

प्रेषक,

नितिन रमेश गोकर्ण,
प्रमुख सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. आवास आयुक्त,
उ०प्र० आवास एवं विकास परिषद,
लखनऊ।
2. उपाध्यक्ष,
समस्त विकास प्राधिकरण,
उत्तर प्रदेश।
3. निदेशक,
आवास बन्धु,
उ०प्र० लखनऊ।
4. सचिव,
उ०प्र० भू-सम्पदा विनियामक
प्राधिकरण, लखनऊ।

आवास एवं शहरी नियोजन अनुभाग-3

लखनऊ : दिनांक : 18 नवम्बर, 2022

विषय:- उ०प्र० क्षेत्रीय एवं नगर नियोजन अधिनियम, 2022 के ड्राफ्ट पर अभिमत उपलब्ध कराये जाने के संबंध में।

महोदय,

अवगत कराना है कि आवास एवं शहरी नियोजन विभाग के अन्तर्गत प्राधिकरणों के विनियमन एवं विकास क्षेत्र के नियोजन हेतु उ०प्र० क्षेत्रीय एवं नगर नियोजन अधिनियम, 2022 का ड्राफ्ट संलग्न कर आपके सुझाव एवं सहमति हेतु प्रेषित किया जा रहा है।

2- इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया उ०प्र० क्षेत्रीय एवं नियोजन अधिनियम, 2022 के ड्राफ्ट पर अपने सुझाव एवं अभिमत दिनांक 24.11.2022 तक मुख्य नगर एवं ग्राम नियोजक के ई-मेल ctcpup@gmail.com पर तथा शासन को उपलब्ध कराने का कष्ट करें।

संलग्नक: यथोक्त।

भेद्यदीय,
(नितिन रमेश गोकर्ण)
प्रमुख सचिव।

संख्या-2940(1)/आठ-3-2022 -तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- (1) अध्यक्ष/मण्डलायुक्त, समस्त मण्डल, उत्तर प्रदेश।
- (2) मुख्य नगर एवं ग्राम नियोजक, नगर एवं ग्राम नियोजन विभाग को इस अनुरोध के साथ प्रेषित कृपया सभी प्राधिकरणों से सुझाव/अभिमत प्राप्त कर प्रस्ताव शासन को उपलब्ध कराने का कष्ट करें।
- (3) सलाहकारगण, आवास बन्धु, उ०प्र० लखनऊ।

आज्ञा से,
(अजय कुमार सिंह)
उप सचिव।

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THE UTTAR PRADESH REGIONAL AND URBAN PLANNING ACT, 2022 (DRAFT)

(President's Act No.)

An Act to provide for comprehensive planning, balanced urbanization and harmonious development in the Regions established for that purpose and for the constitution of Regional Planning Boards therefor; to make better provisions for the preparation of master plans and resource mobilization for implementation therefor; to ensure that town planning schemes and local area plans are made in a proper manner and their execution is made effective; to provide for transit oriented development and implementation of new schemes by the Development Authorities; to make provisions for the acquisition and assembly of land required for public purposes in respect of the plans; and for purposes connected therewith or incidental thereto.

It is hereby enacted in the Seventy Third Year of the Republic of India as follows:-

CHAPTER I Preliminary	
1. Short title, extent and commencement,-	
(1)	This Act may be called the Uttar Pradesh Regional and Urban Planning Act, 2022.
(2)	It shall extend to the whole of the State of Uttar Pradesh,
(3)	It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint but the State Government may, if it thinks fit, bring different provisions of this Act into force at different times.
2. Definitions- In this Act unless the context otherwise requires,-	
(1)	' Agriculture ' includes horticulture, poultry farming, the raising of crops, fruits, vegetables, flowers, grass or trees of any kind, breeding of livestock including cattle, horses, donkeys, mules, pigs, breeding of fish and keeping of bees, the use of land for grazing cattle and for any purpose which is ancillary to its cultivation or other agricultural purpose; but does not include the use of land as a garden which is an appendage to a building and the expression "agricultural" shall be construed accordingly;
(2)	' Amenity ' includes road, water supply, street-lighting, drainage, sewerage, development of public parks and open spaces, solid waste management and disposal, sewage treatment plant and other public works including utilities, services and such other conveniences as the state government may, by notification in the Gazette specify to be an amenity for the purposes of this Act;
(3)	' Building ' includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;
(4)	' Building operations ' includes rebuilding, structural alterations of, or additions to, building operations normally undertaken in connection with the construction of buildings;

	'Bye-law' means a bye-law made under this Act by the Development Authority;
(6)	'Chairman' and 'Vice Chairman' shall mean respectively the Chairman and Vice Chairman of the Development Authority;
(7)	'Chief Town and Country Planner' shall mean the Chief Town and Country Planner of the Town and Country Planning Department, Government of Uttar Pradesh;
(8)	'City development charge' means the charge levied on a private developer under sub section (2) of section 125 for granting license to private developer for assembly and for development of land;
(9)	'Conservation' means the process of managing change to a heritage site in its setting in ways that will best sustain its heritage values, while recognizing opportunities to reinforce those values for present and future generations. It includes maintenance and preservation, restoration, re-construction or adaptation;
(10)	'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, and includes re- development;
(11)	'Development Area' means any area declared, development area under section 21 of the Act;
(12)	'The Development Authority' or 'the Authority' , in relation to any development area, means the Development Authority constituted under section 22 of the Act for that area;
(13)	'Development Authorities Centralized Service' means a Centralized Service created under section 24 of the Act;
(14)	'Development fee' means the fee levied under section 92 of the Act for providing amenities in the development area and improvement and maintenance thereof;
(15)	'Development Right' means a right to carry out development or to develop the land or building or both;
(16)	'Development Right Certificate' means a certificate issued by the Vice Chairman which entitles the owner of the land to additional or increased Floor Area Ratio (FAR) in the form of Transferable Development Rights which he may use himself or transfer to any other person in accordance with the bye-laws made on that behalf;
(17)	'Engineering operation' includes the formation or laying out means of access to a road or the laying out of means of water supply, drainage, electricity, gas or other public service;
(18)	'Existing land use map' means a map indicating the use to which lands in any

		specified area are put at the time of preparing the map;
(1 9)		'Final plot' means a plot allotted in a final town planning scheme;
(2 0)		'Floor Area Ratio' means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot;
(2 1)		'Government' means Government of Uttar Pradesh;
(2 2)		'Heritage buildings' means buildings, artifacts, structures of historical or archaeological or aesthetic or architectural or cultural or environmental significance which are included in a list(s) published by a notification in the official Gazette by the Government from time to time;
(2 3)		'Heritage precinct' means an area comprising heritage building or buildings and precincts thereof or related places;
(2 4)		'Heritage Sites' means those buildings, artefacts, structures, streets, areas and precincts of historic or archaeological or aesthetic or architectural or cultural or environmental significance and those natural features of environmental significance and sites of scenic beauty including, but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths which are listed in a notification to be issued by the Government from time to time.
(2 5)		'Impact Fee' means a fee levied upon a person or a body under section 128 of the Act for seeking permission for a higher use in a lower use in accordance with the provisions of Master Plan zoning regulations;
(2 6)		'Inspection Fee' means the charge levied upon a person or body under section-107 of the Act for any of the purposes specified in sub section (1) of section 106 ;
(2 7)		'Land Pooling' means a process whereby a public authority or a developer assembles numerous small parcels of land with mutual consent of the land owners, sub-divides and carries out development in accordance with a layout plan approved by the Authority;
(2 8)		'Land use conversion charge' means the charge levied on a person or body under section 126 of the Act for the change of land use in the Master Plan or Zonal Development Plan;
(2 9)		'License fee' means the fee levied on a private developer under section 133 of the Act seeking license for assembly and development of land within the development area;
(3 0)		'Local authority' means-
	(a)	A Municipal Corporation constituted under the Uttar Pradesh Municipal

		Corporation Act, 1959
	(b)	A Nagar Palika Parishad or Nagar Panchayat constituted under the Uttar Pradesh Municipalities Act, 1916;
	(c)	A Kshetra Panchayat or Zila Panchayat constituted under the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961
(3 1)		'Means of access' includes any means of access, whether private or public for vehicles or for pedestrians and includes a road;
(3 2)		'Municipal Area' means the notified area of a Municipal Corporation or a Municipal Council or a Municipal Panchayat;
(3 3)		'Mutation' means transfer or change of title in the records of the Authority when a property is sold or transferred by way of sale, mortgage, lease, gift, exchange or inheritance or in any other manner from one person to another;
(3 4)		'Mutation charges' means the charges levied under sub section (3) of section 134 of the Act upon the person seeking mutation in his name of a property allotted by the Authority to another person;
(3 5)		'Occupier' includes-
	(i)	any person 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
	(ii)	an owner living in or otherwise using his land or building
	(iii)	a rent free tenant
	(iv)	a licensee in occupation of any land or building
	(v)	any person who is liable to pay to the owner damages or compensation for the use and occupation of any land;
(3 6)		'Owner' includes any person whose name is recorded as owner of the land or building or part thereof in the records of the authority concerned;
(3 7)		'Plan' means the master plan or the zonal development plan prepared under section 27, 33 and 34 of the Act, respectively;
(3 8)		'Plot' means a portion of land held in one ownership and numbered and shown as one plot in a town planning scheme;
(3)		'Preliminary scheme' means a preliminary scheme relating to a town planning

	scheme prepared by the Town Planning Officer under section 51 of the Act;
(4 0)	'Prescribed' means prescribed by rules made under this Act;
(4 1)	'Private developer' means an individual, company or association, body of individuals whether incorporated or not, owing or assembling or agreeing to own or assemble, whether by purchase or otherwise, land for development and to whom a license has been granted under section 132 of the Act;
(4 2)	'Prohibited Area' or 'Regulated Area' means an area near or adjoining a protected monument which the Central or State Government has, by notification in the Official Gazette, declared to be a prohibited area, from as the case may be, a regulated area, for purpose of mining operation or construction or both;
(4 3)	'Property' means the land and or building on any plot situated within the development area;
(4 4)	'Reconstituted plot' means a plot which is altered in ownership or in any other way by the making of a town planning scheme;
(4 5)	'Region' means any area established to be a Region under section 3 of the Act;
(4 6)	'Regional plan' means a Plan for the development or re-development of a Region which is approved by the Government and has come into operation under this Act;
(4 7)	'Regional Planning Board' or "Board" means a Regional Planning Board constituted under section 4 of the Act;
(4 8)	'Regional Planning Committee' means a Committee appointed under section-10 of the Act;
(4 9)	'Regulation' means a regulation made under this Act by the Development Authority;
(5 0)	'Rule' means a rule made under this Act by the State Government;
(5 1)	'Scheme' includes a plan relating to a town planning scheme;
(5 2)	'Special amenity' includes projects of vital importance such as mass rapid transit systems(metro rail, light rail, regional rapid rail, bus rapid transit system, ropeway, etc.), freeways (elevated roads, etc.), urban revitalization projects (river front development, etc.) or any other major infrastructure project which may be notified by the State Government;

		'Special amenity fee' means the fee levied under sub-section (4) of section-94 of the Act for provision of special amenities in the development area and improvement and maintenance thereof;
(5 4)		'Stacking fees' means the fees levied under sub section (3) of section 94 of the Act upon the person or body who keeps building materials on the land of the Authority or on a public street or public places;
(5 5)		'To erect a building' with its grammatical variations, includes-
	(i)	any material alteration or enlargement of any building,
	(ii)	the conversion by structural alteration,
	(a)	of a building not originally constructed for human habitation into a place) for human habitation: or
	(b)	into more than one place for human habitation of a building originally) constructed as one such place, or
	(c)	of two or more places of human habitation into a greater number of such) places.
	(iii)	such alterations of a building as affect an alteration of its drainage or sanitary) arrangements, or materially affect its security
	(iv)	the addition of any rooms, buildings, houses or other structures to any) building., and
	(v)	the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land.
(5 6)		'Transit Oriented Zone or TOD Zone' means an area in the vicinity of the Transit Project or Transit Node identified, delineated and notified in the Master Plan of the Development Area where the Transit Project is being implemented or operated. The TOD Zones shall be of three broad categories –
	(i)	Corridor TOD Zone for intra-city projects such as Metro Rail Metro Rail Transit System, Bus Rapid Transit System, Metro-Neo, Metro-Lite, etc., the TOD Zone shall be notional area encompassed within 500 meters on either side of the centre line of the alignment of the Transit Project;
	(ii)	Radial TOD Zone for regional connectivity projects such as Regional Rapid Transport System (RRTS) or High-Speed Rail (HSR) with larger inter-node distances and wider catchments, the TOD Zone shall be a notional area encompassed within a radius of 1.5 kilometers from the center of the Transit Node of such systems;

		(ii) Other High Potential Areas or nodes specifically identified and delineated in the Master Plans as TOD Zones based on location and development potential e.g., greenfield areas near transit systems, expressway, highway interchanges, etc. Provided that the actual boundaries of TOD zone shall be delineated by the Authority based on physical features local conditions and development potential of the area.
(57)		'Town Planning Officer' means the officer appointed for the time being to be the Town Planning Officer for all or any of the provisions of this Act;
(58)		'Town Planning Scheme' means a town planning scheme prepared under this Act, and includes a plan or plans, together with the descriptive matter, if any, relating to such scheme;
(59)		'Transferable Development Rights' means the separated development potential of a parcel of land which is made available in the form of compensatory Floor Area Ratio to the owner of the land on such terms and conditions as specified under the bye-laws made in this behalf;
(60)		'Transit Project' shall include existing or proposed public transportation projects such as Bus ways and Bus Rapid Transit Systems (BRTS), Light Rail Transit (LRT), Tramways, Metro Rail Transit System (Metro), Regional Rapid Transport System (RRTS), High Speed Rail (HSR), Metro-Neo, Metro-Lite or any such public transportation system notified by the Government;
(61)		'Urban use Charge' means the charge levied upon a person or body under section 129 of the Act;
(62)		'Water fees' means the fees levied under sub section (3) of section 93 of the Act upon a person or body for using water supplied by the Authority for building operation or construction of buildings;
(63)		'Zonal Development Plan for TOD Zone' means the Zonal Development Plan prepared for a TOD Zone under section 32 of the Act.
(64)		'Zone' means any one of the divisions in which a development area may be divided for the purposes of preparation of Zonal Development Plan and development under this Act.
CHAPTER II Provisions Relating to Regional Plans (a) Regions		
3. Establishment of Region and alteration of its limits,-		
(1)		Subject to the provisions of this section, the Government may, by notification in the Official Gazette, establish any area in the State, by defining its limits, to be a Region for the purposes of this Act, and may name and alter the name of any such

		Region. In any case, where any Region is renamed, then all references in any law or instrument or other document to the Region shall be deemed to be a reference to the Region as renamed, unless expressly otherwise provided or the context so requires.
	(2)	The Government may, by notification in the Official Gazette,-
	(a)	alter the limits of a Region, so as to include therein or to exclude therefrom, such area as may be specified in the notification; or
	(b)	amalgamate two or more Regions so as to form one Region; or
	(c)	split up any Region into two or more Regions; or
	(d)	declare that the whole or part of the area comprising a Region shall cease to be a Region or part thereof.
	(3)	A plan showing the boundaries of the Region as established under this section shall be available for inspection at the office of the Chief Town and Country Planner and the office of the concerned Associate Planner and on the constitution of the Regional planning Board therefor, also at the office of the Board.
(b) Constitution of Regional Planning Boards		
4. Constitution of Regional Planning Boards,-		
	(1)	For the purpose of planning the development and use of land in the Region, the Government shall, by notification in the Official Gazette, constitute a Regional Planning Board for the Region consisting of following members, namely-
	(a)	a Chairman to be appointed by the Government;
	(b)	The Chief Town and Country Planner, Uttar Pradesh, <i>ex-officio</i> or a person nominated by him not below the rank of Associate Planner/Town Planner;
	(c)	such number of persons not exceeding four appointed by the Government as are members of local authorities functioning in the whole or part of the Region;
	(d)	such number of persons not exceeding ten appointed by the Government who in the opinion of the Government have special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry and environment;
	(e)	such number of persons not exceeding four appointed by the Government from the two houses of the State legislative, representing the whole or port of the Region so that not more than two members are appointed from each of the said houses.
	(f)	The Associate Planner of the concerned division of Town and Country Planning Department, Uttar Pradesh shall be the Secretary to the Regional Planning Board.
	(g)	The Government may appoint a Vice-Chairman from amongst the other

		members.
		If any Region includes any area which in the opinion of the Government is important from the military or defence point of view, the members appointed for their special knowledge or practical experience shall include a person suggested by the Government of India in that behalf.
	(2)	The Regional Planning Board shall have its office at such place as the Government may appoint, and shall be known by the name specified in the notification constituting it.
5. Terms of office and conditions of service of members,-		
	(1)	The term of office and conditions of service of the members of a Regional Planning Board shall be such as may be prescribed; and the members shall be entitled to receive such remuneration or allowances, or both, as the Government may by order determine.
	(2)	If the Government is of the opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reason be removed, the Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.
	(3)	A member of the State Legislature while holding the office of a member of the Board shall not be entitled to receive any remuneration or allowance other than travelling allowance, daily allowance or such other allowance which is paid to the holder of such office for the purpose only of meeting the personal expenditure incurred in attending the meeting of the Board or in performing any other functions as holder of such office.
6. Resignation of members,-		
		Any member of a Regional Planning Board may at any time resign his office by writing under his hand addressed to the Government, and upon the acceptance thereof, the office of the member shall become vacant.
7. Vacancies,-		
		In the event of a vacancy in the office of any member of a Regional Planning Board, the vacancy shall be filled by the Government, and the person so appointed shall hold office so long only as the member in whose place he is appointed would have held office, if the vacancy had not occurred.
8. Powers and duties of Board,-		
	(1)	to carry out a survey of the Region, and prepare reports on the surveys so carried out;
	(2)	to prepare an existing-land-use map, and such other maps as may be necessary for the purpose of preparing a Regional plan;
	(3)	to prepare a Regional plan;
	(4)	to perform any other duties or functions as are supplemental, incidental or

		consequential to any of the foregoing duties, or as may be prescribed by regulations.
9. Meeting of Regional Planning Board, etc.,-		
	(1)	The Regional Planning Board shall meet at such times and places as the Chairman may determine and may, subject to the provisions of sub-sections (2) and (3), make regulations for regulating its procedure and the conduct of its business :
		Provided that, after the submission of draft Regional plan to the State Government, the Board shall meet only if so directed by the State Government.
	(2)	The Chairman and in his absence the Vice-Chairman (if any) and in the absence of the Chairman and the Vice-Chairman, any other member chosen by the members present from amongst themselves, shall preside at a meeting of the Board.
	(3)	All questions at a meeting of the Board shall be decided by a majority of votes of the members present and voting; and in the case of an equality of votes, the person presiding shall have a second or casting vote.
	(4)	Minutes shall be kept of the names of the members present, and others who attend the meetings of the Board under the provisions of this Act, and of the proceedings at each meeting, in a minute book to be kept for this purpose. The minutes shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any member during the office hours.
10. Consultation or association with experts; Regional Planning Committee,-		
	(1)	A Regional Planning Board may, with the previous approval of the Government, associate with itself or consult such persons whose assistance or advice it may desire for the purpose of performing any of its functions under this Act. Such persons may be paid by the Regional Planning Board such remuneration or fees as may be sanctioned by the Government.
	(2)	The person so assisting or advising the Regional Planning Board may take part in the discussions of the Board relevant to the purpose for which he is associated or consulted, but shall not have the right to vote at a meeting, or take part in the discussions of the Board relating to matters connected with any other purpose.
	(3)	For the purpose of hearing any suggestions and objections received after the publication of a draft Regional plan under section 16, a Regional Planning Board shall appoint a Regional Planning Committee consisting of the Town Planning Officer and two other members of the Regional Planning Board.
	(4)	The members of a Regional Planning Committee shall be entitled to such allowances for performing its functions under this Act as may be prescribed.
11. Power of Regional Board to appoint staff,-		
	(1)	For the efficient performance of its functions under this Act, a Regional Planning Board, or an officer authorized by it, may appoint such officer and other staff as may be necessary. The officers and staff so appointed shall be entitled to receive such salaries or allowances, and shall be governed by such terms and conditions of service, as may be determined by the Government.

		The officers and staff appointed by the Regional Board shall work under the superintendence and control of the Chairman.
12. Expenses of Regional Planning Board,-		
		All expenses incurred by a Regional Planning Board, including expenses incurred on account of salaries, allowances, fees and other remuneration payable to its members and to its officer and other staff (not being salaried Government officers or staff) shall be met from such funds as may be placed at the disposal of the Board by the Government.
(c) Regional plans		
13. Survey of Region and preparation of Regional plan,-		
		Subject to the provisions of this Act and the rules and regulations made thereunder, a Regional Planning Board shall, with a view to securing planned development and use of land in a Region, carry out a survey thereof, prepare an existing-land-use map thereof, and other maps as are necessary for the purpose of preparing the Regional plan, and shall, within such period or periods as the Government may from time to time determine in this behalf, prepare a report of the surveys, prepare the Regional plan and such other documents, maps and information as the Regional Planning Board may deem fit for illustrating or explaining the provisions of the Regional plan.
14. Contents of Regional plan,-		
		Subject to the provisions of this Act and any rules made thereunder for regulating the form of a Regional plan and the manner in which it may be published, any such Regional plan shall indicate the manner in which the Regional Planning Board propose that land in the Region should be used, whether by carrying out thereon development or otherwise, the stages by which any such development is to be carried out, the net-work of communications and transport, the proposals for conservation and development of natural resources, and such other matters as are likely to have an important influence on the development of the Region; and any such plan in particular, may provide for all or any of the following matters, or for such matters thereof as the State Government may direct, that is to say—
	(1)	allocation of land for different uses, general distribution and general locations of land, and the extent to which the land may be used as residential, industrial, agricultural, or as forest, or for mineral exploitation ;
	(2)	urban settlement pattern in the region;
	(3)	reservation of areas for open spaces, gardens, recreation, zoological gardens, nature reserves, animal sanctuaries, dairies and health resorts;
	(4)	transport and communications, such as roads, highways, expressways, railways, Regional Rapid Transit System (RRTS), Mass Rapid Transit System (MRTS), waterways, canals and airports, including their development;
	(5)	water supply, drainage, sewerage, sewage disposal and other public utilities, amenities and services including electricity and gas;
	(6)	reservation of sites for new towns, industrial estates and any other large scale development or project which is required to be undertaken for proper development of the Region or new town;

		preservation, conservation and development of areas of natural scenery, water bodies, wet lands, forests, wild life, natural resources and landscaping;
	(8)	preservation of objects, features, structures or places of historical, natural, cultural, architectural or scientific interest and educational value ;
	(9)	areas required for military and defence purposes ;
	(10)	prevention of erosion, provision for afforestation, or reforestation, improvement, redevelopment and conservation of water front areas, rivers and lakes ;
	(11)	proposals for irrigation, water supply and hydro-electric works, flood control and prevention of river pollution ;
	(12)	providing for the relocation of population or industry from over- populated and industrially congested areas, and indicating the density or population or the concentration of industry to be allowed in any areas.
	(13)	such other matters as may be included by the Board for the proper planning of the growth and balanced development of the region.
15. Submission of Regional plan to the Government for approval,-		
	(1)	Every Regional plan shall be submitted to the Government together with all connected documents, maps and plans for approval. The Government may, within the prescribed period, by notification in the Official Gazette, either approve the Regional plan without modification for the whole Region, or any part thereof, or with such modifications as it may consider necessary, or reject the plan with a direction to the Regional planning Board to prepare a fresh plan according to such direction.
	(2)	The Government may, pending approval of the entire Regional plan, by a like notification approve separately any proposals or part of the Regional plan; and any proposals or part so approved shall, on approval of the entire Regional plan, form part of the entire plan so approved.
16. Procedure to be followed in preparing and approving Regional plans,-		
	(1)	Before preparing any Regional plan and submitting it to the Government for approval, every Regional Planning Board shall, after carrying out the necessary surveys and preparing an existing-land-use map of the Region, or such other maps as are considered necessary, prepare a draft Regional plan and publish a notice in the Official Gazette and in such other manner as may be prescribed, stating that the draft Regional plan has been prepared. The notice shall state the name of the place where a copy of such plan shall be available in the public domain or for inspection by the public at all reasonable hours mentioned therein and that copies thereof or any extract therefrom certified to be correct shall be available for sale to the public at a reasonable price and invite objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice, such date not being earlier than four months from the publication of the notice. The notice shall also state that copies of the following particulars in relation to the draft Regional plan are also available for inspection by the public and copies thereof or extracts therefrom certified to be correct are also available in

	the public domain or for sale to the public at a reasonable price at the place so named, namely :-	
	(a)	a report on the existing-land-use map and the regional survey carried out as aforesaid ;
	(b)	maps, charts and a report illustrating and explaining the provisions of the draft Regional plan and indicating the priorities of works to be executed thereunder ;
	(c)	a report of the stages of the development programme by which it is proposed to execute the Regional plan ; and
	(d)	recommendations to the Government regarding the directions to be issued to the local authorities in the Region and the different departments of the State Government, if any, in respect of enforcement and implementation of the proposals contained in the draft Regional plan.
(2)	The Regional Planning Board shall refer the objections, suggestions and representations received by it to the Regional Planning Committee appointed under section 10 for consideration and report.	
(3)	The Regional Planning Committee shall, after giving a reasonable opportunity to all persons affected by the Regional plan of being heard, submit its report to the Regional Planning Board together with all connected documents, maps, charts and plans within such time as may from time to time be fixed in that behalf by the Regional Planning Board.	
(4)	After considering the report of the Regional Planning Committee, and the suggestions, objections and representations, the Regional Planning Board shall prepare the Regional plan containing such modifications, if any, as it considers necessary, and submit it to the Government for approval, together with the report of the Regional Planning Committee and all connected documents, plans, maps and charts.	
17. Publication of Regional plan and date of its operation,-		
	Immediately after a Regional plan is approved by the Government, the Government shall publish, in such manner as may be prescribed by rules as is calculated to bring to the notice of all persons concerned; and in particular, to all persons affected by the Regional plan, a notice stating that the Regional plan has been approved, and naming a place where a copy of the Regional plan may be inspected at all reasonable hours, and stating also that copies thereof or any extract therefrom certified to be correct shall be available in the public domain or for sale to the public at a reasonable price and shall specify therein a date (not being earlier than sixty days from the date of publication of the said notice) on which the Regional plan shall come into operation and the plan which has come into operation shall be called the “ final Regional plan”.	
18. Restriction on change of user of land or development thereof,-		
(1)	No person shall, on or after the publication of the notice that the draft Regional plan has been prepared or the draft Regional plan has been approved, institute or change the use of any land for any purpose other than agriculture or carry out any	

		development in respect of any land without the previous permission-	
		(i)	in case the land is situated in the limits of Municipal Corporation or a Municipal Council, or a Nagar Panchayat or any other planning authority, of such Municipal Corporation or Municipal Council, Nagar Panchayat or other planning Authority, as the case may be, or
		(ii)	in case the land is situated in areas other than those mentioned in clauses (i) above, of the Collector of the District:
			Provided that, the Collector may delegate his powers under this clause to an officer not below the rank of Tahsildar.
			Explanation- For the removal of doubt, it is hereby declared that, no such permission of the Collector shall be required in the village abadi area of a revenue village within the meaning of clause (1) of section 4 of the Uttar Pradesh Land Revenue Code, 2006.
	(2)	(i)	Notwithstanding anything contained in any other law for the time being in force, the Village Panchayat or, as the case may be, the Collector, in considering application for permission shall have due regard to the provisions of any draft or Regional plan or proposal published by means of a notice under this Act.
		(ii)	The provisions of sections 108, 109, 110, 111, 112, 113 and 114 shall apply mutatis mutandis to the unauthorized development carried out in the area of Regional plan, as they apply to the unauthorized development carried out in the area of an Authority ; and
		(iii)	the Collector shall be authority competent to take action in respect of such unauthorized development.
		(iv)	Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, upon a request made by the Collector, specify the terms and conditions on compliance of which and the compounding charges on payment of which the Collector may declare an unauthorized structure to be a compounded structure :
			Provided that, on declaration of an unauthorized structure as compounded structure, the proceedings under any law for the time being in force against such structure initiated by the Collector shall stand abated, and if such proceedings are yet to be initiated, no proceedings shall be maintainable :
19. Exclusion of claims for compensation for injurious affection,-			
		No compensation shall be awarded-	
	(1)	if and in so far as any property or any right or interest therein alleged to be	

		injuriously affected by reason of the provisions contained in any plan or scheme, is subject to substantially similar restrictions in force, under some other law which was in force on the date on which, such injurious affection took place or the restrictions were imposed by this Act ;
	(2)	if compensation in respect of such injurious affection or restrictions imposed under this Act or substantially similar injurious affection or restriction in force under any other law has already been paid in respect of the property or any right or interest therein to the claimant or to any predecessor or in interest of the claimant.
20. Revision or modification of Regional plan,-		
	(1)	If the Government at any time after a Regional plan has come into operation, but not earlier than ten years therefrom is of the opinion that revision of such Regional plan is necessary and there is no Regional Planning Board for the Region to which plan relates, to undertake such revision, the Government may constitute a Regional Planning Board under section 4 or a Regional Planning Board may, with the previous approval of the State Government, also revise the Regional plan; and thereupon, the foregoing provisions of this Chapter shall, so far as they can be made applicable, apply to the revision of the Regional plan as those provisions apply in relation to the preparation, publication of notice and approval of a Regional plan.
	(2)	Notwithstanding anything contained in sub-section (1), the Government may, at any time after a Regional Plan has come into operation, make any modification in such plan in the manner hereinafter provided if in its opinion such modification is necessary for the proper development of the Region for which such plan has been prepared and approved.
	(3)	For the purpose of modifying a Regional plan under sub-section (2) the Government shall publish a notice in the Official Gazette announcing its intention to make the modification specified in the notice and invite objections or suggestions from any person with respect to such modification in writing with reasons therefor within such period as may be specified in the notice. The notice shall also be published in at least one newspaper having wide circulation in the Region and in such other manner as the Government may think fit in the circumstances of each case.
	(4)	After considering the objections and suggestions in respect of the draft modification under sub-section (2), the Government may approve the modification of the Regional plan with such amendments, if any, as it may think fit, or decide not to accord approval and shall publish a notification in the Official Gazette, stating that the modification of the Regional plan specified therein has been approved with or without amendment or has not been approved, as the case may be. In case the modification is approved, then such notification] shall also state the place where a copy of modification to the Regional plan may be inspected at all reasonable hours, and shall specify therein a date on which the modification of the plan shall come into operation.
CHAPTER III		

The Development Authority and its Objects

21. Declaration of development areas,-

	(1)	If in the opinion of the Government any area within the State excluding Cantonment areas and lands owned, requisitioned or taken on lease by the Central Government for the purposes of defense requires to be developed according to plan it may, by notification in the Gazette, declare the area to be a development area.
	(2)	Every notification issued under sub-section (1) shall define the limits of the area to which it relates.
	(3)	The Government may, by notification in the Official Gazette, amalgamate two or more development areas into one development area, sub-divide any development area into different development areas and include such sub-divided areas in any other development area.

22. The Development Authority,-

	(1)	The State Government may, by notification in the Gazette, constitute for the purposes of this Act, an Authority to be called the Development Authority for any development area.
	(2)	The Authority shall be a body corporate, by the name given to it in the said notification, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.
	(3)	The Authority in respect of a development area which includes whole or any part of a city as defined in the (Uttar Pradesh Municipal Corporation Act, 1959) shall consist of the following members namely-
	(4) (a)	Chairman to be appointed by the Government;
	(b)	Vice-Chairman to be appointed by the Government;
	(c)	the Secretary to the Government, incharge of the Department in which, for the time being, the business relating, to the Development Authorities is transferred, ex-officio;
	(d)	the Secretary to the Government in charge of the Department of Finance, ex-officio;
	(e)	the Chief Town and Country Planner, Uttar Pradesh, ex-officio;
	(f)	the Managing Director of the Jal Nigam established under the Uttar Pradesh Water Supply and Sewerage Act, 1975. ex-officio;
	(g)	the Nagar Ayukt, ex-officio;
	(h)	the District Magistrate of every district any part of which is included in the development area, ex-officio;
	(i)	four members to be elected by Sabhasads of the Nagar Nigam for the said city from amongst themselves;

		Provided that any such member shall cease to hold such office as soon as he ceases to be Sabhasad of the Nagar Nigam;
	(k)	such other members not exceeding three as may be nominated by the Government.
	(5)	The appointment of the Vice-Chairman shall be whole time.
	(6)	The Vice-Chairman shall be entitled to receive from the funds of the Authority such salaries and allowance and be governed by such conditions of service as may be determined by general or special order of the Government in this behalf.
	(7)	A member referred to in clause (c), clause (d), (e) or clause (f) of sub-section (3) may instead of attending a meeting of the Authority himself depute an officer, not below the rank of Deputy secretary in the department, in the case of a member referred to in clause (c) or clause (d) and not below the rank of Town Planner in the case of a member referred to in clause (e) and not below the rank of Superintending Engineer in the case of a member referred to in clause (f) to attend the meeting. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.
	(8)	The Authority in respect of a development area other than that mentioned in sub-section (3) shall consist of a Chairman, a Vice Chairman and not less than five and not more than eleven such other members, including at least one member from Nagar Palika Parishad and Nagar Panchayat having each jurisdiction in the development area, who shall hold office for such period and on such terms and conditions as may be determined by general or special order of the Government in this behalf. Provided that the Vice-Chairman or a member other than an ex-officio member of the Authority may at any time by writing under his hand addressed to the Government resign his office and on such resignation being accepted shall be deemed to have vacated his office.
	(9)	No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.
23. Staff of the Authority,-		
	(1)	The Government may appoint two suitable persons respectively as the Secretary and the Chief Accounts Officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or its Vice-Chairman.
	(2)	Subject to such control and restrictions as may be determined by general or special order of the Government, the Authority may appoint such number of other officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.
	(3)	The Secretary, the Chief Accounts Officer and other Officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by other conditions of service as

		may be determined by regulations made in that behalf.
24. Creation of Centralized Services,-		
	(1)	Notwithstanding anything to the contrary contained in section 23 or in any other law for the time being in force, the Government may at any time, by notification create one or more 'Development Authorities Centralized Services for such posts, other than the posts mentioned in sub-section (1) of section 23, as the Government may deem fit, common to all the Development Authorities, and may prescribe the manner and conditions of recruitment to and the terms and conditions of service of person appointed to such service.
	(2)	Upon creation of a Development Authorities Centralized Service, a person serving on the posts included in such service immediately before such creation, not being a person governed by the Uttar Pradesh (Centralized) Services Rules, 1966. or serving on deputation, shall, unless he opts otherwise, be absorbed in such service- (a) finally, if he was already confirmed in his post, and (b) provisionally, if he was holding temporary or officiating appointment.
	(3)	A person referred to in sub-section (2) may, within three months from the creation of such Development Authorities Centralized Service communicate to the Government in the Housing and Urban Planning Department, his option not to be absorbed in such Centralized Service, failing which he shall be, deemed to have opted for final or provisional, as the case may be, absorption in such Centralized Service.
	(4)	Suitability of a person absorbed provisionally, for final absorption In a Development Authorities Centralized Service, shall be examined In the manner prescribed and if found suitable he shall be absorbed finally.
	(5)	The services of an employee who opts against absorption or who is not found suitable for final absorption, shall stand determined and he shall without prejudice to his claim to any leave, pension, provident fund or gratuity which he would have been entitled to, be entitled to receive as compensation from the Development Authority concerned, an amount equal to- (a) three months' salary, if he was a permanent employee: (b) one month's salary, if he was a temporary employee. Explanation. -For the purposes of this sub-section the term salary includes dearness allowance, personal pay and special pay, if any.
	(6)	It shall be lawful for the Government or any officer authorized by it in this behalf, to transfer any person holding any post in a Development Authorities Centralized Service from one Development Authority to another.
25. Advisory Council,-		
	(1)	The Government may, if it thinks fit, constitute an advisory council for the purpose of advising Authority on the preparation of the master plan and on such other matters relating to the planning of development or arising out of, or in

	connection with, the administration of this Act as may be referred to it by the Authority.	
(2)	The Advisory Council in respect of a development area in sub-section (3) of section 22 shall consist of the following members namely-	
	(a)	the Chairman of the Authority, ex-officio, who shall be the President;
	(b)	The Chief Town and Country Planner, Uttar Pradesh ex officio;
	(c)	The Director, Medical and Health Services, Uttar Pradesh, or his nominee who shall not be below the rank of a Deputy Director, ex officio;
	(d)	four representatives of the local authorities having jurisdiction within the limits of the development area, to be elected by their members from among themselves;
	(e)	The Transport Commissioner, Uttar Pradesh, or his nominee who shall, not be below the rank of a Deputy Transport Commissioner, ex-officio;
	(f)	The Chairman, Uttar Pradesh Power Corporation Limited or his nominee, ex-officio;
	(g)	All the members of the House of the People and the State Legislative Assembly whose constituencies include any part of the development area;
	(h)	All members of the Council of States and the State Legislative Council who have their residence in the development area;
	(i)	Three members to be nominated by the Government, one of whom shall represent the interest of labour and one the interest of industry and commerce in the development area.
(3)	For the purpose-of clause (h) of sub-section (2), the place of residence of a member of the Council of States or the State Legislative Council shall be deemed to be that mentioned in the notification of his election or nomination, as the case may be, as such member.	
(4)	An elected member under clause (d) of sub-section (2) shall hold office for a term of three years from the date of his election to the council and shall be eligible for re-election: Provided that such term shall come to an end as soon as the member ceases to be a member of the local body from which he was elected.	
(5)	The Advisory Council, if any, in respect of a development area other than that mentioned in sub-section (2) shall consist of such members as may be determined by the Government by general or special order in that behalf.	
(6)	The Advisory Council shall meet as and when called by the Chairman: Provided that such meeting shall be held at least twice a year.	
26. Objects of the Authority,-		
	The objects of the Authority shall be to promote and secure the development of the development area according to plan and for that purpose the Authority shall have the	

	power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with the supply of water and electricity, to dispose of sewage, provision of other services, facilities and special amenities as the state government may, by notification in the Gazette specify and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto: Provided that save as provided in this Act nothing contained in this Act shall be construed as authorizing the disregard by the Authority of any law for the time being in force.								
CHAPTER IV Master Plan and Zonal Development Plan									
27. Civil survey of, and master plan for the development area,-									
(1)	The Authority shall, as soon as may be, prepare a master plan for the development area, in accordance with the provisions of a Regional Plan, where there is such a plan.								
	Provided that the Authority may assign the responsibility of preparation of master plan to the Town and Country Planning Department of the State or some other agency or through outsourcing.								
(2)	The master plan shall- (a) define the various zones including the Transit Oriented Development (TOD) zone into which the development area may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and (b) serve as a basic pattern of framework within which the Zonal development plans of the various zones may be prepared.								
(3)	In particular, master plan shall provide so far as may be necessary for all or any of the following matters, that is to say,- <table border="1" data-bbox="347 1547 1527 2143"> <tr> <td data-bbox="347 1547 443 1653">(a)</td><td data-bbox="443 1547 1527 1653">proposals for allocating the use of land for purposes, such as residential, commercial, mixed use, offices, industrial, recreational, agricultural;</td></tr> <tr> <td data-bbox="347 1653 443 1890">(b)</td><td data-bbox="443 1653 1527 1890">proposals for earmarking of land for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, social welfare and cultural institutions, places for public entertainment, or public assembly, and government and other public buildings as may from time to time be approved by the Government;</td></tr> <tr> <td data-bbox="347 1890 443 1995">(c)</td><td data-bbox="443 1890 1527 1995">proposals for earmarking of areas for parks and open spaces, playgrounds, stadia, green belts, nature reserves, sanctuaries and dairies, etc.;</td></tr> <tr> <td data-bbox="347 1995 443 2143">(d)</td><td data-bbox="443 1995 1527 2143">transport and communications, such as roads, high-ways, mass rapid transit system corridors, metro rail, railways, water-ways, canals and airports etc.;</td></tr> </table>	(a)	proposals for allocating the use of land for purposes, such as residential, commercial, mixed use, offices, industrial, recreational, agricultural;	(b)	proposals for earmarking of land for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, social welfare and cultural institutions, places for public entertainment, or public assembly, and government and other public buildings as may from time to time be approved by the Government;	(c)	proposals for earmarking of areas for parks and open spaces, playgrounds, stadia, green belts, nature reserves, sanctuaries and dairies, etc.;	(d)	transport and communications, such as roads, high-ways, mass rapid transit system corridors, metro rail, railways, water-ways, canals and airports etc.;
(a)	proposals for allocating the use of land for purposes, such as residential, commercial, mixed use, offices, industrial, recreational, agricultural;								
(b)	proposals for earmarking of land for public purpose, such as schools, colleges and other educational institutions, medical and public health institutions, social welfare and cultural institutions, places for public entertainment, or public assembly, and government and other public buildings as may from time to time be approved by the Government;								
(c)	proposals for earmarking of areas for parks and open spaces, playgrounds, stadia, green belts, nature reserves, sanctuaries and dairies, etc.;								
(d)	transport and communications, such as roads, high-ways, mass rapid transit system corridors, metro rail, railways, water-ways, canals and airports etc.;								

		Proposals for integrating major activity areas through mass transport network to help reduce carbon emissions;
	(f)	water supply, drainage, sewerage, sewage disposal, solid waste management, other public utilities, amenities and services including electricity and gas ;
	(g)	reservation of land for community facilities, services and utilities;
	(h)	proposals for earmarking designation of sites for service industries, industrial estates and any other development on an extensive scale;
	(i)	proposal for economic, social and environmental sustainability;
	(j)	preservation, conservation and development of areas of natural scenery and landscape;
	(k)	preservation of features, structures or places of historical, natural, architectural and scientific interest and educational value and of heritage buildings and heritage precincts;
	(l)	proposals for flood control and prevention of river pollution;
	(m)	the filling up or reclamation of low lying, swampy or unhealthy areas or leveling up of land;
	(4)	Where any development area is included in a Region, the Authority shall have regard to, and be guided by, the proposals made in any draft Regional plan or any final Regional plan, as the case may be, while preparing the draft master plan; Provided that, where the Authority is of the opinion that any provision of a draft Regional plan or the final Regional plan, as the case may be, needs any modification, the Authority may carry out such modification—
	(a)	in the case of a draft Regional plan, with the concurrence of the Regional Planning Board; and
	(b)	in the case of a final Regional plan, with the approval of the Government.
	(5)	The master plan may provide for any other matter which may be necessary for the proper development of the development area.
	(6)	A master plan may be revised at the end of every ten years or earlier if the Government so thinks fit.
28. Existing Land use Map,-		
	(1)	The Authority shall carry out the survey and prepare an existing land use map and forthwith publish the same in such manner as may be specified together with public notice of the preparation of the map and of the place or places where the copies may be inspected, inviting objections and suggestions in writing from any person with respect thereto within 30 days from the date of publication of such notice. Provided that the Authority shall prepare the existing land use map within a period of 06 months from the date of declaration of the development area.

		After the expiry of the period specified in the notice published under sub-section (1), the Authority may, after allowing a reasonable opportunity of being heard to all such persons who have filed the objections or suggestions, make such modifications therein as may be considered desirable.				
	(3)	As soon as may be after the map is adopted with or without modifications the Authority shall publish a public notice of the adoption of the map and the place or places where the copies of the same may be inspected.				
	(4)	A copy of the notice shall also be published in the Official Gazette and it shall be conclusive evidence of the fact that the map has been duly prepared and adopted.				
29. Freezing of Land use,-						
	On the publication of the existing land use map under section 28,-					
	(1)	no person shall institute or change the use of any land or carryout any development of land for any purpose other than that indicated in the existing land use map without the permission in writing of the Authority; Provided that the Authority shall not refuse permission if the change is for the purpose of agriculture;				
	(2)	no local authority or any officer or other authority shall, notwithstanding anything contained in any other law for the time being in force, grant permission for the change in use of land otherwise than as indicated in the existing land use map without the permission in writing of the Authority.				
30. Interim Master Plan,-						
	(1)	As soon as may be, after the declaration of a development area and pending preparation of Master Plan, the Authority may, where it considers it expedient, and shall, when so directed by the Government, prepare and publish the Interim Master Plan for the entire area within the jurisdiction of the Authority, or for any part thereof; and thereupon, the provisions of section-34 shall, so far as may be, but subject to the provisions of this section, apply in relation to such Interim Master Plan as they apply in relation to the preparation and publication of the Master Plan.				
	(2)	The Authority shall prepare and publish such plan not later than one year from the date of notification of the development area or not later than such further period not exceeding one year as may be extended by the Government.				
	(3)	The Interim Master Plan shall provide for the following matters:-				
	(4)	<table><tr><td>(a)</td><td>Zoning of land use for residential, commercial, industrial, mixed use, public and semi-public facilities, parks and open spaces and other purposes together with zoning regulations;</td></tr><tr><td>(b)</td><td>a complete road network indicating major roads/arterial roads, national highways, state highways, bye-passes/ring roads, and traffic circulation pattern for meeting immediate and future requirements with proposals for improvement;</td></tr></table>	(a)	Zoning of land use for residential, commercial, industrial, mixed use, public and semi-public facilities, parks and open spaces and other purposes together with zoning regulations;	(b)	a complete road network indicating major roads/arterial roads, national highways, state highways, bye-passes/ring roads, and traffic circulation pattern for meeting immediate and future requirements with proposals for improvement;
(a)	Zoning of land use for residential, commercial, industrial, mixed use, public and semi-public facilities, parks and open spaces and other purposes together with zoning regulations;					
(b)	a complete road network indicating major roads/arterial roads, national highways, state highways, bye-passes/ring roads, and traffic circulation pattern for meeting immediate and future requirements with proposals for improvement;					

		areas reserved for parks, playgrounds and other recreational uses, public open spaces and green belts,
	(d)	areas reserved for public buildings, institutions and offices, and area reserved for such other purposes as may be expedient for new development.
(5)	The Interim Master Plan may also provide for such other matters as the Authority may decide to include or as may be directed by the Government.	
(6)	The Interim Master Plan shall consist of such maps and such descriptive matters as the Authority may consider necessary to explain and illustrate the proposals made in such plan.	
(7)	The restrictions imposed by the Interim Master Plan shall cease to operate with the coming into operation of the Master Plan.	

31. Preparation of Master Plan for Additional Area,-

If at any time after an Authority has declared its intention to prepare a Master Plan or after a Master Plan prepared by an Authority has been sanctioned, the jurisdiction of the Authority is extended by inclusion of an additional area, the Authority after following the provisions of this Act for the preparation of a Master Plan, prepare and publish a Master Plan for such additional area either separately or jointly with the interim or final Master Plan prepared or to be prepared for the area originally under its jurisdiction, and submit it to the Government for sanction after following the same procedure as it followed for submission of a Master Plan to the Government for approval:

Provided that, where a Master Plan for the additional area requires modification of the final Master Plan or where the Government directs any such modifications, the Authority shall revise the final Master Plan after following the procedure laid down under section-34, so far as may be relevant.

32. Zonal Development Plans,-

(1)	Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which the development area may be divided and for the Transit Oriented Development (TOD) zone.	
	Provided that the Authority may assign the responsibility of preparation of zonal development plan to the Town and Country Planning Department of the State or some other agency or through outsourcing.	
(2)	A zonal development plan may-	
	(a)	contain a site-plan and land use-plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public parks and open spaces and other categories of public

			and private uses;
		(b)	specify the standards of population density and building density;
		(c)	show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and
		(d)	In particular, contain, provisions regarding all or any of the following matters, namely-
		(i)	the division of any site into plots for the erection of buildings;
		(ii)	the allotment or reservation of land for roads, parks and open spaces, gardens, recreation-grounds, schools, markets and other public purposes;
		(iii)	the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
		(iv)	the erection of buildings on any site and the restrictions and conditions in regard to the set backs or open spaces to be maintained in or around buildings and height and character of buildings;
		(v)	the alignment of buildings of any site;
		(vi)	the architectural features of the elevation or frontage of any building to be erected on any site;
		(vii)	the number of residential buildings which may be erected on plot or site;
		(viii)	the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or Authority by whom or at whose expense such amenities are to be provided;
		(ix)	the prohibitions or restrictions regarding erection of shops, work-shops, warehouses of factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;
		(x)	the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;
		(xi)	the restrictions regarding the use of any site for purposes other than erection of buildings;
		(xii)	prohibitions for restrictions regarding conservation of heritage sites, heritage precincts and heritage buildings;
		(xiii)	the terms and conditions for granting and utilization of transferable development rights;

			(xiv)	proposals relating to transit oriented development;
			(xv)	any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for presenting buildings being erected haphazardly, in such zone or area.
	(3)	The Authority shall prepare the zonal development plan for the TOD Zone in accordance with the policy and guiding principles issued by the Government in this behalf.		
33. Submission of plans to the Government for approval,-				
	(1)	In this section and in sections 34, 35, 93 and 97 the word 'plan' means the master plan as well as the zonal development plan for a zone.		
	(2)	Every plan shall, as may be after its preparation be submitted by the Authority to the Government for approval and that Government may either approve the plan without modification or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.		
34. Procedure to be followed in the preparation and approval of Plan,-				
	(1)	Before preparing any plan finally and submitting it to the Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by regulations made in that behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice. The notice shall also state that copies of the following particulars in relation to the draft plan are also available for inspection by the public and copies thereof, or extracts therefrom certified to be correct, are also available for sale to the public at a reasonable price at the place so named, namely:—		
		(a)	a report on the existing-land-use map and the surveys carried out for the purpose of preparation of the draft plan ;	
		(b)	maps, charts and a report explaining the provisions of the draft plan;	
		(c)	zoning regulations for enforcing the provisions of the draft plan and explaining the manner in which the permission for developing any land may be obtained from the Authority;	
		(d)	a report of the stages by which the development proposed in the draft plan shall be carried out;	
		(e)	an approximate estimate of the cost of major development works for the public purposes.	
	(2)	The Authority shall also give reasonable opportunity to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.		
	(3)	The Authority shall forward all objections and suggestions received by it to a		

		Planning Committee constituted under the chairmanship of the Vice Chairman by the Government consisting of Chief Town and Country Planner or his nominee, three members of the Authority and such additional number of persons, not exceeding four having special knowledge or practical experience of matters relating to town and country planning or environment or relating to both for consideration and report.
	(4)	The Planning Committee shall, on receipt of objections and suggestions, make such enquiry as it may consider necessary, and give a reasonable opportunity of being heard to any person including representatives of Government departments who may have filed any objection or made any suggestions in respect of the draft plan and after considering the same, the Planning Committee shall submit its report to the Authority within a period of two months from the date of its appointment or within such extended period as the Government may specify.
	(5)	Not later than two months, after the receipt of the report of the Planning Committee, the Authority shall consider the report including the objections and suggestions received by it and make a list of such modifications or changes and carry out the same in the draft master plan, as it may consider proper and finally prepare the plan and submit it to the Government for approval.
	(6)	Subject to the provisions of this section, and not later than six months from the date of receipt of such plan from the Authority, the Government after consulting the Chief Town and Country Planner may sanction the draft plan submitted to it either without modification, or subject to such modifications as it may consider proper, or return the draft plan to the Authority for modifying the plan or it may direct or refuse to accord sanction and direct the Authority to prepare a fresh plan.
35. Date of commencement of plan,-		
		Immediately after a plan has been approved by the State Government, the Authority shall publish in such manner as the State Government may specify, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.
36. Implementation and binding of plans,-		
	(1)	Any plan which has come into operation shall, subject to the provision of this Act, be binding on the Authority.
	(2)	On the coming into operation of any plan, it shall be the duty of every Authority to take such steps as may be necessary to carry out the provisions of such plan.
37. Plan implementation fund,-		
		The Authority shall create a plan implementation fund for the purposes of implementation of various development works as may be necessary to carry out the provisions of plan. Proceeds from following sources in such proportions as may be determined by the Government shall be credited to this fund;-
	(1)	Moneys received by the Authority from the Government;
	(2)	moneys received by the Authority from the State Government by way of grants,

		loans, advances or otherwise;
(3)		moneys received by the Authority from the State Government from sources other than the State Government by way of loans or debentures;
(4)		moneys received by the Authority from Urban Use Charge, grant of Transferrable Development Rights, City Development Charge, Land-Use Conversion Charge, Development Fee, Purchasable FAR, Impact Fee;
(5)		any other charge or fee from any other source as may be determined by the Government or the Authority.

CHAPTER-V

Town Planning Scheme

38. Making and Contents of a Town Planning Scheme,-

	(1)	Subject to the provisions 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 regard being had to the proposals in the final master plan or zonal development plan and the directions issued by a general or special order by the State Government from time to time, if any:	
		Provided that the State Government may in this behalf direct by specific or general order to make town planning scheme to the concerned authority: Provided further that where any town planning scheme is not made for any specific area, adjacent to any town planning scheme the owners of the lands of such area, may make a request to the concerned authority to make a town planning scheme.	
	(2)	A town planning scheme may be made in accordance with the provisions of this Act in respect of any land which is:	
		(a)	in the course of development;
	(2)	(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)	A town planning scheme may make provision for any of the following matters, namely:	
		(a)	the laying out or relaying out of land, either vacant or already built upon;
		(b)	the filling up or reclamation of low-lying, swampy or unhealthy areas,

			or leveling up of land;
	(c)		lay-out of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;
	(d)		the construction, alteration and removal of buildings, bridges and other structures;
	(e)		the allotment or earmarked of land for roads, open spaces, gardens, recreation grounds, schools, markets, green-belts, dairies, transport facilities, public purposes of all kinds;
	(f)		drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
	(g)		lighting;
	(h)		water supply;
	(i)		the preservation of objects of historical or national interest or natural beauty, and of buildings actually used for religious purposes;
	(j)		the reservation of land to the extent of ten per cent, or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people and of such other class of people as may be determined by the State Government;
	(k)	(a)	allotment of land from the total area covered under the scheme, to the extent of,-
		(i)	fifteen percent; for roads,
		(ii)	fifteen per cent; for parks, play grounds, gardens and open space,
		(iii)	five per cent for social infrastructure such as school, dispensary, fire brigade, public utility place as earmarked in the Draft Town Planning Scheme and also for industrial development, and
		(iv)	fifteen per cent; for sale by Authority for residential, commercial or industrial use depending upon the nature of development: Provided that the percentage of the allotment of land specified in Paragraphs (i) to (iii) may be altered depending upon the nature of development and for the reasons to be recorded in writing;
		(b)	the proceeds from the sale of land referred to in Paragraph iv) of Sub-Clause a) shall be used for the purpose of providing infrastructural facilities;

			the land allotted for the purposes referred to in Paragraphs ii) and iii) of Sub-Clause a) shall not be changed by variation of schemes for the purposes other than public purpose;
	(l)	the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of building allowed in specified areas, the purposes to which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of lands in any area in specified periods, parking's space and loading and unloading space for any building and the sizes or locations of projections and advertisement signs;	
	(m)	the suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend: Provided that any suspension under this clause shall cease to operate in the event of the State Government refusing to sanction the preliminary scheme, or in the event of the withdrawal of the scheme under Section 65, or on the coming into force of the final scheme;	
	(n)	such other matters not inconsistent with the objects of this Act as may be prescribed.	

39. Power of Authority to resolve on Declaration of Intention to make Scheme,-

	(1)	Before making any town planning scheme under the provision of this Act in respect of any area, the Authority in consultation with the Chief Town and Country Planner, UP may, by resolution, declare its intention to make such a scheme in respect of such area.
	(2)	Within twenty-one days from the date of such declaration (hereinafter referred to as the declaration of intention to make a scheme), the Authority shall publish it in the prescribed manner and shall dispatch a copy thereof along with a plan showing the area which it proposes to include in the town planning scheme to the State Government.
	(3)	A copy of the plan dispatched to the State Government under sub-section (2) shall be open to the inspection of the public during office hours at the office of the Authority.

40. Making and Publication of Draft Scheme,-

	(1)	Within nine months from the date of the declaration of intention to make a scheme under Section 39 the Authority shall make a draft scheme of the area in respect of which the said declaration has been made and publish the same in the Official Gazette, along with the draft regulations for carrying out the provision of the scheme: Provided that on application by the Authority in that behalf, the State
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		Government may, from time to time, by notification extend the aforesaid period by such period or periods, as may be specified, therein so however, that the period or periods so extended shall not in any case exceed - three months in the aggregate.
	(2)	If the draft scheme is not made and published by the Authority within the period specified in sub-section (1) or within the period extended under the proviso to that sub-section, an officer appointed by the State Government may make and publish in the Official Gazette, a draft scheme for the area in respect of which the declaration of intention to make the scheme has been made within a period of nine months from the date of the expiry of the aforesaid period, or the extended period, as me ease may be.
	(3)	If such publication is not made by the officer appointed under sub-section (2), the declaration of intention to make a scheme shall lapse and for a period of three years from the date of such declaration, it shall not be competent for the Authority to declare its intention to make any town planning scheme for the said area or for any part thereof.
41. Power of State Government to require Authority to make Scheme,-		
	(1)	Notwithstanding anything contained in Sections 39 and 40, the State Government may, after making such inquiry as it deems necessary, by notification, require any Authority functioning within a development area to make and publish in the prescribed manner and submit for its sanction a draft scheme in respect of any area in regard to which a town planning scheme may be made;
	(2)	For the purposes of this Act and the rules made there under, the requisition under sub-section (1) by the State Government shall be deemed to be the declaration of intention to make a scheme under Section 39.
42. Contents of Draft Scheme,-		
	The draft scheme shall contain the following particulars, namely:-	
	(a)	the area, ownership and tenure of each original plot;
	(b)	the particulars of land allotted or reserved under Clause (e) of Sub-Section (3) of Section 35 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;
	(c)	the extent to which it is proposed to alter the boundaries of original plots;
	(d)	an estimate of the net cost of the scheme to be borne by the Authority;
	(e)	a full description of all the details of the scheme under sub-Section (3) of Section 35 as may be applicable;
	(f)	the laying out or relaying out of land either vacant or already built upon;
	(g)	the filling up or reclamation of low-lying, swampy or unhealthy areas or leveling up of land; and

		any other prescribed particulars.
43. Reconstitution of Plots,-		
	(1)	In the draft scheme referred to in Section 42 , the size and shape of every plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building, as far as possible, complies with the provisions of the scheme as regards open spaces.
	(2)	For the purposes of sub-section (1), the draft scheme may contain proposals-
		(a) to form a final plot by the reconstitution of an original plot by the alteration of its boundaries, if necessary;
		(b) to form a final plot from an original plot by the transfer of any adjoining lands;
		(c) to provide with the consent of the owners that two or more original plots which are owned by several persons or owned by persons jointly be held in ownership in common as a final plot, with or without alteration of boundaries;
		(d) to allot a final plot to any owner dispossessed of land in furtherance of the scheme; and
		(e) to transfer the ownership of a plot from one person to another.
	(3)	Where under Clause (k) of sub-Section (3) of Section 38 , the purpose to which buildings or specified areas may not be appropriated have been specified, the buildings shall cease to be used for a purposes other than the purposes specified in the scheme within such time as may be specified in the final scheme and the person affected by the provision shall be entitled to compensation from the Authority in the manner and according to the method prescribed: Provided that in ascertaining such compensation the time within which the person affected was permitted to change the use shall be taken into consideration.
44. Disputed Ownership,-		
	(1)	Where there is a disputed claim to the ownership of any place of land included in an area in respect of which a declaration of intention to make a scheme has been made and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive, an inquiry may be held on an application being made by the Authority or the Town Planning Officer at any time prior to the date on which the Town Planning Officer draws up the preliminary scheme under Section 50 by such officer as the State Government may appoint for the purpose of deciding as to who shall be deemed to be the owner for the purposes of this Act.
	(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.

		Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the Authority by the person affected by such decree.
45. Objections to Draft Scheme to be considered,-		
		If within one month from the date of publication of a draft scheme, 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 scheme to the State Government as hereinafter provided modify such scheme as it thinks fit: Provided that the Authority may, in such circumstances as may be prescribed and with the previous sanction of the State Government, reduce the aforesaid period of one month to fifteen days for inviting objections to the draft scheme.
46. Power of State Government to Sanction Draft Scheme,-		
	(1)	The Authority shall, within three months from the date of the publication of the draft scheme in the Official Gazette, submit the draft scheme with any modifications that may have been made therein under Section 45 together with the objections which may have been communicated to it, to the State Government for sanction.
	(2)	After receiving the draft scheme and after making such enquiry as it may think fit the State Government may, within three months 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. “However, the State Government may, if deemed fit, by notification in the Official Gazette, return the scheme to the Authority to carry out such modifications as may be directed, including the direction to include or exclude any land in question in the scheme. The Authority shall comply with the directions of the State Government and shall, after following the procedure as laid down under sub-Section (1) or sub-section (2) or both of Section 40, submit the scheme within the specified time limit to the State Government”.
	(3)	If the State Government sanctions such scheme, it shall in such notification state at what place and time the draft scheme shall be open for the inspection of the public.
47. Vesting of Land in Authority,-		
	(1)	Where a Draft Scheme has been sanctioned by the State Government under sub-Section (2) of Section 46 , (hereinafter in this section, referred to as 'the sanctioned draft scheme'), all lands required by the Authority for the purposes specified in Clauses (c), (f), (g) or (h) of sub-Section (3) of Section 38 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 68 and 69 shall mutatis mutandis apply to the sanctioned draft scheme as if,-
	(a)	sanctioned draft scheme were a preliminary scheme, and
48. Restrictions on Use and Development of Land after Declaration of a Scheme,-		
	(a)	On or after the date on which a draft scheme is published under Section 39, 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 Authority in prescribed form and on payment of such scrutiny fees as may be prescribed by regulations;
	(b)	Where an application for permission under Clause (a) is received by the Authority, it shall send to the applicant a written acknowledgment of its receipt and after making such inquiry as it deems fit and in consultation with the Town Planning Officer, if any, may either grant or refuse such permission or grant it subject to such conditions as it may think fit to impose; Provided that any such permission or condition thereto shall be in accordance with the Draft Town Planning Scheme sanctioned under sub-section (2) of Section 46 and in line with the notification of the Government while according such sanction.
	(c)	if the Authority does not communicate its decision to the applicant within three months from the date of acknowledgment of its receipt, such permission shall be deemed to have been granted to the applicant;
	(d)	if any person contravenes the provisions of Clause (a) or of any condition imposed under Clause (b), the Authority 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.
	(e)	any, expense incurred by the Authority under Clause (d) shall be a sum due to it under this Act from the person in default;
	(f)	the provisions of Section-107 shall so far as may be, apply in relation to the unauthorised development or use of land included in a town planning scheme;
	(g)	the restrictions imposed by this section shall cease to operate in the event of the State Government refusing to sanction the draft scheme or the preliminary scheme or in the event of the withdrawal of the scheme under Section 65 or in the event of the declaration of

			intention lapsing under sub-Section (3) of Section 40 ;
		(h)	any diminution in the value of an original plot occasioned by any contravention of the provisions of Clause (a) or of any condition imposed under Clause (b) shall, notwithstanding anything contained in Section 78, 79 and 80 be taken into account in fixing the market value of such plot.
49. Appointment of Town Planning Officer,-			
	(1)	Within one month from the date on which the sanction of the State Government to a draft scheme is notified in the Official Gazette, the State Government shall appoint a Town 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 State Government may, on the request made by the Authority, appoint a Town Planning Officer within one month from the date of declaration of intention under sub-Section (1) of Section 50.	
	(2)	The State 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 Town Planning Officer appointed under this section and shall forthwith appoint another person in his place and any proceeding pending before Town Planning Officer immediately before the date of his removal shall be continued and disposed of by the new Town Planning Officer Appointed in his place: Provided that no Town 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 Town 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 scheme is sanctioned under Section 64.	
50. Duties of Town Planning Officer,-			
	Within a period of twelve months from the date of his appointment, the Town Planning officer shall, after following the prescribed procedure, sub-divide the town planning scheme into a preliminary scheme and a final scheme: Provided that the State Government may, from time to time, by order in writing, extend the said period by such further period or periods but not exceeding six months as may be specified in the order and any such order extending the period may be made so as to have retrospective effect.		
51. Contents of Preliminary and Final Scheme,-			
	(1)	In a preliminary scheme, the Town Planning Officer shall-	
		(a)	after giving notice in the prescribed manner and in the prescribed

			from to the persons affected by the scheme, define and demarcate the areas allotted to, or reserved for, any public purpose, or for a purpose of the Authority and the final plots;
		(b)	after giving notice as aforesaid, determine in a case in which a final plot 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 the provisions of Section 82 ;
		(d)	determine the period within which the works provided in the scheme shall be completed by the Authority.
	(2)	The Town 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 Town 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 (f) of sub-section (1) of Section 78 ;
		(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 80 , on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly the owners or residents within the area of the scheme and partly to the general public;
		(e)	determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;
		(f)	estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions of Section 79 ;
		(g)	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 80 ;
	(h)	calculate the contribution to be levied on each plot included in the final scheme;
	(i)	determine the amount to be deducted from, or added to, as the case may be, the contribution livable from a person in accordance with the provisions of Section 80 ;
	(j)	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 effected by the making of the town planning scheme in accordance with the provisions of Section 83 ;
	(k)	draw in the prescribed form the preliminary and the final scheme in accordance with the draft scheme :
		Provided that the Town Planning Officer may make variation from the draft scheme, but no such variation, if it is of a substantial nature, shall be made except with the previous sanction of the State Government, and except after hearing the 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 Town Planning Officer to involve an increase of ten percent in the costs of the scheme as is described in Section 78 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 Town Planning Officer. (ii) If there is any difference of opinion between the Town Planning Officer and the Authority as to whether a variation made by the Town Planning Officer is of substantial nature or not, the matter shall be referred by the Authority to the State Government whose decision thereon shall be final.
52. Certain decision of Town Planning Officer to be final,-		
		Except in matters arising out of Clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of Section 51 , every decision of the Town Planning Officer shall be final and binding on all persons.
53. Appeal,-		
	(1)	Any decision of the Town Planning Officer under Clauses (c), (d), (f), (g), (h) and (j) of sub-section (3) of Section 51 shall forth with be communicated to the party concerned in the prescribed form and any party aggrieved by such decision may within one month from the date of communication of decision, present an appeal to the Board of Appeal constituted under Section 54 .

	(2)	(a)	A Board of Appeal shall continue to hear and decide appeal until the date on which the Board of Appeal is constituted (hereinafter referred to as "the said date"), by the State Government under Section 54 , and
		(b)	all appeals pending on the said date before any Board of Appeal shall stand transferred to the Board of Appeal so constituted.
54. Constitution of Board of Appeal,-			
	(1)	(a)	The State Government shall, from time to time by an order published in the Official Gazette, constitute a Board of Appeal for hearing and deciding appeals under Section 53 .
		(b)	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 assessor.
		(c)	The President shall be a person who is or has been a District Judge or a Judge of the District Civil Court.
		(d)	The terms of appointment of the President of the Board of Appeal and conditions of service shall be such as may be prescribed.
	(2)	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 Town Planning Officer under sub-section (2) of Section 61 .	
	(3)	The State 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).	
	(4)	If any assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such assessor shall appoint forthwith a fit and proper person in his place.	
55. Town Planning Officer to assist Board in Advisory Capacity and his Remuneration,-			
	(1)	The Town Planning Officer shall be present at the proceedings before the Board of Appeal.	
	(2)	The Town 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.	
	(3)	When the Town Planning Officer is required under sub-section (2) to assist the Board of Appeal, he shall, save, where he is a salaried officer of Government, be entitled to such fees as the State Government may from time to time determine.	
56. 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.		

57. Decision of question 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.
58. Power of Board to decide matter finally,-		
	(1)	After making such inquiry as it may think fit, the Board of Appeal may either direct the Town Planning Officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the Town Planning Officer.
	(2)	Every decision of the Board of Appeal shall be final and binding on all persons.
59. Board not to be Court,-		
		Nothing contained in this Act shall be deemed to constitute the Board of Appeal to be a court.
60. 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 State 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 the fees payable to a Town Planning Officer under sub-section (3) of Section 55 and all expenses, incidental to the working of the Board of Appeal shall, unless the State Government otherwise determines, be defrayed out of the funds of the Authority and shall be added to the costs of the scheme.
61. Decision of Town 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 53 , in respect of a matter arising out of Clause (iii), Clause (iv), Clause (vi), Clause (vii), Clause (viii) or Clause (x) of sub-section (3) of Section 51 , the decision of the Town Planning Officer shall be final and binding on the parties.
	(2)	the Board of Appeal shall send a copy of its decision in appeal to the Town 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 52 and a copy of the decision of the Board of Appeal in appeal to the State Government for the sanction of the final scheme.
62. Power of Town Planning Officer to split up Draft Scheme into Separate Sections,-		
	(1)	After a Town Planning Officer has been appointed under Section 49 , the Authority may apply to him to split up the draft scheme into different sections and to deal with each section separately as if such section were a separate draft scheme.

		On receipt of an application under sub-section (1), the Town Planning Officer may, after making such inquiry as he thinks fit, split up the draft scheme into sections.
	(3)	The provisions of this Act and the rules made there under shall, so far as may be, apply to each of such sections as it were a separate draft scheme.
63. Submission of Preliminary Scheme and Final Scheme to Government,-		
	The Town Planning Officer shall submit to the State Government for sanction the preliminary scheme also before the final scheme is submitted to the State Government under sub-section (2) of Section 51, together with a copy of his decision under Section 52.	
64. 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 State Government may-
	(a)	in the case of preliminary scheme, within a period of two months from the date of its receipt, and
	(b)	in the case of a final scheme, within a period of three months 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 State 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 State 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 in which all the liabilities created by the scheme shall come into force: Provided that the State Government may from time to time extend such date, by notification, by such period, not exceeding three months at a time, as it thinks fit.
	(3)	On and after the date fixed in such notification, the preliminary scheme or the final scheme, as the case may be, shall have effect as if it were enacted in this Act.
	(4)	The Authority shall, after the preliminary scheme is sanctioned by the State Government under sub-section (2), complete the execution of such scheme within a period of two years from the date of the sanction of such scheme, failing which the State Government may take such actions against Authority as it deems fit.
65. Withdrawal of Scheme,-		

		If at any time before the preliminary scheme is forwarded by the Town Planning Officer to the State Government, a representation is made to the Town Planning Officer by the Authority and a majority of the owners in the area, that the scheme should be withdrawn, the Town 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 State Government.	
	(2)	The State 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 proceeding shall be taken in regard to such scheme.	
66. 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 final plots shall determine and the final plots shall become subject to the rights settled by the Town Planning Officer.	
67. Manner of Resolution of Grievances after Sanctioning Scheme,-			
	(1)	In case where the final plot is allotted in joint ownership in the sanctioned preliminary or final scheme, then on application being made to the Committee by any of the joint owners, the Committee constituted under sub-section (2) shall give a notice to all the concerned and after giving them an opportunity of being heard, shall with respect to such final plot define the share of the joint holders and demarcate the area that may be allotted to each of them.	
	(2)	The committee shall consist of the following members, namely:-	
		(a)	the Chairman of the Development Authority, shall be the Chairman;
		(b)	the Vice Chairman of the Development Authority
		(c)	the Chief Town and Country Planner, UP (or representative)
		(d)	Incharge Planning of Concerned Development Authority, Member Secretary
	(3)	The decision of the Committee in this regard shall be deemed to be the part of the scheme sanctioned under Section 64 .	
68. 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.		
69. Power to Enforce Scheme,-			

		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 or 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 this 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 State Government and the decision of the State Government shall be final and binding on all persons.
	(4)	No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the 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.
70. 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 State Government for the variation of the scheme.
	(2)	If on receiving such application or otherwise, the State Government is satisfied that the variation required is not substantial, the State Government shall publish a draft of such variation in the prescribed manner.
	(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 Clauses (a) to (h) of sub-section

		(3) of Section 38 , 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 the head office of the Authority during office hours.
	(5)	Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing his objections to such variation to the State Government through the Collector and send a copy thereof to the Authority.
	(6)	After receiving the objections under sub-section (5), the State Government may, after consulting the Authority and after making such inquiry as it may think fit, by notification-
	(a)	appoint a Town 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 State Government, or
	(b)	make the variation with or without modification, or
	(c)	refuse to make the variation.
	(7)	From the date of the notification making the variation, with or without modification, such variation shall take effect as it were incorporated in the scheme.

71. 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 Paragraphs (ii) and (iii) of Sub-Clause (a) of Clause (jj) of sub-section (3) of Section 38 requires to be changed to any other purpose specified in any of the said paragraphs, the Authority may make such change after following the procedure relating to amendment of regulations, specified in Section 73 as if such change were an amendment of regulations.
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72. Variation of Town Planning Scheme by another Scheme,-

	Notwithstanding anything contained in Section 70 , a town planning scheme may at any time be varied by a subsequent scheme made, published and sanctioned in accordance with the provisions of this Act,
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73. 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;
	(2)	if within one month from the date of publication of the draft amendment, any person communicates in writing to the Authority any suggestions or objections relating to such amendment, the Authority shall consider such suggestions or objection and may, at any time before submitting the draft amendment to the

		State Government as hereinafter provided, modify such amendment as it thinks fit;
	(3)	the Authority shall within a period of two months from the date of its publication, submit the draft amendment along with the suggestions or objections to the State 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 State 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 State Government, the final town planning scheme shall be deemed to have been varied in accordance with the amendment.
74. Compensation when Scheme is varied,-		
		If at any time after the date on which the scheme has come into force, such scheme is varied, 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.
75. Apportionment of Costs of Scheme with drawn not Sanctioned,-		
		In the event of a town planning scheme being withdrawn or sanction to a preliminary scheme being refused by the State Government, the State 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 State Government may in each case determine.
76. Right to appear by recognized agent,-		
		Every party to any proceedings before the Town Planning Officer or the Board of Appeal shall be entitled to appear either in person or by his recognized agent.
77. Powers of Civil Courts in respect of certain matters,-		
		For the purposes of this Act, an officer appointed under sub-section (1) of Section 44 or the Town Planning Officer or the Board of Appeal shall have the same powers of a civil court while trying a suit certain under the Code of Civil Procedure, 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 witnesses or documents.

78. Costs of Scheme,-

	(1)	The costs of a town planning scheme shall include-	
		(a)	all sums payable by the Authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme.
		(b)	all sums spent or estimated to be spent by the Authority in the making and execution of the scheme : Provided that the estimates shall be with reference to the period during which the preliminary scheme is to be implemented after it is sanctioned under Section 94 ;
		(c)	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;
		(d)	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;
		(e)	all legal expenses incurred by the Authority in the making and in the execution of the scheme;
		(f)	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.
		(g)	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 (f) 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).	

79. Calculation of Increment,-

	For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has
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	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.		
80. 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 Town Planning Officer: Provided that-	
	(i)	(a)	where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution, and
		(b)	where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the Authority;
	(ii)	where a plot is subject to a mortgage with possession or to a lease, the Town 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;	
	(iii)	no such contribution shall be levied on a plot used, 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	
	(iv)	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 livable in respect of such plot.	
81. Certain amounts to be added to, or deducted from contribution livable from a 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 livable from a such person, each of such plots being estimated at its market value at, the date of the declaration of intention to make a scheme or the date or the notification issued by the State Government under sub-section (1) of Section 41 and without reference to improvements contemplated in the scheme other than improvements due to the		

	alteration of its boundaries.
82. 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 Town 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 Town 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.
83. Compensation in respect of Property or Right Injurious 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 Town Planning Officer within the prescribed time, be entitled to be compensated in respect thereof by the Authority or by any person benefitted or partly by the Authority and partly by such person as the Town 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 State Government under sub-section (1) of Section 41 without reference to improvements contemplated in the scheme, as the case may be.
84. 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 provisions 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 specified in Clause (k) of sub-section (3) of Section 38.
85. 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 80 is less than the total amount to be deducted there from under any of the provision of this 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.
86. Provision for case in which Value of Developed Plot 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 this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town 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 Town 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 (1) of Section 41 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 this Act:
	(3)	Provided that the payment made by the Authority on account or the value of the original plot shall not be included in the costs of the scheme.
87. Payment by Adjustment of Account,-		
		All payments due to be made to any person by the Authority under this 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.
88. Payment of net amount due to Authority,-		
	(1)	The net amount payable under the provisions of this 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 installment, interest at such rate as is arrived at by adding two percent to the bank-rate-published under Section 49 of the Reserve Bank of India Act, 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 this 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.
89. 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 Town Planning Officer as described in Chapter V 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 Town Planning Officer:
		Provided that if the agreement is modified by the State Government, either party shall have the option of avoiding it, if it so elects.

CHAPTER-VI

Special Provisions for Local Area Plan

90. Preparation, Sanction etc. of Local Area Plan,-

	(1)	Subject to the provisions of this Act or any other law for the time being in force, the Authority may make one or more Local Area Plan for the development area or any part thereof, regard being had to the proposals in the final master plan or zonal development plan, if any.
	(2)	The Local Area Plans may be made in respect of any land which is a part of the sanctioned preliminary scheme or not. However, before making the Local Area Plan, the Authority shall publish in the Official Gazette, the boundaries of area for which the Local Area Plan is to be made and in the local newspapers: Provided that for making the Local Area Plan in respect of any land which is not a part of the sanctioned preliminary scheme, the prior permission of the State Government shall be necessary.
	(3)	The Local Area Plan may provide provisions for any of the following matters, namely:-
	(a)	define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation;
	(b)	lay down in detail the projected road and street furniture;
	(c)	access, make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and land scape;
	(d)	prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity;
	(e)	indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;

		access the cost of works to be provided by the Authority and the contribution of fees to be paid by different owners;
	(g)	make such provisions as are necessary as provision for controlling and regulating the use and development of land within the development area, including imposition of charges at such rate as may be provided for grant of Floor Area Ratio (FAR) or height, and also imposition of conditions and restrictions in regard to the open space to be maintained for buildings, the percentage of building area for a plot, the location, number, size, height, number of storeys and character of buildings and density of built up area allowed in specified area, the use and purposes to which a building or specified areas of land may or may not be appropriated, the sub-divisions of plots, the discontinuance of objectionable uses of land in any area in any specified periods, parking spaces, loading and unloading space for any building and the sizes of projections and advertisement signs and hoardings and other matters as may be considered necessary for carrying out the objects of this Act;
	(h)	indicate in the plan and other document, the land which shall vest with the Authority.
(4)	The Authority, after making the draft Local Area Plan, shall-	
	(a)	for the purpose of making the Local Area Plan call a meeting or meetings of the persons affected by the Local Area Plan, by a public notice and notices to the individuals whose addresses are known, and explain the contents of the Local Area Plan for inviting their objections and suggestions on the said proposal.
	(b)	Consider the objections and suggestions received under sub-clause (a), and modify the plan as it thinks fit and publish it in the Official Gazette, inviting objections and suggestions from the person affected by the Local Area Plan within a period of thirty days.
(5)	The Authority may consider the objections and suggestions received under clause (b) of sub-section (4) and modify the plan if necessary and thereafter, the same shall be submitted to the State Government along with the objections and suggestions; and its conclusion thereon.	
(6)	On receipt of the draft Local Area Plan under sub-section (5), the State Government may, by notification,-	
	(a)	sanction such local area plan with or without modifications or subject to such conditions as it may think fit to impose; or
	(b)	return the plan to the Authority with directions as it may think fit; or
	(c)	refuse to accord sanction,”.
(7)	Where the State Government sanctions the Local Area Plan under clause (a)	

		of sub section (6), it shall state in the notification-
	(a)	the place at which the Local Area Plan shall be kept open for inspection by the public, and
	(b)	a date on which all the liabilities created by the Local Area Plan shall come in to force
(8)		On and after the date on which a Local Area Plan comes into force, any person continuing to occupy and land which he is not entitled to occupy under the Local Area Plan shall, within a period of three months, surrender the land to the Authority and if he fails to do so the Authority shall, give a notice in writing to evict within a period specified in the notice. In case, if the person continues to occupy such land for which the notice has been issued, the Authority shall take following measures, namely:-
	(a)	remove, pull down or alter any building or other work in the area of the land included in the Local Area Plan which is such as contravenes the Local Area Plan or in the erection or carrying out of which any provision of the Local Area Plan has not been complied with.
	(b)	any expenses incurred by the Authority under this section shall be recovered from the person in default or the owner of the plot in the manner provided for the recovery of the sums due to the Authority under the provision of this Act.
	(c)	no persons 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 clause (b) of sub section (7) and only in so far as such building or works 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 between the claimant and the Authority.

CHAPTER-VII

Arterial Roads in Development Area

91. Maintenance and Improvement of facade of certain buildings abutting arterial roads,-

(1)	Where in any developments area, any building occupied wholly for non-residential purposes or partly for residential and partly for non- residential purposes abuts an arterial road, the occupier of such building, shall be bound to repair whitewash, colour-wash or paint the facade of such building at his own cost in accordance with any bye laws made in that behalf.
(2)	Where the authority, with a view to ensuring symmetry with any colour-scheme or other specification made in that behalf considers it necessary or expedient so to do, or where any occupier fails to repair, white-wash, colour

		wash or paint the facade of any building in accordance with sub-section (1), it may by order require that the said work shall be carried out by the Authority itself or under its direction, and may accordingly, also require the occupier to pay the cost of such work to the Authority.
(3)		The cost of any work referred to in sub-section (2) shall be calculated on a 'no profit no loss' basis and in case of any dispute about the reasonableness of the amount required to be deposited, the same shall be decided by the Government, and subject thereto, the order of the Authority shall be final and shall not be called in question in any Court.
(4)		In case of non-payment by an occupier of the whole or part of the cost of any work referred to in sub-section (2), it shall, on the certificate of the Vice-Chairman, be recoverable from the occupier as arrears land revenue.
		Explanation.- In this section- (a) the expression 'arterial road' shall have the meaning assigned to it in the bye- laws, (b) the expression 'occupier' in relation to a building, means the person in actual occupation or use of the building, and includes- (i) the owner (which expression shall include an agent or trustee or a receiver, sequestrator or manager appointed by a Court, or a mortgagee with possession of the building) in occupation; (ii) the tenant who for the time being is paying or is liable to pay rent in respect thereof to the owner; (iii) the rent-free grantee or licensee thereof; (iv) the person who is liable to pay to the owner damages for unauthorised use and occupation thereof.

CHAPTER-VIII

Amendment of the Master Plan and the Zonal Development Plan

92. Amendment of Plan,-

(1)	The Authority may make any amendments in the master plan or the zonal development plan as it thinks fit, being amendments which, in its opinion do not effect important alteration in the character of the plan and which do not relate to the extent of land uses or the standards of population density.
(2)	The Government may make amendments in the master plan or the zonal development plan whether such amendments are of the nature specified in sub-section (1) or otherwise.
(3)	Before making any amendments in the plan, the Authority, or as the case may be, the Government shall publish a notice in at least one newspaper having circulation in the development area inviting objections and suggestions from any person with respect to the proposed amendments before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the

	Government.
(4)	Every amendment made under this section shall be published in such manner as the Authority or the Government, as the case may be, may specify, and the amendments shall come into operation either on the date of the first publication or on such, other date as the Authority or the Government, as the case, may be, may fix.
(5)	When the Authority makes any amendments in the plan under sub- section (1) it shall report to the Government the full particulars of such amendments within thirty days of the date on which such amendments come into operations.
(6)	If any question arises whether the amendments proposed to be made by the authority are amendments which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or, the standards of population density, it shall be referred to the Government whose decision, thereon shall be final.
(7)	Any reference in any other Chapter, except Chapter IV, to the master plan or the zonal Development plan shall be construed as a reference to the master plan or the zonal development plan as amended under this section.

CHAPTER VIII

Development of Lands

93. Development of land in the developed area,-

(1)	After the declaration of any area as development area under Section 21, no development of land shall be undertaken or carried out or continued in that area by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Vice-Chairman in accordance with the provision of this Act.
(2)	After the coming into operation of any of the plans in any development area no development shall be undertaken or carried out or continued in that area unless such- development is also in accordance with such plans.
(3)	Notwithstanding anything contained In sub-sections (1) and (2), the following provisions shall apply in relation to development of land by any department of any Government or the Central Government or any local authority-
(a)	When any such department or local authority intends to carry out any development of land it shall inform the Vice Chairman in writing of its intention to do so giving full particulars thereof, including any plans and documents, at least 30 days before undertaking such development;
(b)	In the case of a department of any State Government or the Central Government, if the Vice-Chairman has no objections, it should inform such department of the same within three weeks from the date of receipt by it under Clause (a) of the department's intention, and if

			the Vice-Chairman does not make any objection within the said period, the department shall be free to carry out the proposed development;
		(c)	Where the Vice-Chairman raises any objection to the proposed development on the ground that the development is not conformity with any Master Plan or Zonal Development Plan prepared or intended to be prepared by it, or on any other ground, such department or the local authority, as the case be, shall-
		(i)	either make necessary modifications in the proposal development to meet the objections raised by the Vice-Chairman or
		(ii)	submit the proposals for development together with the objections raised by the Vice-Chairman to the State Government for decision under clause (d)
		(d)	The Government, on receipt of proposals for development together with the objections of the Vice-Chairman may either approve the proposals with or without modifications or direct the department or the local authority, as the case may be, to make such modification as proposed by the Government and the decision of the Government shall be final.
		(e)	the development of any land begun by any such department or subject to the provisions of section 154 by any such local authority before the declaration referred to in sub-section (1) may be completed by that department or local authority with compliance with the requirement of sub-sections (1) and (2).
94. Application for permission,-			
	(1)	Every person or body (other than any department of Government or any local authority) desiring to obtain the permission referred to in section 93 shall make an application in writing to the Vice-Chairman in such form and containing such particulars in respect of the development to which the Application relates as may be prescribed by bye-laws.	
	(2)	Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules.	
	(3)	The Authority shall be entitled to levy development fee, stacking fee, water fee and inspection fee in such manner and at such rates as may be prescribed. Provided that the amount of stacking fees levied in respect of an area which is not being developed or has not been developed, by the Authority, shall be transferred to the local authority within whose local limits such area is situated.	
	(4)	Where in any development area, the Government declares its intention to undertake one or more special amenity projects, the Authority shall be	

	entitled to levy special amenity fee in such manner and at such rate as state government may, by notification in the Gazette specify. Provided that the additional amount levied and collected as a result of levy of special amenity fee shall be credited to the special amenities development fund as established under section 101 and utilized solely for the purpose of one or more special amenity projects in such manner as may be notified by the Government from time to time.
(5)	On the receipt of an application for permission under sub-section (1) the Vice-Chairman after making such inquiry as it considers necessary in relation to any matter specified in Clause (d) of sub-section (2) of section 32 or in relation, to any other matter, shall by order in writing, either grant the permission, subject to such conditions, if any. as may be specified in the order or refuse to grant such permission: Provided that before making an order refusing such permission the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused: Provided further that the Vice-chairman may before passing any order on such application give an opportunity to the applicant to make any correction therein or to supply any further particulars or documents or to make good any deficiency in the requisite fee with a view to bringing it in conformity with, the relevant rules or regulations. Provided also that before granting permission, referred to in section 93, the Vice-Chairman may get the fees and the charges levied under sub-section(3) deposited.
(6)	Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant.
(7)	Any person aggrieved by an order under sub-section(6) may appeal to the Chairman against that order within thirty days from the communication thereof and may after giving an opportunity of hearing to the appellant and, if necessary, also to the representative of the Vice- Chairman, either dismiss the appeal or direct the Vice-chairman to grant the permission applied for with such modifications, or subject to such conditions, if any, as may be specified.
(8)	The Vice-chairman shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.
(9)	The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with, as may be prescribed by regulations, and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.
(10)	Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on

		the application for permission but the Vice-Chairman may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (6) direct refund of such portion of the fee as it may deem proper in the circumstances of the case.
	(11)	If at any time after the permission has been granted under sub-section (5), the vice-Chairman is satisfied that such permission was granted in consequence of any material misrepresentation made or any fraudulent statement or information furnished, he may cancel such permission for reasons to be recorded in writing and any work done thereunder shall be deemed to have been done without such permission. Provided that a permission shall not be cancelled without affording to the person or body concerned a reasonable opportunity of being heard.

95. Completion Certificate,-

	(1)	Every person or body having been granted permission under sub-section (5) of section 94, shall complete the development according to the approved plan and send a notice in writing of such completion to the Authority, and obtain a completion certificate from the Authority in the manner prescribed or provided in the bye-laws of the Authority. Provided that if completion certificate is not granted and refusal to grant it is not intimated within such period as may be prescribed by bye-laws, after receipt of the notice of completion, it shall be deemed that the Completion Certificate has been granted by the Authority.
	(2)	No person shall occupy or permit to be occupied any commercial building or use or permit to be used such building or part thereof affected building or work until- (a) completion certificate has been issued by the Authority, or (b) Authority has failed for three months after the receipt of the notice of completion to intimate its refusal of grant of the said certificate.
		Explanation.-for the purposes of this section, the expression 'commercial building' shall have the meaning assigned to it in the Uttar Pradesh Municipal Corporations Act. 1959.

96. Uses of land and buildings in contravention of plans,-

	After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan : Provided that it shall be lawful to continue to use, upon such terms and conditions as may be prescribed by bye-laws made in that behalf, any land or building for the purposes and to the extent for and to which it is being used upon the date on which such plan comes into force.
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CHAPTER IX

Acquisition and Disposal of Land

97. Compulsory acquisition of land,-

		If in the opinion of the Government any land is required for the purpose of development or for any other purpose, under this Act the State Government may acquire such land under the Provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: Provided that any person from whom any land is so acquired may after the expiration of a period of five years from the date of such acquisition apply to the Government for restoration of that land to him on the ground that the land has not been utilized within the period for the purpose for which it was acquired, and if the Government is satisfied to that effect it shall order restoration of the land to him on re-payment of the charges which were incurred in connection with the acquisition together with interest at the rate of twelve percent per annum and such development charges as if any may have been incurred after acquisition. Provided further that the Authority may acquire land by direct purchase or negotiation or land pooling or any other manner as may be prescribed by the State government. The Authority may also prepare Land Pooling Scheme for any part of the area within its jurisdiction and in such manner as may be prescribed.
	(2)	Where any land has been acquired by the Government, that Government may, after it has taken possession of the land, transfer the land to the Authority or any local authority for the purpose for which the land has been acquired on payment by Authority or the local Authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the acquisition.
98. Disposal of land by the Authority or the local Authority concerned,-		
	(1)	Subject to any directions given by the Government in this behalf, the Authority or, as the case may be, the local Authority concerned may dispose of- (a) any land acquired by the Government and transferred to it, without undertaking or carrying out any development thereon; or (b) any such land after undertaking or carrying out such development as it thinks fit. to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of the development area according to plan.
	(2)	Nothing in this Act shall be construed as enabling the Authority or the local Authority concerned to dispose of land by way of gift, but subject thereto, references in this Act, to the disposal of land shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.
	(3)	Notwithstanding, anything contained in sub-section (2), the Authority or the

		local Authority concerned may create a mortgage or charge over such land (including any building thereon) in favour of the Life Insurance Corporation of India, the Housing and Urban Development Corporation, or a banking company as defined in the Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972 or any other financial institution approved by general or special order in this behalf by the Government.				
	(4)	Where vacant land has been disposed of under this section by way of lease for making constructions within the time with right of forfeiture of the lease and re-entry upon failure to make constructions within such time, and the lessee fails without sufficient reason, to make the constructions or a substantial portion thereof, within the stipulated time or such extended time as the lessor may grant, the lessor may subject to the provisions of Sub-section (5) forfeit the lease and re-enter upon the land: Provided that no forfeiture and re-entry shall be made unless the lessee has been allowed reasonable opportunity to show cause against the proposed action.				
	(5)	Where a lessee fails to make construction within the stipulated time, and the extended time, if any, under sub-section (4) so that the total period from the date of lease exceeds five years, a charge at the rate of two per cent of the prevailing market value of the concerned land shall be realised every year from him by the lessor and if from the date of imposition of the said charge a further period of five years elapses the lease shall stand forfeited and the lessor shall re-enter upon the land: Provided that where the period of five years has expired before the commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997, or where the period of five years expires within one year after such commencement, the charge shall be realizable after a period of one year from the date of such commencement.				
	(6)	Upon such forfeiture and re-entry, the premium paid by the lessee for such land shall be refunded without any interest, after deducting- <table><tr><td>(a)</td><td>the amount, if any, due to the lessor under that lease, and</td></tr><tr><td>(a)</td><td>a sum equivalent to 5 per cent of the premium, for administrative expenses.</td></tr></table>	(a)	the amount, if any, due to the lessor under that lease, and	(a)	a sum equivalent to 5 per cent of the premium, for administrative expenses.
(a)	the amount, if any, due to the lessor under that lease, and					
(a)	a sum equivalent to 5 per cent of the premium, for administrative expenses.					
	(7)	Any person aggrieved by an order under sub-section (4) may, within 30 days from the date of knowledge thereof, prefer an appeal to the District Judge whose decision shall be final.				
	(8)	The land so re-entered upon after forfeiture of lease may be disposed of in accordance with the provisions of sub-sections (1) and (2).				
99. Nazul lands,-						
	(1)	The Government may, by notification in the Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and				

		undeveloped lands in the development area vested in the State (known and hereinafter referred to as 'nazul lands'), for the purpose of development in accordance with the provisions of the Act,
(2)		After any nazul land has been placed at the disposal of the Authority under sub-section (1), no development of any such land shall be undertaken or carried out except by or under the control and supervision of the Authority.
(3)		After any such nazul land has been developed by or under the control and supervision of the Authority it shall be dealt with by the Authority in accordance with directions given by the Government in that behalf.
(4)		If any nazul land placed at the disposal of the Authority under sub- section (1) is required at any time thereafter by the Government, the Authority shall, by notification in the Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

CHAPTER X

Finance, Accounts and Audit

100. Funds,-

(1)	Every Regional Planning Board or the Authority shall have and maintain its own fund to which shall be credited-
(a)	all moneys received by the Regional Planning Board or the Authority from the Government by way of grants, loans, advances or otherwise;
(b)	all moneys borrowed by the Regional Planning Board or the Authority from sources other than the Government by way of loans or debentures;
(c)	all fees, tolls and charges received by the Regional Planning Board or the Authority under this Act;
(d)	all moneys received by the Regional Planning Board or the Authority from the disposal of lands, buildings and other properties, movable and immovable; and
(e)	all moneys received by the Regional Planning Board or 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 the expenses incurred by the Regional Planning Board or the Authority in the administration of this Act and for no other purpose;
(3)	Subject to any directions of the Government, the Regional Planning Board or the Authority may keep in current account of any Scheduled Bank such sum of money out of its fund as it may think necessary for meeting its expected current requirements and invest any surplus money in such manner as it thinks fit.
(4)	The Government may, after due appropriation made by Legislature by law in that behalf, make such grants, advances and loans to the Regional Planning

		Board or the Authority as that Government may deem necessary for the performance of the functions of the Regional Planning Board or the Authority under this Act and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.
	(5)	The Regional Planning Board or the Authority may borrow money by way of loans or debentures from such sources (other than the State Government) and on such terms and conditions as may be approved by the Government.
	(6)	The Regional Planning Board or the Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5) and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.
	(7)	The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.
101. Special amenities development fund,-		
	(1)	Where in any development area the Government declares its intention to undertake one or more special amenity projects, the Government shall direct the concerned Authority to establish and maintain a separate fund which shall be called the special amenities development fund and to which the following proceeds shall be credited:- (a) Money collected as special amenity fee under sub-section (4) of section 94 , (b) money collected on account of any other fees/charges in relation to the special amenity in such proportion and in such manner as Government may, by notification in the Gazette specify.
	(2)	The fund shall be utilized solely for the financial sustainability of the concerned special amenity project(s) in such manner as Government may, by notification in the Gazette specify.
	(3)	The Government by notification shall constitute a Board for the administration of each of the special amenities development fund(s) consisting of the following members – (a) the Chairman of the concerned Authority. (b) the Vice-Chairman of the concerned Authority. (c) a representative of the project implementation agency of the special amenity project in the concerned development area.
102. Budget,-		
		The Regional Planning Board or the Authority shall prepare in such form and at such time every year as the Government may specify, a budget in respect of the financial year next ensuing, showing the estimated receipts, and expenditure of the Regional Planning Board or the Authority.
103. Accounts and Audit,-		

		Every Regional Planning Board or 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 the Government may specify.
(2)		The accounts of every Regional Planning Board or the Authority shall be subject to audit annually by the Examiner, Local Fund Accounts: Provided that in place of or in addition to the Examiner, Local Fund Accounts, the Government may entrust the audit to the Accountant General, Uttar Pradesh or Comptroller and Auditor General of India or to any other Auditor on such terms and conditions, in such manner, for such period and at such times as may be agreed upon between him and the Government.
(3)		The rights, authority and privileges of any person conducting audit under sub-section (2) shall -
	(i)	in the case of Examiner, Local Fund Accounts, be the same as he has in connection with the audit of the accounts of local authority;
	(ii)	in the case of the Accountant General, Uttar Pradesh or as the case may be, the Comptroller and Auditor General of India, be the same as he has in connection with the audit of Government accounts, and
	(iii)	in the case of any other auditor, be as prescribed;
		and, in particular, he shall have the right to demand production of books, accounts, connected vouchers, papers and other documents and to inspect the office of the Regional Planning Board or the Authority.
(4)		The accounts of the Regional Planning Board or the Authority, as certified by the Auditor or any person appointed by him in that behalf, together with audit report thereon shall be forwarded to the Government annually or at such times as may be directed by it. The Government may issue such directions to the Regional Planning Board or the Authority as it may deem fit and the Regional Planning Board or the Authority shall be bound to comply with such directions.
(5)		Any expenditure, incurred by the Auditor in connection with the audit shall be payable by the Regional Planning Board or the Authority to the auditor.

104. Annual Report,-

	The Authority shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as the Government may specify and such report shall be laid before both houses of the Legislature.
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105. Pension and Provident Funds,-

	Where any such pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were Government Provident Fund.
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CHAPTER XI

Supplemental and Miscellaneous Provisions

106. Power of entry,-

	(1) Any officer authorized by any Regional Planning Board or any person authorized by the Government or any person authorized by the Vice-Chairman of the Authority may enter in or upon any land or building with or without assistants or workmen for the purpose of- <table border="1" data-bbox="359 465 1519 1816"> <tr> <td data-bbox="359 465 427 562">(a)</td><td data-bbox="427 465 1519 562">making any inquiry, inspection, measurement or survey or taking levels of such land or building;</td></tr> <tr> <td data-bbox="359 562 427 712">(b)</td><td data-bbox="427 562 1519 712">examining works under construction and ascertaining the course of sewers and drains;</td></tr> <tr> <td data-bbox="359 712 427 817">(c)</td><td data-bbox="427 712 1519 817">digging or boring into the sub-soil;</td></tr> <tr> <td data-bbox="359 817 427 967">(d)</td><td data-bbox="427 817 1519 967">setting out boundaries and intended lines of work;</td></tr> <tr> <td data-bbox="359 967 427 1072">(e)</td><td data-bbox="427 967 1519 1072">making such levels, boundaries and lines by placing marks and cutting trenches;</td></tr> <tr> <td data-bbox="359 1072 427 1265">(f)</td><td data-bbox="427 1072 1519 1265">ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in Section 93 or in contravention of any condition subject to which such permission has been granted; or</td></tr> <tr> <td data-bbox="359 1265 427 1816" rowspan="4">(g)</td><td data-bbox="427 1265 1519 1323">doing any other thing necessary for the efficient administration of this Act;</td></tr> <tr> <td data-bbox="427 1323 1519 1384">Provided that</td></tr> <tr> <td data-bbox="427 1384 1519 1534">(i) no such entry shall be made except between the hours of sunrise and sun-set without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;</td></tr> <tr> <td data-bbox="427 1534 1519 1668">(ii) sufficient opportunity shall in every instance be given to enable woman, if any, to withdraw from such land or building;</td></tr> <tr> <td data-bbox="359 1668 427 1816"></td><td data-bbox="427 1668 1519 1816">(iii) 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 entered.</td></tr> </table>	(a)	making any inquiry, inspection, measurement or survey or taking levels of such land or building;	(b)	examining works under construction and ascertaining the course of sewers and drains;	(c)	digging or boring into the sub-soil;	(d)	setting out boundaries and intended lines of work;	(e)	making such levels, boundaries and lines by placing marks and cutting trenches;	(f)	ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in Section 93 or in contravention of any condition subject to which such permission has been granted; or	(g)	doing any other thing necessary for the efficient administration of this Act;	Provided that	(i) no such entry shall be made except between the hours of sunrise and sun-set without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;	(ii) sufficient opportunity shall in every instance be given to enable woman, if any, to withdraw from such land or building;		(iii) 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 entered.
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(d)	setting out boundaries and intended lines of work;																			
(e)	making such levels, boundaries and lines by placing marks and cutting trenches;																			
(f)	ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in Section 93 or in contravention of any condition subject to which such permission has been granted; or																			
(g)	doing any other thing necessary for the efficient administration of this Act;																			
	Provided that																			
	(i) no such entry shall be made except between the hours of sunrise and sun-set without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;																			
	(ii) sufficient opportunity shall in every instance be given to enable woman, if any, to withdraw from such land or building;																			
	(iii) 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 entered.																			
	(2) The power of any person authorized by the Regional Planning Board, shall extend only to the area under the jurisdiction of such Board; and the power of the person authorized by the Vice Chairman shall extend only to the area under the jurisdiction of Authority and the power of the person authorized by the State Government shall extend to such area as the State Government may specify in this behalf.																			
	(3) Any person who obstructs the entry of a person empowered or authorized under																			

		this section to enter into or upon any land or building or molests such persons after such entry shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.
107. Power of Authority to levy inspection fee,-		
		Authority shall be entitled to levy inspection fee for the purposes specified in sub-section (1) of section 104.
108. Penalties,-		
	(1)	Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land, in contravention of the Master Plan or Zonal Development Plan or without the permission, approval or sanction referred to in Section 93 or in contravention of any condition subject to which such permission, approval or sanction has been granted shall be punishable with fine which may extend to Fifty thousand rupees, and in the case of a continuing offence, with further fine which may extend to Two thousand five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.
	(2)	Any person who uses any land or building in contravention of the provisions of Section 96 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to Twenty-five thousand rupees and in the case of a continuing offence, with further fine which may extend to One thousand, two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence.
	(3)	Any person who obstructs the entry of a person authorized under Section 106 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
109. Encroachment or obstruction on public land,-		
	(1)	Whoever makes any encroachment on any land not being private property, whether such land belongs to or vests in the authority or not in a development area, except steps over drain in any public street, shall be punishable with simple imprisonment for a term which may extend to one year and with fine which may extend to twenty thousand rupees.
	(2)	Any offence punishable under Sub-section (1) shall be cognizable.
	(3)	Whoever by placing or depositing building material or any other thing whatsoever, or otherwise makes any obstruction in any street or land not being private property, whether such street or land belongs to or vests in the Authority or not in a development area, except steps over drain in any public street. or placing of building material during such period as may be permitted on payment of stacking fees on a public street of public place, shall be punishable

	with simple imprisonment for a term which may extend to one month or with fine which may extend to two thousand rupees or with both.								
(4)	If there are grounds to believe that a person has made any encroachment or obstruction on a land in a development area which is not a private property, the Authority or an officer authorised by it in this behalf may serve upon the person making encroachment or obstruction, a notice requiring him to show cause why he shall not be required to remove the encroachment or obstruction within such period not being less than fifteen days as may be specified in the notice, and after considering the cause, if any, shown by such person, may order removal of such encroachment or obstruction for reason to be recorded in writing:								
	Provided that any encroachment made on public land by a person belonging to weaker section on or before the date of commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997 shall not be removed until alternative land or accommodation is offered to rehabilitate him in such manner and on such terms and conditions as may be prescribed: Explanation.—For the purposes of this section, the expression <table><tr><td>(1)</td><td><i>'a person belonging to weaker section' means a person-</i></td></tr><tr><td>(a)</td><td><i>whose family on the date of commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997 does not hold any immovable property in any city as defined in the Uttar Pradesh Municipal Corporation Act, 1959 or any Municipal Area defined in the Uttar Pradesh Municipalities Act, 1916 and</i></td></tr><tr><td>(b)</td><td><i>whose principal source of livelihood is manual labour including the practice of any craft. either by himself or by the members of his family and includes a rickshaw puller or scavenger, but does not include a person who has been assessed to income tax under the Income Tax Act, 1961 or trade tax under the Uttar Pradesh Trade Tax Act, 1948 or Sales Tax under the Central Sales Tax 1956.</i></td></tr><tr><td>(2)</td><td><i>'family', in relation to a person belonging to weaker section means the husband or wife, as the case may be, and unmarried minor children either or both of them.</i></td></tr></table>	(1)	<i>'a person belonging to weaker section' means a person-</i>	(a)	<i>whose family on the date of commencement of the Uttar Pradesh Urban Planning and Development (Amendment) Act, 1997 does not hold any immovable property in any city as defined in the Uttar Pradesh Municipal Corporation Act, 1959 or any Municipal Area defined in the Uttar Pradesh Municipalities Act, 1916 and</i>	(b)	<i>whose principal source of livelihood is manual labour including the practice of any craft. either by himself or by the members of his family and includes a rickshaw puller or scavenger, but does not include a person who has been assessed to income tax under the Income Tax Act, 1961 or trade tax under the Uttar Pradesh Trade Tax Act, 1948 or Sales Tax under the Central Sales Tax 1956.</i>	(2)	<i>'family', in relation to a person belonging to weaker section means the husband or wife, as the case may be, and unmarried minor children either or both of them.</i>
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(2)	<i>'family', in relation to a person belonging to weaker section means the husband or wife, as the case may be, and unmarried minor children either or both of them.</i>								
(5)	Notwithstanding anything contained in the forgoing provisions, the Authority of the officer authorised by it in this behalf shall, addition to the action taken as provided in this section, also have power to seize or attach any property found on the land referred to in this section or, as the case may be, attached to such land or permanently fastened to anything attached to such land.								
(6)	Where any property is seized or attached by an officer authorised by the Authority, he shall immediately made a report of such seizure or attachment to the Authority.								

		The Authority may make such orders as it thinks fit for proper custody of the property seized or attached, pending the conclusion of confiscation proceedings, and if the property is subject to speedy and natural decay, or it is otherwise expedient so to do the Authority may order it to be sold or otherwise disposed of.
(8)		Where any property is sold as aforesaid, the sale proceeds, after deducting the expenses, if any, of such sale and other incidental expenses relating thereto, shall,
	(a)	where no order of confiscation is ultimately passed by the Authority, or
	(b)	where an order passed in appeal so requires be paid to the owner thereof or the person from whom it is seized or attached.
(9)		Where any property is seized under sub-section (5), the Authority may order confiscation of such property.
(10)		No order for confiscation of any property shall be made under sub-section (9) unless the owner of such property or the person from whom it is seized or attached is given.
	(a)	a notice in writing, informing him of the grounds on which it is proposed to confiscate the property.
	(b)	an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and
	(c)	a reasonable opportunity of being heard in the matter.
(11)		Any order of confiscation under this section shall not prevent the infliction of any punishment to which the person affected thereby may be liable under the Act.
(12)		Any person aggrieved by an order made under sub-section (9) may within one month from the date of the communication to him of such order, appeal against it to the District Judge.
(13)		On such appeal, the District Judge may, after giving an opportunity to the appellant and the respondent of being heard, pass such order as he may think fit confirming, modifying or setting aside the order appealed against, and pending appeal, may stay the operation of such order on such terms, if any, as he thinks fit.
110. Claim for compensation for removal under section 109,-		

	Any person aggrieved by the removal of obstruction or encroachment under sub-section (4) of Section109 may within thirty days from the date of such removal prefer a claim for compensation or restitution or both before the Tribunal against either the Authority, or the officer ordering the removal or against both, and for making such officer personally liable for the loss caused to him due to such removal.
(2)	The District Judge having territorial jurisdiction over the area in which the removal of encroachment or obstruction as provided in sub-section (4) of Section109 has taken place shall be the Tribunal for the Purposes of this section.
(3)	Every order of the Tribunal for payment of any compensation for the restitution of any immovable property shall be deemed to be a decree of the Civil Court and shall be executable as such. Provided that if the Tribunal awards any compensation against any officer personally, it shall be the duty of the Authority to realise the amount from the salary or the other dues of the officer concerned and to pay it to the claimant.
(4)	The proceedings before the Tribunal shall be deemed to be judicial Proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code.
(5)	The Tribunal shall for the purpose of deciding a claim under this section, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely-
(a)	Summoning and enforcing the attendance of any person and examining him on oath;
(b)	Receiving evidence on affidavits;
(c)	Inspecting any immovable Property or its locality, or issuing commission for the examination of witnesses or documents of local investigation;
(d)	Requiring the discovery and production of documents;
(e)	Recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith;
(f)	Any other matter which may be prescribed.
(6)	The decision of the Tribunal shall be final.

111. Authority may without notice remove anything erected or deposited in contraventions of Act,-

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| | The Authority or an officer authorised by it in this behalf may, without notice, cause to be removed- |
| (a) | Any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or temporary nature or any fixture which shall be erected, or set in or upon or over any street or upon or over any open channel, drain, well or tank contrary to the provisions of this Act. |
| (b) | Any stall, chair, bench, box, ladder, bale, board or shelf of any other thing whatever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of this Act. |

112. Penalty for not preventing encroachment,-

Whoever specially entrusted with the duty to stop or prevent the encroachment or obstruction under this Act or any other Act, rules or bye-laws willfully or knowingly neglects or deliberately omits to stop or prevent such encroachment or obstruction shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both.

113. Order of demolition of building,-

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| (1) | Where any development has been commenced or is being carried on or has been completed in contravention of the Plan or without the permission, approval or sanction referred to in Section 93 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, in relation to the development area, then, without prejudice to the provisions of Section 107 , the Vice-Chairman or any officer of the Authority empowered by him in that behalf may make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than fifteen days and more than forty days from the date on which a copy of the order of removal, with a brief statement of the reasons therefore, has been delivered to the owner or that person as may be specified in the order and on his failure to comply with the order, the Vice-Chairman or such officer may remove or cause to be removed the development, and the expenses of such removal as certified by the Vice-Chairman or such officer shall be recoverable from the owner of the person at whose instance the development was commenced or was being carried out or completed as arrears of land revenue and no suit shall lie in the Civil Court for recovery of such expenses: |
| | Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made. |
| (2) | Any person aggrieved by an order under sub-section (1) may appeal to the Chairman against that order within thirty days from the date thereof and the Chairman may after hearing the parties to the appeal either allow or dismiss the |

		appeal or may reverse or vary any part of the order.
	(3)	The Chairman may stay the execution of an order against which an appeal has been filed before it under sub-section(2).
	(4)	The decision of the Chairman on the appeal and subject only to such decision, the order under sub-section (1) shall be final and shall not be questioned in any Court.
	(5)	The provisions of this section shall be in addition to, and not in or derogation of, any other provision relating to demolition of buildings contained in any other law for the time being In force.
114. Power to stop development,-		
	(1)	Where any development in a development area has been commenced or continued in contravention of the Master Plan or Zonal Development Plan or without the permission, approval or sanction referred to in Section 93 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, then, without prejudice to the provisions of Sections 107 and 112 , the Vice Chairman of the Authority or any officer of the Authority empowered by him in that behalf may make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.
	(2)	Where such development is not discontinued in pursuance of the order under sub-section (1), the Vice-Chairman or the said officer of the Authority 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.
	(3)	After the requisition under sub-section (2) has been complied with, the Vice-Chairman of the Authority may depute by a written order a police officer or an officer or employee of the Authority to watch the place in order to ensure that the development is not continued.
	(4)	Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees, for every day during which the non-compliance continues after the service of the order.
	(5)	No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under Section 113 or the discontinuance of the development under this section.
	(6)	The provisions of this section shall be in addition to and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.
115. Power to seal unauthorized development,-		
	(1)	It shall be lawful for the Vice-Chairman or an officer empowered by him in the

	behalf, as the case may be, at any time before or after making an order for the removal or discontinuance of any development under Section 113 or Section 114 to make any order directing the sealing of such development in a development area in such manner as may be prescribed for the purposes of carrying out the provisions of this Act.
(2)	Where any development has been sealed, the Vice-Chairman or the officer empowered by him in this behalf, as the case may be, for purpose of removing or discontinuing such development order the seal be removed.
(3)	No person shall remove such seal except under an order made under Sub-section (2) by the Vice-Chairman, or the officer empowered by him in this behalf.
(4)	Any person aggrieved by an order made under Sub-section (1) or sub-section (2) may appeal to the Chairman against that order within thirty days from the date thereof and the Chairman may after hearing the parties to the appeal, either allow or dismiss the appeal.
(5)	The decision of the Chairman shall be final.
116. Penalty for unauthorized removal of seal,-	
(1)	if any owner, occupant or person responsible for development removes or breaks the seal and carries out further construction work or occupies it without written order of Vice Chairman or any other officer empowered by him in this behalf, then the owner shall be punishable with fine which shall be levied on the total floor area of unauthorized development at the rate of ten percent of the plinth area rate of Public Works Department of the Government.
(2)	The provision of this section shall be in addition to and not in derogation of, any other provision relating to unauthorized removal of seal contained in any other law for the time being in force."
117. Conferment of other powers on the Authority,-	
	After a Master Plan or Zonal Development Plan has come into operation under section 35, the Authority or its Vice-Chairman shall have such other powers and functions exercisable by the local authority concerned or its Chief Executive Officer, as the case may be, under the enactment constituting that local authority subject to such exceptions or modifications, as the State Government may by notification in the Gazette specify.
118. Offences by companies,-	
(1)	If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person

		liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent commission of such offence.
	(2)	Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation -For the purposes of this section- (a) 'company' means a body corporate and includes a firm or other association of individuals; and (b) 'director' in relation to a firm means a partner in the firm.
119. Fines when realised to be paid to the Authority,-		
		All fines realised in connection with prosecutions under this Act shall be paid to the Authority.
120. Composition of Offences,-		
	(1)	Any offence made punishable by or under this Act may either before or after the institution of proceedings, be compounded-by the Vice-Chairman (or any officer authorised by him in that behalf by General or Special order)] on such terms, including any term as regards payment of a composition fee, as the Vice-Chairman (or such officer) may think fit.
	(2)	Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
121. Power of the Authority to provide amenity or carry out development at cost of owner in the event of his default and to levy cess in certain cases,-		
	(1)	If the Authority, after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land in a development area has not been provided in relation to that land which, in the opinion of the Authority, ought to have been or ought to be provided, or that any development of the land for which permission, approval or sanction had been obtained under this Act or under any law, in force before the coming into force of this Act has not been carried out, it may, after affording the owner of the land or the person providing or responsible for providing the amenity a reasonable opportunity to show cause, by order require him to provide the amenity or carry out the development within such time as may be specified in the order.
	(2)	If any amenity is not provided or any such development is not carried out within the time specified in the order, then the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such

	agency as it deems fit: Provided that before taking any action under this sub-section, the Authority shall afford a reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.
(3)	All expenses incurred by the Authority or the agency employed it in providing the amenity or carrying out the development together with interest at such rate as the State Government may by order fix from, the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue, and no suit shall lie in the Civil Court for recovery of such expenses.
(4)	Notwithstanding anything contained in the foregoing sub-section where the Authority on the written representation by so many of the owners of any land in a development area as represent not less than one-half of the area of that land is satisfied that any amenity in relation to such land has not been provided, which in the opinion of the Authority ought to be provided, or that any development of that land for which permission, approval or sanction had been obtained under this Act or under any law in force before the commencement of this Act has not been carried out, it may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit, and recover the expenses by levy of cess from all the owners of the said land : Provided that if the owners making the said representation contend that the amenity had been agreed to be provided or the development had been agreed to be carried out by a coloniser or co-operative housing society through or from whom the land was acquired by them, they shall file with the Authority a copy of such agreement, or of the deed of transfer or of the bye-laws of the society incorporating such agreement, and no action shall be taken by the Authority under this sub-section unless notice has been given to the coloniser of the society, as the case may be, to show cause why such action should not be taken: Provided further that where the Authority is satisfied that the coloniser or the society has become defunct or is not traceable, no notice under the last preceding proviso need be issued.
(5)	Where the authority provides any amenity in an area developed by it, the authority shall, till the responsibility for maintenance is assumed by the local authority as provided in Section 121, be entitled to recover, in the manner prescribed, from the owner of land or building, such charges therefor as may be fixed by the State Government, by a notified order, having regard to the expenses incurred for maintaining and continuing to provide such amenity.
(6)	The cess referred to in sub-section (4) shall be equivalent to the expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development, together with interest at such rate as the State Government may by order fix, from the date of completion of the work until

		payment, and shall be assessed and levied on all the owners of the land in proportion to the respective areas of land owned by them.
	(7)	The said cess shall be payable in such number of installments, and each installment shall be payable at such time and in such manner, as the Authority may fix, any arrear of cess shall be recoverable as arrears of land revenue, and no suit shall lie in the Civil Court for recovery thereof.
	(8)	The expenses incurred by the Authority or the agency employed by it under this section shall be certified by the Authority; and such certificate as also the assessment of the cess, if any under sub-section (5) shall be final.
	(9)	If under any agreement between the owners of the land and the coloniser or the society referred to in sub-section (4) the responsibility for providing the amenity or carrying out the development rested with such coloniser or society, the cess Payable under the sub-section by the owners shall be recoverable by them from the coloniser or the society, as the case may be.
122. Power of Authority to require local authority to assume responsibilities in certain cases,-		
		Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local Authority, and where such terms and conditions cannot be agreed upon, then on a reference of the matter to the State Government by the Authority, on terms and conditions settled by the Government in consultation with the local Authority.
123. Power of Authority to levy betterment charges,-		
	(1)	Where in the opinion of the Authority, as a consequence of any development scheme having been executed by the Authority in any development area, the value of any property in that area which has been benefited by the development, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development: Provided that no betterment charge shall be levied in respect of lands owned by Government: Provided further that where any land belonging to Government has been granted by way of lease or license by Government to any person, then that land and any building situate thereon shall be subject to a betterment charge under this section.
	(2)	Such betterment charge shall be an amount-

		in respect of any property situate in the township or colony, if any developed or in other area developed or redeveloped, equal to one third of the amount, and
	(ii)	in respect of property situated outside such township, colony or other area, as aforesaid, not exceeding one-third of the amount,
		by which the value of the property on the execution of the development scheme, estimated as if the property were clear of buildings exceeds the value of the property prior to such execution, estimated in like manner.
124. Assessment of betterment charge by Authority,-		
	(1)	When it appears to the Vice-Chairman that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Vice-Chairman may, by an order made in that behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or person having an interest therein that the Vice-Chairman proposes to assess the amount of the betterment charge in respect of the property under Section 121 .
	(2)	The Vice-Chairman shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Vice-Chairman, inform the Vice-Chairman by a declaration in writing that he accepts the assessment or dissents from it.
	(3)	When the assessment proposed by the Vice-Chairman is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.
	(4)	If the person concerned dissents from the assessment or fails to give the Vice-Chairman the information required by sub-section (2) within the period specified therein the matter shall be determined by the Chairman and such determination shall not be questioned in any Court.
125. Finality of decision,-		
		Except as provided in Section 133 , every decision of the Chairman on appeal, and subject only to any decision on appeal (if it lies and is preferred), the order of the Vice-Chairman or other officer under Section 94 or Section 113 , shall be final and shall not be questioned in any Court.
126. Payment of betterment charge,-		
	(1)	The betterment charge levied under this Act shall be payable in such number of installments, and each installment shall be payable at such time and in such manner, as may be fixed by bye-laws made in that behalf.
	(2)	Any arrear of betterment charge shall be recoverable as an arrear of land revenue, and no suit shall lie in the civil court for recovery of such arrear.

127. Power of Authority to levy land use conversion charge and city development charge,-	
(1)	Where in any development area, the land use of a particular land is changed as a result of amendment of Master Plan or Zonal Development Plan under section 92 , the Authority shall be entitled to levy land use conversion charge on the owner of such land and in such manner and at such rates as may be prescribed; Provided that the land use conversion charge shall be recovered from the owner of land by the Authority prior to final notification under sub- section (4) of section 92 of this Act;
(2)	Where in any development area a license has been granted to private developer for assembly and development of land, the Authority shall be entitled to levy city development charge on the private developer of such land and in such manner and at such rates as may be prescribed.
128. Power of authority to levy impact fee,-	
	Where in any development area permission for a higher order use or a activity in a lower order use or activity is granted in accordance with master plan or zonal development plan zoning regulations, the Authority shall be entitled to levy impact fee on the owner of such land and in such manner and at such rates as may be specified.
129. Power of authority to levy urban use charge,-	
	Where in any development area the land use of a particular land other than roads, parks and open spaces, green belts and public amenities is changed to higher use, as as a result of revision of master plan under sub section (6) of section 27 or preparation of zonal development plan under section 32, the Authority shall be entitled to levy urban use charge on the owner of such land at the time of granting permission under section 94 in such manner and at such rates as may be prescribed: Provided that where the master plan is prepared for the first time, no urban use charge shall be levied upon the owner of such land.
130. Additional stamp duty on certain transfers of property,-	
(1)	The duty imposed by the Indian Stamp Act, 1879, on any deed of transfer of immovable property shall in the case of an immovable property situated within a development area, be increased by two per cent on the amount or value of the consideration with reference to which the duty is calculated under the said Act: Provided that the Government may, by notification in the Gazette, enhance the aforementioned percentage of the increase in stamp duty up to five.
(2)	All collections resulting from the said increase shall after deduction of incidental expenses, if any, be allocated and paid by the Government in its discretion. either to the Authority alone or to the Authority, the Uttar Pradesh Avas Evam Vikas Parishad and the Municipal Corporation or the Municipal Board, as the case may be, in such proportion as from time to time be determined, in such manner and in accordance with such principles as the Government may by notification in the Gazette specify.
(3)	For purposes of this section, section 27 of the Indian Stamp Act, 1899, shall be

		read as if it specifically required the particulars referred to therein to be separately set forth in respect of property within the development area and property situated outside such area.
(4)	)	For the purposes of this section, section 66 of the Indian Stamp Act, 1899, shall be so read and construed as if it referred to the Authority, as well as to the Government.
(5)	)	The provisions of Clause (g) of sub-section (2) of section 172 and section 191 of the Uttar Pradesh Municipal Corporation Act, 1959 and of Clause (xiii-B) of section 128 and section 128-A of the U. P. Municipalities Act, 1916 and section 62 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 shall, to the extent of any repugnancy with the provisions of this section, cease to have effect, and the provisions of this section shall prevail.
(6)	)	The provisions of sections 6, 8 and 24 of the United Province General Clauses Act. 1904, shall apply in relation to such cesser as they apply in relation to repeal and re-enactment.
131. Toll for amenities,-		
		The Regional Planning Board or the Authority as the case may be shall be entitled to charge and collect toll, for the use of approach roads and other amenities at such rate and in such manner as may be notified by the Government, from visitors, to such places of popular resort (including any ancient and historical monuments) within its development area as may be so notified: Provided that-
(a)	)	the rate of toll per visitor, shall not exceed One thousand rupees;
(b)	)	the Government may by notification, exempt any classes of visitors from the payment of the toll and may fix any days on which no toll shall be chargeable.
132. License for assembly and development of land,-		
		The Authority may grant license to private developer for assembly and development of land within its development area in such manner and for such period as may be prescribed.
133. Power of authority to levy license fee,-		
		The Authority shall be entitled to levy license fee for granting license to private developer for assembly and development of land within its development area at such rates and in such manner as may be prescribed.
134. Power of authority to levy mutation charges,-		
(1)	)	Where in any development area, a property developed by the authority is sold or transferred from one person to another, the transferee seeking mutation of such property in his favour shall make an application to the Authority in such manner as may be prescribed.

		The Authority shall be entitled to levy mutation charges upon such transferee at such rated and in such manner as may be prescribed.
135. Recovery of moneys due to Authority,-		
		Any money due to an Authority on account of any fee; or charges, or from disposal of land, building or any other property, movable or immovable, by way of rent, premium, profit or hire purchase installment, may, without prejudice to the right of recovery by any other mode of recovery provided by or under this Act or any other law for the time being in force, be realized-
	(a)	either, as arrears of land revenue upon a certificate of the amount due sent by the Authority to the collector, or
	(b)	by attachment and sale of property in the manner provided in sections 504, 505, 506, 507, 508, 509, 510, 512, 513 and 514 of the Uttar Pradesh Municipal Corporation, 1959; and such provisions of the said Act shall mutatis mutandis apply to recovery of dues of an Authority as they apply to recovery of a tax due to a Municipal Corporation, so however, that references in the aforesaid section of the said Adhiniyam to 'Nagar Ayukt', Corporation] and Executive Committee shall be constructed as references to 'Vice Chairman, 'Development Authority' and 'Chairman respectively:
		Provided that no two or more modes of recovery shall be commenced or continued simultaneously.
136. Control by State Government,-		
	(1)	The Regional Planning Board, the Authority, the Chairman or the Vice-Chairman shall carry out such directions as may be issued to it from time to time by the Government for the efficient administration of this Act.
	(2)	If in, or in connection with, the exercise of its powers and discharge of its functions by the Regional Planning Board, the Authority, the Chairman or the Vice-Chairman under this Act any dispute arises between the Regional Planning Board, the authority, the Chairman or the Vice-Chairman and the Government, the decision of the Government on such dispute shall be final.
	(3)	The 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 the Regional Planning Board or the Authority or the Chairman 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 Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.
	(4)	Every order of the Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court.

137. Returns and Inspections,-

	(1)	The Regional Planning Board and the Authority shall furnish to the State Government such reports, returns and other information as that Government may from time to time require
	(2)	Without prejudice to the provisions of sub-section (1), the State Government or any officer authorised by the State Government in that behalf, may call reports, returns and other information from the Regional Planning Board or the Authority, or the local authority concerned in regard to the implementation of the Plan.
	(3)	Any person authorised by the State Government or the officer referred to in sub-section (2) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the Plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.
	(4)	No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

138. Services of notices, etc.,-

	(1)	All notices, orders and other documents required by this Act or any rule or regulation made and thereunder to be served upon any person shall save as otherwise provided in this Act or such rule or regulation be deemed to be duly served-	
		(a)	Where the person to be served is a company if the document is addressed to the secretary of the company at its registered Office or at its principal office or place of business and is either-
		(i)	sent by registered post, or
			delivered at the registered office or at the principal office or place of business of the company,
		(b)	where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under which its business is carried on and is either-
		(i)	sent by registered post, or
			delivered at the said place of business;
		(c)	where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office, and is either-
		(i)	sent by registered post, or
			delivered at that office;

			in any other case, if the document is addressed to the person to be served and-
		(i)	is given or tendered to him, or
		(ii)	if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of land or building to which it relates, or
		(iii)	is sent by registered post to that person.
(2)	Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed 'the owner' or 'the occupier', as the case may be of that land or building (naming, that land or building) without further name or description, and shall be deemed to be duly served-		
	(a)	if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1), or	
	(b)	If the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.	
(3)	Where a document is served on a firm in accordance with clause (b) of sub-section (1), the document shall be deemed to be served on each partner of that firm.		
(4)	For the purpose of enabling any document to be served on the owner of any property, the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.		
(5)	Where the person on whom a document is to be served is a minor the service upon his guardian or any adult member of his family be deemed to be service upon the minor.		
(6)	A servant is not a member of the family within the meaning of this section.		
139. Public notice how to be made known,-			
	Every public notice given under this Act shall be in writing over the signature of the secretary to the Regional Planning Board or Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by two or more of these means, and by any other means that the secretary may think fit.		

140. Notices, etc., to fix reasonable time,-		
		Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or regulation, the notice, order or other document shall specify a reasonable time for doing the same.
141. Authentication of orders and documents,-		
		All permissions, orders, decisions, notices and other documents of the Regional Planning Board or the Authority shall be authenticated by the signature of the Secretary or any other officer authorised by the Regional Planning Board or the Authority in that behalf.
142. Members and Officers to be public servants,-		
		Every member and every officer and other employee of the Regional Planning Board or the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.
143. Jurisdiction of Courts,-		
		No Court inferior to that of Magistrate of the first class shall try an offence punishable under this Act.
144. Sanction of prosecution,-		
		No prosecution for any offence punishable under this Act or rules made there under shall be instituted or no prosecution instituted shall be withdrawn, except with the previous sanction of the Regional Planning Board or the authority, as the case may be, or any officer authorised by the Regional Planning Board or the Authority in this behalf.
145. Protection of action taken in good faith,-		
		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.
146. Power to delegate,-		
	(1)	The Government may by general or special order, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised by such officer in such cases and subject to such conditions if any, as may be specified therein.
	(2)	Any Regional Planning Board, may, by a resolution, direct that any power exercisable by it under this Act, rules, or regulations thereunder (except the power to prepare any Regional plan) may also be exercised by any officer of the Government with the previous consent of the Government, the Regional Planning Board, as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.
	(3)	The Authority, may by general or special order, direct that any power exercisable by it under this Act except the power to make regulations or bye- laws, may also be exercised by such officer or local authority, in such cases and subject to such conditions, if any, as may be specified therein.

		The Vice-Chairman of the Authority may by general or special order direct that any power exercisable by him under this Act may also be exercised by such officer of the Authority in such cases and subject to such conditions, if any, as may be specified therein.
147. Savings,-		
	Nothing in this Act shall apply to-	
	(a)	the carrying out of works for the maintenance, improvement or other alterations of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
	(b)	the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
	(c)	the operational construction, (including maintenance, development and new construction) by or on behalf of a department of the Central Government;
	(d)	the erection of building, not being a dwelling house, if such building is required for the purposes subservient to agriculture;
	(e)	the excavations (including wells) made in the ordinary course of agricultural operations; and
	(f)	the construction of unmetalled road intended to give access to land solely for agricultural purposes
148. Exemption,-		
	Notwithstanding anything contained In this Act, the Government may by notification in the Gazette exempt, subject to such conditions and restrictions, if any, as may be specified in such notification any land or building or class of lands or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.	
149. Power to make rules,-		
	(1)	The Government may, by notification in the Gazette, make rules for carrying 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)	under sub-section (1) of section 5, the term of office and conditions of service of members of a Regional Board
		(b)
	(c)	under sub-section (4) of section 10, the allowances payable to

		members of a Regional Planning Committee;
	(d)	under section 13, rules subject to which survey of a Region and preparation of Regional plan may be made as provided in that section;
	(e)	under section 14, the form of a Regional plan and the manner in which it may be published;
	(f)	under sub-section (1) of section 15, the period within which a Regional Plan may be approved as provided in that section;
	(g)	under sub-section (1) of section 16, the other manner in which a notice of the preparation of a draft Regional plan shall be published;
	(h)	under section 17, the manner in which a notice of approval of a Regional plan shall be published;
	(i)	under sub-sections (2) and (3) of section 20, the other manner in which a notice of the revision and approval of the revision, of a Regional plan shall be published;
	(j)	the levy of fee on a memorandum of appeal under sub-section(5) of Section 94 or under sub-section (2) of Section 112 ;
	(k)	the levy of development fee on application for permission under sub-section (3) of section 94 .
	(l)	the levy of land use conversion charge for change of land use in the plan under sub-section (1) of section 127 .
	(m)	the levy of city development charge where a license has been granted to private developer for assembly and development of land under sub-section (2) of section 127 .
	(n)	the levy of impact fee for permission of higher order use in a lower order use in the plan under section 128 .
	(o)	the levy of inspection fee for all or any of the purposes specified in sub-section (1) of section 106 .
	(p)	the levy of mutation charges under sub-section (3) of section 94 .
	(q)	the levy of stacking fee under sub-section (3) of section 94 .
	(r)	the levy of water fee under sub-section (3) of section 94 .
	(s)	the levy of urban use charge under section 129 .
	(t)	the procedure to be followed by the Chairman in the determination of betterment charge, and the powers that it shall have for that purpose; any other matter which has to be, or may be, prescribed by rules.
(3)		All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days, extending in its one session, or

		more than one successive session, and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulment as the two Houses of the Legislature may, during the said period, agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.
150. Power to make regulations		
	(1)	Any Regional Planning Board may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power,— A Regional Planning Board may make,—
	(a)	regulations subject to which it shall exercise powers and perform functions under this Act;
	(b)	regulations for regulating its procedure and the conduct of its business at its meeting;
	(c)	regulation providing for any other matter which has to be or may be prescribed by regulations;
	(2)	An Authority may, with the previous approval of the Government, make regulations not inconsistent with this Act and the rule made thereunder for the administration of the affairs of the Authority.
		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 summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;
	(b)	the powers and duties of the Secretary and Chief Accounts Officer of the Authority;
	(c)	the salaries, allowance and conditions of service of the Secretary, Chief Accounts Officer and other officers and employees;
	(d)	the procedure for carrying out the functions of the Authority under Chapter IV, VI and VII;
	(e)	the form of register of application for permission and the particulars to be contained in such register;
	(f)	the management of the properties of the Authority;
	(g)	the fee to be paid on an application for permission under Sub-section(1) of Section 94 ;

		the fee to be paid for inspection or obtaining copies of documents and maps;
	(i)	any other matter which has to be or may be prescribed by regulations.
	(3)	Until an Authority is established for an area under this Act any regulation which may be made under sub-section (1) may be made by the Government and any regulation so made may be altered or by rescinded by the Authority concerned in exercise of its power under sub-section (1).

151. Power to make bye-laws,-

		The Authority may, with the previous approval of the Government, make bye-laws consistent with this Act and the rules made thereunder for carrying out the purposes in this Act in respect of any matter affecting the general public, and without prejudice to the generality of this power, such bye-laws may provide for-
	(a)	the form in which any application for permission under sub-section (1) of Section 94 shall be made and the particulars to be furnished in such application;
	(b)	the terms and conditions referred to in Section 96 , subject to which the user of lands and buildings in contravention of plans may be continued:
	(c)	the guiding principles for composition of offences under Section 119 ;
	(d)	the time and manner of payment of betterment charge under Section 117 .
	(e)	the grant of licenses to architects, town planning engineers, surveyors, draftsmen for the preparation of building plans or water supply, drainage and sewerage plans and the fees to be paid for the grant of such license;
	(f)	for so long as the Zonal Development Plans are not prepared under Section 32, the matter specified in Clause (d) of Sub- section (2) of that section;
	(g)	the definition of an arterial road and the colour scheme and other specifications according to which the facade of buildings abutting such road shall be repaired, white-washed, colour washed or painted under Section 91 ;
	(h)	any other matter which has to be or may be prescribed by bye-laws.

152. Dissolution of Regional Planning Board,-

	(1)	Where the Government is satisfied that the purposes for which any Regional Planning Board was established under this Act have been substantially achieved so as to render the continued existence of the Board in the opinion
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		of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Regional Planning Board, shall be dissolved with effect from such date as may be specified in the notification and such Board shall be deemed to be dissolved accordingly.
	(2)	From the said date-
	(a)	all properties, funds and dues which are vested in, or realisable by the Regional Planning Board shall vest in, or be realisable, by the Government;
	(b)	all liabilities which are enforceable against the Regional Planning Board shall be enforceable against the Government ; and
	(c)	for the purpose of carrying out any development which has not been fully carried out by the Board and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Regional Planning Board shall be discharged by the Government.
153. Dissolution of Authority,-		
	(1)	Where the Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary, that Government may by notification in the Gazette, declare that the Authority shall be dissolved with effect 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 realisable by, the Authority shall vest in, or be realisable by, the Government;
	(b)	all nazul 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 purpose of carrying out any development which has not been fully carried out by the Authority and for the purposes of realising properties, funds and dues referred to in Clause (a) the functions of the Authority shall be discharged by the Government.
154. Repeal etc. and Savings,-		
	(1)	(a) The operation of Clause (c) of Section 5, Sections 54, 55 and 56, Clause (xxxiii) of Section 114, Sub-section (3) of Section 117, Clause (c) of Sub-section (1) of Section 119, Section 191, Sections 316, 317,318, 319, 320, 321, 322, 323, 324. 325, 326.

		327, 328, 329 and 333, Clauses (a) and (b) of sub-section (1) of Section 334, Sections 335, 336, Chapter XIV of the U.P. Municipal Corporation Act, 1959, Sections 178, 179, 180, 180-A, 181, 182, 183, 184, 185, 186, 203, 204, 205, 206, 207, 208, 209, 210 and 222 of the U. P. Municipalities Act. 1916 (or the said sections as extended under Section 338 thereof or under Section 38 of the United Provinces Town Areas Act, 1914], or as the case may be, of Sections 162 to 171 of the U.P. Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961 and of the Uttar Pradesh (Regulation of building Operations) Act, 1958 and the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam. 1965, except in relation to those housing or improvement schemes which have either been notified under Section 32 of Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 before the declaration of the area comprised therein as development area or which having been notified under Section 28 of the said Adhiniyam before the said declarations are thereafter approved by the State Government for continuance under the said Adhiniyam or which are initiated after such declaration with the approval of the State Government, hereinafter in this section referred to as Special Avas Parishad Schemes shall in respect of a development area remain suspended and sub-section (3) of Section 139 of the Uttar Pradesh Municipal Corporation Act, 1959) shall have effect as if the requirement as to constitution of a Development Fund were suspended with effect from the date of constitution of the Authority for that area and until the dissolution of such Authority, and the provisions of Sections 6 and 24 of the United Provinces General Clauses Act 1904) shall apply, in relation to such suspension as if the suspension amounted to repeal of the said enactments by this Act, and in particular, all proceedings relating to acquisition of land and interest in land for improvement schemes under the said enactments pending immediately before such suspension before any court, tribunal or authority may be continued and concluded in accordance with the provisions of the said enactments (which shall <i>mutatis mutandis</i> apply) as if those provisions were not suspended and the powers, for doing anything which could, but for such suspension of the Uttar Pradesh (Regulation of Building not Operations) Act, 1958, be done by the Prescribed Authority and controlling authority and which can, after such suspension be done by virtue of the application of Section 6 of the Uttar Pradesh General Clause Act, 1904, shall vest in the Vice-Chairman and the Chairman respectively.
	(b)	The operation of the provisions suspended by virtue of clause (a) shall revive upon the dissolution of the Authority under

		Section 58, the provisions of Sections 6 and 24 of the United Provinces General Clauses Act. 1904 shall apply in relation to the cesser of application of the corresponding provisions of this Act as if such cesser amounted to a repeal of these provisions of this Act by an Uttar Pradesh Act.
	(c)	Without prejudice to the generality of the provisions of clauses (a) and (b), and bye-laws, directions or regulations under the U.P. Municipalities Act. 1916 or the Uttar Pradesh (Regulation of Building Operations) Act, 1958 or the U.P. Municipal Corporation Act, 1959 as the case may be, and in force on the date immediately before the date of commencement of this Act, shall, insofar as they are not inconsistent with the provisions of this Act, continue in force, until altered, repealed or amended by any competent authority under this Act.
(2)	Where any area for which an Improvement Trust constituted under the United Provinces Town Improvement Act, 1919 is in existence is declared to be a development area under Section 3, the said Act as well as the Uttar Pradesh local Bodies (Appointment of Administrator) Act, 1961, if applicable, shall in relation to such area, stand repealed as from the date of the constitution of the Development Authority for that area, and the Improvement Trust shall as from that date stand dissolved.	
(3)	On and from the constitution of the Development Authority in relation to development area which includes the whole of a city as defined in the U.P. Municipal Corporation Act. 1959 all posts borne on the establishment of the Municipal Corporation of that city exclusively in connection with its activities under Chapter XIV of the said Adhiniyam or under the Uttar Pradesh (Regulation of Building Operations) Act, 1958, immediately before the date of the constitution of the Development Authority, not being a post governed by the Uttar Pradesh Palika (Centralised) Services Rules, 1956 (hereinafter in this, section referred to as the Centralised Services), shall on and from such date, stand transferred to the Development Authority with such designations as the Authority may determine and officers and other employees who are not members of any Centralised Services, serving under the Municipal Corporation of that city not exceeding the number of posts so transferred shall be selected in accordance with such directions as may be issued by the State Government for being appointed on the said posts and on such selection shall stand transferred to and become officers and other employees of the Development Authority and shall as such hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held the same if the Authority had not been constituted and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority: Provided that any service rendered under the Municipal Corporation by	

	any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority:	
	Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper, and every such officer or other employee shall discharge those functions accordingly.	
	(4)	On and from the date of the constitution of the Development Authority in relation to a development area which includes the whole of a city as defined in the U.P. Municipal Corporation Act, 1959 all posts governed by the Centralised Services which were borne on the establishment of the Municipal Corporation of that city exclusively in connection with its said activities immediately before the date of constitution of the Development Authority shall, on and from such date, stand transferred to the Development Authority with such designations as the State Government may determine, but all such posts shall continue to be filled by members of the Centralised Services, as they would have been filled had they not been so transferred to the Authority, and the said Adhiniyam and the rules relating to the Centralised Services shall be amended accordingly.
	(5)	Every officer and other employee serving under an Improvement Trust referred to in sub-section (2) immediately before the date of the constitution of the Development Authority shall, on and from such date be transferred to and become an officer or other employee of the Development Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority: Provided that any service rendered under the Trust by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority: Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper, and every such officer or other employee shall discharge those functions accordingly.
	(6)	Notwithstanding the provisions of sub-sections (1) and (2),-
	(a)	anything done or any action taken (including any notification issued or order or scheme made or permission granted) under any of the enactments referred to in sub-sections (1) and (2) shall, so far as it is not inconsistent with the provisions of the 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 provisions of this

			Act;
		(b)	all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged, to be done by, with or for any local authority constituted under enactment referred to in sub-sections (1) and (2) in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Development Authority concerned;
		(c)	all properties. movable and immovable, vested in an Improvement Trust referred to in sub-section (2) shall vest in the Development Authority concerned, and all properties movable and immovable vested in any other local authority constituted under any enactment referred to in sub-section (1) in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall vest in the Development Authority concerned;
		(d)	all rents, fees and other sums of money due to an Improvement Trust referred to in sub-section (2) or in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to be due to Development Authority concerned;
		(e)	all suits, prosecutions and other legal proceedings instituted which might have been instituted by, for or against any authority appointed or constituted under any enactment referred to in sub-section (1) or sub-section (2) in relation the performance of functions assigned to the Development Authority by this Act may be continued or instituted by, for or against the Development Authority;
		(f)	all appeals under sub-section(2) of Section15 of the Uttar Pradesh (Regulations of Buildings Operations) Act, 1958 in relation to an area declared under this Act as a development area, pending before the Controlling Authority on the date of such declaration shall stand transferred to the Chairman and the decision of the Chairman shall be final and all such appeal which were addressed to the Controlling Authority and which were entertained by the Chairman after the said declaration shall be deemed to have been preferred to the Chairman and the decision of the Chairman shall be final.
			Explanation.- For the purposes of this sub-section, the Development fund referred to in sub-section (3) of Section 139 of the Uttar Pradesh Municipal Corporation Act, 1959 and all properties created out

		of that fund and all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Mahapalika in relation to such properties or in relation to the functions specified in Chapter XIV of the said Adhiniyam, shall be deemed to relate to the performance of functions assigned to the Development Authority by this Act and clauses (a), (b),(c), (d) and (e) shall apply accordingly.
(7)	If any dispute arises between any Local Authority or a Development Authority whether for purposes of clauses (b), (c) and (d) of sub-section(6) any debt, obligation or liability was incurred or any contract was entered into or anything was engaged to be done by, with or for any local authority, or any property vested in any local authority, or any rent, fee or other sum was due to any local authority, in relation exclusively to the performance of functions assigned by this Act to the Development Authority it shall be referred to the State Government whose decision shall be final and shall not be questioned in any Court.	
(8)	If any question arises whether for the purpose of sub-section (3) any officer or other employee of the Municipal Corporation concerned was immediately before the date of constitution of the Development Authority employed exclusively in connection with the performance of functions under Chapter XIV of the Uttar Pradesh Municipal Corporation Act,1959 in the area for which the Development Authority is constituted, it shall be referred to the State Government, whose decision shall be final and shall not be questioned in any Court.	
(9)	Nothing in sub-sections (3) and (4) shall apply to an officer or other employee of a Municipal Corporation or an Improvement Trust, as the case may be, who within one month from the date of the constitution of the Development Authority concerned intimates the Municipal Corporation, or Trust of his option not to become an employee of the Development Authority, and on receipt of such intimation by that body, his post under that body shall stand abolished and he shall be entitled to receive from that body compensation;	
	(a)	if he was employed immediately before the date of the constitution of the Development Authority, in a permanent capacity, equivalent to three month's salary;
	(b)	if he was employed immediately before the date of the constitution to one month's salary.
	Explanation.- In this sub-section, the expression 'salary' includes Dearness Allowance, Special Pay or any other, like periodical allowance or pay.	
(10)	Notwithstanding anything contained in the U.P. Industrial Disputes Act, 1947 or in any other law, for the time being in force, the transfer of services of any officer or the employee to the Development Authority	

	under sub-section (3) or sub-section (5) shall not entitle him to any compensation under that Act or such other law, and no such claim shall be entertained by any court, tribunal or authority.
(11)	Notwithstanding anything contained in sub-sections (3) and (5) no appointment made or promotion, increment in salary, pension, allowance or any other benefit granted to any person after the commencement of this Act and before the date of constitution of Development Authority which in the opinion of the Development Authority would not ordinarily have been made or granted or would not ordinarily have been admissible under the terms and conditions of service in force prior to the commencement of this Act shall have effect or be payable or claimable from the Development Authority or from any provident, pension or other fund or from any authority administering the fund unless the State Government has, by general or special order, confirmed the appointment, promotion or increment or has directed the continued grant of the pension, allowance or other benefit, as the case may be.
(12)	For the persons who immediately before the date of constitution of the Development Authority were trustees of any pension, provident, gratuity or other like fund constituted for the officers and other employees referred to sub-section (3) or sub-section (5), other than trustees nominated by or under any law, there shall be substituted as trustees such persons as the State Government may by general or special order, specify.
(13)	For the purposes of clauses (b),(c),(d)and (e) of sub-section (6) all the functions of a Municipal Corporation under Chapter XIV of the U. P. Municipal Corporation Act, 1959 and all the functions of the Uttar Pradesh Avas Evam Vikas Parishad under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, other than those related to any Special Avas Parishad Schemes shall be deemed to be functions assigned to the Development Authority by this Act.
(14)	Notwithstanding anything contained in Section 365 of the U.P. Municipal Corporation Act. 1959 all acquisition of land and interest in land for an improvement scheme the functions in respect of which are to be deemed as functions assigned to the Development Authority under sub-section (13) shall be completed at least up to the stage of making awards on or before December 31, 1982.

155. Repeal and savings,-

	The Uttar Pradesh Urban Planning and Development Act, 1973, is hereby repealed.
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156. Validation,-

	Notwithstanding anything contained in the Uttar Pradesh Urban Planning and Development Act, 1973 or in any rules or regulations made thereunder or in the master plan or zonal development plan or in any judgment, decree or order of any court, tribunal or other authority, any levy and collection of fees and charges by the State Government or the development authority for conversion of land use or for the special permissions or for the use of discretionary powers under the provisions of the
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	above Act, or any rules or regulations made thereunder, prior to the date of commencement of the Uttar Pradesh Urban and Regional Planning Act, 2022, shall be deemed to be validly levied and collected and shall be deemed always to have been validly levied and collected, under the provisions of the Uttar Pradesh Urban Planning and Development Act, 1973 and accordingly no suit, prosecution or other legal proceedings shall lie in any court or before any tribunal or other authority on the ground that, the provisions of the Uttar Pradesh Urban Planning and Development Act, 1973 or the master plan or zonal development plan prepared thereunder, prior to such commencement, did not provide for making of the rules or regulations regarding levy and collection of such fees and charges by the State Government or the development authority. No suit, prosecution or other legal proceedings shall lie or be maintained or continued in any court, or before any tribunal or other authority, for the refund of any such fees and charges, so levied and collected.
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