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LEGISLATIVE SUPPLEMENT

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PART I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 5th December, 2017

No. Leg. 37/2017.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 8th November, 2017 and is hereby published for general information :-

HARYANA ACT NO. 34 OF 2017**THE GURUGRAM METROPOLITAN DEVELOPMENT AUTHORITY ACT, 2017**

AN

ACT

to develop a vision for the continued, sustained and balanced growth of the Gurugram Metropolitan Area through quality of life and reasonable standard of living provided to residents through generation of employment opportunities, to provide for integrated and coordinated planning, infrastructure development and provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development, to redefine the urban governance and delivery structure in coordination with local authorities in the context of the emergence of Gurugram as a rapidly expanding urban agglomeration, to establish a statutory Authority for the said purpose and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Gurugram Metropolitan Development Authority Act, 2017. Short title and commencement.

(2) It shall come into force on such date, as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision of this Act to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. (1) In this Act, unless the context otherwise requires,- Definitions.

- (a) “Authority” means the Gurugram Metropolitan Development Authority established under sub-section (1) of section 4;
- (b) “board” means a board established by or under any State law;
- (c) “Chief Executive Officer” means Chief Executive Officer of the Authority appointed under sub-section (1) of section 9;
- (d) “company” means a company registered under the Companies Act, 2013 (Central Act 18 of 2013);
- (e) “Corporate Social Responsibility Policy” means a policy as approved by the Board under the provisions of clause (a) of sub-section (4) of section 135 of the Companies Act, 2013 (Central Act 18 of 2013);
- (f) “geospatial based system” means processes and technology used to acquire, manipulate, plan and store datasets and information that identifies geographic location, characteristics and other attributes of natural or constructed features in the notified Area and includes –
 - (i) boundaries of natural or constructed features and jurisdictions;

- (ii) statistical data;
- (iii) information derived from, among other things, mapping, remote sensing and surveying technologies;
- (g) “Haryana Urban Development Authority” means the Haryana Urban Development Authority constituted under sub-section (1) of section 3 of the Haryana Urban Development Authority Act, 1977 (13 of 1977);
- (h) “infrastructure development plan” means the infrastructure plan published under sub-section (5) of section 17;
- (i) “infrastructure development work” means development of infrastructure such as roads, water supply systems and water treatment, sewerage systems, sewerage treatment and disposal, drainage, electricity transmission and distribution systems, solid waste management facility, metro railway systems, piped natural gas, communications or such other urban infrastructure which connects two or more sectors, municipal colonies or villages or which provides for the infrastructure needs of the notified area, but does not include any internal development work;
- (j) “internal development work” means development of roads, provision of water supply, sewerage, drainage, electricity, sanitation or such other urban facilities or urban amenities within a sector, colony, municipal colony or abadi deh areas of villages located in the notified area;
- (k) “limited liability partnership” means a limited liability partnership incorporated under the Limited Liability Partnership Act, 2009 (Central Act 6 of 2009);
- (l) “local authority” means a Municipal Corporation, Municipal Council, Municipal Committee, Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be in the notified area;
- (m) “mobility” means movement of person on foot or a wheeled conveyance of any description;
- (n) “mobility management plan” means the mobility management plan for managing mobility in the notified area under section 21;
- (o) “notification” means a notification published in the Official Gazette of the State of Haryana;
- (p) “notified area” means the Gurugram Metropolitan Area notified under sub-section (1) of section 3;
- (q) “prescribed” means prescribed by rules made under this Act;
- (r) “regulations” means regulations of the Authority under this Act;
- (s) “resident” means a citizen of India who ordinarily resides in the notified area;
- (t) “Residents Advisory Council” means the Residents Advisory Council constituted under section 11;
- (u) “State Government” means the Government of the State of Haryana;
- (v) “transferable development right” means a certificate granting the right to the authorized holder of the certificate to construct up to a floor area mentioned in the certificate which the authorized holder may transfer, on such general terms and conditions and after such sanction in accordance with policy notified by the State Government, to another person or company or other agency upon which the right to construct shall transfer to such person or company or other agency;

- (w) “urban area” for the purposes of this Act includes rural areas in the periphery of the Municipal Corporation, Gurugram which, in the opinion of the State Government, have the potential of being urbanised;
- (x) “urban amenities” means urban facilities such as parks, playgrounds, green spaces, parking facilities, public wi-fi facilities, public bus transport, bus shelters, taxi and rickshaw stands, libraries, affordable hospitals, cultural centres, recreation centres, stadium, sports complex and any other urban facility that the State Government may, on the recommendation of the Authority, specify to be an urban amenity, but does not include infrastructure development work;
- (y) “urban environment” includes water, air, green spaces, open spaces and urban forestry in the notified area.

(2) Words and expressions used and not defined herein but defined in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963) or Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975) or the Haryana Municipal Corporation Act, 1994 (16 of 1994) and not inconsistent with this Act shall have the meanings respectively assigned to them in that Act.

3. (1) The State Government may, by notification, declare any area falling within the limits of controlled areas in Gurugram district to be notified area having the potential for urban expansion and the area under any or all of the following local authorities, namely:-

Declaration of Gurugram Metropolitan Area.

- (a) Municipal Corporation, Gurugram;
- (b) Municipal Council, Sohna;
- (c) Municipal Committee, Pataudi;
- (d) Municipal Committee, Farukhnagar;
- (e) Municipal Committee, Hailey Mandi; and
- (f) any Panchayat in Gurugram district in so far as the abadi deh of such Panchayat is concerned.

(2) The State Government shall cause the contents of the declaration made under sub-section (1) to be published in at least two daily newspapers printed in English and Hindi languages.

(3) The declaration made under sub-section (1) shall be published on the website of the Authority.

4. (1) The State Government shall, by notification and with effect from such date, as may be specified in the notification, establish, for the purposes of this Act, an Authority to be called the Gurugram Metropolitan Development Authority.

Establishment of Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue or be sued.

5. The Authority shall consist of the following members, namely:-

Constitution of Authority.

- (a) Chief Minister of Haryana, Chairperson;
- (b) Minister Incharge Town and Country Planning, ex-officio member;
- (c) Minister Incharge Urban Local Bodies, ex-officio member;
- (d) Minister Incharge Transport, ex-officio member;
- (e) Members of Parliament representing the parliamentary constituency falling within the notified area, ex-officio members;

- (f) Members of the State Legislature representing assembly constituencies falling within the notified area, ex-officio members;
- (g) Mayor of the Municipal Corporation, Gurugram, ex-officio member;
- (h) Senior Deputy Mayor of the Municipal Corporation, Gurugram, ex-officio member;
- (i) Chairman, Zila Parishad, Gurugram, ex-officio member;
- (j) Additional Chief Secretary or Principal Secretary, as the case may be, Town and Country Planning Department, ex-officio member;
- (k) Additional Chief Secretary or Principal Secretary, as the case may be, Urban Local Bodies Department, ex-officio member;
- (l) such officers of the State Government, not below the rank of Principal Secretary, not exceeding six, as the State Government may, from time to time, nominate, ex-officio members;
- (m) such experts, not exceeding six, as the State Government may, from time to time, nominate from the field of urban infrastructure, governance, public administration, finance, management, urban forestry, environment, engineering, town planning etc., members;
- (n) Divisional Commissioner, Gurugram, ex-officio member;
- (o) Commissioner of the Municipal Corporation, Gurugram, ex-officio member;
- (p) Commissioner of Police, Gurugram, ex-officio member;
- (q) Deputy Commissioner, Gurugram, ex-officio member;
- (r) Chief Executive Officer, member-secretary.

Allowances, cessation and resignation of members.

6. (1) The members, other than ex-officio members, shall receive such allowances for attending the meetings of the Authority, as may be prescribed.

(2) Where a person becomes or is nominated as a member of the Authority by virtue of holding an office or a position, he shall cease to be a member of the Authority as soon as he ceases to hold such office or position, as the case may be.

(3) A member, other than an ex-officio member may, at any time, by writing under his hand, addressed to the Chairperson, resign from his office.

Meetings of Authority.

7. (1) The Authority shall meet at such time, at such place and subject to provisions of sub-sections (2) and (3), observe such rules of procedure for conduct of meetings and transaction of business, as may be prescribed.

(2) At every meeting of the Authority, the Chairperson, if present or in his absence, any one of the members, as the Chairperson may nominate, shall preside.

(3) All questions at a meeting shall be decided by a majority of votes of the members present and in case of equality of votes, the Chairperson or the member presiding, as the case may be, shall have a second or casting vote.

(4) The Chief Executive Officer shall maintain records of the meetings of the Authority in such manner, as may be prescribed.

Delegation of powers of Authority to executive committee.

8. (1) The Authority may delegate any of its powers, other than the powers in sub-section (2), to an executive committee constituted from amongst its members, as the Chairperson may decide and all decisions of the executive committee shall have the same effect as if taken by the Authority under this Act:

Provided that the executive committee shall include not less than three members of the Authority nominated under clause (m) of section 5;

(2) The Authority shall not delegate to the executive committee the following powers, namely:-

- (a) to approve the infrastructure development plan under sub-section (5) of section 17;
- (b) to approve the mobility management plan under sub-section (4) of section 21;
- (c) to approve the plan for sustainable management of the urban environment under section 23;
- (d) to approve the budget of the Authority under section 38;
- (e) to make, amend or repeal any regulation under section 57.

9. (1) The State Government shall, by notification, appoint an officer of the State Government, not below the rank of Principal Secretary, as Chief Executive Officer.

Appointment, terms and conditions etc. of Chief Executive Officer.

(2) The Chief Executive Officer shall be paid out of the Fund of the Authority, such monthly salary and such monthly allowances with such other facilities, as may from time to time be fixed by the State Government.

(3) Whenever the Chief Executive Officer is on leave or is unable to discharge his duties, the State Government may appoint another officer in his place to exercise the powers of the Chief Executive Officer until his return.

10. (1) The Authority may appoint such officers and other staff, in such manner and with such qualifications, as may be prescribed.

Officers and other staff of authority.

(2) The salary, allowance payable to and the other terms and conditions of service of officers and other staff of the Authority shall be such, as may be prescribed.

(3) The Chief Executive Officer may appoint, in such manner, for such temporary period and on such terms and conditions, such other staff, as it may consider necessary for the efficient performance of its functions, as may be specified by regulations.

11. (1) There shall be a Residents Advisory Council to advise the Authority and provide guidance on the exercise of its powers and performance of its functions.

Residents advisory Council.

(2) The Residents Advisory Council shall consist of the Chief Executive Officer, who shall preside over the meetings of the council and the following members, namely:-

- (a) Commissioner of the Municipal Corporation, Gurugram, ex-officio member;
- (b) Commissioner of Police, Gurugram, ex-officio member;
- (c) Deputy Commissioner, Gurugram, ex-officio member;
- (d) Chief Administrator of the Haryana Urban Development Authority or an officer not below the rank of Administrator, to be nominated by the Chief Administrator, ex-officio member;
- (e) such officers of the Authority, not exceeding four, as the Chief Executive Officer may, from time to time, nominate, ex-officio members;
- (f) such officers, not exceeding three, of the State Government or any board or company or any agency wholly owned by the State Government and having their headquarters in the notified area, as the executive committee may, from time to time, nominate, ex-officio members;
- (g) such persons, not less than ten and not more than fifteen, being residents in the notified area, to be nominated amongst resident welfare associations, civil society, labour, industry, real estate developers, commerce and services by the Authority or the Executive Committee, in such manner and for such term, as may be prescribed, members.

(3) The Residents Advisory Council shall monitor the implementation of the annual plan of action for infrastructure development, mobility management plan and the plan for sustainable management of the urban environment and make such recommendations, as it may decide.

(4) The recommendations of the Residents Advisory Council, alongwith an explanatory memorandum on the action taken or proposed to be taken thereon, shall be placed by the Chief Executive Officer before the Authority.

(5) The procedure for conduct of meetings and transaction of business of the Residents Advisory Council shall be such, as may be prescribed.

(6) The members of the Residents Advisory Council nominated under clause (g) of sub-section (2), shall receive such allowances for attending the meetings of the Authority, as may be prescribed.

General
superintendence,
direction and
management of
affairs of
Authority.

12. (1) Subject to the other provisions of this Act, rules and regulations made thereunder, the general superintendence, direction and management of the affairs of the Authority shall vest in the Chief Executive Officer.

(2) The Chief Executive Officer may by an order, delegate any of his powers to any officer of the Authority on such terms and conditions, as may be determined:

Provided that each such order of delegation and the terms and conditions of such delegation shall be placed before the Authority.

Avoidance of
conflict of
interest.

13. A member of the Authority or a member of the Residents Advisory Council, having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Authority or the Residents Advisory Council, as the case may be, shall disclose the nature of his interest at such meeting and shall not take any part in any deliberation or decision of the Authority or the Residents Advisory Council, as the case may be, with respect to that matter.

Disclosure of
information.

14. The Chief Executive Officer and such officers of the Authority, as the Authority may determine and members of the Residents Advisory Council shall, as soon as may be after appointment and every year thereafter, make a declaration, in such form and manner, as may be specified by regulations, on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any property, business or employment of any family member in the notified area or any matter concerning or related to the affairs of the Authority and the declaration so made shall be placed on the website of the Authority.

Powers of
Director to be
exercised by Chief
Executive Officer.

15. The Chief Executive Officer shall, within the limits of the notified area, exercise such powers as are conferred upon the Director under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963).

Powers, functions
and duties of
Authority.

16. (1) The powers, functions and duties of the Authority may, inter alia, provide for all or any of the following matters, namely:-

- (a) prepare, sanction, implement plans, projects and schemes for infrastructure development and provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area;
- (b) maintain or cause to be maintained, all infrastructure development work, urban amenities and properties vested in or under the control and management of the Authority;
- (c) implement projects, schemes or measures for coordinated and integrated infrastructure development and urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area, as may be entrusted, with the concurrence of the Authority, to it by the Central Government or the State Government or by any board, company or other agency of the Central Government or State Government;

- (d) coordinate, for the purposes of integrated infrastructure development, provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development, with the Central Government or State Government, local authority, boards, companies or other agencies;
- (e) co-ordinate the regulation of the mobility management plan in the notified area;
- (f) operate or collaborate through the formation of joint venture companies or limited liability partnerships in the establishment, development and operation of public transportation, including mass transportation or integrated multi-modal transportation, within the notified area;
- (g) stimulate urban regeneration and renewal through planning, redevelopment and renovation of areas within the notified area;
- (h) prepare a disaster management plan and take such measures for prevention of disasters and mitigation of its effects in the notified area, in so far as they relate to infrastructure development;
- (i) establish, operate and maintain the public safety answering point of the emergency response system for the notified area;
- (j) carry out surveys for the purposes as mentioned in foregoing clauses;
- (k) advise or make recommendations to the State Government on any matter for coordinated and integrated infrastructure development, provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area;
- (l) assist local authorities through capacity building to enable them to exercise their powers and perform their functions under the appropriate law by which they have been established;
- (m) undertake or cause to be undertaken, studies, research and analysis on urban planning, urban regeneration and renewal, coordinated and integrated infrastructure development and provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development or for any other purpose under this Act;
- (n) perform such other functions and discharge such other duties, as the State Government may, by notification, require the Authority to undertake in furtherance of its objects.

(2) The Authority may, in the exercise of its powers, performance of its functions or discharge of its duties,-

- (a) recommend to the State Government to acquire, in accordance with any law for the time being in force, land for the purposes of the Authority;
- (b) purchase, exchange, transfer, hold, lease, manage and dispose land in such manner, as may be specified by regulations;
- (c) acquire land for implementation of plans for infrastructure development and sustainable management of the urban environment, in exchange for transferable development rights issued in lieu of payment towards cost of land in such manner and for such exchange value as the Authority may, in accordance with the policy in this regard notified by the State Government, determine;
- (d) acquire, lease, hold, manage, maintain and dispose property, movable or immovable, other than land;
- (e) establish a modern geospatial based system for planning purposes and for land, infrastructure, urban amenities and urban environment in the notified area;

- (f) enter into contracts or agreements with any person, board, company, local authority or other agency;
- (g) form with the prior approval of the State Government and on such terms and conditions, as may be approved by the State Government, joint venture companies and limited liability partnerships, with boards, companies or other agencies;
- (h) direct the appropriate local authority having jurisdiction or the District Magistrate to remove any obstruction or encroachment on roads including cycling tracks, open spaces, pedestrian footpaths or properties vesting in or under the control and management of the Authority;
- (i) require, the police to take, as immediately as may be practicable, action in the aid of the Authority;
- (j) to do all such other acts and things which may be necessary for or incidental or conducive to, any matter which may arise on account of exercise of powers and performance of functions and which are necessary for furtherance of the objects for which the Authority is established.

Infrastructure
development plan.

17. (1) The Chief Executive Officer shall, within a period of four months from the commencement of this Act and at such intervals thereafter, as may be prescribed, after such consultations as may be specified by regulations, prepare an infrastructure development plan for the notified area:

Provided that such infrastructure development plan shall be in conformity with the final plans published under sub-section (7) of section 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963).

(2) The infrastructure development plan shall –

- (a) describe and detail the infrastructure development work and urban amenities, including but not limited to roads, water supply, sewage disposal, storm water drainage, electricity, solid waste management, public transportation, parking and other urban amenities, required for the maintenance of a reasonable standard of livability in the notified area or part thereof:

Provided that nothing in this clause shall apply to any internal development work under the control and management of the local authority or internal development work undertaken or intended to be undertaken, by any owner who has been granted a licence under sub-section (3) of section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975):

Provided further that the parameters for measuring the reasonable standard of livability of residents shall be such, as may be determined by the Authority;

- (b) specify the right of way requirements for infrastructure development work under, over, along, across or upon any road or public street or any property vested in or under the control or management of the Authority, including but not limited to electricity, telecommunications, piped natural gas, provided by entities under a licence issued by or under any State law:

Provided that the right of way requirements shall make provision for prevention of frequent damage to road and related infrastructure standing thereon.

(3) The Chief Executive Officer shall cause the infrastructure development plan to be published on the website of the Authority for the purpose of inviting objections or suggestions thereon.

(4) Any person, including a member of the Residents Advisory Council nominated under clause (g) of sub-section (2) of section 11, may within a period of thirty days from the date of publication of the plan under sub-section (3), send his objections or suggestions in writing, if any, in respect of such plan to the Chief Executive Officer and he shall submit, within a period of sixty days from the aforesaid date, the infrastructure development plan alongwith his recommendations to the Authority.

(5) After considering the objections and suggestions, if any, and the recommendations of the Chief Executive Officer thereon, the Authority shall, subject to such modifications as it deems fit, prepare final infrastructure development plan and publish the same on the website of the Authority.

18. (1) The Chief Executive Officer shall, based on the infrastructure development plan published under sub-section (5) of section 17 and an assessment of the availability of resources, prepare an annual plan of action for infrastructure development and provision of urban amenities in the ensuing financial year.

Annual
infrastructure
development plan.

(2) The annual plan of action for infrastructure development and provision of urban amenities referred to in sub-section (1) shall contain schemes or projects for infrastructure development work or urban amenities proposed in the ensuing financial year alongwith an estimate of funds required for its implementation and source of funding.

(3) The annual plan of action for infrastructure development under sub-section (1) shall include a statement of infrastructure development work and urban amenities –

- (a) included in the annual plan of action of the current financial year that have not started alongwith reasons thereof;
- (b) that have been started, either in the current financial year or in the financial years preceding the current financial year, but not completed alongwith reasons thereof;
- (c) that have been completed or are likely to be completed in the current financial year.

(4) The annual plan of action for infrastructure development shall include an assessment by the Chief Executive Officer, after obtaining information required for the purpose, of infrastructure development and provision of urban amenities proposed or under implementation by any person, board, company or other agency in the notified area.

(5) The Chief Executive Officer shall submit, at least one month before the end of the financial year, the annual plan of action for infrastructure development and provision of urban amenities referred to in sub-section (2) and the statement referred to in sub-section (3) to the Authority.

(6) The Authority shall, before the commencement of the ensuing financial year and after consideration of the annual plan of action for infrastructure development and provision of urban amenities, approve the plan with such amendments or modifications, if any, as it deems fit:

Provided that any amendment or modification to such annual plan of action shall be made only after an estimate of funds required for its implementation is assessed and the source of funding is identified.

(7) The Chief Executive Officer shall cause the annual plan of action for infrastructure development and provision of urban amenities, alongwith such amendments or modifications as the Authority may direct, to be published on the website of the Authority, immediately as soon as may be practicable, on approval of such annual plan.

19. (1) Notwithstanding anything contained in any other State law for the time being in force, no board, company, agency or person shall, except in accordance with the infrastructure development plan, undertake any infrastructure development, within the notified area, of a nature that has been entrusted to the Authority under this Act or rules or regulations made thereunder.

Infrastructure
development to be
in accordance
with infrastructure
development plan.

(2) Any board, company, agency or person desiring to undertake infrastructure development referred to in sub-section (1) shall intimate, in writing to the Chief Executive Officer, its proposal for infrastructure development, in such form and manner, as may be specified by regulations, alongwith a certificate to the effect that the proposal is in accordance with the infrastructure development plan:

Provided that the local authority or any owner who has been granted a licence under sub-section (3) of section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975) shall not submit a proposal for internal development work to the Authority:

Provided further that the local authority shall inform the Authority about its intent to undertake any infrastructure development work other than an internal development work and such information shall be provided, except when it is of an emergent nature, at least thirty days prior to the commencement of such infrastructure development work.

(3) The Chief Executive Officer immediately on the receipt of the proposal referred to in sub-section (2) but not later than three working days, shall cause to place the proposal alongwith all documents submitted, on the website of the Authority.

(4) Any resident of the notified area may, within a period of twenty-one days from the date on which the proposal was placed on the website of the Authority under sub-section (3), submit his objections or suggestions on the proposal to the Chief Executive Officer.

(5) The Chief Executive Officer shall, within a period of sixty days from the date on which the proposal was placed on the website of the Authority under sub-section (3) and after examination of the objections and suggestions and making such inquiry as he considers necessary, either give his concurrence to the proposal or submit his recommendations alongwith reasons thereof to the board, company, agency or person submitting the proposal under sub-section (2).

(6) The concurrence or the recommendations alongwith reasons thereof referred to in sub-section (5), shall be placed on the website of the Authority.

(7) If the Chief Executive Officer, while making his recommendations under sub-section (5), comes to the conclusion that the proposal has a material and pervasive effect and affects public interest, he shall proceed forthwith to submit his recommendations to the Chairperson of the Authority.

(8) The Authority shall, after consideration of the recommendations of the Chief Executive Officer give such directions, subject to the provisions of this Act and rules made thereunder, as it may deem fit and the Chief Executive Officer shall be bound to act in accordance with such directions.

Special provisions regarding right of way for infrastructure development work.

20. (1) The Authority shall specify the right of way requirements for laying infrastructure development work under, over, along, across or upon any road or public street or any property vested in or under the control or management of the Authority:

Provided that such right of way requirements shall be consistent with the provisions of—

- (i) the Indian Telegraph Act, 1885 (Central Act 13 of 1885) or rules made thereunder, in respect of telecommunication infrastructure;
- (ii) the Electricity Act, 2003 (Central Act 36 of 2003) or rules made thereunder, in respect of electricity infrastructure;
- (iii) the Metro Railways (Construction of Work) Act, 1978 (Central Act 33 of 1978) or rules made thereunder, in respect of metro railway infrastructure;
- (iv) the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (Central Act 50 of 1962) or rules made thereunder, in respect of petroleum and natural gas pipelines.

(2) The Authority shall, in respect of any property vested in it or under its control or management, exercise the powers —

- (i) of the local authority under the Indian Telegraph Act, 1885 (Central Act 13 of 1885) and the appropriate authority under the Indian Telegraph Right of Way Rules, 2016, for underground telegraph infrastructure and over ground telegraph infrastructure;
- (ii) conferred under the rules made by the State Government under sections 67 and 68 of the Electricity Act, 2003 (Central Act 36 of 2003) for electricity infrastructure.

(3) No person, board, company or other agency shall, except in accordance with the right of way requirements undertake any infrastructure development work within the notified area.

(4) Where the infrastructure development work is proposed to be provided under any road or public street or any property vested in or under the control or management of the Authority, the Chief Executive Officer may require the provider of such infrastructure development work to ensure provision of positional intelligence through appropriate technology to enable the Authority to obtain real time information on the location of such infrastructure development work.

(5) The Authority may, either on its own or through collaboration with one or more providers of any infrastructure development work, construct a shared infrastructure for all public utilities that are likely to be laid under any road or public street and on construction of such shared infrastructure require all providers of infrastructure development work laid or proposed to be laid under any road or public street to use the shared infrastructure:

Provided that the nature of the shared infrastructure, the terms and conditions of its construction and shared use shall be such, as may be approved by the Authority.

(6) If the Chief Executive Officer is of the opinion that public interest shall be served by shifting of any infrastructure development work laid under, over, along, across or upon any road or public street or any property vested in or under the control or management of the Authority, he may direct the owner of such infrastructure development work to shift or alter the infrastructure so provided within such time, as he may reasonably determine:

Provided that if no compensation was paid to the Authority or its predecessor in interest at the time of laying of the infrastructure development work, the shifting or alteration of such infrastructure shall be undertaken by the owner of such infrastructure at their cost, unless specifically exempted by an order of the Authority:

Provided further that where the shifting or alteration of the infrastructure development work is required for the implementation of another infrastructure development work, then the shifting or alteration, including the cost of such shifting or alteration thereof, may, if the Chief Executive Officer so directs, be undertaken by the owner of the other infrastructure development work:

Provided further that if owner of the infrastructure development work makes a request with reasons thereof, to the Chief Executive Officer for an extension in time for the shifting or alteration of such infrastructure development work, the Chief Executive Officer shall, having regard to the public interest and the reasons cited for the request for extension in time, may grant or refuse the extension.

Explanation.— For the purposes of this clause, the word “compensation” shall not include the payment made or incurred on reinstatement or restoration of damage to land.

21. (1) The Chief Executive Officer shall, in consultation with the Commissioner of Police, Gurugram, Commissioner of the Municipal Corporation, Gurugram, Deputy Commissioner, Gurugram and after such other consultations, as the Chief Executive Officer deems fit, prepare from time to time, a mobility management plan for managing mobility in the notified area.

Mobility
management plan.

(2) The mobility management plan shall include –

- (a) measures for infrastructure development, including improvement of road junctions, construction of roads, bridges, pedestrian footpaths, subways and such other construction or improvement, as the case may be;
- (b) measures for infrastructure development aimed at enhancing safety of life and prevention of accidents on public roads;
- (c) measures in regard to public transportation, mass transportation, integrated multi-modal transportation, bus shelters, parking and their improvement;
- (d) measures to regulate parking, traffic, installation of traffic signals and the transit of vehicles, including its speed, form, construction, weight, size or laden with such heavy or unwieldy objects, as may be likely to cause injury;

- (e) measures to regulate access to premises from any particular public street carrying high speed vehicular traffic;
- (f) such other measures, as in the opinion of the Chief Executive Officer, Commissioner of Police, Gurugram and Commissioner of Municipal Corporation, Gurugram, may be required for managing mobility in the notified area.

(3) The mobility management plan shall be submitted to the Residents Advisory Council and it shall make such recommendations, if any, as it may decide.

(4) The mobility management plan shall be submitted to the Authority alongwith the recommendations of the Residents Advisory Council, if any and the Authority shall approve the plan with such amendments or modifications, as it deems fit.

(5) The Chief Executive Officer shall cause the mobility management plan alongwith such amendments or modifications, as the Authority may direct, to be published on the website of the Authority on approval of the plan.

(6) The Commissioner of Police, Gurugram, Commissioner of Municipal Corporation, Gurugram or such other officer, as may be empowered under the law for the purpose, shall be responsible for enforcement of the measures in regard to clauses (d) and (e) of sub-section (2) requiring the imposition of any penalty for violation of such law for the time being in force.

(7) The exercise of powers by the Commissioner of the Municipal Corporation, Gurugram under section 221 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), shall be in accordance with the mobility management plan.

Special provisions regarding operation of city bus service.

22. The State Government shall, in public interest and pursuant to a proposal regarding a scheme published in accordance with the provisions of sub-section (1) of section 99 of the Motor Vehicles Act, 1988 (59 of 1988) and published under sub-section (3) of section 100 of the said Act for the purpose of providing an efficient, adequate, economical and properly coordinated road transport service, permit the Authority to operate a city bus service within the notified area.

Plan for sustainable environment management.

23. (1) The Chief Executive Officer shall, in consultation with the Chief Conservator of Forests, the Deputy Commissioner of Gurugram, the Commissioner of the Municipal Corporation, Gurugram and such other persons, as the Chief Executive Officer deems fit, prepare, from time to time, a plan for sustainable management of the urban environment of the notified area.

(2) The plan for sustainable management of the urban environment shall include –

- (i) provision for urban forestry, tree plantation and horticulture so as to endeavour to achieve such international standards for green spaces, as the Authority may determine;
- (ii) measures for solid waste management and water conservation, as may be necessary and desirable.

(3) The Chief Executive Officer shall cause the plan for sustainable management of the urban environment to be published on the website of the Authority for the purpose of inviting objections or suggestions thereon.

(4) Any person, including a member of the Residents Advisory Council nominated under clause (g) of sub-section (2) of section 11, within a period of twenty-one days from the date of publication of the plan under sub-section (3) send to the Chief Executive Officer, his objections and suggestions, if any, in respect of such plan and the Chief Executive Officer shall submit, within a period of sixty days from the aforesaid date, the plan for sustainable management of the urban environment alongwith his recommendations to the Authority.

(5) After considering the objections and suggestions, if any, and the recommendations of the Chief Executive Officer thereon, the Authority shall, subject to such modifications, as it deems fit, decide as to the final plan for sustainable management of the urban environment and publish the same on the website of the Authority.

(6) The plan for sustainable management of the urban environment may, from time to time as may be required, be modified after following the process described in sub-section (3) to (5), in so far as the modification is concerned.

(7) On the approval of the plan for sustainable environment management, the Municipal Corporation, Gurugram or the Haryana Urban Development Authority, as the case may be, shall incorporate such of the measures, as it may relate to the erection of buildings, including but not limited to water conservation, recycling of waste water, rain water harvesting, provision of roof-top solar energy, as the case may be, in the building bye-laws of the Municipal Corporation or the Haryana Urban Development Authority, as the case may be, applicable in the notified area.

24. Where any infrastructure development work has been provided or is under the control and management of the Authority, the Chief Executive Officer may require the local authority, within whose local limits such infrastructure development work is situated, to assume the responsibility for the maintenance of such infrastructure development work, on such terms and conditions, as may be agreed upon between the Authority and that local authority:

Power of Authority to require local authority to assume responsibilities for maintenance.

Provided that where such terms and conditions have not been agreed upon, the Chief Executive Officer shall make, in consultation with the Commissioner or Executive Officer of the local authority concerned, a statement on the difference in opinion on the specific terms and conditions and submit such statement to the State Government for a decision and the decision of the State Government shall be final and binding on the Authority and the local authority.

25. The Authority may, for the purposes of exercise of its powers or performance of its functions, undertake the survey of any land or building within the notified area and for that purpose it shall be lawful for any officer or employee of the Authority or any person engaged by any local authority, company or other agency duly authorized in this regard-

Power of Authority to survey.

- (a) to enter in or upon any land and to take levels of such land;
- (b) to dig or bore into the sub-soil;
- (c) to set out levels and boundaries by placing marks and cutting trenches;
- (d) to cut down or clear away any obstruction where otherwise the survey cannot be completed, levels taken and boundaries marked;
- (e) to demarcate intended alignment of any infrastructure development work, urban amenity, urban forestry or any purpose for which the Authority is competent to undertake under this Act;
- (f) to examine work under construction relating to any infrastructure development work, urban amenity, urban forestry or any purpose for which the Authority is competent to undertake under this Act;
- (g) to ascertain whether any land or property is being or has been developed in accordance with the final development plan published under sub-section (7) of section 5 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), or the terms and conditions under which development has been permitted under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, as the case may be;
- (h) to do all such acts necessary for the exercise of powers or performance of functions by the Authority under this Act:

Provided that –

- (i) no entry shall be made except between the hours of 0600 and 1800;
- (ii) notice of the intention to enter is given at least one day prior to the date on which the entry is proposed to be made.

26. The Chief Executive Officer may direct the local authority having jurisdiction to remove any unauthorised development in the notified area or obstructions and encroachments on roads including cycling tracks, open spaces, pedestrian footpaths or properties vesting in or under the control and management of the Authority in such form, as may be prescribed:

Power of Chief Executive Officer to direct removal of unauthorized development, obstructions or encroachment.

Provided that where the Chief Executive Officer is of the opinion that the local authority having jurisdiction is or may be unable to remove such unauthorised development, obstruction or encroachment, he shall direct the District Magistrate to remove such unauthorised development, obstruction or encroachment in such form and manner, as may be prescribed.

Measures for promotion of social, economic and industrial development.

27. (1) The Authority shall take such measures, as may be necessary, for the promotion of social, economic and industrial development in the notified area.

(2) For the purposes of sub-section (1), the Authority shall promote, collaborate in and facilitate the establishment of affordable hospitals, sports facilities, cultural centres, research institutions engaged or proposing to engage, in research into new knowledge areas, start up companies in new knowledge areas, skill development centres and such other institutions, as may be determined by the Authority.

Explanation.— For the purposes of this Act, the words “new knowledge areas” shall mean such knowledge areas, innovation or enterprise as the Authority may, from time to time, determine and publish on the website of the Authority.

(3) The Authority shall enable the establishment of a public trust under the provisions of the Indian Trust Act, 1882 (Central Act No.2 of 1882) to be managed by the residents of the notified area with the support of the Authority to receive and utilise in the notified area, for the activities mentioned under Schedule VII of the Companies Act, 2013 (Central Act 18 of 2013), the sums required to be spent in pursuance of Corporate Social Responsibility Policy under the provisions of section 135 of the said Act.

(4) The Authority shall facilitate the ease of doing business by such measures and ensuring such coordination as may be necessary for the purpose, as the Authority may, from time to time, decide:

Provided that the State Government may, on the recommendations of the Authority and by notification, empower the Chief Executive Officer or any officer of the Authority, to exercise such powers and on such terms and conditions, as may be mentioned in the notification, as are exercised by any officer of the State Government or board under any State.

(5) The Authority shall establish, promote or facilitate the establishment of common facilities for industries, services or business including logistics infrastructure.

(6) The mechanisms of promotion, collaboration and facilitation under sub-section (2) shall be such, as may be specified by regulations.

Coordination committees and standing committees.

28. (1) Subject to such terms and conditions, as may be specified by regulations, the Authority may constitute as many coordination committees and as many standing committees, as it thinks fit, with such terms of references as the Authority may determine for exercising any power or discharging any function or for monitoring or reporting or advising upon any matter which the Authority may refer to them.

(2) The coordination committee shall consist exclusively of officers of the Authority or the State Government or any board or company owned or controlled by the State Government, but the standing committee shall include residents of the notified area who are not employees of the Authority or the State Government or any board or company owned or controlled by the State Government. The number of such persons shall not exceed one-third of its total membership.

(3) The members of the standing committees constituted under sub-section (1), other than the officers of the Authority or the State Government or any board or company owned or controlled by the State Government, may be paid such fees and allowances for attending meetings and any other work of the committee, as may be determined, from time to time, by the Authority.

Avoidance of conflict of interest.

29. (1) A member of any coordination committee or standing committee, having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of such coordination committee or standing committee, as the case may be, shall disclose the nature of his interest at such meeting and shall not take any part in any deliberation or decision of such coordination committee or standing committee, as the case may be, with respect to that matter.

(2) A member of any coordination committee or any standing committee, shall, as soon as may be after appointment and every year thereafter, make a declaration, in such form and manner, as may be specified by regulations, on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, in any property, business or employment of any family member in the notified area or any matter concerning or related to the affairs of the Authority and the declaration so made shall be placed on the website of the Authority.

- 30.** The Chief Executive Officer may engage, on such fee and remuneration and for such period, such experts having such experience, as may be specified by regulations. Power to engage experts.
- 31.** The Authority shall ensure transparency and adoption of information technology while exercising its powers and discharging its functions. Authority to ensure transparency etc.
- 32.** (1) The Authority shall have and maintain its own fund to which shall be credited - Funds of Authority.
- (a) all moneys received or due to be received, prior to the commencement of the Act by the State Government and unspent at the time of commencement of this Act on account of proportionate development charges for external development work in the notified area, payable by the owner granted a licence under the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975);
 - (b) such share of moneys collected by the Municipal Corporation, Gurugram prior to the commencement of this Act and deposited with the State Government, as the State Government may determine;
 - (c) all moneys received by the Authority from the Central Government or the State Government or the Municipal Corporation, Gurugram by way of grants, loans, advances or otherwise;
 - (d) all moneys borrowed by the Authority from sources other than State Government, by way of loans or debentures;
 - (e) all fees, charges or levies received by the Authority under this Act;
 - (f) all moneys received by the Authority from the disposal of property, moveable and immoveable; and
 - (g) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.
- (2) The fund shall be applied towards meeting expenditure—
- (a) in infrastructure development, provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area;
 - (b) in operation and maintenance of assets created for purposes of infrastructure development, provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area;
 - (c) salaries and allowances of the Chief Executive Officer, other officers and employees of the authority;
 - (d) in the administration of the Act;
 - (e) for acquisition of land for purposes of this Act;
 - (f) in joint ventures and limited liability partnerships for infrastructure development, provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area;
 - (g) on redevelopment and urban renewal in the notified area;
 - (h) for such purposes in the exercise of powers or performance of functions under this Act as the Authority may approve or the State Government may direct or permit.
- 33.** The State Government may make to the Authority grants, loans or advances of such sums of money annually, as the State Government may deem necessary and all grants, loans or advances so made shall be on such terms and conditions, as the State Government may determine. Annual grants, loans and advances to Authority.
- 34.** The Authority may, from time to time, borrow money by way of loans, bonds or debentures or other instruments from sources other than the State Government, on such terms and conditions, general or specific, as may be approved by the State Government. Power of Authority to borrow.

Power of Authority to invest.	<p>35. (1) The Authority may invest any portion of its funds in such investments, as may be specified by regulations.</p> <p>(2) The Authority may, with the prior approval of the State Government, invest in establishment of joint venture companies and limited liability partnerships for infrastructure development and provision of urban amenities, mobility management, sustainable management of the urban environment and social, economic and industrial development in the notified area.</p>
Priority of payment for interest and repayment of loans.	<p>36. All payments by the Authority on account of interest on loans or the repayment of loans shall be made on priority to all other dues of the Authority.</p>
Application of Funds.	<p>37. All properties, funds and other assets vesting in the Authority shall be held and applied by it for the purposes and subject to the provisions of this Act.</p>
Budget.	<p>38. (1) The Chief Executive Officer shall submit, 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 receipts and disbursements of the Authority.</p> <p>(2) The Authority shall, subject to such modifications and revisions as it may decide, approve the budget submitted under sub-section (1).</p> <p>(3) The budget as modified or revised by the Authority, shall be forwarded to the State Government alongwith such number of authenticated copies, as may be required by the State Government and the State Government shall cause the report to be laid before the State Legislature.</p> <p>(4) The Chief Executive Officer shall cause the budget as modified or revised by the Authority, to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (3).</p>
Accounts and audit.	<p>39. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form, as may be prescribed.</p> <p>(2) The accounts of the Authority shall be subject to audit annually by the Accountant General of Haryana and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General of Haryana.</p> <p>(3) The Accountant General of Haryana and any person 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 of Haryana has in connection with the audit of the Government accounts and in particular, shall have right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.</p> <p>(4) The accounts of the Authority as certified by the Accountant General of Haryana or any other person appointed by him in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken shall be forwarded annually to the State Government and the State Government shall cause a copy of the same to be laid before the State Legislature.</p> <p>(5) The Chief Executive Officer shall cause the accounts of the Authority together with the audit report and the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the Legislature under sub-section (4).</p>
Annual report.	<p>40. (1) The Chief Executive Officer shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date, as may be prescribed and the State Government shall cause the report to be laid before the State Legislature.</p> <p>(2) The report referred to in sub-section (1) shall include an explanatory memorandum on the status of implementation of the annual plan of action on infrastructure development, mobility management and sustainable environmental management alongwith shortfalls, if any, in implementation and reasons for such shortfall.</p>

(3) The Chief Executive Officer shall cause the report together with the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the Legislature under sub-section (1).

41. (1) The Authority shall be eligible to receive the proportionate development charges for external development work and paid or payable by an owner granted a licence in the notified area of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975):

Charges and levies receivable by Authority.

Provided that such proportionate development charges shall be collected by the Director under the said Act and transferred to the Authority.

(2) The Authority shall receive the conversion charge payable under sub-sections (1) and (1A) of section 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963).

(3) The Authority shall have the power to levy a duty on the transfer of immovable properties situated within the limits of the notified area in addition to the duty imposed under the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force for the time being in the State of Haryana, on every instrument of the description specified below and at such rate, as the State Government may, by notification, direct, which shall not be more than two per centum on the amount specified below against such instruments:-

- (i) sale of immovable property - the amount or value of the consideration for the sale as set forth in the instrument;
- (ii) exchange of immovable property - the value of the property or the greater value as set forth in the instrument;
- (iii) gift of immovable property - the value of the property as set forth in the instrument;
- (iv) mortgage with possession of immovable property - the amount secured by the mortgage as set forth in the instrument;
- (v) lease in perpetuity of immovable property - the amount equal to one-sixth of the whole amount or value of the rent which shall be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument:

Provided that the said duty shall be collected, at the time of registration of documents by the Registrar or Sub-Registrar under the Indian Registration Act, 1908 (Central Act 16 of 1908) and paid to the Authority.

(4) The Authority may levy, with the prior approval of the State Government, a charge, at such rates, as may be notified, on the sale and consumption of liquor in the notified area:

Provided that such charge shall be collected by the Excise Commissioner under the Punjab Excise Act, 1914 (Punjab Act 1 of 1914) and transferred to the Authority.

42. (1) The State Government may, on the recommendation of the Authority by notification, levy a cess on property, lands and buildings in the notified area or any part thereof, at such rate, as may be determined, from time to time:

Authority to receive cess on property.

Provided that the cess shall be levied only for the purpose of payment of interest and repayment of loans, bonds or debentures borrowed, by the Authority from sources other than the State Government, specifically for the purposes of implementation of the infrastructure development plan or the plan for sustainable management of the urban environment and for no other purpose:

Provided further that if any surplus on account of the cess remains after payment of such sums as are permissible under the first proviso, then such surplus shall be returned or adjusted, as the case may be, in such manner, as may be specified by regulations.

(2) The cess may be levied at different rates for different areas and for different classes of properties.

(3) The cess shall be collected by the local authority within whose areas the properties are situated as if the cess were a property tax levied by it under the law governing such local authority and shall first be credited to the Consolidated Fund of the State.

(4) The State Government shall after the appropriation made by the State Legislature by law in this behalf pay to the Authority, from time to time, the entire proceeds of the cess credited to the Consolidated Fund of the State for being utilised by the Authority for the purposes of this Act.

Power to levy user charges.

43. (1) The Authority may, for the purposes of recovering wholly or in part, any expenditure on any infrastructure development work or urban amenity provided or maintained by it, directly or indirectly under its authorisation, levy and collect a charge from the users of such infrastructure development work or urban amenity.

(2) The user charge for each infrastructure development work or urban amenity shall be such, as may be determined, by the Authority:

Provided that the Authority shall be eligible to collect the user charge from such date, not being less than a period of seven days from the date of its publication on the website of the Authority.

(3) The Chief Executive Officer may authorise or assign any person, company, board or any other agency, the collection of the user charge on such terms and conditions, as the Chief Executive Officer may, with the prior approval of the Authority, determine.

Mode of recovery of money due.

44. Any money due to the Authority on account of external development charges or other charges or from lands, buildings or other properties, movable or immovable or by way of rents and profits may be recovered as follows, namely:-

- (i) as arrears of land revenue upon a certificate of the amount due sent by the Chief Executive Officer or an officer duly authorised by him in this regard to the Collector; or
- (ii) direct the bank holding the bank account of the person, board, company or other agency from whom the money is due to the Authority to freeze such account to the extent of the money due:

Provided that the Authority shall initiate or continue any one of the two modes specified in clause (i) or clause (ii) for recovery:

Provided further that where the money on account of external development charges is due from the person, board, company or other agency granted a licence under clause (a) of sub-section (3) of section 3 of the Haryana Development and Regulation of Urban Areas Act, 1975, the Chief Executive Officer shall write to the Sub-Registrar having jurisdiction to refuse, in exercise of the powers available under section 71 of the Registration Act, 1908 (Central Act 16 of 1908) to register any document for sale, exchange, gift, mortgage or lease of any immovable property located in the colony for which such licence was granted:

Provided further that the Chief Executive Officer or such officer of the Authority, as may be authorised by the Chief Executive Officer, shall, in case the mode of recovery under clause (ii) is initiated, provide an opportunity of being heard to the person, board, company or other agency from whom the money is due, not later than three days, from the date on which direction is given to the bank:

Provided further that the defaulter shall be liable for action, including criminal action, for such default under any other law for the time being in force.

Transfer of property of Haryana Urban Development Authority in Authority.

45. (1) The State Government shall within a period of three months from the commencement of this Act on the recommendations of the Chief Administrator of the Haryana Urban Development Authority and the Chief Executive Officer, by notification, publish a transfer scheme providing for the transfer of property, interest in property, rights and liabilities to the Authority in the manner hereinafter provided.

(2) Where there is a difference of opinion between the Chief Administrator of the Haryana Urban Development Authority and the Chief Executive Officer, the State Government shall take such decision as it deems fit and such decision shall be final and binding upon the Haryana Urban Development Authority and the Authority.

(3) Any property, interest in property, rights and liabilities vested in the Haryana Urban Development Authority, in so far as it pertains to any of the powers exercisable or functions dischargeable by the Authority under this Act, shall be re-vested by the State Government in the Authority, in accordance with the transfer scheme so published, on such terms and conditions, as may be approved by the State Government.

- (4) Notwithstanding anything contained in this section, where,-
- (a) the transfer scheme involves the transfer of any property or rights from any person or undertaking not wholly owned by the Haryana Urban Development Authority, the scheme shall give effect to the transfer only for fair value to be paid by the Authority to the Haryana Urban Development Authority;
 - (b) a transaction of any description is effected in pursuance of a transfer scheme, it shall be binding on all persons including third parties and even if such persons or third parties have not consented to it.
- (5) A transfer scheme under this section may-
- (a) define the property, interest in property, rights and liabilities to be transferred -
 - (i) by specifying or describing the property, interest in property, rights and liabilities in question; or
 - (ii) by referring to all the property, interest in property, rights and liabilities comprised in a described part of the transferor's undertaking; or
 - (iii) partly in one way and partly in the other;
 - (b) provide that any rights or liabilities stipulated or described in the scheme shall be enforceable by or against the transferor or the transferee;
 - (c) impose on the transferor an obligation to enter into such written agreements with or execute such other instruments in favour of any other subsequent transferee, as may be stipulated in the scheme;
 - (d) provide for the transfer of physical and digital records;
 - (e) mention the functions and duties of the transferee;
 - (f) make such supplemental, incidental and consequential provisions as the transferor considers appropriate including provision stipulating the order as taking effect; and
 - (g) provide that the transfer shall be provisional for a stipulated period.
- (6) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Haryana Urban Development Authority, before a transfer scheme becomes effective shall, to the extent specified in the relevant transfer scheme, be deemed to have been incurred, entered into or done by the Authority, with the Authority and all suits or other legal proceedings instituted by or against the Haryana Urban Development Authority, may be continued or instituted by or against Authority.
- (7) The Haryana Urban Development Authority shall cease to be charged with and shall not perform the functions and duties with regard to transfers made on and after the effective date.

46. (1) As soon as may be practicable and within a period of three months on the commencement of this Act, the State Government shall, on the recommendations of the Managing Director of the Haryana State Industrial and Infrastructure Development Corporation Limited and the Chief Executive Officer of the Authority and by notification, publish a transfer scheme providing for the transfer of property, interest in property, rights and liabilities to the Authority in the manner hereinafter provided.

Transfer of property of Haryana State Industrial and Infrastructure Development Corporation in Authority.

(2) Where there is a difference of opinion between the Managing Director of Haryana State Industrial and Infrastructure Development Corporation Limited and the Chief Executive Officer of the Authority, the State Government shall take such decision as it deems fit and such decision shall be final and binding upon the Haryana State Industrial and Infrastructure Development Corporation Limited and the Authority.

(3) Any property, interest in property, rights and liabilities vested in the Haryana State Industrial and Infrastructure Development Corporation in so far as it pertains to any of the powers exercisable or functions dischargeable by the Authority under this Act, shall be re-vested by the State Government in the Authority in accordance with the transfer scheme so published, on such terms and conditions, as may be approved by the State Government.

- (4) Notwithstanding anything contained in this section, where,-
 - (a) the transfer scheme involves the transfer of any property or rights from any person or undertaking not wholly owned by the Haryana State Industrial and Infrastructure Development Corporation Limited, the scheme shall give effect to the transfer only for fair value to be paid by the Authority to the Haryana State Industrial and Infrastructure Development Corporation Limited;
 - (b) a transaction of any description is effected in pursuance of a transfer scheme, it shall be binding on all persons including third parties and even if such persons or third parties have not consented to it.
- (5) A transfer scheme under this section may-
 - (a) define the property, interest in property, rights and liabilities to be transferred -
 - (i) by specifying or describing the property, interest in property, rights and liabilities in question; or
 - (ii) by referring to all the property, interest in property, rights and liabilities comprised in a described part of the transferor's undertaking; or
 - (iii) partly in one way and partly in the other;
 - (b) provide that any rights or liabilities stipulated or described in the scheme shall be enforceable by or against the transferor or the transferee;
 - (c) impose on the transferor an obligation to enter into such written agreements with or execute such other instruments in favour of any other subsequent transferee, as may be stipulated in the scheme;
 - (d) provide for the transfer of digital records;
 - (e) mention the functions and duties of the transferee;
 - (f) make such supplemental, incidental and consequential provisions as the transferor considers appropriate including provision stipulating the order as taking effect; and
 - (g) provide that the transfer shall be provisional for a stipulated period.

(6) All debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Haryana State Industrial and Infrastructure Development Corporation, before a transfer scheme becomes effective shall, to the extent specified in the relevant transfer scheme, be deemed to have been incurred, entered into or done by the Authority, with the Authority and all suits or other legal proceedings instituted by or against the Haryana State Industrial and Infrastructure Development Corporation, may be continued or instituted by or against Authority.

(7) The Haryana State Industrial and Infrastructure Development Corporation shall cease to be charged with and shall not perform the functions and duties with regard to transfers made on and after the date of publication of the scheme.

Review of
performance of
Authority.

47. (1) The State Government shall, within three years from the commencement of this Act and thereafter at the expiration of every third year, constitute a committee, in such manner and consisting of such members, as may be prescribed to evaluate and review the performance of the Authority in the said period.

(2) The committee shall include experts of national eminence and standing in the field of urban governance, infrastructure development, environment, management, public administration.

(3) The committee referred to in sub-section (1) shall evaluate and review the performance of the Authority and make recommendations to the State Government as to –

- (a) the extent of fulfilment of the goals and objectives of the Authority stated in this Act, as demonstrated by the state of infrastructure, urban environment and social, economic and industrial development of the notified area;

- (b) the effectiveness of coordination mechanisms between the Authority, the local authority, the Gurugram Police, the Haryana Urban Development Authority and such other agencies of State Government involved in infrastructure development, sustainable management of the urban environment and social, economic and industrial development in the notified area;
- (c) future vision of the Authority along with corrective measures, if any;
- (d) such other matters, as may be referred to the committee by the State Government.

(4) The State Government shall cause to be laid before the State Legislature, the report of the committee constituted under sub-section (1) along with an explanatory memorandum on the action taken or proposed to be taken, thereon in respect of each recommendation of the committee.

48. No act or proceedings of the Authority or any committee constituted by or under this Act shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings not to be invalidated by vacancies.

49. The Authority shall, within such period, as may be specified, furnish to the State Government, such returns or other information with respect to its activities, as the State Government may, from time to time, require.

Returns and information.

50. The Authority shall have power to call for any return, report, statistics or other information pertaining to any infrastructure development work, urban amenity or any matter with reference to the powers exercisable in the notified area by the Authority under this Act, from any local authority or any other authority, board, company or other agency, owned or controlled by the Central Government or the State Government, which is required by it in exercise of its powers and the performance of its duties under this Act or any other State law and such local authority or such other authority, board, company or other agency shall be bound to furnish such information.

Power of Authority to call for report, return or information from local authority etc.

51. (1) The Authority shall carry out such directions as may be issued to it from time to time, by the State Government.

Power of State Government in certain matters.

(2) If in or in connection with, the exercise of its powers and performance of its functions by the Authority under this Act, any dispute arises between the Authority and any local authority in the notified area, Haryana Urban Development Authority or any board, company or other agency of the State Government, such dispute shall be referred to the State Government and the decision of the State Government on any such dispute shall be final.

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

Provided that the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

52. Subject to the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) and the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other State law.

Act to have overriding effect.

53. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Application of other laws not barred.

54. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Protection of action taken in good faith.

Members and officers to be public servants.

55. Every member and every officer and other staff of the Authority or a committee constituted by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

Power to make rules.

56. (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

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

- (a) the allowances that members, other than ex-officio members, shall receive for attending the meetings of the Authority under sub-section (1) of section 6;
- (b) the time of meeting, the rules of procedure for conduct of business and transaction of business of the Authority under sub-section (1) of section 7;
- (c) the manner in which the Chief Executive Officer shall maintain records of the meetings of the Authority under sub-section (4) of section 7;
- (d) the manner and qualifications for appointment of officers and employees of the Authority under sub-section (1) of section 10;
- (e) the salaries and allowances payable to and other terms and conditions of service of officers and other staff of the Authority under sub-section (2) of section 10;
- (f) the manner and term of appointment of persons, being residents of the notified area, to be nominated to the Residents Advisory Council under clause (g) of sub-section (2) of section 11;
- (g) the procedure for conduct of meetings and transaction of business of the Residents Advisory Council under sub-section (5) of section 11;
- (h) the allowances that members, other than ex-officio members, shall receive for attending the meetings of the Residents Advisory Council under sub-section (6) of section 11;
- (i) the intervals at which the Chief Executive Officer shall prepare an infrastructure development plan for the notified area under sub-section (1) of section 17;
- (j) the form in which the appropriate local authority having jurisdiction may be directed to remove any unauthorized development in the notified area or obstructions or encroachments under section 26;
- (k) the form and manner in which the Chief Executive Officer shall direct the District Magistrate to remove any unauthorized development in the notified area or obstructions or encroachments under the first proviso to section 27;
- (l) the form and time every year that the Chief Executive Officer shall submit the budget under sub-section (1) of section 38;
- (m) the form in which the Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet under sub-section (1) of section 39;
- (n) the form and the date, on or before which, the Chief Executive Officer shall prepare and submit to the State Government a report of its activities during that year under sub-section (1) of section 40;
- (o) the number of members, their expertise and the manner of constitution of the committee under sub-section (1) of section 47;
- (p) any other matter which has to be or may be prescribed.

Power to make regulations.

57. (1) Subject to the provisions of this Act, the Authority shall, by publication on its website, make regulations to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following, matters, namely:—

- (a) the manner, the period and the terms and conditions of appointment of temporary staff under sub-section (3) of section 10;
- (b) the form and manner, in which the Chief Executive Officer, officers of the Authority and members of the Residents Advisory Council shall make a declaration, as soon as may be after their appointment and every year thereafter, on the extent of their interest under section 14;
- (c) the manner in which the Authority may purchase, exchange, transfer, hold, lease, manage and dispose land under clause (b) of sub-section (2) of section 16;
- (d) the form and manner in which any board, company, agency or person its proposal under sub-section (2) of section 19;
- (e) the mechanisms of promotion, collaboration and facilitation under sub-section (6) of section 27;
- (f) the terms and conditions of constitution of coordination committees and standing committees for exercising any power or discharging any function or for monitoring or reporting or advising upon, any matter which the Authority may refer to them under sub-section (1) of section 28;
- (g) the form and manner in which a member shall make a declaration under sub-section (2) of section 29;
- (h) the fee, remuneration and the period of appointment of experts under section 30;
- (i) the investments in which the Authority may invest any portion of its funds under sub-section (1) of section 35;
- (j) the manner in which surplus on account of the cess shall be returned or adjusted under sub-section (1) of section 42;
- (k) any other matter which has to be or may be, specified by regulations.

(3) The Authority may, from time to time, amend or repeal any regulation and each such regulation, its amendment or repeal, as the case may be, shall come into effect from the date of its publication on the website of the Authority.

58. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

59. The notification issued under sub-section (1) of section (3), every rule and regulation made under this Act shall be laid, as soon as may be after it is issued or made, before the State Legislature.

Laying of
notification,
rules, and
regulations
before State
Legislature.

60. (1) The Gurugram Metropolitan Development Authority Ordinance, 2017 (Haryana Ordinance No. 2 of 2017), is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

KULDIP JAIN,
Secretary to Government, Haryana,
Law and Legislative Department.