The Metropolitan Commissioner / Vice-Chairperson shall serve copy of the provisional order made under sub-section (1) on such person mentioned in sub-section (1) with an order requiring him to show cause within a reasonable time to be specified in such order as to why the order should not be confirmed.

(3) If the person mentioned in sub-section (1) fails to show cause to the satisfaction of the Metropolitan Commissioner / Vice-Chairperson, the Metropolitan Commissioner / Vice-Chairperson may confirm the order with such modification as he thinks fit and serve the Confirmation Order on such person and such order shall be binding on such person; and such person shall be liable for carrying out the orders of the Metropolitan Commissioner / Vice-Chairperson within the period specified in such confirmation order.

(4) If within the period specified in such confirmation order, the orders contained therein are not carried out by such person, the Metropolitan Commissioner / Vice-Chairperson may demolish such unauthorized construction or reconstruction or work and the expenses thereof shall be recoverable from the said person.

(5) No compensation shall be claimed by any person for any damage which he may sustain in consequence of the removal of any development or the discontinuance of the development.

(6) The provisions of this section shall be in addition to and not in derogation of any other provision relating to stoppage of building operation contained in any other law for the time being in force.

(7) Any person aggrieved by an order of the Metropolitan Commissioner / Vice-Chairperson made under sub-section (3) may, within fifteen days from the date of receipt of the order, prefer an appeal against the order to the Tribunal appointed under section 92 of the Act.

(8) Where an appeal is preferred under sub-section (7) against an order made under sub-section (3), the Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit:

Provided that where the construction or re-construction of the building or the execution of the work has not been completed at the time of the order made under sub-section (3), no order staying the enforcement of the order made under that sub-section shall be made by the Tribunal unless a surety, sufficient in the opinion of the said Tribunal, has been given by the

appellant for not proceeding with such construction or re-construction or work pending the disposal of the appeal.

(9) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Metropolitan Commissioner / Vice-Chairperson to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(10) Every order made by the Tribunal on appeal and, subject to such order, the order made by the Metropolitan Commissioner / Vice-Chairperson under sub-section (3) shall be final and conclusive.

(11) Where no appeal has been preferred against an order made by the Metropolitan Commissioner / Vice-Chairperson under sub-section (3) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Tribunal on appeal, and on the failure of such person to comply with the order within such period, the Metropolitan Commissioner / Vice-Chairperson may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of property tax under the Act.

90. Power to stop un-authorized development -

(1) Where any development of land or construction of building as stated in sub-section (1) of section 88 is being carried out but has not been completed, the Metropolitan Commissioner / Vice-Chairperson may serve on the owner and the person carrying out the development, an order requiring the development of land to be discontinued from the time of the service of the order; and thereupon, the provisions of sub-sections (1) to (4) of section 89 shall so far as may be applicable apply in relation to such order, as they apply in relation to the order under this section.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such order has been served shall, be punished with a fine equivalent to twenty percent of the value of the land as fixed by the Registration Department at the time of undertaking the development of the land or building, and in the case of a continuing offence with a further daily fine which may extend to fine equivalent to one percent of the value of the land as fixed by the Registration Department for every day after the date of the service of the order during which the non-compliance has continued or continues.

(3) Where such developments are not discontinued in pursuance of the order under sub-section (1), the Metropolitan Commissioner / Vice-Chairperson or the officer of the authority or the competent authority as the

case may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(4) It shall be lawful for the Authority or the Metropolitan Commissioner / Vice-Chairperson, as the case may be, at any time, before or after making an order for the removal or discontinuance of any unauthorized development or construction under the provisions of the Act, to make an order directing the sealing of such development or property or taking the assistance of the police, for the purpose of carrying out the provisions of the Act.

(5) Where any development or property has been sealed, the Authority or the Metropolitan Commissioner / Vice-Chairperson, as the case may be, may, for the purpose of removing or discontinuing such development or property, order such seal to be removed.

(6) Any person aggrieved by an order of the Metropolitan Commissioner / Vice-Chairperson made under sub-section (4) may, within seven days from the date of the order, prefer an appeal against the order to the Tribunal appointed under section 92.

(7) Where an appeal is preferred under sub-section (6) against an order made under sub-section (4), the Tribunal may stay the enforcement of the order on such terms, and for such period, as it may think fit.

(8) Save as provided in this section, no court shall entertain any suit, appeal, application or other proceeding for injunction or other relief against the Metropolitan Commissioner / Vice-Chairperson to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(9) Every order made by the Tribunal on appeal and, subject to such order, the order made by the Metropolitan Commissioner / Vice-Chairperson under sub-section (4) shall be final and conclusive.

(10) Where no appeal has been preferred against an order made by the Metropolitan Commissioner / Vice-Chairperson under sub-section (4) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the Metropolitan Commissioner / Vice-Chairperson shall take action to implement the order made under sub-section (4).

(11) No person shall remove such seal except under an order made by the Authority or the Metropolitan Commissioner / Vice-Chairperson.

¹ [90-A. Regulation and Penalization of buildings constructed without sanctioned plan:

(1) It is open to the Metropolitan Commissioner or Vice-Chairman to regularize constructions made without obtaining sanctioned plan subject to fulfilling the following conditions:-

(a) Submission of building plans to the competent authority duly paying all categories of fees and charges.

(b) The construction shall be subject to the condition that all parameters laid down in relevant statutes, Master plan, Zonal Development Plan, Building Bye-Laws, Building Rules and other relevant Government Orders including Andhra Pradesh Fire Service Act, 1999 and the National Building Code are satisfied;

(c) Payment of penalty equivalent to Thirty Three Percent (33%) of the various categories of fees and charges payable by the applicant for obtaining building permission in addition to the regular fee and other charges payable.

(2) Any offence made punishable under this Act in respect of Non-High Rise buildings may be regularized by the Vice- Chairman or any officer authorized by the Vice-Chairman in this behalf to the extent of violations made to the setbacks on each side of each floor except building line up to 10% of the permissible setbacks, on payment of fine equivalent to one hundred percent of the value of the land as fixed by the Registration Department applicable at the time of regularization in respect of violated floor area, subject to the condition that the sanctioned plan has already been obtained in each case.

(3). Notwithstanding anything contained in the Act, in the case of Gram Panchayats falling in the Metropolitan Region or Urban Development Authority areas, the Metropolitan Commissioner or Vice-Chairman may regulate and penalize the construction of buildings, made by the owner, or by an individual as the case may be, unauthorizedly or in deviation of the sanctioned plan as on 31st day of August, 2018 as a onetime measure as per the procedure and by levying such penal amount as may be prescribed and upon payment of such amount, all pending or contemplated proceedings and action of enforcement shall be deemed to have been withdrawn and the competent authority shall issue necessary occupancy Certificate to the owner or the individual as the case may be.]

91. Recovery of expenses incurred -

¹ Ins. by Act 34 of 2018, s.5 (w.e.f. 19-11-2018)

Any expenses incurred by the Metropolitan Commissioner / Vice-Chairperson under sections 89 and 95 of the Act shall be a sum due to the Authority under the Act from the person in default or the owner of the plot.

92. Constitution of Building Tribunal -

(1) The Government shall appoint a Building Tribunal or Tribunals (hereinafter referred to as 'the Tribunal') to hear and decide appeals arising out of matters referred to in sections 88, 89 and 90 and to adjudicate the offences relating to contravention of provisions of the Act in accordance with such procedure, and to realize such fees or fines in connection with such appeals as may be prescribed.

(2) The Tribunal shall consist of a Chairperson and such number of other members, not exceeding six as the government may determine. The members shall consist of judicial and technical members.

(3) The Chairperson may constitute one or more benches, each bench comprising of at least two members, one of whom shall be a judicial member and another technical member.

(4) The Chairperson or the judicial member shall be a person who is or has been a member of the Andhra Pradesh State Judicial Service, having such experience as may be prescribed.

(5) A technical member shall be a person who is working or retired in the cadre of Director of Town and Country Planning in Andhra Pradesh Town Planning Service.

(6) The Chairperson and other members of the Tribunal shall be appointed by the government for such period and on such terms and conditions, as the government may determine and shall be paid from the Development Fund.

(7) The government may, if it thinks fit, remove for reasons of incompetence or misconduct or for any other compelling or sufficient reason the chairperson or any other member of the Tribunal.

(8) The Tribunal shall have an establishment consisting of such officers and employees, appointed on such terms and conditions, as may be prescribed, and the expenses of the Tribunal shall be paid out of the Development Fund.

(9) The provisions of Part II and III of the Limitation Act 1963 (Central Act.No.36 of 1963) relating to appeal shall apply to every appeal preferred under this section.

(10) No court shall have jurisdiction in any matter for which provision is made in this Chapter for appeal to the Tribunal.

CHAPTER VII

ACQUISITION, ASSEMBLY AND DISPOSAL OF LANDS

93. Acquisition of Property by the Authority -

The Authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, negotiated settlement, or by any other means permissible under any law.

94. Acquisition of Land by Negotiated Settlement -

The Authority may acquire land by mutual agreement by paying such amount and also on such other terms and conditions as may be agreed upon through negotiated settlement in such manner as may be prescribed.

95. Power to Acquire Land under Act. No. 30 of 2013 -

Any land required, reserved or designated in the Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan or Land Pooling Scheme [LPS] or Town Planning Scheme [TPS] or a Development Scheme shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and may be acquired by the Government on the request by the Authority or other authority or functional unit.

96. Creation and Management of Land Development Bank -

The Authority shall create and maintain a Land Development Bank in which all lands acquired, allotted, purchased, obtained through any mode shall be maintained, protected and used for the furtherance of the objectives of the Act.

97. Transfer of Government Land to the Authority -

(1) The Government shall give top most priority for alienation of Government lands and transfer to the Land Development Bank which may require for public infrastructure, utilities, amenities and facilities to be developed by the Authority.

(2) The Government by specific orders and on such terms and conditions as may be agreed upon between the Government

and the Authority, place at the disposal of the Authority any developed and undeveloped Government lands situated within the development area for the purpose of development or undertaking Development Schemes, Land Pooling Schemes, Town Planning Schemes; public utilities, amenities and facilities in accordance with the provisions of this Act.

(3) Any Government assigned lands may be taken over by the Authority in accordance with the prescribed procedure for undertaking Development Schemes and development of public utilities, amenities and facilities with compensation as decided by the District Collector.

98. Acquisition of Land by Transferable Development Rights -

The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according Transferable Development Rights (TDR) through issue of Development Right Certificate (DRC) in lieu of payment towards cost of land in such manner as may be prescribed in the regulations under this Act.

99. Disposal of Land and Other Property by the Authority -

Any land acquired by the Government and transferred to the Authority or any Government land alienated to the Authority, with or without development thereon, or any other immovable property belonging to the Authority, may be disposed of by the Authority in accordance with regulations made for the purpose in this behalf.

CHAPTER VIII **DEVELOPMENT FEE AND CHARGES**

100. Levy of Development Charges -

(1) Subject to the provisions of the Act and rules made there under, the Authority shall levy a charge, hereinafter called development charge on:-

- (a) the change of use of land or building or both;
- (b) the carrying out of development of any land or building or both;

(2) The rates of development charges, their manner of assessment and recovery shall be such as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), no development charges shall be levied in case of operational constructions undertaken by the Central and State Government departments.

101. Assessment and Recovery of Development Charges -

(1) Any person who intends to carry out any development or institution of any use or change of use of any land or building for which permission is required under the Act, whether he has applied for such permission or not, and any person who commenced or carrying out such development or instituted or changed any such use shall apply to the Metropolitan Commissioner / Vice-Chairperson, within such time and in such manner as may be prescribed, for the assessment of development charges payable in respect thereof.

(2) The Metropolitan Commissioner / Vice-Chairperson shall after receipt of any application for Development Permission or if no such application is made, serve a notice on the person liable to such payment, intimate in writing the development charges to be levied and fix a date by which such payment shall be made.

(3) The development charges payable in respect of any land and/or building by any person shall be a first charge on such land and/or building, subject to the condition that that there is no change in use or activity or additions or extensions in which case fresh development charges are applicable.

(4) The Metropolitan Commissioner / Vice-Chairperson may allow the development charges to be remitted in phase-wise manner in case of phase-wise development, subject to the

payment of the development charges as per the prevailing rates as on the date of release of phase wise permission.

(5) The development charges including the penal interest for the delayed payment up to the date of realization shall be collected from such person or his successor-in-interest in such land and/or building as arrears of land revenue. For calculating the penal interest, such interest rates as being levied by the State Bank of India shall be adopted.

102. Levy of user charges –

(1) In order to recover fully or partly, the capital and operation and maintenance expenditures incurred or likely to be incurred for the provision of utilities, amenities, services or facilities, including external trunk and other infrastructure provided by the Authority, the Metropolitan Commissioner / Vice-Chairperson may levy and collect a charge from the users, hereinafter called the user charges.

(2) The amount of user charges to be levied and its manner of assessment shall be as may be prescribed.

(3) The Authority may assign, on such terms and conditions, as may be agreed upon, the task of providing and maintaining any utility, amenity, service or facility, within the area of its jurisdiction, to any person or licensed developer or institution or agency including an association or body of individuals, whether corporate or not and permit them to collect such user charges from such beneficiaries and subject to such terms and conditions as may be prescribed.

(4) The provisions of section 101 relating to assessment and recovery of development charges above shall mutatis mutandis apply to this section.

103. To levy specific cess for capital infrastructure projects -

The Authority may levy specific cess for the implementation of specific capital infrastructure projects and upon such terms and conditions as may be prescribed.

104. To levy betterment charge or impact fee to capture value -

(1) The Authority may levy a betterment charge or impact fee or Urban Infrastructure Fee as prescribed to capture some share of the increase in valuation that is likely to accrue to land owners due to a new development proposed or implemented by the Authority or Government or a third party.

(2) The Authority may also levy the special impact fee in addition to the other fee and charges on the developments within the vicinity areas of the Land Pooling Scheme or Town Planning Scheme or new road formation or any other development proposed or implemented.

105. Recovery of Arrears -

Any sum due to the Authority under the provisions of the Act or any rule or any regulation or order made there under, shall be a first charge on the plot or land on which it is due, and if it is not paid on demand on the day on which it becomes due or on the day fixed by the Metropolitan Commissioner / Vice-Chairperson, shall be recoverable by the Metropolitan Commissioner / Vice-Chairperson, as arrears of land revenue.

CHAPTER IX

FINANCE, ACCOUNTS, BUDGET AND AUDIT

106. Development Fund -

(1) The Government shall create 'Development Fund' [DF] with a seed capital of Rs. 200.00 crores in case of each Metropolitan Region Development Authority and Rs. 100.00 crores in case of each Urban Development Authority for the purpose of administering the Act.

(2) The Authority shall have the power to maintain and manage the Development Fund and allocate finances based on the plans and programmes of the functional departments or line agencies for undertaking development of amenities and infrastructure facilities and to monitor and exercise financial control over the budgetary allocations concerning development works made through it to the various public agencies, line agencies and other agencies;

Revolving Fund -

(3) The Government shall create a 'Revolving Fund' [RF] for the Authority with a fund of Rs. 100.00 crores in case of each Metropolitan Region Development Authority and Rs. 50.00 crores in case of each Urban Development Authority for the purpose of performing its functions under the Act and for undertaking development of amenities and infrastructure facilities in the development area.

107. Development Fund and its Application -

(1) The Authority shall manage and operate the Development Fund to which shall be credited:

- (a) all moneys received from the Central Government and the State Government by way of revolving fund, grants, loans, advances or otherwise;
- (b) all moneys borrowed by the Authority by way of loans or debentures;
- (c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
- (d) sum of money received from projects implemented under Development Schemes;

- (e) all moneys earned from remunerative projects and schemes by way of rent or otherwise, and disposal of its assets;
- (f) sum of money received by way of user charges;
- (g) all development charges or other charges, fees received under the Act or rules or regulations made there under;
- (h) all monies received from financial institution or other agencies in the form of equity; and
- (i) any other sum of money received by the Authority from any other sources, including constituent Local Authorities, for performing its functions.

(2) The Development Fund shall be utilized towards meeting:--

- (a) the expenditure incurred in the administration of the Act;
- (b) the cost of acquisition of land for the purposes of the Act;
- (c) expenditure for any development of land for ensuring planned development in the development area;
- (d) any expenses incurred by the Authority in connection with preparation of Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan or Land Pooling Scheme [LPS] or Town Planning Scheme [TPS] or a Development Scheme or any other plans, undertaking surveys, studies, and execution of projects and schemes;
- (e) the maintenance of sinking fund and other separate accounts required under the Act;
- (f) the construction of buildings, development of infrastructure and provision of amenities and such other public purposes as required.

(3) The Authority may accept grants, subventions, donations, and gifts from the Central or State Government or Local Authority or any individual or body whether incorporated

or not, for all or any of the purposes of the Act on such terms and conditions as mutually agreed upon.

(4) The Authority may, from time to time, for the purposes of this Act, raise loans from the Government or mobilise resources from any other source, either by creation and issue of debentures, bonds or otherwise.

(5) Loans, debentures and bonds issued under this section may be guaranteed by the Government as to the repayment of the principal and the payment of interest at such rate as may be agreed upon.

(6) The Authority shall pay interest on such loans at such rates and at such times, and shall make such provision for the mode and time or times of repayment of principal.

(7) The Authority may, from time to time borrow by way of temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require,--

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or
- (b) for the purpose of defraying, pending the receipt of money due in respect of a loan authorized to be raised under sub-section (4), expenses intended to be defrayed by such loan.

(8) The Authority shall maintain a sinking fund for the repayment of loans and moneys borrowed and shall pay every year into the sinking fund such sum as may be required under the borrowing contract and sufficient for repayment within the period fixed for all moneys so borrowed.

(9) The Development Fund shall be ring-fenced to ensure that it can only be used for the purposes specified under the Act and also for the purposes of infrastructure in the development area. Utilization of funds for any other purposes other than the specified under the Act shall be exercised only after placing the proposals before the Authority by the Metropolitan Commissioner / Vice-Chairperson and after approval by the Authority.

(10) The Development Fund shall be governed by the following principles, namely:--

- (a) The Head of the Finance Section of the Authority shall be responsible for administering the Development Fund and should be responsible for its administration, management and monitoring;
- (b) The Development Fund shall be audited annually by reputed professional audit firms;
- (c) The Development Fund shall be managed using professional fund management practices including treasury, cash management and investment portfolio management;
- (d) All returns generated via investments made using Development Fund to accrue back to the Development Fund only;
- (e) The Head of the Finance Section shall prepare and submit annual investment plans (along with the budget) outlining investment and funding strategy for the year.

108. Budget of the Authority -

(1) The Authority shall prepare in such form and at such time, every year, as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated income and expenditure of the Authority and shall forward to the Government such number of copies, as may be prescribed. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority shall begin on the date of constitution of the Authority and shall end on 31st March of the succeeding year.

(2) The Authority shall maintain proper accounts and such other relevant records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority. The Authority shall prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by the Government.

Audit -

(3) The accounts of the Authority shall be subject to audit annually by the Accountant General of the State and any

expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General as fixed by the Government.

(4) The Accountant General or any person as may be appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant-General has in connection with the Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(5) The accounts of the Authority as certified by the Accountant General or any other person so authorized by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Government, and the Government shall cause a copy of the same to be laid before the State Legislature.

109. Annual Plan and Report -

The Authority shall prepare for every year, an Annual Plan and Report of its programs and activities during the year, and submit the Annual Plan and Report to the Government in such form and on or before such date as may be prescribed.

110. Power of Investment -

The Authority may invest its funds in accordance with the standard investment power of statutory bodies as defined under law.

111. Pension and Provident Fund -

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

(2) Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Fund Act, 1925, (Act.No.19/1925) shall apply to such fund as if it were a Government Provident Fund.

CHAPTER X
MISCELLANEOUS

112. Power of entry and power to demarcate and survey -

The Metropolitan Commissioner / Vice-Chairperson may authorize any person to enter into or upon any land or building with or without the assistance of workmen for the purpose of;--

- (1) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (2) examining works under construction and ascertaining the course of public utilities and drains, etc;
- (3) digging or boring into the sub-soil;
- (4) setting out boundaries and demarcation of intended alignment of roads, public utilities and other works;
- (5) making such levels, boundaries, demarcations and lines by placing marks and cutting trenches;
- (6) ascertaining whether any land or property is being affected in the Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan or Development Scheme or Land Pooling Scheme or Town Planning Scheme, road or public utility alignments, etc.;
- (7) grounding of new alignment of roads or road widening or alignment of new communication network in any land;
- (8) ascertaining whether any land or property is being or has been developed in accordance with the Development Permission or in contravention of the provisions of the Act, or conditions subject to which the Development Permission has been issued are being or have been complied with or not;
- (9) doing any other thing necessary for the implementation of the Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan or Development Scheme or Land Pooling Scheme or Town Planning Scheme or other provisions for the efficient administration of the Act;

Provided that,--

- (a) no such entry shall be made except between the hours of 6 A.M. and 6 P.M.;
- (b) the development rights of the owner of the land would not be affected by such actions or by grounding of the said network;
- (c) due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building or property entered or surveyed or demarcated;
- (d) sufficient opportunity shall in every instance be given to enable women, if any, to withdraw from such land or building or property.

113. Certain plans already prepared and sanctioned are deemed to have been prepared and sanctioned under the Act

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(1) Any General Town Planning Scheme prepared under the Andhra Pradesh Town Planning Act, 1920, (Act.No.7 of 1920) or any other Statutory Development Plan or Master Plan prepared under the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act. No. 1 of 1975) or Andhra Pradesh Municipalities Act, 1965 (Act. No. 6 of 1965) for the development area and published by the Local Authority or Urban Development Authority concerned and sanctioned by the Government before commencement of the Act, shall continue to be in force unless prepared afresh and superseded or revised under the Act.

(2) Any Detailed Town Planning Scheme prepared under the Andhra Pradesh Town Planning Act, 1920, or any other Statutory Area Development Plan or Zonal Development Plan prepared under the Andhra Pradesh Urban Areas (Development) Act, 1975 or Andhra Pradesh Municipalities Act, 1965 for the total or part of the development area and published by the Local Authority or Urban Development Authority concerned and sanctioned by the Government before commencement of the Act, shall continue to be in force unless prepared afresh and superseded or revised under the Act.

114. Effect of other laws -

(1) Notwithstanding anything contained in the Andhra Pradesh Town Planning Act, 1920 (Act.No.7 of 1920) or the Andhra Pradesh Municipalities Act, 1965, (Act. No. 6 Of 1965) or the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act.No.1 of 1975) or Visakhapatnam Municipal Corporation Act, 1979 (Act. No. 19 of 1979) or Vijayawada Municipal Corporation Act, 1981 (Act. No. 23 of 1981) or Andhra Pradesh Municipal Corporations Act, 1994; (Act. No. 25 of 1994) the Andhra Pradesh Panchayat Raj Act, 1994 (Act. No. 13 of 1994) or any other law, the provisions of the Act shall have an over-riding effect over all such laws.

(2) Any development permission, No Objection Certificate or other clearance given under the Act shall be construed as from the planned development point of view and shall in no way either confer the ownership rights or affect the ownership under the land revenue laws. The Authority shall stand absolved of any ownership disputes or discrepancies.

(3) Once development permission is given, the right to develop the land in that way can be exercised by anyone acquiring and occupying the land. It is not restricted to the person making the application unless a specific condition is incorporated in the grant of the Development Permission.

(4) Notwithstanding anything contained in any other law,--

(a) When permission for development in respect of any land [for layout or subdivision of plot or construction] or building or institution of use or change of use of any land or building has been obtained under the Act, such development shall not be deemed to be unlawfully undertaken or carried out by reasons only of the fact that permission, approval or sanction required under such other law for such development has not been obtained.

(b) When permission for development in respect of any land [for layout or subdivision of plot or construction] or building or institution of use or change of use of any land or building has not been obtained under the Act, such development shall not be deemed to be lawfully undertaken or carried out by reasons only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

115. Power to delegate -

(1) Subject to the provision of sub-section (2), the Authority may by resolution direct that any power exercisable by it under the Act or rules or regulations made there under may also be exercised by the Executive Committee or any Authority or the Metropolitan Commissioner / the Vice-Chairperson or Local Authority or officer of the Government or any other body, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Government may by notification, direct that any power exercisable by the Government or the Authority under the Act, except the power to make rules or regulations, may be exercised by the Executive Committee or the Metropolitan Commissioner / Vice-Chairperson or any Local Authority or officer of the Government or any other body, in such cases and subject to such conditions, if any, as may be specified therein.

(3) The Government may by notification, delegate one or more of its functions and powers specified in this Act to the authority.

(4) The Government may, by notification delegate one or more of its functions and powers specified in sections starting from 35 to section 81 to the Authority.

116. Power to make Rules -

(1) The Government after consultation with the Authority may by notification make rules to carry out the functions of the Authority and to carry out the purposes of the Act.

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section;

Provided further that the Government shall take into consideration of any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely-

- (a) the terms of office of members and staff, their allowances and other conditions of service, summoning and holding of meetings and the conduct of business of the authority and executive committee,

powers and functions of the Chairperson, the Metropolitan Commissioner / Vice-Chairperson and any other member;

- (b) the conditions of service, salaries and allowances of the members, officers and staff;
- (c) the procedure to be followed in connection with the preparation, publication, submission and approval of the Plans prepared under the Act, and the manner of the publication of the notice inviting objections and suggestions relating to any such Plan;
- (d) the form, manner and procedure for modifications to the Plans prepared under the Act, the payment of fees and rates of conversion charges for such modifications;
- (e) the procedure for permitting or undertaking Land Pooling Scheme, Town Planning Scheme, Layout developments and their requirements, development specifications and conditions;
- (f) the form and manner of Transferable Development Rights the Authority may take up with owners;
- (g) the procedure for assessment, levy and collection of impact fee, cess, development charges, urban infrastructure fee and calculation and assessment for the land and buildings;
- (h) the functioning and conduct of meetings and any other matters relating to the powers and functions of the Authority and Executive Committee;
- (i) the control and management of lands and buildings acquired by, vested in or belonging to, the Authority;
- (j) any other matter which has to be or may be made by rules.

(3) Every rule made under the Act shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agree in making any modifications in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette is notified have effect only in such modified form or shall stand annulled, as the

case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

117. Power to make regulations -

The Authority may, with the previous approval of the Government, make regulations consistent with the Act and the rules made there under, to carry out, the purposes of the Act and without prejudice to the generality of this power, such regulations may provide for,-

(1) the conditions of service of other employees appointed on contract or otherwise, by the Authority, their duties and responsibilities and the control and restrictions in relation of such appointments;

(2) the plan programs of the Authority, stages of implementation of the Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or Area Development Plan or Zonal Development Plan;

(3) the issues related to traffic and transportation in the development area.

(4) the form, manner and procedure for the application for Development Permission, the payment of fees, rates of user charges, form of ownership clearance and fees payable, and conditions to be complied with by the applicant and the Local Authority while considering the building permissions based on the Development Permission given by the Authority;

(5) the form and manner of sanctioning of the building permissions by the Local Authority and conditions to be adhered to, and responsibilities of Local Authority there to;

(6) the form and conditions of licensing the real estate company, developer, builder, architect, surveyor, town planner, structural engineer, engineer and other technical personnel;

(7) the form and content of mortgage deed and other conditions of surety to be complied by licensed developer and licensed technical personnel;

(8) the form and manner of conditionality of undertaking road development schemes by the Authority or Local Authority or State Government agency concerned;

(9) the details and rates in respect of levy of user charges under the provisions of the Act;

(10) the form and manner of preparation of Annual Plans and Budget, and Annual reports of the Authority;

(11) the procedure to be followed for borrowing money or raising money through loans, debentures and bonds and their repayment;

(21) form and manner for taking over lands by the Authority under negotiated settlement;

(13) the opening, keeping, closing and internal audit of accounts of the Authority;

(14) loans and allowances to officers and staff of the Authority;

(15) the professional and technical training of officers and staff of the Authority;

(16) the terms of entry, conditions of service, termination, job charts, duties and responsibilities of officers / staff of the Authority along with skills, experience and qualifications required to hold them;

(17) the method of entering into contract while hiring staff from the market or deputing staff from any government or any government organizations;

(18) any other matter which is required to be provided by regulations.

118. Power of Government to issue directions -

(1) The Government may from time to time issue such directions not inconsistent with the provisions of the Act or Rules made there under to the Authority and other functional departments and agencies as it may consider necessary for carrying out the purposes of the Act.

(2) If in, or in connection with, the exercise of its powers, responsibilities and discharge of its functions by the Authority under the Act, any dispute arises between the Authority and Government or other Authority or Functional Committee or Local Authority, the matter shall be resolved at the Government level

and the decision of the Government shall be final and binding on the Authority and the other Authority, or Functional Committee or Local Authority.

(3) The Government may, at any time whether on its own or on application made to them in this behalf, call for the records of any case disposed of, or order passed by the Authority for the purpose of satisfying themselves as to the legality or propriety or correctness or any order passed or direction issued, and may pass such order or issue such direction in relation thereto as they may think fit:

Provided that the Government shall not pass any order adversely affecting any person or body without affording such person or body an opportunity of being heard or offering explanation.

119. Returns and Information -

(1) The Authority shall furnish to the Government such reports, returns and other information as the Government may require.

(2) Every Local Authority or functional units (within the development area) shall furnish to the Authority such report, returns and other information as the Authority may require.

120. Service of Notice -

(1) Subject to sub-section (5), a notice may be served in the following manner:

(a) in the case of an individual,-

- (i) by delivering it to the individual personally,
- (ii) by leaving it with an adult person apparently resident or employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) If the aforesaid methods are not possible, by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or place of business of the individual; or
- (iv) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Authority by the

individual as the email address for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership,-

- (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in India;
- (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in India; or
- (iv) by sending an electronic communication of the notice to the last email address given to the Authority by the partnership as the email address for the service of documents on the partnership; and

(c) in the case of any limited liability partnership or any other body corporate,-

- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof, or to any person having, on behalf of the limited liability partnership or other body corporate, powers of control or management over the business, occupation, work or matter to which the notice relates;
- (ii) by leaving it at, or by sending it by pre-paid registered post to the registered office or principal place of business of the limited liability partnership or other body corporate in India;
- (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal place of business of the limited liability partnership or other body corporate in India or elsewhere; or

- (iv) by sending an electronic communication of the notice to the last email address given to the Authority by the limited liability partnership or other body corporate as the email address for the service of documents on the limited liability partnership or body corporate.

(2) If the person on whom service is to be effected has an agent within India, the notice may be delivered to the agent.

(3) Any notice which is to be served on the occupier of any premises,-

- (a) may be served by delivering it to an adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice to a conspicuous part of the premises; and

- (b) shall be deemed to be properly addressed if addressed by the description of the occupier of the premises without further name or description.

(4) Where any notice is required to be served on any person is,-

- (a) sent by registered post to any person, it shall be deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered, and in proving service of the notice, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post;
- (b) sent by ordinary post to any person, it shall be deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered;
- (c) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal place of business, it shall be deemed to be duly served on the person to whom it is addressed on

the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be; and

- (d) sent by electronic communication to an email address, it shall be deemed to be duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.

- (5) Service of any notice under this section on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

121. Notices to fix reasonable time -

Every public notice given under the Act or rules or regulations made there under shall be in writing and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places with in the said locality and by advertisement in one or more local newspapers.

122. Public Notice how to be made known -

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

123. Obstructing officers of the Authority -

Any person who obstructs or abuses or hinders an officer or agent of the Authority acting in the discharge of his duty under this Act or any regulations made there under shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs. 10,000 or to imprisonment for a term not exceeding three months or both.

124. Prosecution, Magistrate's power etc., -

- (1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Metropolitan Commissioner / Vice-Chairperson.

(2) No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act. Any proceedings in respect of an offence under this Act or any regulations made there under shall be tried summarily.

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1973, (Act. II of 1974) it shall be lawful for any court of a Magistrate of the first class to pass any sentence authorized by this Act in excess of its power under the said section.

125. Exclusion of liability for errors or omission in information supplied -

Where the Authority provides a service to the public whereby information is supplied to the public on payment of a prescribed fee, neither the Authority nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by members of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

126. Offence by body Corporate -

Where an offence under this Act or any regulations made there under is committed by a body corporate and it is proved to have been committed with the consent or connivance of or to be attributable to an act or default on the part of a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

127. Powers and duties of Police Officers -

(1) The Police Officers in the development area shall provide necessary aid to the Metropolitan Commissioner / Vice-Chairperson and Officers and employees for carrying into effect and enforcing the provisions of this Act and for the maintenance of good public order.

(2) On receipt of complaint from the Authority any police officer, may arrest any person who commits in his view any offence against this Act or against any rule, regulation or standing order made there under.

(3) No person so arrested shall be detained in custody without the order of the nearest Magistrate for period longer than twenty four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

(4) It shall be the duty of all police officers, to give immediate information to the Metropolitan Commissioner / Vice-Chairperson of, or the attempt to commit any offence against this Act or any rule, regulation or any order made there under and to assist all employees of the Authority in the exercise of their lawful authority.

128. Fines to be paid to the Authority -

All fines imposed for an offence under this Act or any regulation made there under shall be paid into the development fund of Authority.

129. Compounding offences -

(1) The Authority may, in its discretion, compound any offence under this Act or regulations made there under which is prescribed as compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding Rs. 5000/-.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Authority may, with the approval of the Government, make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section paid to the Authority.

130. Exemption -

(1) Notwithstanding the provisions of this Act, the Government may by order exempt any person or class of persons from all or any of the provisions of this Act.

(2) Any order made under this section shall be presented to State Legislature as soon as possible after publication in the office Gazette.

131. Confidentiality and intellectual property rights -

The confidentiality in respect of designs for execution of the protect are confidential and the Authority under this Act shall have exclusive Intellectual Property Rights thereon.

132. Interpretation of the Act -

When any difference of opinion arises in regard to any interpretation of the provisions of the Act or the rules or regulations made there under or any other law and the interpretation and the decision of the Government thereon shall be final.

133. Bar of Legal proceedings -

No suit, prosecution or the proceeding shall lie against the Government or Authority or officer or person for any act done or purporting to be done under or in pursuance of the Act or the rules or regulations made there under.

134. Members, officers and Servants of the Authority and Tribunal to be public servants -

All members, officers and servants of the Authority, the Tribunal and all other persons entrusted with the execution of any function under the Act, shall be deemed when acting or purporting to act in pursuance of any of the provisions of the Act or the rules or regulations made there under, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

135. Ex- gratia payments -

The Authority may, make an ex-gratia payment to a person sustaining damage by reason of the exercise of one or more often the powers vested in the Authority or its employees under and by virtue of this Act and maintain records in such manner as may be prescribed.

136. Gifts -

The Authority may accept gifts, legacies or donations and apply them for one or more of its functions.

137. Boundary to be out of jurisdiction and cessation of powers of local authorities in the development area -

On the constitution of the Authority, administration to the extent relating to the provisions made in the Act shall cease to be under the control and jurisdiction of a Local Authority.

138. Periphery area of the development area -

(1) The Government may, by notification, declare such of the outer area adjacent to the development area, consisting of such villages or at a distance specified on all sides of the development area, to be the periphery area of the Authority as it deems fit.

(2) On declaration of an area under the sub-section (1) as a periphery area,-

(a) The Authority constituted under the Act shall also be Authority for the periphery area;

and

(b) The powers and functions of the Authority, the Executive Committee and the Metropolitan Commissioner / Vice-Chairperson shall extend to the periphery area.

(3) In order to regulate the developments in the periphery area, the Authority may prepare separate development plans for the periphery area in accordance with the provisions of the Act.

139. Dissolution of the Authority by the Government-

(1) Where the Government are satisfied that the purposes for which an Authority is constituted under the Act, has been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary, the Government may by Notification, declare that the said Authority shall be dissolved with effect on and from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date –

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

- (b) All Government vacant lands placed at the disposal of the Authority shall revert to the Government;
- (c) All liabilities which are enforceable against the Authority shall be enforceable against the Government; and
- (d) For the purposes of carrying out any development which has not been fully carried out by the Authority and for the purposes of realizing properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the Government.

140. Dissolution of existing Authority -

(1) The State Government may, by notification in the Andhra Pradesh Gazette, dissolve any existing Authority which was constituted under the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act. No. 1 of 1975) or any other Act for any development area before constitution of the Authority under this Act for such development area. Such dissolved Authority may be called as 'former Authority'.

(2) **Transfer of assets and liabilities** - All the lands, buildings and other property movable and immovable, vested in the former Authority and all assets, rights and interests vested in, and all outstanding debts, liabilities and obligations incurred by the former Authority in connection therewith, shall be transferred to and shall vest in the Authority without further assurance.

(3) **Existing Agreements etc.,** - All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the date of constitution of the Authority, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Authority under this Act shall continue in force on and after that date and shall be enforceable by or against the Authority as if, instead of the former Authority or a person acting on behalf of the former Authority, the Authority had been named therein or had been a party thereto.

(4) **Pending Legal proceedings** - Any proceedings or cause of action pending or existing immediately before the date of constitution of the Authority, by or against the former Authority

or any person acting on its behalf, may be continued and shall be enforced by or against the Authority.

(5) Sub-section (4) shall not apply to any proceedings or cause or action relating to any sums of money paid, or payable by way of installments, to the former Authority.

(6) **Pending proposals Plans and Projects** - After the dissolution of the former Authority, the Government shall decide on every proposal, plan and project submitted by the former Authority before the date of constitution of the Authority, and which have neither been approved nor rejected by the Government under the relevant Act.

(7) **Continuation of contacts, documents etc.,-** Any scheme, contract, document, licence, consent or resolution prepared, made, granted, approved or issued by or on behalf of the former Authority under any provision of the relevant Act, shall, except as otherwise expressly provided in this Act or any other written law, continue and be deemed to have been prepared, made, granted or approved by the Authority.

(8) Where anything has been commenced by or on behalf of the former Authority, before the date of enactment of the Act, such thing may be carried on and completed by or under the control of the Authority.

(9) In any written law and in any document, unless the context otherwise requires, any reference to the former Authority shall be construed as a reference to the Authority.

(10) **Transfer of employees of former Authority-**

(a) As from date of constitution of the Authority under this Act, every person who immediately before that date is employed by the former Authority, maybe transferred to the Authority subject to the satisfaction of the Authority of such persons possessing the required skills and experience.

(b) **Conditions of Service** - Notwithstanding anything contained in clause (a), Government shall have right to redeploy persons under the employment of the former Authority to other similar Authorities or to other local bodies in the State or to any other government department or agency.

- (c) Until such time as terms and conditions of service are drawn up by the Authority, the schemes and terms and conditions of service of the former Authority shall continue to apply to every person transferred to the service of the Authority under this Act as if he were still in the service of the former Authority.
- (d) The terms and conditions to be drawn up by the Authority shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Authority under this Act while in the employment of the former Authority and any such term or condition relating to the length of service with the Authority shall provide for the recognition of service under the former Authority by the persons transferred to be service by them under the Authority.
- (e) **Pension Benefits** - Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable to them.
- (f) Where any person in the service of the Authority whose case does not come within the scope and effect of any pension or other schemes referred to under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority may think fit, such allowance or gratuity as the Authority may determine.
- (g) **Continuation and completion of disciplinary proceedings** - Where on the date of constitution of an Authority under this Act any disciplinary proceedings were pending against any employee of the former Authority who has been transferred to the service of the Authority under this Act, the proceedings shall be carried on and completed by the Authority under and in conformity with this Act as far as practicable; but where on that date any matter was in the course of being heard or investigated or had been heard or investigated by the former Authority and no order or decision had been rendered thereon, the former Authority shall

continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be.

- (h) for the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the date of enactment of the Act, the former Authority shall complete the hearing or investigation in accordance with the authority vested in the former Authority or committee immediately before that date and make such order or direction as the former Authority could have made under the authority vested in it immediately before that date.
- (i) Any order, rule or direction made or given by the former Authority shall be treated as an order or direction of the Authority and have the same force or effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.
- (j) **Misconduct or neglect of duty by employee before transfer** - The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the former Authority, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the former Authority or any other person acting under its authority or direction or otherwise, as if this Act had not been enacted.

141. Proceedings of the Authority, acting Chair person or metropolitan Commissioner/ Vice Chairperson - (1) The Government may appoint acting Chairperson or acting Metropolitan Commissioner / Vice-Chairperson during the temporary incapacity from illness or otherwise, or during the temporary absence from India of the Chairperson or the Metropolitan Commissioner / Vice-Chairperson, as the case may be.

(2) **Vacation of office of member** - The office of a member shall be vacated if the member becomes in any manner disqualified for membership of the Authority.

(3) **Disqualification from membership** - No person shall be appointed or shall continue to hold office as a member if he,-

- (a) is mentally disordered and incapable of managing himself or his affairs; or
- (b) is an un-discharged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence.

(4) **Member's interest to be made known** -

- (a) A member who is in any way, directly or indirectly, interested in a transaction or project of the Authority shall disclose the nature of his interest at the first meeting of the Authority at which he is present after the relevant facts have come to his knowledge.
- (b) A disclosure under clause (a) shall be recorded in the minutes of the meeting of the Authority and, after the disclosure, that member,-
 - (i) shall not take part in any deliberation or decision of the Authority with respect to that transaction or project; and
 - (ii) shall be disregarded for the purpose of constituting a quorum of the Authority for such deliberation or decision.
- (c) No act or proceedings of the Authority shall be questioned on the ground that a member has contravened this section.

(5) **Meetings of the Authority** - (a) The Chairperson shall convene meetings as often as may be required but not less than once in three months at such place within the jurisdiction of the Authority and at such time as the Chairperson may decide.

(b) The quorum at every meeting of the Authority shall be one-third of the total number of members or six members, whichever is the higher.

(c) Decisions at meetings of the Authority shall be adopted by a simple majority of the votes of the

members present and voting; and in the case of equality of votes, the Chairperson or in his absence the Deputy Chairperson in case of Metropolitan Region Development Authority / Vice-Chairperson in case of Urban Development Authority shall have a casting vote.

(d) The Chairperson or in his absence the Deputy Chairperson in case of Metropolitan Region Development Authority / Vice-Chairperson in case of Urban Development Authority shall preside at meetings of the Authority.

(e) The Authority may act notwithstanding any vacancy in its membership.

(f) Subject to the provisions of this Act, the Authority may make guidelines to regulate its own procedure, and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

(6) **Validity of Acts of Members** - The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

142. Repealing of Andhra Pradesh Urban Areas (Development) Act, 1975 (Act No 1 of 1975) and savings -

(a) After dissolution of the former Authority under the provisions of the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act 1 of 1975) and after constitution of the new Authority under the provisions of this Act, the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act 1 of 1975) stands repealed.

(b) Anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, byelaw, regulation or form made or granted or issued) under any provision of the aforesaid Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions.

