

**THE ANDHRA PRADESH CAPITAL REGION DEVELOPMENT AUTHORITY
ACT, 2014**



ARRANGEMENT OF SECTIONS

**Chapter I
Preliminary**

Sections

1. Short title, extent and commencement
2. Definitions

Chapter II

**DECLARATION OF CAPITAL REGION, CAPITAL CITY AREA AND
CONSTITUTION OF THE AUTHORITY**

3. Declaration of Capital Region and capital city area
4. Constitution of the capital region development authority
5. Nil
6. Executive committee
7. Nil
8. Appointment of other committees
9. Common seal and execution of documents

**Chapter III
FUNCTION AND POWERS OF THE AUTHORITY**

10. Function of the authority
11. Powers of the authority
12. Powers of the Executive Committee and Commissioner
13. Nil
14. Gifts
15. Ex-gratia payments
16. Powers of Government in relation to Authority
17. Powers of delegation
18. Power to make rules
19. Power to make regulations / standing orders
20. Power of entry and power to demarcate and survey

Chapter IV

PROVISIONS RELATING TO STAFF

- 21. Chief Executive of the Authority
- 22. Appointment of staff
- 23. Protection of Acts done in good faith
- 24. Members, Officers and Servants of the Authority and Tribunal
to
Public servants. Central Act XLV of 1860

Chapter V

FINANCIAL PROVISIONS

- 25. Development fund and revolving fund
- 26. Powers of taxation
- 27. Selling powers
- 28. Mobilising financial resources
- 29. Issue of Securities, etc
- 30. Annual estimates
- 31. Annual plan report
- 32. Power of investment
- 33. Application of revenues of Authority
- 34. Pension and Provident Fund.
- 35. Other financial provisions.

Chapter VI

UNIFIED TRANSPORT AUTHORITY

- 36. Constitution of Unified Transport Authority
- 37. Powers and functions of the unified transport authority

Chapter VII

PLANNING PROCESS

- 38. Preparation of development plans for the capital region
- 39. Process of approval of plans
- 40. Power to undertake preparation of area development Plans
- 41. Modification to the sanctioned development plans
- 42. Enforcement of the sanctioned plans

Chapter VIII

DEVELOPMENT SCHEMES

43. Development scheme
44. Provisions of the development scheme
45. Content of the development scheme
46. Infrastructure and amenities to be provided
47. Cost of the scheme
48. Reconstitution of plots
49. Restrictions on the use and development of land after publication of draft development scheme
50. Disputed ownership
51. Registration not required. Act No.XVI of 1908.

Chapter IX

LAND POLLING SCHEME

52. Land pooling scheme
53. Reservation and allotment
54. Role of developer entity
55. Declaration of intention
56. Draft notification of land pooling scheme
57. Final notification of land polling scheme
58. Implementation of final land polling scheme
59. Completion of final land pooling scheme
60. Infrastructure maintenance

Chapter X

TOWN PLANNING SCHEMES

61. Town planning scheme
62. Declaration of intention to make a scheme
63. Making and publication of draft town planning scheme
64. Objections to draft scheme to be considered
65. Power of Government to sanction draft town planning scheme
66. Vesting of land in the authority
67. Appointment of Planning Officer
68. Duties of Planning Officer
69. Contents of preliminary and final scheme
70. Certain decisions of Planning Officer to be final
71. Appeal
72. Constitution of Board of Appeal
73. Planning Officer to assist Board in advisory capacity
74. Place where Board may sit

75. Decision of questions of law and other questions
76. Power of Board to decide matter finally
77. Board not to be a court
78. Remuneration of assessors and payment of incidental expenses of Board to be added to costs of scheme.
79. Decision of Planning Officer to be final in certain matters and variation of scheme in view of decision in Appeal.
80. Power to split up sanctioned draft scheme into separate sections.
81. Submission of preliminary scheme and final scheme to the Government.
82. Power of the Government to sanction or refuse to sanction the scheme and effect of sanction.
83. Withdrawal of scheme.
84. Effect of preliminary scheme.
85. Power of authority to evict summarily.
86. Power to enforce the scheme.
87. Power to vary scheme on ground of error, irregularity or informality.
88. Variation of Town Planning Scheme for land allotted for public purpose.
89. Variation of Town Planning Scheme by another scheme.
90. Amendment of regulations.
91. Compensation when scheme is varied.
92. Apportionment of costs of scheme withdrawn not sanctioned.
93. Right to appear by recognized Agent.
94. Powers of civil courts in respect of certain matters. Act No.XVI of 1908.
95. Costs of Town Planning Scheme.
96. Calculation of increment.
97. Contribution towards costs of scheme.
98. Certain amounts to be added to, or deducted from, contribution to
be levied from person.
99. Transfer of right from original to reconstituted plot or extinction of such right.
100. Compensation in respect of property or right injuriously affected by scheme.
101. Exclusion of compensation in certain cases.
102. Provision for cases in which amount payable to owners exceeds amount due from hm.
103. Provision for case in which value of developed plots is less than amount payable be owners.

- 104. Payment of adjustment of account.
- 105. Payment of net amount due to the authority.
- 106. Power of authority to make agreement.
- 107. Recovery of arrears.

Chapter XI

PROMOTION OF DEVELOPMENT AND USE OF LANDS

- 108. Development permission mandatory.
- 109. Use and development of land and buildings to be in conformity with plans of the authority.
- 110. Application for development permission.
- 111. Lapse of development permission
- 112. Deviations during development.
- 113. Revoking of Development Permission.
- 114. Penalty for unauthorized development or for use otherwise than in conformity with sanctioned plans.
- 115. Power to require removal of unauthorized development.
- 116. Power to stop unauthorized development.
- 117. Recovery of expenses incurred.
- 118. Constitution of building tribunal.

Chapter XII

PROVISIONS RELATING TO LEVY, ASSESSMENT AND RECOVERY OF FEE AND CHARGES

- 119. Levy of development charges.
- 120. Assessment and recovery of development charges.
- 121. Levy of user charges.
- 122. To levy specific cess for capital infrastructure projects.
- 123. To levy betterment charge or impact fee etc, to capture value.

Chapter XIII

LAND AND PROPERTY RELATED PROVISIONS

- 124. Acquisition of Property by the Authority.
- 125. Acquisition of Land by Negotiated Settlement.
- 126. Power to Acquire Land under Act No.30 of 2013.
- 127. Creation and Management of Land Development Bank.
- 128. Transfer of Government Land to the Authority.
- 129. Acquisition of Land by Transferable Development Rights.
- 130. Disposal Land and Other Property by the Authority.

Chapter XIV MISCELLANEOUS

131. Authority's Symbol.
132. Furnishing of information.
133. Service of notice.
134. Powers and duties of police officers.
135. Effect of other laws.
136. Public Notice how to be made known.
137. Notices, etc to fix reasonable time.
138. Obstructing officers of Authority.
139. Prosecution, Magistrate's power etc.
140. Exclusion of liability for errors or omissions in information supplied.
141. Offence by body corporate.
142. Fines to be paid to Authority.
143. Compounding of offences.
144. Exemption.
145. Interpretation of the Act.
146. Bar of Legal proceeding.
147. Boundary to be out of jurisdiction and cessation powers of local bodies in the capital region.
148. Periphery area of the capital region.
149. Dissolution of the authority by the government.
150. Confidentiality and intellectual property rights.
151. Delegation of powers by Government.
152. Transitional provisions.

First Schedule (see Section 5) Proceedings of the Authority

1. Temporary Chairman or vice-Chairman.
2. Vacation of office of member.
3. Disqualification from membership.
4. Member's interest to be made known.
5. Meeting of Authority.
6. Validity of acts of members.

Second Schedule
(see Section 11 and Section 12)
Powers of the Authority

1. Powers of the Authority.
2. Powers of the Executive Committee.
3. Powers of commissioner.

Third Schedule
(see Section 35)
Financial Provisions

Nil

Fourth Schedule
(see Section 152)
Transfer of Assets, Liabilities, Functions and Employees

1. Dissolution of former Authority.
2. Transfer of assets and liabilities.
3. Existing agreements, etc.
4. Pending legal proceedings.
5. Transfer of employees.
6. Conditions of service.
7. Pension benefits.
8. Continuation and completion of disciplinary proceedings.
9. Misconduct or neglect of duty by employee before transfer.

Fifth Schedule
(see Section 152)
Transitional and savings Provisions

1. First chief executive.
2. Projects of former Authority.
3. Annual report.
4. Contracts, documents, etc.
5. Certain plans already prepared and sanctioned are deemed to have been prepared and sanctioned under the act.

**THE ANDHRA PRADESH CAPITAL REGION DEVELOPMENT AUTHORITY
ACT, 2014**



(ACT No.11 of 2014)

[30th December, 2014]

AN ACT TO PROVIDE FOR THE DECLARATION OF THE NEW CAPITAL AREA FOR THE STATE OF THE ANDHRA PRADESH AND ESTABLISHMENT OF THE ANDHRA PRADESH CAPITAL REGION DEVELOPMENT AUTHORITY FOR THE PURPOSES OF PLANNING, COORDINATION, EXECUTION, SUPERVISION, FINANCING, FUNDING AND FOR PROMOTING AND SECURING THE PLANNED DEVELOPMENT OF THE CAPITAL REGION DEVELOPMENT AREA, UNDERTAKING THE CONSTRUCTION OF THE NEW CAPITAL REGION DEVELOPMENT AREA, UNDERTAKING THE CONSTRUCTION OF THE NEW CAPITAL FOR THE STATE OF ANDHRA PRADESH AND FOR MANAGING AND SUPERVISING URBAN SERVICES IN THE NEW CAPITAL AREA AND FOR MATTERS ANCILLARY THERETO:

Whereas, the Andhra Pradesh Re-organization Act, 2014 has been enacted by the Parliament providing for the Re-organization of the State of Andhra Pradesh;

And whereas, as per the provision of the section 4 of said Act, on and from the appointed day, the State of Andhra Pradesh shall comprise the territories of the existing State of Andhra Pradesh other than those specified in section 3 of the said Act;

And whereas, sub-section(2) of section 5 of the said Act specified that there shall be a new capital for the State of Andhra Pradesh after the expiry of the period referred to in sub-section(1);

And whereas, section 6 of the said Act contemplates that Central Government shall various alternatives regarding the new capital for successor State of Andhra Pradesh and make appropriate recommendations in a period not exceeding six months from the date of enactment of the said Act for setting up of a capital for the State;

And whereas, in the meanwhile, it has been felt necessary to undertake legislation to provide for the overall development and setting up to capital region area and to constitute an authority for the purpose;



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

CHAPTER I PRELIMINARY

1. Short title, extent and commencement – (1) This Act may be called the Andhra Pradesh Capital Region Development Authority Act, 2014.

(2) It extends to the Andhra Pradesh Capital Region as declared under sub-section(1) of section 3 of this Act.

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

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

(1) ‘agriculture’ includes horticulture, farming, raising of crops, fruits, vegetables, grass, fodder, trees and keeping of kind of cultivation, breeding and keeping of live-stock, including horses, donkeys, mules, pigs, fish poultry and bees; and the use of land for any purpose which is ancillary to the framing of land or any other agricultural purposes, but does not include the use of any land attached to a building and the expression agricultural shall be construed accordingly;

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

(3) ‘area development plan’ means a five year plan of socio-economic and spatial development for an area within the capital region providing all details of residential, commercial, transportation, green/open, mixed use, utilities, social infrastructure, industrial areas and soon conceived within the framework of its approved perspective plan and master plan;

(4) 'authority' means the Andhra Pradesh Capital Region Development authority constituted under section 4 (1) of this Act and includes Commissioner or Competent Authority not below the rank of Deputy Collector appointed by Government to discharge certain functions under this Act or rules or standing orders made there under;

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

(b) 'building operation', include:-

- (i) erection or re-erection of a building or any part thereof;
- (ii) roofing or re-roofing of a building or any part of a building or any open space; and
- (iii) any material alteration of a building or such alteration as is likely to affect the alteration of its drainage or sanitary arrangements or materially affect its security, or the construction of a door or opening on any street or land not belonging to the owner;

(6) 'capital city area' means are within capital region identified and notified by the Government of Andhra Pradesh as the capital city area for the State of Andhra Pradesh under section 3(3) of this Act;

(7) 'capital region' means the area notified for the purpose of development by the Government of Andhra Pradesh as the capital region for the State Andhra Pradesh under section 3(1) of this Act;

(8) 'company' means a body corporate registered under the Companies Act, 2013 (Act 30 of 2013) and includes a firm or association of individuals;

(9) 'commissioner' means the commissioner of the capital region development authority;

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

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

(12) 'development fund' means a fund created under section 25 of this Act;

(13) 'development plan' means a comprehensive plan for the development or redevelopment or improvement of a local area within the jurisdiction of the Authority covering the whole or part thereof, conceived within the framework of the perspective plan providing medium-term(five years) policies programmes and detailed proposals for socio-economic and spatial development of such area indicating the manner in which the use of land and development therein shall be carried out and includes a capital region development plan, capital city development plan, area development plan, town development plan, zonal development plan, village development plan, or any other plan or scheme prepared under the Act by whatsoever name known;

(14) 'development project or project' means plans conceived, within the framework of approved development plan, containing detailed working layouts with all supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(15) 'development scheme' means the method of securing land required for a development plan by means of land acquisition or land pooling or any other means, and the details of implementation of the plan in the secured land. All these details are incorporated in a document conferring rights on land by specifying how this land may be used and developed, and outlines the processes to be followed before development occurs;

(16) 'floor space index or floor area ratio' means the quotient or the ratio of the total covered area of all floors to the total area of the plot, multiplied by hundred;

(17) 'former authority' means the Vijayawada-Guntur-Tenali-Mangalagiri Urban Development Authority;



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

(19) 'heritage building' means and includes any building comprising of one or more premises or any part thereof or structure or artifact which requires conservation or preservation for historical or architectural or artistic or artisanry or aesthetic or cultural or environmental or ecological purposes and includes such portion of land joining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical or architectural or aesthetic or cultural or environmental value of such a building;

(20) 'infrastructure plan' means a plan showing existing and proposed major infrastructure facilities like circulations network including ring/radial/grid road connecting all the settlements, transport power, water supply natural drainage sewerage system, solid waste disposal and network and related facilities like power plants, roads, highways, railways, metro ways, airports, and the like;

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

(22) 'land pooling scheme' means assembly of small land parcels under different ownerships voluntarily into a large land parcel, provide it with infrastructure in a planned manner and return the reconstituted land to the owners, after deducting the land required for public open spaces such as parks and play grounds, social housing for economically weaker sections, social amenities such as school, dispensary and other civic amenities, road network, and other infrastructure as specified under the act as well as such extent of land in lieu of the cost of development towards the provision of infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure;

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

(24) 'local body' means a Municipal Corporation constituted under the respective Act; or a Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 (Act NO.6 of 1965); or a Gram

Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1994 (Act No.13 of 1994) or any other body constituted under the relevant Act to govern the municipal services;



(25) 'master plan' means a land use, infrastructure and transportation plan, indicating the location of residential, commercial, transportation, green/open, mixed use, utilities, social infrastructure, industrial, agricultural areas and ecologically fragile areas, prepared for the whole of the capital region or part thereof and could be at the concept level for a twenty year period reviewed every five years having a low level of detail or at a detailed level for up to ten year period;

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

- (a) in the Andhra Pradesh Gazette or District Gazette;
- (b) in two daily news papers circulating in the capital region of which one shall be in Telugu language;
- (c) In Telugu language in the Gram Panchayat Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Revenue Divisional Officer, the Tehsildar, the District Registrar and Sub-Registrar;
- (d) uploaded on the website of the Authority; or
- (e) in the manner as may be decided by the Authority;

(27) 'occupier' includes:-

- (a) a tenant,
- (b) an owner in occupation of, or otherwise using his land,
- (c) a rent-free tenant of any land,
- (d) a licensee in occupation, any land, and
- (e) any person who is liable to pay to the owner charges for the use and occupation of any land;

(28) 'operational construction' means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development, or execution of any of the services such as railways; national

highways, state highways, other important roads; waterways; ports; airways and aerodromes; postal, telecom services of Bharat Sanchar Nigam Limited; electricity, defence; Oil and Natural Gas Commission/Gas Authority of India Limited; works undertaken by the Authority or any local body; or any other service which the Government may, if it is of the opinion that the operation, maintenance, development or execution of such service is essential to the life of the community, by notification, declare to be service for the purposes of this clause.

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

- (i) new residential buildings (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hotels, clubs, institutes and schools, in the case of railways and
- (ii) a new building, new structure or new installation or any extension thereof, in the case of any other service, shall not be deemed to be construction within the meaning of this clause;

(29) 'original plot' in the context of development scheme means the parcel of land extent vesting with the land owner as per revenue records or in possession as on the day of notification of declaration of intention of the development scheme, whichever is less, and while undertaking the preparation and sanction of the development scheme, the tenure and encumbrances on the plot remain unaffected;

(30) 'owner' in relation to any property includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof; and also includes a person, company, trust, institute, registered body, state or central government and its attached subordinate departments, undertakings and the like, in whose name the property right are vested;

(31) 'periphery area' means area adjoining the boundary of the capital region declared as such under section 148 of this Act;

(32) 'perspective plan' means a long-term (100 years) strategic plan providing the goals, policies, strategies and general programmes of

spatio-economic development of the capital region in line with the policies of government, and includes plans for land use, infrastructure, transportation and socio-economic development prepared for the whole of the capital region that guide development and is revised every ten years. The plan shall indicated land use zones such as agricultural zone, industrial zone, green zone, capital city zone along with other infrastructure proposals like expressways, highways, rail and metro corridors water, power generation and distribution centres, sewerage plans, ecologically fragile and forest zones, and so on;

(33) 'plan' means the statement of proposals, policies and development briefs for securing, promoting and regulating development in a planning area, and includes a map or maps or sets of documents or all of them; and includes a perspective plan, a development plan of the capital region, capital city, local body or a local area, as the case may be, prepared under this Act;

(34) 'prescribed' means prescribed by rules, regulations and /or standing orders made under this Act;

(35) 'reconstituted plot' means a final plot or land which is in any way altered by a development scheme;

(36) 'regulation' means regulations that made from time to time by the Authority to carry out the objects of this Act;

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

(38) 'rule' means a rule made under this Act by government and laid before the State Legislature;

(39) 'sector' means a part of capital city area taken up for detailed planning and implementation;

(40) 'standing order' means a standing order made under this Act and includes zoning regulations and other regulations made as part of the plans prepared under this Act;

(41) 'transferable development right' means a development right to transfer the potential of a plot designated for a public purpose in a plan, expressed in terms of total permissible built space calculated on the basis of floor space index or floor area ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the

present location to a specified area in the plan, as additional built space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Authority; and

(42) 'zone' means a part of capital region or capital city area identified with a specific dominant land use or urban function for the purpose of securing, promoting and regulating development and for providing the urban services under this Act, and the expression 'zoning regulation' shall be construed accordingly.

CHAPTER II

DECLARATION OF CAPITAL REGION, CAPITAL CITY AREA AND CONSTITUTION OF THE AUTHORITY

3. Declaration of capital region and capital city area. – (1) As soon as, after commencement of this Act, the State Government may, by notification in the Andhra Pradesh Gazette declare the 'Andhra Pradesh Capital Region Development Area' as 'capital region' consisting of such urban or rural areas for the purposes of this Act with effect from such date as may be specified therein.

(2) The notification shall define the limits of the 'capital region' to which it relates and further as may be required in this behalf may exclude or include any area from such notification issued as may be necessary.

(3) As soon as, after the commencement of this Act, the State Government may, by notification in the Andhra Pradesh Gazette declare the 'Andhra Pradesh Capital City Area' as 'capital city area' within the capital region, consisting of such urban or rural areas for the purposes of this Act with effect from such date as may be specified therein.

(4) The notification shall define the limits of the 'capital city area' to which it relates and further as may be required in this behalf may excluded or include any area from such notification issued as may be necessary;

(5) The existing Gram Panchayats, Municipalities and Municipal Corporations within the capital region shall remain functional within their respective jurisdictions based on the prevailing rules, made under the respective laws to the extent not consistent with the provisions of this Act;

(6) All the line departments of Government within the capital city area such as revenue, police, electricity, transport, housing, industries, education, fire, medical and health, welfare, civil supplies, environment, roads and buildings, registration and stamps, excise, tourism and culture, youth affairs, sports, etc. shall report to the Commissioner.

(7) The Government may by notification transfer any function performed by any department of Government to the Authority.

4. Constitution of the capital region development authority, - (1) In accordance with the provisions of this Act, the State Government shall constitute a body to be called the 'Andhra Pradesh Capital Region Development Authority', for the capital region notified under section 3, which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued.

(2) The Authority shall consist of _____

- (a) Chief Minister, Government of Andhra Pradesh, who shall be the Chairman;
- (b) Minister dealing with the department of Municipal Administration and Urban Affairs, who will be the Vice-Chairman;
- (c) Minister dealing with the department of Finance Member;
- (d) Chief Secretary to government – Member;
- (e) Secretary to government dealing with Municipal Administration and Urban Affairs department – Member;
- (f) Secretary to government dealing with Finance department Member;
- (g) Four secretaries to government dealing with departments of transport roads and buildings, energy or such other department as may be deemed necessary by government as members;
- (h) Commissioner of the Authority, who shall be Member – Convener;



- (i) Four experts, national or international, who possess knowledge in urban governance, urban planning, conservation, environment and transport to be appointed by the State Government; and
- (j) Any other officer or expert whom Government thinks necessary as special invitee.

5. The composition and reconstitution of Authority resulting due to vacancies/ absence of its members and proceedings shall be as per First Schedule of this Act.

6. Executive Committee, - (1) There shall be an executive committee of the Authority consisting of –

- (a) Secretary to Government in charge of Municipal Administration and Urban Affairs department as Chairman;
- (b) Secretary to Government in charge of Finance Department of Finance Department as Member;
- (c) Commissioner as Member – Convenor; and
- (d) Secretaries to Government or heads of Government Departments as nominated by Government not exceeding six in number.

(2) The executive committee may invite any heads of departments of Government of experts as special invitees.

(3) Subject to the general superintendence and control of the Authority shall vest in the executive committee.

(4) The Authority shall make regulations to achieve the object of this Act and standing orders to regulate the procedure to be followed by the executive committee, and in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes and the custody, production and inspection of such minutes.

7. Subject to the direction and delegation of the powers by the Authority, Executive Committee or Commissioner may exercise any power or do any at or thing which may be exercised or done by the Authority.

8. Appointment of other committees, - (1) The Authority may from time to time appoint committees consisting of such members as it thinks fit and associate with such committee in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.

(2) Every committee appointed under sub-section(1) shall conform to any instructions that may, from time to time, be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Authority shall nominate one of the members as the Chairman of every such committee.

(3) The procedure to be followed by the committees and all other matters relating to the committees shall be such as may be prescribed in the standing orders.

9. Common seal and execution of documents, - (1) The Authority shall have a common seal and such seal may from time to time be changed and altered as the Authority thinks fit.

(2) All deeds, documents and other instruments requiring the seal of the Authority shall be affixed with the common seal of the Authority and every instrument to which the common seal is affixed shall be signed by an officer of the Authority and shall be countersigned by a member of the Authority or by some other person duly authorized by the Authority for that purpose, and such signing shall be sufficient evidence that such seal was duly and properly affixed.

(3) The Authority may by resolution or otherwise in writing appoint an officer of the Authority either in general or in a particular case to execute or sign on behalf of the Authority an agreement or other instrument in relation to any matter concerned to the Authority.

CHAPTER III

FUNCTIONS AND POWERS OF THE

AUTHORITY

10. Functions of the authority, - (1) Subject to the provisions of this Act, rules and regulations made thereunder the functions of the Authority shall be the following, -

(a) Planning:

(i) to prepare and revise perspective plan, master plan, development plans and area development plans inclusive of infrastructure plans in the capital region and more specifically capital city area by carrying out needed surveys for achieving spatio-economic development and social justice;

(ii) to formulate zoning regulations, building and energy codes, and any other development control norms for the capital region and more specifically for capital city area so as to ensure compact, transit-oriented, and environmentally sustainable development;

(ii) to review, revise and approve development control norms and rules or standing order and all other related and similar norms governing the building and development in the capital region;

(b) Development:

(i) to formulate development schemes for implementing the plans approved by the Authority using funds of the Authority either in whole or part;

(ii) to implement development schemes and to cause implementation of such works under the development schemes or development projects or plans either by itself or jointly with a developer entity or through any agency or nay local body;

(iii) to approve, co-ordinate and execute all transportation related interventions in the capital region so as to promote planned development of traffic and transportation system and transit-oriented development;

(iv) to formulate, monitor and implement affordable housing policies for economically weaker sections and migrants;

(v) to formulate and implement economic development plans for the overall economic growth of the capital region and to create new livelihood opportunities;

(vi) to prepare or execute or prepare and execute proposals, plans and projects for, the clearance, development and redevelopment of such land as the Authority may think fit for the purpose of resettling persons displaced by operations of the Authority and other resettlement projects or for any other purpose; the erection, conversion, improvement and extension of any building for sale, lease, rental or other purpose; and the provision and improvement of services and facilities for the promotion of public safety, recreation and welfare, and parking places;

(vii) to raise finance for any development project or scheme and to extend assistance to the local bodies for the execution of such project or scheme;

(viii) to entrust to any local body the work of execution of any development plan or scheme.

(c) Regulation:

(i) to regulate development activities in accordance with the development plans and regulations, and to bring aesthetics, efficiency and economy in the process of development;

(ii) to approve plans, and manage and control the development of land in the capital region;

(iii) to regulate the development of the periphery area;

(d) Capital city area:

(i) to permit or associate with developer entities to undertake development schemes or projects, and monitor project execution and approve financial resources of such schemes and projects;

(ii) to undertake the creation of city wide common infrastructure, construction and maintenance of buildings for the capital city area and for other public purposes;

(iii) to undertake and manage the urban amenities in the capital city area to make it an environment friendly smart city either directly or through outsourced entities by delegating powers to collect user charges;

(iv) to formulate and implement policies for making sustainable arrangements for providing and maintaining highest standards in urban civic and utility services in the capital city area particularly for cleanliness, aesthetics, health and hygiene;

(v) to provide affordable and efficient urban services using technology.

(e) General:

(i) to promote environmentally friendly investments in the capital region;

(ii) to conduct, promote and encourage research in matters connected with one or more of the Authority's purposes and functions;

(iii) to promote creativity among the residents of the capital region;

(iv) to secure and promote publicity in any form in capital region or elsewhere of the functions and activities of the Authority;

(v) to collect, compile and analyse information of a statistical nature relating to land, building, construction, land use, recreation or such other subject-matter necessary for the performance of the functions imposed upon the Authority by or under this Act or any other written law, and to publish and disseminate the results of any such compilation and analysis or abstracts of those results;

(vi) to provide advisory and information services including on matters relating to land planning and the development of land in the capital region to Government;

(vii) to do such other acts and things as may be entrusted by the Government or as may be necessary for, or incidental or conducive to, and matters which are necessary for furtherance of the objects for which the Authority is constituted;

(viii) to fast track and address issues such as project delays, issues related to development fund and inter-departmental coordination;

(ix) to make recommendations or submit proposals to the Government or any person or statutory body for the preservation and protection of any monument and land of historic, traditional, archaeological, architectural or aesthetic interest;

(x) to provide information and advice to and act as agent and consultant for such Government department, person, company and corporation carrying on or intending to carry on a building project or scheme or urban redevelopment in capital region or elsewhere as the Authority may think fit;

(xi) to co-ordinate and give directions to the Andhra Pradesh Transmission Corporation, the Southern Power Distribution Company Limited, the Andhra Pradesh Industrial Infrastructure Corporation, the Andhra Pradesh State Road Transport Corporation, Roads & Buildings department, Housing Corporation, Housing Board, Infrastructure Corporation of Andhra Pradesh Limited and such other bodies/departments of the Government to facilitate infrastructure development in the capital region;

(xii) to acquire, sell, transfer, lease or grant licences or in any way alienate to use or occupy such land belonging to the Authority for the purposes of the development and redevelopment of the land as the Authority may think fit;

(xiii) to acquire, sell, transfer, lease or grant licenses to use or occupy land or other property as agent for the Government or any statutory authority when appointed to do so, for the purposes of the development and redevelopment of the land or property or for such other purpose as the Government or statutory authority may specify; and

(xiv) to own and manage such lands, buildings or other property as the Authority may think fit.

11. Powers of the Authority, - (1) Subject to the provisions of this Act the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions under this Act and, in particular, the Authority may exercise one or more of the powers specified in the Second Schedule.

(2) The Authority may, in addition to the powers vested in it by sub-section (1), exercise such other powers as the Government may authorise it in writing.

(3) The Authority shall, when it is exercising powers authorised by the Government under sub-section (2), be deemed to be exercising powers vested in it by sub-section (1).

(4) This section shall not be construed as limiting any power of the Authority conferred by or under any other law.

12. Powers of the Executive Committee and Commissioner, -

Subject to overall superintendence and control of the Authority, the Executive Committee and Commissioner may exercise one or more of the powers specified in the Second Schedule.

13. (1) The Authority may, form or participate in the formation of a company or create Special Purpose Vehicles (SPVs) with powers to raise money through equity, for various purposes, including but not limited to, design and construction of buildings related to capital city area, large infrastructure projects, provision of utility services, provision of urban services, design and execution of social infrastructure projects, and land acquisition and augmentation of financial resources. The Authority could participate in such SPVs as an equity or debt holder, and also have specified members of the Authority as members of the Board of such SPVs.

(2) The Authority shall have the power to constitute area level offices as it deems fit and assign responsibilities and functions to such offices.

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

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

16. Powers of Government in relation to Authority, - (1) The Government may, after consultation with the Authority or otherwise, give to the Authority such directions, not inconsistent with the provisions of this Act, as it thinks fit, as to the exercise of the functions of the Authority under this Act, and the Authority shall give effect to all such directions.

(2) The Authority shall furnish the Government with such information or facilities for obtaining information with respect to its property and the exercise of its functions in such manner and at such times as the Government may reasonably require.

17. Powers of delegation, - . (1) Subject to the provision of subsection(2) the Authority may by resolution direct that any power exercisable by it under the Act or rules or standing orders made thereunder may also be exercised by the Executive Committee or the Commissioner or Local body or officer of the Government, in such cases and subject to such conditions, if any, as may be specified therein.

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

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

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

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

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

- (a) the control and management of lands and buildings acquired by, vested in or belonging to, the Authority;

- (b) the use and enjoyment of those lands, buildings and other property;
- (c) the prevention of trespass upon or on any of those lands and buildings and the removal of trespassers or other persons causing annoyance or inconvenience upon or in those lands and buildings;
- (d) the procedure to be followed in connection with the preparation, publication, submission and approval of the plans prepared under the Act, and the manner of the publication of the notice inviting objections and suggestions relating to any such plan;
- (e) the form, manner and procedure for modifications to the plans prepared under the Act, the payment of fees and rates of conversion charges for such modifications;
- (f) the procedure for permitting or undertaking Land Pooling Scheme, Town Planning Scheme, Layout developments and their requirements, and development specifications and conditions;
- (g) the form and manner of Transferable Development Rights the Authority may take up with owners;
- (h) the procedure for assessment, levy and collection of impact fee, cess, development charges, urban infrastructure fee and calculation and assessment for the land and buildings;
- (i) the terms of office of members and staff, their allowances and other conditions of service, summoning and holding of meetings, the conduct of business, powers and functions of the Chairman, Vice-Chairman and Commissioner;
- (j) the functioning and conduct of meetings and any other matters relating to the powers and functions of the Authority and Executive Committee; and
- (k) any other matter which has to be or may be made by rules.

(3) The Government may, in making any rules under this section, provide that a contravention of or failure to comply with the rules shall be

an offence and penalize in respect of such offence a fine not exceeding the sum of rupees one lakh or imprisonment for a term not exceeding three months or both and, in the case of a continuing offence, a further fine not exceeding rupees two thousand and five hundred for every day or part thereof during which such offence continues after conviction in the court of Judicial First Class Magistrate.

(4) Every rule made under the Act shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agree in making any modifications in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette is notified have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Power to make regulations/standing orders,- (1) The Authority may by notification, make regulations, and also issue standing orders consistent with this Act and Rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred in subsection (1) such regulations, with the approval of Government, may provide for all or any of the following:

- (a) the procedure to be followed for mobilizing resources such as borrowing, loans, debentures and bonds and their repayment; and
- (b) any other matter which is required to be provided by regulations.

(3) Further, in particular and without prejudice to the generality of the power conferred in sub-section (1) such standing orders may provide for all or any of the following:-

- (a) the plan programs of the Authority, stages of implementation of the development plans;
- (b) form and manner for taking over lands by the Authority under negotiated settlement;

- (c) the form, manner and procedure for the application for development permission, the payment of fees, rates of user charges, form of ownership clearance and fees payable, and conditions to be complied with by the applicant and the Local body while considering the building permissions based on the development permission given by the Authority;
- (d) the form and manner of sanctioning of the building permissions by the Local body and conditions to be adhered to, and responsibilities of Local body there to;
- (e) the form and manner of conditionality of undertaking road development schemes by the Authority or Local body or State Government agency concerned; the method of entering into contracts by or on behalf of the Authority;
- (f) the delegation of powers to officers of the Authority;
- (g) the opening, keeping, closing and internal audit of accounts of the Authority;
- (h) loans and allowances to officers of the Authority;
- (i) housing accommodation for officers of the Authority;
- (j) the professional and technical training of officers of the Authority;
- (k) the job charts, duties and responsibilities of various positions in the Authority along with skills, experience and qualifications required to hold them;
- (l) the method of entering into contract while hiring staff from the market or deputing staff from any government or any government organisations,
- (m) terms of entry, conditions of service salaries and allowances, termination, powers and functions of the members, officers and staff;
- (n) the form and conditions of licensing the developer entity, builder, architect, surveyor, town planner, structural engineer, engineer and other technical personnel;

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

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

(q) any other matter which is required to be provided by standing orders.

20. Power of entry and power to demarcate and survey, - The Commissioner may authorize any person to enter into or upon any land or building with or without the assistance of workmen for the purpose of;—

(1) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(2) examining works under construction and ascertaining the course of public utilities and drains or any aspect of public safety;

(3) digging or boring into the sub-soil;

(4) setting out boundaries and demarcation of intended alignment of roads, public utilities and other works;

(5) making such levels, boundaries, demarcations and lines by placing marks and cutting trenches;

(6) ascertaining whether any land or property is being affected in any development plan or development scheme or road or public utility alignment;

(7) grounding of new alignment of roads or road widening or alignment of existing or new communication network / electric lines;

(8) ascertaining whether any land or property is being or has been developed in accordance with the development permission or in contravention of the provisions of the Act, or conditions subject to which the development permission has been issued are being or have been complied with or not;

(9) doing any other thing necessary for the implementation of any development plan or development scheme or other provisions for the efficient implementation of the Act:

Provided that, ____

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

CHAPTER IV

PROVISIONS RELATING TO STAFF

21. Chief Executive of the Authority, - ¹“(1). The Government shall appoint a Commissioner as the Chief Executive of the Authority who possesses qualifications and eligibility to be posted as District Collector in the State.”.]

(2) The Commissioner shall be responsible to the Authority for the proper administration and management of the functions and affairs of the Authority in accordance with the policy laid down by the Authority.

22. Appointment of Staff, - (1) The Authority may, -

- (a) sanction and appoint heads for the departments such as Planning, Transportation and Engineering, Finance and Accounts, Housing and Environment, Economic Development and Investment Promotion, Administration and Human Resources, Vigilance, Revenue, Public Health or such other heads known by whatever name as are necessary to work under the overall control and direction of the Commissioner. The Commissioner and heads shall be entitled to receive from the funds of the Authority such remuneration

¹ Subs. by Act 1 of 2018, s.2 (w.e.f 27-7-2016)

and shall be governed by such conditions of service, as may be determined by standing orders made in this behalf.



(b) sanction and recruit such number of personnel on such terms as to remuneration or otherwise as the Authority may determine; and

(c) engage and remunerate for their services such persons or agents as the Authority considers necessary for carrying out its functions.

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

(i) may engage such heads or other officers and employees including the professional service providers and team of experts as may be necessary for the efficient performance of its functions and guide the Authority in implementation of the Act and may determine their designations, grades, scales of pay and allowances;

(ii) may utilize the services of the employees in the Government Services for various cadres in the Authority;

(iii) shall have the power to engage officials of various cadres on deputation from the State and Central Government departments or Public Sector units;

(iv) may engage external consultants, advisors, and experts as considered necessary, at such rates and with such works to be assigned and determined by the Authority;

(v) shall have the power to hire the services of private agencies and engage people with expertise so as to meet any deficiencies in professional expertise required for the execution of its responsibilities;

(vi) may identify, engage, surrender, remove, re-appoint and appraise the performance of heads of departments, officers and other employees as provided by standing orders.

(2) The appointment, promotion, termination of appointment, dismissal and disciplinary control of the persons employed by the Authority shall be vested in the Commissioner and standing orders in this regard along with terms and conditions of service shall be made by the Authority.

23. Protection of Acts done in good faith, - No matter or thing done and no contract of any kind entered into by the Authority and no matter or thing done by a member or employee of the Authority or by any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into bona-fide for the purpose of executing the provisions of this Act, subject such member, employee or person acting under the direction of the Authority personally to any action, liability, claim or demand whatsoever in respect thereof.

24. Members, Officers and Servants of the Authority and Tribunal to be public servants, - All members of the Authority, officers and servants of the Authority, the Tribunal and all other persons entrusted with the execution of any function under the Act, shall be deemed when acting or purporting to act in pursuance of any of the provisions of the Act or the rules or standing orders made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. (Central Act XLV of 1986).

CHAPTER V FINANCIAL PROVISIONS

25. Development fund and revolving fund, - (1) For the purpose of enabling the Authority to carry out its objects within the capital region and to defray expenditure, including defraying initial expenses, and for the provision of working capital, a fund by the name 'development fund' with a seed capital of Rs.1000 crore(Rupees One Thousand Crores) shall be created for the purpose of administering the Act.

¹["(1A) A separate Capital City Infrastructure Development Fund shall be created within the Development Fund to enable implementation under section 53 (f) of this Act"]

¹ Ins. by Act 1 of 2018, s.3, (w.e.f. 1-7-2016)

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

(3) The Authority shall manage and operate the development fund to which shall be credited:

- (a) all moneys received from the Central Government and the State Government by way of revolving fund, grants, loans, advances or otherwise;
- (b) all moneys borrowed by the Authority by way of loans or debentures;
- (c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable;
- (d) sum of money received from projects implemented under development schemes;
- (e) all moneys earned from remunerative projects and schemes by way of rent or otherwise, and disposal of its assets;
- (f) sum of money received by way of user charges;
- (g) all development charges or other charges, fees received under the Act or rules or standing orders made there under;
- (h) all monies received from financial institution or other agencies in the form of equity; and
- (i) any other sum of money received by the Authority from any other sources, including constituent local bodies, for performing its functions.

¹“(3A). All the funds mentioned under sub-section (3) pertaining to implement under section 53 (f) of this Act, shall be accounted for under

¹ Ins. by Act 1 of 2018, s.3, (w.e.f. 1-7-2016)

Capital City Infrastructure Development fund and shall be managed and operated by the Authority;



(3B). All properties, funds and dues which are vested in or realizable by the Authority pertaining to Capital Region (for the purposes of the Act) shall vest in or be realizable by the State Government and by the Authority on behalf of State Government;

(3C). All liabilities which are enforceable against Capital Region Development Authority in the Capital Region shall be enforceable against the State Government and against the Authority representing the State Government.”.]

(4) The Authority may accept grants, subventions, donations, and gifts from the Central or State Government or local body or any individual or body whether incorporated or not, for all or any of the purposes of the Act on such terms and conditions as mutually agreed upon.

(5) The Development Fund shall be applied towards meeting,-

- (a) the expenditure incurred in the administration of the Act;
- (b) the cost of acquisition of land for the purposes of the Act;
- (c) expenditure for any development of land for ensuring planned development in the capital region;
- (d) any expenses incurred by the Authority in connection with preparation of perspective plan, master plans, area development plans, and infrastructure plan or any other plans, undertaking surveys, studies, and execution of projects and schemes;
- (e) the maintenance of sinking fund and other separate accounts required under the Act;
- (f) the construction of buildings, development of infrastructure and provision of amenities and such other public purposes as required for the capital city area development.

(6) The development fund shall be ringfenced to ensure that it can only be used for the purposes specified under the Act and also for the purposes of infrastructure in the capital region. Utilization of funds for any

other purposes other than the specified under the Act shall be exercised only after placing the proposals before the Authority by the Commissioner and after approval by the Authority.



(7) The development fund shall be governed by the following principles, namely,-

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

(8) In accordance with the provisions of this Act a Revolving Fund shall be created for the Authority with a fund of Rs.250 crores (Rupees Two Hundred and Fifty Crores) for the purpose of performing its functions under the Act and for undertaking development of amenities and infrastructure facilities in the capital region.

26. Powers of taxation, - (1) The Authority shall have the power to collect such fees, charges, user charges, cesses, arrears or such other revenues as prescribed.

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

- (a) levy and collect such fees for the execution of works arising out of the development plans and for provision of other services and amenities;

(b) to levy and collect such scrutiny fees for scrutiny of documents submitted to the Authority for permission for development;

(c) to levy and collect the development charges; (d) to levy and collect the user charges for various services delivered in the development area; and

(e) to levy and collect impact fee, urban infrastructure fee, cess or any other fee incidental to mobilise funds and other incidental expenses.

27. Selling powers, - The Authority may, sell any developed land or part thereof.

28. Mobilizing Financial resources, - (1) The Authority may, from time to time, for the purposes of this Act, raise loans from the Government or, mobilise resources from any other source, either by creation and issue of debentures, bonds, or otherwise.

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

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

(a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or

(b) for the purpose of defraying, pending the receipt of money due in respect of a loan authorised to be raised under sub-section (1), expenses intended to be defrayed by such loan.

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

Explanation:- For removal of doubts, it is hereby declared that the Authority may raise finance for any project or scheme for the development of the capital region and extend assistance to the local bodies in the region for the execution of such project or scheme;

(5) All loans raised by the Authority under this section, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Authority and shall rank equally with one another, with priority over any other charge on the revenues of the Authority.

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

29. Issues of Securities etc, - As a consequence of the vesting of any property, rights or liabilities of the Government in the Authority under this Act, or of any capital injection or other investment by the Government in the Authority in accordance with any written law, the Authority may issue such securities or other securities to the Government as mutually agreed.

30. Annual estimates, - (1) The Authority shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Authority for the ensuing year.

(2) Supplementary estimates may be adopted by the Authority at any of its meetings.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Authority, be sent forthwith to the Government.

(4) The Authority may transfer all moneys or part thereof assigned to one item of expenditure to another under the same head of expenditure in supplementary estimates.

(5) A summary of the annual estimates and supplementary estimates adopted by the Authority shall be published in the official Gazette.

31. Annual and report, - (1) The Authority shall prepare for every year, and annual plan, and further shall as soon as practicable after the end of each financial year but not later than 30th September in each year furnish to the Government a report of its functions during the preceding year.

(2) The Government shall cause a copy of every such report to be presented to State Legislature.

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

33. Application of revenues of Authority, - The Government may, after consultation with the Authority, give directions to the Authority as to the manner in which its revenues shall be applied.

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

(2) Where any such contributory pension or provident fund has been constituted, the Government may declare that the provisions of the Provident Fund Act, 1925 (Central Act, 19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

35. Other Financial Provisions, - (1) The Commissioner shall have power to administratively sanction works and investment plans including tender approvals costing up to rupees ten crore, the executive committee up to rupees hundred crores and Authority for works beyond rupees hundred crores. Such limits may be modified by the Authority at any time through standing orders.

(2) The financial provisions set out in the Third Schedule shall have effect with respect to the Authority.

CHAPTER VI

UNIFIED TRANSPORT AUTHORITY

36. Constitution of Unified Transport Authority, - (1) In accordance with the of this Act, a body to be called the 'Andhra Pradesh Capital Region Unified Transport Authority' shall be constituted, herein after called as the 'unified transport authority' for the capital region notified under section 3, which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal.

(2) The unified transport authority for the 'capital region' shall consist of,-

a) Chief Secretary to Government – Chairman;

(b) Secretaries to Government incharge of Municipal Administration and Urban Affairs, and Finance as Members;

(c) Commissioner - Member Convenor; and

(d) 10 members of whom at least half are heads of departments of Government or secretaries to Government connected with transportation and the remaining are experts.

(3) The term of the members nominated under clause(d) of sub-section(2) shall hold office as may be prescribed by the Government.

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

(5) The Unified Transport Authority constituted under sub-section (1) shall ensure effective implementation and coordination of the various traffic and transportation measures under taken by the functional departments and public agencies in the capital region and more specifically capital city area.

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

(7) The Unified Transport Authority may constitute sub-groups for specific traffic and transportation issues of the capital region.

37. Powers and functions of the unified transport authority, - (1) The powers and functions of the Unified Transport Authority shall be,-

(a) to assist the Authority with co-ordination and support so as to ensure the effective implementation of its transportation plans, proposals, projects and policies that seek to enforce the Transportation Plan of the capital region;

(b) to oversee implementation of various traffic and transportation measures undertaken by various agencies in the capital region;

(c) to ensure that effective public transport systems are in place for the capital region;

(d) to ensure effective co-ordination and implementation of the various traffic and transportation measures undertaken by various departments;

(e) to promote and monitor key or major traffic and transportation projects;

(f) to recommend effective transportation strategies for the capital region;

(g) to integrate and consolidate all the action plans of various departments and agencies and ensure implementation of the coordinated and integrated traffic and transportation plans for the capital region;

(h) to give directions to different agencies involved in the implementation of traffic and transportation policies and measures, including shifting of utilities and services or amenities;

(i) integrating various routes of public transport and issues of combined ticketing, feeder services, etc; as suggested by the Authority;

(j) to expedite financial proposals pending with the Government related to transportation projects in the Capital region;

(k) to direct the appropriation or subvention of funds from various departments and agencies of the Government for ensuring implementation of the traffic and transportation plans and measures in the capital region.

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

(3) The Unified Transport Authority shall hold the meetings at least once in each quarter of a financial year.

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

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



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

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

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

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

CHAPTER VII PLANNING PROCESS

38. Preparation of development plans for the capital region: Subject to the provisions of the Act, the Authority shall,-

(1) Within one year of its constitution or within such time as the Authority may extend, prepare a perspective plan for the capital region and more specifically capital city area incorporating the infrastructure plan in the manner prescribed by standing orders.

(2) Within two years of its constitution or within such time as the Authority may extend, prepare a concept master plan for the capital region, and detailed master plans for the capital city area and such other areas as are deemed necessary along with the infrastructure plans in the manner prescribed by standing orders. In particular, the plans shall provide proposals and policies, so far as may be necessary, for all or any of the following matters, namely,-

(a) for designating the use of the land for residential, industrial, commercial, agricultural and recreational purposes;

(b) for the reservation of land for public purpose, such as schools, colleges, and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment, public assembly, museums, art galleries, religious buildings, play-grounds, stadium, open spaces, dairies and for such other purposes as may, from time to time, be specified by the Authority;

(c) for designation of areas for zoological gardens, green belts, natural reserves and sanctuaries;

(d) for transport and communications, showing ring/radial/grid roads connecting all settlements, metro/mono rail, bus rapid, transit routes, highways, parkways, railways, waterways, canals and airport, including their extension and development, traffic and transportation, transit oriented development, and mass transportation facilities;

(e) for water supply, storm water drainage, sewage disposal, other public utility amenities and services including supply of electricity and gas;

(f) for reservation of land for community facilities and services;

(g) for designation of sites for service industries, industrial estates and any other industrial development on an extensive scale;

(h) for preservation, conservation and development of areas of natural scenery and landscape enhancing greenery, urban landscape implementation in capital region and individual plots, riverfront development and/or lake or water front development;

(i) for water conservation, watershed management, water harvesting, recharge of ground water, flood control, and prevention of air, water and river pollution;

(j) for preservation of features, structures or places of historical, natural, architectural or scientific interest and of educational value;

(k) proposals and policies for promoting housing and community facilities for all sections of society;

(l) for promoting urban design and built form with aesthetics and architectural control for over all development and individual plots;

(m) for the reservation of land for the purpose of Union, any State, local body or any other authority or body established by or under any law for the time being in force;

(n) for the filling up or reclamation of low lying, swampy or unhealthy areas or levelling up of land;

(o) provision for controlling and regulating the use and development of land within the development area, including imposition of conditions and restrictions in regard to the open space to be maintained for buildings, the percentage of building area for a plot, maximum floor space index, the locations, number, size, height, number of stories 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;

(p) provisions for preventing or removing pollution of water or air caused by the discharge of waste or other means as a result of the use of land;

(q) such other proposals for public or other purposes as may from time to time be approved by the Authority or as may be directed by the State Government in this behalf.

(3) Undertake detailed area development plans for the capital city area as well as for the rest of the capital region covering all the matters at sub-section (2), and enforce development regulations in those areas for the purpose of securing planned development.

(4) Undertake surveys and studies in the capital region, create and maintain the data base and information system required for collection and/or use of such information, and prepare reports, projects, plans and maps; and associate advisors, consultants as may be necessary for such purposes.

(5) Review and revise the perspective plan, the master plans, area development plans, or any other plans.

(6) After the coming into operation of an area development plan, the approved perspective plan of the same area shall stand modified or altered to the extent the proposals in the development plan are at variance with the perspective plan.

39. Process of approval of plans: (1) After preparing a plan under section 38, the Authority shall notify the same in such form and manner as may be prescribed along with a notice in the prescribed manner, inviting objections or suggestions from any person or body giving a time period of thirty days.

(2) A development plan shall show in distinguishing prescribed colours the area or sites and the uses to which they are proposed to be put, and cover the following details, namely,-

(a) a statement indicating broadly the uses to which lands in the area covered by the plan are proposed to be put and any survey carried out for the preparation of the draft development plan;

(b) maps, charts and statements explaining the provisions of the draft development plan;

(c) the draft regulations for enforcing the provisions of the draft development plan;

(d) procedure explaining the manner in which permission for developing any land may be obtained from the Authority; and

(e) a statement of the stage of development by which it is proposed to meet any obligation imposed on the Authority by the draft development plan:

Provided that any of the aforementioned items may be modified by the Authority.



(3) After considering all objections, suggestions and representations that may have been received in writing or through electronic mail, the Authority may make modifications or revision to the plans in such manner as it thinks fit, and sanction with draft policies, development promotion regulations and reports.

(4) When the modifications in the draft plan are of an extensive or of a substantial nature, the said Authority shall publish the modifications in the Official Gazette along with a notice in the prescribed manner inviting suggestions or objections from any person with respect to the proposed modifications within a period of thirty days from the date of publication of such notice and thereupon, the provisions of sub-section 91) shall apply in relation to such suggestions or objections.

(5) The Authority shall within thirty days sanction the said plans with or without modifications.

(6) The sanction accorded by the Authority shall be notified in the official Gazette and the plans shall come into force from the date of publication.

40. Power to undertake preparation of area development Plans:

(1) Subject to overall conformity with the perspective plan, master plan, and infrastructure plan, the Authority or the respective Local bodies under the guidance of the Authority, may undertake the preparation of area development plans for any of the provisions as stated at sub-section (2) of section 38 with a time span of five to ten years.

(2) The Local body shall submit the said area development plans prepared for its jurisdiction, after calling for objections, suggestions and representations, along with the resolution of the local body to the Authority for approval.

(3) The sanction accorded by the Authority shall be notified in the Official Gazette and the plans shall come into force from the date of publication.

41. Modification to the sanctioned development plans: (1) The Authority may, on a reference from the Local body concerned, make such modifications to the sanctioned perspective plan, master plan and

infrastructure plan, or area development plan as it thinks fit and which in its opinion are necessary.



(2) The Commissioner or the Chief Executive of the Local body, as the case may be, shall prepare a report together with the plan and full particulars of any such modification.

(3) Before making any modifications to the development plans, the Authority, shall publish a notice inviting objections or suggestions from the public giving a time period of fifteen days from the date of publication of the notice and shall hear all objections and suggestions.

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

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

42. Enforcement of the sanctioned plans: (1) The plans sanctioned under section 38, shall be binding on all the local bodies, all organizations and the residents in the capital region.

(2) The guidelines, policies, specifications and targets regarding affordable housing as proposed in the said sanctioned plans shall be implemented by the local bodies within the capital region.

(3) The Local bodies shall be responsible for the implementation of the sanctioned plans in the development area under the overall control of the Commissioner.

CHAPTER VIII DEVELOPMENT SCHEMES

43. Development Schemes: (1) Subject to the provisions of this Act or any other law for the time being in force, the Authority may, within its jurisdiction, or any part thereof, for the purpose of achieving planned

development and for providing better infrastructural facilities by implementing the proposals as envisaged in the plans sanctioned under section 38 on its own or authorize any other body or any developer entity to prepare and implement one or more development schemes in conformity with such plans:

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

(2) Land uses earmarked in the plans sanctioned under section 38 as peri-urban use, conservation use, agricultural use, or any other non-conflicting uses as may decided by the Authority shall automatically stand converted to uses proposed under the development scheme:

Provided that land uses earmarked as bio-conservation use, water bodies, buffer zone, forest use and all other such prohibited uses as may be decided by the Authority including roads and utilities sanctioned in plans under section 38 are prohibited from automatic change of land use or modification:

Provided further that, the marginal realignment of road network proposed in the sanctioned plans under section 38 may be considered by the Authority, if the said realignment is within the scheme area and is essential in the overall interest of the development of the area and does not in any manner contradict the development plans.

(3) The Authority/Commissioner, as and when required, may by notification invite applications from any developer entity to undertake a development scheme independently or jointly with the Authority as specified in accordance with the provisions of this Act, as per the terms and conditions specified in the notification and as per the conditions stipulated by the Authority while according sanction for the development scheme.

(4) The types of development schemes shall be,-

- (a) Land Pooling Scheme;
- (b) Town Planning Scheme; and
- (c) Any other special development scheme as prescribed.

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

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



44. Provisions of the development scheme: The development scheme may make provisions for any of the following matters, namely,—

(1) the laying out or relaying out of land, either vacant or already built upon;

(2) lands likely to be used for construction of buildings for residential or commercial or industrial or for other purposes including for the sectors of capital city area;

(3) layout of new streets or roads, construction, diversion, extension, alternation, improvement of streets and communication network;

(4) the allotment of land for roads, spaces for public purposes like open spaces, gardens, recreation grounds, schools, markets, green belt, transport facilities, utilities and amenities of all kinds;

(5) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(6) lighting;

(7) water supply;

(8) trunk and other infrastructure required to service the infrastructure within the development area;

(9) preservation, conservation and protection of all heritage related objects and also water bodies;

(10) The preservation of objects of historical or national interest or natural beauty; and

(11) Such other provisions as prescribed by the Authority.

45. Content of the development scheme: (1) The development scheme shall contain the following particulars, namely,—

(a) survey numbers as in diglot or re-survey register or fair adangal, survey numbers as in record of rights and adangal, sub-division sketch from field measurement book of the original survey number as well as sub-divided survey number, revenue village, extent of land;

- (b) details of ownership of all parcels of land;
- (c) preparation of the scheme incorporating details such as roads, amenity areas, land use and such other items in accordance with the sanctioned plans under section 38;
- (d) the land use break-up of the scheme;
- (e) the re-constituted plots which would be re-allotted to the land owners;
- (f) method of re-allotment or registration;
- (g) original location of the land and location of the developed land;
- (h) the plots / lands to be allotted to the Authority or developer entity in lieu of the cost of development towards the preparation, sanction, provision of infrastructure and amenities and implementation of the scheme;
- (i) the plots / land to be allotted to the Authority in lieu of the cost of development towards provision of infrastructure and amenities and other costs and expenses to be incurred for the scheme and external trunk infrastructure;
- (j) type of the development entitled for each of the plot / land based on the use of the development including the sectors of capital city area in accordance with;
- (k) line estimates for development of the scheme [Level and cost of infrastructure shall be as per the prescribed standards];
- (l) the area proposed for various purposes as prescribed;
- (m) any other particulars as may be prescribed.

46. Infrastructure and amenities to be provided: (1) The Authority or the developer entity whoever undertakes the development scheme shall provide the following infrastructure and amenities in the area of development scheme:-

- (a) road development;
- (b) electric lines and street lighting located in exclusive strips of land;
- (c) water supply;
- (d) sewerage works – distribution network and sewerage treatment facility;
- (e) storm water drainage network;
- (f) rain water harvesting;
- (g) telecommunication lines located in exclusive strips of land over ground or in ducts under the surface; and
- (h) development of open spaces for parks, play grounds and avenue plantation without obstructing pedestrian ways or roads;

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

47. Cost of the scheme: (1) all sums payable to the Authority under the provisions of this Act;

(2) all sums spent or estimated to be spent to undertake the scheme including proportionate external and full internal infrastructure cost or betterment charges;-

- (a) in the making of the scheme;
- (b) in the execution of the scheme;
- (c) in the execution of such part of the peripheral and bulk services as may be considered necessary.

(3) all sums payable to any other agency or Government under the provisions of any other relevant Acts;

(4) administrative and legal expenses including risk reserves based on the future litigations;

(5) the cost of publication charges in the newspapers pertaining to the scheme;

(6) registration charges, if any.

48. Reconstitution of plots: (1) The title of the land owners covered under the development scheme shall be verified with reference to the revenue records, registration documents and other relevant records of ownership of land by the Competent Authority and an order issued under his seal and signature confirming the acceptance or otherwise of the land for the development scheme.

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

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

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

(5) The development scheme may contain proposals:-

(a) to form reconstituted plot / land by the reconstitution of the original lands by the alteration of its boundaries and by the transfer of any adjoining lands if necessary;

(b) for location of the reconstituted plot / land anywhere in the identified area of the development scheme;

(c) for allotment of reconstituted plot / land by draw of lots;

(d) to provide with the consent of the owners the allotment of reconstituted plot / land jointly as common reconstituted plot; and

(e) for allotment of a reconstituted plot / land to any owner dispossessed of land in furtherance of the scheme.

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



49. Restrictions on the use and development of land after publication of draft development scheme:

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

(2) Where an application for permission is received by the Commissioner, he shall, send to the applicant a written acknowledgement of its receipt and after making such inquiry as, it deems fit, may either grant or refuse such permission or grant it subject to such conditions as he may think fit to impose.

(3) If any person contravenes the above provisions or of any condition imposed, the Commissioner 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.

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

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

51. Registration not required. Act No.XVI of 1908: (1) Nothing in the Registration Act, 1908 shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a development scheme implemented by the Authority which has come into force.

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



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

CHAPTER IX

LAND POOLING SCHEME

52. Land pooling scheme: The land pooling scheme is intended for land owners volunteering to surrender their land against a guaranteed return of a developed and reconstituted plot/land.

53. Reservation and allotment: (1) The reservation and allotment of land for various purposes in the land pooling scheme may be as specified below:-

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

Provided that the percentage of the allotment of land as specified in Clauses from (b) to (d) may be

altered by the Authority while preparing the land pooling scheme depending upon the nature of existing and proposed development as per sanctioned development plans under section 38 and for the reasons to be recorded in writing.

(2) The area of the land pooling scheme shall be as notified by the Authority under section 55 of this Act.

54. Role of developer entity: The developer entity intending to undertake a land pooling scheme shall obtain a license from the Commissioner to formulate and implement a land pooling scheme containing such particulars and details as may be prescribed:

Provided that,-

(1) the developer entity shall submit the application to formulate and implement a land pooling scheme only after a notification is issued by the Authority as stated at sub-section (3) of section 43 under the Act;

(2) the requirements of the Scheme as prescribed under this Act shall be complied with;

(3) the costs for development of the development scheme shall factored into the project before the developer undertakes the development work;

(4) the developer entity shall obtain all necessary permissions from the Commissioner as required under the Act duly paying the prescribed fees and charges to undertake the scheme;

(5) The developer entity shall mortgage a part of the scheme area as prescribed in favour of the Authority in order to comply with the conditions of the development scheme and the same shall be re-conveyed by the Commissioner while issuing the completion certificate of the scheme.

55. Declaration of intention: (1) Competent Authority for Land Pooling shall be the Commissioner and includes such other officers along with staff, appointed by Government for the purpose.

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

(3) The Commissioner shall obtain the approval of the Authority and initiate land pooling scheme for the identified area:

Provided that no such approval shall be necessary in case of any area notified by the Government under sub-sections (5) and (6) of section 43.

(4) The Competent Authority for Land Pooling shall issue notification declaring its intention (hereinafter referred to as the 'declaration of intention') to make the land pooling scheme in respect of such an area in the prescribed manner within prescribed time period, calling for objections or suggestions as well as consent, from owners or interested parties whose lands are included in the land pooling scheme within a period of 30 days from the date of publication of such notification.

(5) The Authority shall hear all such objections and suggestions within prescribed time period and approve the area with or without modifications within prescribed time period.

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

(7) Verification of the title and extent of consenting land owners shall be done under sub-section (1) of section 48.

(8) Disputed ownership shall be resolved under section 50.

56. Draft notification of land pooling scheme: (1) The Competent Authority for Land Pooling shall make a draft land pooling scheme of the area in accordance with sanctioned development plans in consultation with land owners within the prescribed time period. Such consultations shall be related to the provisions made under section 44 of this Act and each such consultation has to be recorded in writing and has to be signed by the Competent Authority for Land Pooling on behalf of the Authority.

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

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

¹“(2). The notified area under the final land pooling scheme shall vest absolutely with the State Government and Authority acting on behalf of Government, free from all encumbrances, for reconstituting and implementing the land pooling scheme. The lands shall be managed by the Authority for the purposes of this Act.”.]

(3) After publication of the final land pooling scheme within the prescribed time period, the Competent Authority for Land Pooling shall issue a land pooling ownership certificate.

(4) The land pooling ownership certificate shall contain details of the land owner's original land and that of the reconstituted plot/land, including its original ownership details, along with a sketch of reconstituted plots, and such certificate shall be the conclusive evidence of the title of the property in respect of the reconstituted plot/land and shall be eligible for transfer of rights of the property in accordance with the provisions of the Registration Act, 1908. (Central Act XVI of 1908).

(5) After notification of the final land pooling scheme, the same shall be incorporated in the notified plans under section 38 as the case may be.

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

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

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

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

¹ Subs. by Act 1 of 2018, s.4, (w.e.f. 1-7-2016)

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

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

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

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

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

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

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

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

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

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

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

CHAPTER X TOWN PLANNING SCHEMES

61. Town planning scheme: (1) Subject to the provision of this Act or any other law for the time being in force, the Authority may make one or more town planning schemes for the capital region or any part thereof, regard being had to the proposals in the sanctioned development plans under 38, if any.

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

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

Explanation:

For the purpose of this sub-section, the expression “land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds parking spaces or for the purpose of executing any work upon or under the land incidental to a Town Planning Scheme, whether in the nature of a building work or not.

(3) The reservation and allotment of land for various purposes in the Town Planning Scheme shall be in accordance with sanctioned development plans and as specified in section 53 (1).

62. Declaration of intention to make a scheme: (1) Before making any town planning scheme under the provisions of the Act in respect of any

area, the Authority may, by resolution, declare its intention to make such a scheme in respect of such area.



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

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

(4) The town planning scheme shall be mandatory and all the land owners shall invariably participate in such town planning scheme on declaration of intention to make the scheme by the Authority.

63. Making and publication of draft town planning scheme: Within six months from the date of the declaration of intention to make a scheme under section 62, the Authority shall make a draft town planning scheme of the area in respect of which, the said declaration has been made and publish the notification, along with the draft regulations for carrying out the provisions of the scheme calling for objections or suggestions from the land owners whose lands are included in the draft town planning scheme within thirty days from the date of the publication of the draft town planning scheme.

64. Objections to draft scheme to be considered: If any person affected by such scheme communicates in writing to the Authority, any objections relating to such scheme, the Authority shall consider such objections and may at any time before submitting the draft town planning scheme to the Government as hereinafter provided modify such scheme as it thinks fit.

65. Power of Government to sanction draft town planning scheme:

(1) The Authority shall, within **Sixty days** from the date of the publication of the draft town planning scheme in the manner as prescribed, submit the draft town planning scheme with any modifications that may have been made therein under section 64 together with the objections which may have been communicated to it, to the Government for sanction.

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

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

66. Vesting of land in the authority: (1) Where a draft town planning scheme has been sanctioned by the Government under sub-section (2) of section 65, (hereinafter in this section, referred to as 'sanctioned draft scheme'), all lands required by the Authority for the purposes in clauses (3), (5), (6), (7) and (8) of section 44 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 85 and 86 shall mutatis-mutandis apply to the 'sanctioned draft scheme' as if; 'sanctioned draft scheme' was a preliminary scheme.

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

Provided that the Government may, on the request made by the Authority, appoint a Planning Officer within thirty days from the date of the publication of the draft town planning scheme under section 63.

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

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

(3) Subject to the provisions of sub-section (2), a Planning Officer appointed under sub-section (1) for the purpose of any scheme shall cease to hold office with effect from the date on which the final town planning scheme is sanctioned is sanctioned under section 82.

68. Duties of Planning Officer: Within a period of **six months** from the date of his appointment, the Planning Officer shall, after following the

prescribed procedure, sub divide the 'sanctioned draft scheme' into a preliminary scheme and a final scheme:



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

69. Contents of preliminary and final scheme: (1) In a preliminary scheme, the Planning Officer shall,-

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

(2) The Planning Officer shall submit the preliminary scheme so prepared to the government for sanction and shall thereafter prepare and submit to the government the final scheme in accordance with the provisions of sub-section (3).

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

- (a) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the scheme in accordance with the provisions of clause (c) of sub-section (1) of section 95;
- (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 97, on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(e) estimate the increment to accrue in respect of each plot included in the scheme in accordance with the provisions of section 96;

(f) calculate the proportion of the contribution to be levied on each plot in the final scheme to the increment estimated to accrue in respect of such plot under sub-section (1) of section 97;

(g) calculate the contribution to be levied on each plot included in the final scheme;

(h) determine the amount to be deducted from, or added to, as the case may be, the contribution to be levied from a person in accordance with the provisions of section 97;

(i) estimate with reference to claims made before him after notice has been given by him in the prescribed manner and in the prescribed form, the compensation to be paid to the owner of any property or right injuriously affected by the making of the Town Planning Scheme in accordance with the provisions of section 100;

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

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

Explanation:-

(i) For the purpose of this proviso "variation of a substantial nature" means a variation which is estimated by the Planning Officer to involve an increase of ten percent in the costs of the scheme as stated in section 95, on account of the provisions of new works or the allotment of additional sites for public purposes included in the preliminary scheme drawn up by the Planning Officer.

(ii) If there is any difference of opinion between the Planning Officer and the Authority as to whether a variation made by the Planning Officer is of substantial nature or not, the matter shall be referred by the Authority to the Government whose decision shall be final.

70. Certain decisions of Planning Officer to be final: Except in matters arising out of clauses (c), (d), (e), (f), (g) and (i) of sub-section (3) of section 69, every decision of the Planning Officer shall be final and binding on all persons.

71. Appeal: Any decision of the Planning Officer under clauses (c), (d), (e), (f), (g) and (i) of sub-section (3) of section 69 shall forthwith communicated to the party concerned in the prescribed form and any person aggrieved by such decision may within **fifteen days** from the date of communication of decision, present an appeal to the Board of Appeal constituted under section 72.

72. Constitution of Board of Appeal: (1) The Government shall, from time to time by an order published in the Andhra Pradesh Gazette, constitute a Board of Appeal for hearing and deciding appeals under section 71.

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

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

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

(5) The Board of Appeal constituted under sub-section (1) shall stand dissolved as soon as a copy of its decision in appeal is sent to the Planning Officer under sub-section (2) of section 79.

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

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

73. Planning Officer to assist Board in advisory capacity:

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

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

74. 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.

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

76. 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 Planning Officer to reconsider its proposals, or accept, modify, vary or reject the proposals of the Planning Officer.

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

77. Board not to be a court: Nothing contained in this Act shall be deemed to constitute the Board of Appeal to be a court.

78. Remuneration of assessors and payment of incidental expenses of Board to be added to costs of scheme:

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

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

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

(1) Where no appeal has been presented under section 71, in respect of a matter arising out of clause (c), 9d), (e), (f), (g) and (i) of sub-section (3) of section 69, the decision of the Planning Officer shall be final and binding on all the parties.

(2) The Board of Appeal shall send a copy of its decision in appeal to the Planning Officer who shall, if necessary, make any variation in the scheme in accordance with such decision and shall forward the Final Scheme together with a copy of his decision under section 70 and a copy of the decision of the Board of Appeal in appeal to the Government for the sanction of the Final Scheme.

80. Power to split up sanctioned draft scheme into separate section:

(1) After a Planning Officer has been appointed under section 67, the Authority may apply to him to split up the 'sanctioned draft scheme' into different sections and to deal with each section separately as if such action were a separate sanctioned draft scheme.

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

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

81. Submission of preliminary scheme and final scheme to the Government:

(1) The Planning Officer shall submit to the Government for sanction the preliminary scheme also before the final scheme is submitted to the Government under sub-section (2) of section 69, together with copy of his decision under section 70.

82. Power of the Government to sanction or refuse to sanction the scheme and effect of sanction:

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

- (a) in the case of Preliminary Scheme, within a period of thirty days from the date of its receipt, and
- (b) in the case of final scheme, within a period of sixty days from the date of its receipt,

by notification, sanction the preliminary scheme or the final scheme or refuse to give sanction, provided that in sanctioning any such scheme, the Government may make such modifications as may, in its opinion, be necessary for the purpose of correcting an error, irregularity or informality.

(2) Where the Government sanctions the preliminary scheme or the final scheme, it shall state in the notification.-

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

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

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

83. Withdrawal of scheme:

(1) If at any time before the Preliminary Scheme is forwarded by the Planning Officer to the Government, a representation is made to the Planning Officer by the Authority and if the owners of the majority of the land extent in the scheme area represent that the Scheme should be withdrawn, the Planning Officer shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation together with the objections, if any, to the Government.

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

84. Effect of preliminary scheme: On the day on which the Preliminary Scheme comes into force,-

¹“(1). all lands required by the Authority shall unless it is otherwise determined in Town Planning Scheme/any Special Development Scheme, vest absolutely in the State Government and Authority acting on behalf of the Government free from all encumbrances;”.]

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

85. 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.

86. Power to enforce the scheme: (1) On and after the date on which 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 buildings 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;

¹ Subs. by Act 1 of 2018, s. 5 , (w.e.f. 1-7-2016)

- (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the Authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the Authority under this section shall be recovered from the person in default or from the owner of the plot in the manner provided for the recovery of sums due to the Authority under the provisions of the Act.

(3) If any question arises as to whether any building or work contravenes a town planning scheme or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, it shall be referred to the Government and the decision of the Government shall be final and binding on all persons.

(4) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from all action taken by the Authority under the provisions of this section except in respect of the building or work begun before the date referred to in sub-section (1) and only in so far as such building or work has proceeded until that date:

Provided that any claim to compensation, which is not barred by this sub-section shall be subject to the condition of any agreement entered into between the claimant and the Authority.

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

87. Power to vary scheme on ground of error, irregularity or informality:

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

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

(3) The draft variation published under sub-section (2) shall state every variation proposed to be made in the scheme and if any such variation

relates to a manner specified in any of the sub-sections (1) to (8) of section 44, the draft variation shall also contain such other particulars as may be prescribed.



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

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

(a) appoint a Planning Officer and thereupon the provisions of this Chapter shall so far as may be, apply to such draft variation as if it were a draft scheme sanctioned by the Government, or

(b) make the variation with or without modification, or

(c) refuse to make the variation.

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

88. 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 clause (a) and (c) of section 61 requires to be changed to any other purpose specified in any of the said clauses, the Authority may make such change after following the procedure relating to amendment of regulations, specified in section 90 as if such change were an amendment of regulations.

89. Variation of Town Planning Scheme by another scheme:

Notwithstanding anything contained in section 87, a Town Planning Scheme at any time be varied by a subsequent scheme made, published and sanctioned in accordance with the provisions of the Act.

90. Amendment of regulations: (1) If at any time after the Final Town Planning Scheme comes into force, the Authority is of the opinion that the regulations relating to a town planning scheme require to be amended, it may publish the requisite draft amendment in the prescribed manner and

invite suggestions or objections thereto from any person to submit within thirty days from the date of publication of the draft amendment;



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

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

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

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

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

92. Apportionment of costs of scheme withdrawn not sanctioned:

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

93. Right to appear by recognized Agent:

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

94. Powers of civil court in respect of certain matters:

For the purpose of the Act, the authority under sub-section (1) of section 50 or the Planning Officer or the Board of Appeal shall have the

same powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act No.XVI of 1908) in respect of the following matters, namely,-



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

95. Costs of Town Planning Scheme: (1) In addition to the requirements as stated in section 47 of the Act, the costs of a town planning scheme shall include the following, namely,-

- (a) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- (b) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation;
- (c) any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.
- (d) twenty percent of the amount of the cost of infrastructure provided in the area adjacent to the

area of the scheme as is necessary for the purpose of and incidental to the scheme.



(2) If in any case the total amount of the values of the plots included in the final scheme exceeds the total amount of the values of the original plots, each of such plots being estimated in the manner provided in clause (c) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1).

96. Calculation of increment:

For the purpose of the Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

97. Contribution towards costs of scheme: (1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Planning Officer:

Provided that,-

- (a) where the cost of the scheme,-
 - (i) does not exceed half of the increment, the cost shall be met wholly by a contribution, and
 - (ii) exceeds half of the increment, to the extent of half of the increment it shall be met by a contribution and the excess shall be borne by the Authority;
- (b) where a plot is subject to a mortgage with possession or to a lease, the Planning Officer shall determine in

what proportion the mortgage or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

- (c) no such contribution shall be levied on a plot 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
- (d) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution to be levied in respect of such plot.

98. Certain amounts to be added to, or deducted from, contribution to be levied from person:

The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, the contribution to be levied from such person, each of such plots being estimated at its market value at the date of declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (5) of section 43 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

99. Transfer of right from original to reconstituted plot or extinction of such right:

Any right in an original plot which in the opinion of the Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a Town Planning Scheme, to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the Planning Officer is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.



100. Compensation in respect of property or right injuriously affected by scheme:

The owner of any property or right which is injuriously affected by the making of a Town Planning Scheme shall, if he makes a claim before the Planning Officer within the prescribed time, be entitled to be compensated in respect thereof by the Authority or by any person benefited or partly by the Authority and partly by such person as the Planning Officer may in each case determine:

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the Government under sub-section (5) of section 43 without reference to improvements contemplated in the scheme, as the case may be.

101. Exclusion of compensation in certain cases:

(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provision contained in the Town Planning Scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which imposes any conditions and restrictions in regard to any of the matters related to the construction of buildings such as development control/promotion regulations, zoning regulations or building rules / bye-laws.

102. 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 97 is less than the total amount to be deducted there from under any of the provisions of the Act, the net amount of his loss shall be payable to him by the Authority in cash or in such other manner as may be agreed upon by the parties.

103. Provision for case in which value of developed plots is less than amount payable by owners:

(1) If from any cause the total amount which would be due to the Authority under the provisions of the Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Planning Officer shall at the request of the Authority direct the owner of such plot to make payment to the Authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Planning Officer shall, if the Authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the Authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (5) of section 43 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the Authority free from all encumbrances but subject to the provisions of the Act:

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

104. Payment of adjustment of account:

All payments due to be made to any person by the Authority under the Act shall, as far as possible, be made by adjustment in such account with the Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cash or in such other manner as may be agreed upon by the parties.

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

(2) If the owner elects to pay the amount by installments, interest at such rate as is arrived at by adding two percent to the bank rate published under section 50 of the Reserve Bank of India Act, 1934 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 instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

(4) Where two or more plots included in the final scheme are of the same ownership the net amount payable by such owner under the provisions of the Act shall be distributed over his several plots in proportion to the increments which is estimated to accrue in respect of each plot unless the owner and the Authority agree to a different method of distribution.

106. Power of authority to make agreement: (1) The Authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a Town Planning Scheme, subject to the power of the Government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the Town Planning Scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Planning Officer as described under section 68 or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Planning Officer:

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

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

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

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

CHAPTER XI

PROMOTION OF DEVELOPMENT AND USE OF LANDS



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

(a) obtaining a Development permission Order from the Commissioner, which shall be subject to the development conditions that are applicable and required to be complied with;

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

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

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

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

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

(c) In case of any operational construction.

¹[108-A “Regulation and Penalization of buildings constructed unauthorizedly or in deviation of sanctioned plan



Notwithstanding anything contained in the Act, in the case of Gram Panchayats falling in the ‘Capital Region’ except those included in the ‘Capital City Area’, the Commissioner and in case of Municipal Corporation, Municipality or Nagar Panchayat constituted under relevant Acts, the respective Municipal Commissioner may regulate and penalize buildings constructed by the owner, or by an individual as the case may be, unauthorizedly or in deviation of the sanctioned plan as on ²“as on 31st day of August 2018”] as a onetime measure as per the procedure and by levying such penal amount as may be prescribed and upon payment of such amount, all pending or contemplated proceedings and action of enforcement shall be deemed to have been withdrawn and the competent authority shall issue necessary occupancy Certificate to the owner or the individual as the case may be.”.]

109. Use and development of land and buildings to be in conformity with plans of the authority:

After the coming into operation of the perspective plan or master plan or infrastructure plan or land pooling scheme or town planning scheme or any area development plan in an area, formulated under the provisions of the Act, no person or body shall use or permitted to use any land or carry out any development in that area unless the development is in conformity with such plans.

110. Application for development permission: (1) Any person or body intending to carry out any development of land for the purpose of layout or for sub-division into plots or for construction, reconstruction, addition or alteration of any building shall apply in writing to the Commissioner for development permission in such form and containing such particulars and accompanied by such plans, documents, ownership documents for the land or plot and on payment of fees and charges as may be prescribed by the rules and regulations of the Act in addition to statutory provisions made under the respective Acts of the Local bodies;

¹ Ins. by Act 6 of 2015, s.4 (w.e.f.18-4-2015)

² Subs. by Act 34 of 2018, s.4 (w.e.f. 19-11-2018)

(2) On receipt of the application for Development Permission under sub-section (1), the Commissioner, after making such enquiry as consider it necessary in relation to any matter concerning the master plan, infrastructure plan, development plan and regulations, area development plan, notified development scheme, layout regulations, development promotion regulations, aesthetics, architectural and urban design control briefs, landscaping stipulations or in relation to any other matter, may issue a development permission order either,-

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

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

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

(5) If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions under the Act, or of any development permission granted under the Act, the Commissioner may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or as the case may be, take any measure to stop such use.

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

(7) The development permission order may among other conditions contain the implementation of master plan and infrastructure plan and regulations, area development plan, notified development scheme, layout regulations, development promotion regulations layout regulations, development promotion regulations, road network and other communication network system and the area of land affected and to be surrendered free of cost to the Authority for development in accordance with such sanctioned Plan or regulations.

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

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

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

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

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

Provided that such lapse shall not bar any subsequent application for fresh Development Permission under the Act, however, such application shall be subject to the rules / regulations and payment of fees and charges which are in force as on that date of fresh application.

112. Deviations during development:

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

113. Revoking of Development Permission:

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

114. Penalty for unauthorized development or for use otherwise than in conformity with sanctioned plans:

(1) Any person who, whether at his own instance or at the instance of any other person or anybody including a department of Government commences, undertakes or carries out development of any land or building or institutes or changes the use of any land or building in contravention of the master plan or infrastructure plan or area development plan or notified development scheme or any plan sanctioned under the Act,-

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

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

during which such offence continues after conviction for the first commission of the offence.



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

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

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

115. Power to require removal of unauthorized development:

(1) Where any development of land or construction of building has been commenced or is being carried on or has been completed as indicated in sub-section (1) of section 114, the Commissioner, may, subject to the provisions of this section, serve on the owner a provisional order requiring the person to demolish such unauthorized construction or re-construction or work or development within a period specified to bring such construction

or re-construction of the building or work in conformity with the provisions of the Act or as per sanctioned development permission or Rules or Bye-laws made there under and may also direct that until the said order is complied with, the concerned person shall refrain from proceeding with such development or construction or re-construction of the building or work:

Provided that, where the order requires the discontinuance of any use of land, the Commissioner shall serve the order on the occupier also.

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

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

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

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

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

(7) Any person aggrieved by an order of the Commissioner made under sub-section (3) may, within fifteen days from the date of receipt of the order, prefer an appeal against the order to the Tribunal appointed under section 118 of the Act.

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

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

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

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

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

116. Power to stop unauthorized development: (1) Where any development of land or construction of building as stated in sub-section (1) of section 114 is being carried out but has not been completed, the Commissioner may serve on the owner and the person carrying out the development, an order requiring the development of land to be discontinued from the time of the service of the order; and thereupon, the provisions of sub-sections (1) to (4) of section 115 shall so far as may be applicable apply in relation to such order, as they apply in relation to the order under section 115.

(2) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such order has been served shall, be punished with a fine equivalent to twenty percent of the value of the land as fixed by the Registration

Department at the time of undertaking the development of the land or building, and in the case of a continuing offence with a further daily fine which may extend to fine equivalent to one percent of the value of the land as fixed by the Registration Department for every day after the date of the service of the order during which the non-compliance has continued or continues.

(3) Where such developments are not discontinued in pursuance of the order under sub-section (1), the Commissioner or the officer of the authority or the competent authority as the case may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

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

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

(6) Any person aggrieved by an order an order of the Commissioner made under sub-section (4) may, within seven days from the date of the order, prefer an appeal against the order to the Tribunal appointed under section 118.

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

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

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

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

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

117. Recovery expenses incurred:

Any expenses incurred by the Commissioner under sections 115 and 116 of the Act shall be a sum due to the Authority under the Act from the person in default or the owner of the plot.

118. Constitution of building tribunal: (1) The Government shall appoint a Building Tribunal or Tribunals (hereinafter referred to as 'the Tribunal') to hear and decide appeals arising out of matters referred to in sections 114, 115, and 116 and to adjudicate the offences relating to contravention of provisions of the Act in accordance with such procedure, and to realize such fees as fines in connection with such appeals as may be prescribed.

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

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

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

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

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

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

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

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

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

CHAPTER XII

PROVISIONS RELATING TO LEVY, ASSESSMENT AND RECOVERY OF FEE AND CHARGES

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

(a) the change of use of land or building or both;

(b) the carrying out of development of any land or building or both;

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

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

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

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

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

(4) The Commissioner may allow the development charges to be remitted in phase-wise manner in case of phase-wise development, subject to the payment of the development charges as per the prevailing rates as on the date of release of phase-wise permission.

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

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

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

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

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

CHAPTER XIII

LAND AND PROPERTY RELATED PROVISIONS

124. Acquisition of Property by the Authority, - The Authority may acquire any movable or immovable property by purchase, exchange, gift,

lease, mortgage, negotiated settlement, or by any other means permissible under any law.



125. Acquisition of Land by Negotiated Settlement, - The Authority may acquire land by mutual agreement by paying such amount and also on such other terms and conditions as may be agreed upon through negotiated settlement in such manner as may be prescribed.

126. Power to Acquire Land under Act No.30 of 2013, - Any land required, reserved or designated in any development plan shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and may be acquired by the Government on the request by the Authority or other authority or functional unit.

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

128. Transfer of Government Land to the Authority, - (1) The Authority shall have the first right of alienation of Government lands within the capital region and such land which may be required by the Authority shall be transferred to the Capital Region Land Development Bankj.

(2) The Government by specific order and on such terms and conditions as may be agreed upon between the Government and the Authority, place at the disposal of the Authority any developed and undeveloped Government lands situated within the capital region for the purpose of development.

(3) Any lands assigned by Government may be taken over by the Authority as per prescribed procedure for undertaking development schemes or for development public utilities, amenities and facilities upon payment of compensation decided by the District Collector.

129. Acquisition of Land by Transferable Development Rights, - The Authority may, with the consent of the owner, acquire land for public purposes, for providing infrastructure, amenities and facilities by way of according Transferable Development Rights through issue of Development Right Certificate in lieu of payment towards cost of land in such of manner as may be prescribed.

Provided that the Transferable Development Tights may be arrived at on the basis of relative land values and equivalent amount of both export and import areas as per the Registration Department records. Such Transferable Development Right may be utilized as additional built space by the owner who can use this either by himself or transfer it to any other person in full or in part for use in a less developed area as prescribed, or

offset the money against the fees and charges payable for development permission all other rules and standing orders governed for construction of buildings.



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

CHAPTER XIV MISCELANEOUS

131. Authority's Symbol, - (1) The Authority shall have the exclusive right to the use of such symbol or representation as it may select symbol or representation as it may select or devise (referred to in this section as the Authority's symbol) and thereafter display or exhibit in connection with its activities or affairs.

(2) A person who without the permission of the Authority uses a symbol or representation identical with that of the Authority's symbol, or which so resembles the Authority's symbol as to or be likely to deceived or cause confusion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs.10,000 or to imprisonment for a term not exceeding 6 months or to both.

132. Furnishing of information, - (1) The Authority or any employees thereafter authorized by the Authority in that behalf may, for the purpose of obtaining statistical information, by notice, in the manner given in section 133, require any person to furnish to the Authority or the employee so authorized, within such period as shall be specified in the notice, all such particulars or information relating to all such matters as may be required by the Authority and as are within knowledge of that person or in his custody or under his control.

(2) Any person who on being required by notice under this section to furnish may particulars or information, -

(a) willfully refuses or without lawful excuse (the proof of which lies on him) neglects to furnish the particulars or information within the time specified in the notice; or

(b) willfully furnishes or causes to be furnished any false particulars or information in respect of any matter specified in the notice requiring particulars or information to be furnished, shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding Rs.10, 000 or imprisonment for a term not exceeding 6 months or to both.



(c) Noting in this section authorizes the Authority, or any employee thereof authorized by the Authority in that behalf, to require the any Government Department to furnish to the Authority or the employee so authorized any particulars or information in the possession of the department obtained in the performance of any of its functions.

133. Service of notice, - (1) Subject to sub-section (5), a notice may be served in the following manner;

(a) in the case of an individual,-

(i) by delivering it to the individual personally, -

(ii) by leaving it with an adult person apparently resident at, or by sending it by pre paid registered post to, the usual or last known address of the place of residence of the individual;

(iii) by leaving it with an adult person apparently employed at, or by sending it by pre paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the notice in the conspicuous place at the usual or last known address of the place of residence or place of business of the individual; or

(v) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Authority by the individual as the email address for the service of documents on the individual;

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

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

(ii) by leaving it at, or by sending it by pre paid registered post to, the principal or last known place of business of the partnership of India;

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or

last known place of business of the partnership in India;

(iv) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Authority by the partnership as the email address for the service of documents on the partnership; and

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

(i) by delivering it to the secretary or other like office of the body corporate or, in the case of a limited liability partnership, the manner thereof, or to any person having, on behalf of the limited liability partnership or other body corporate, powers of control or management over the business, occupation, work or matter or which the notice relates;

(ii) by leaving it at, or by sending it by pre paid registered post to, the registered office or principal place of business of the limited liability partnership or other body corporate in India;

(iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal place of business of the limited liability partnership or other body corporate in India or elsewhere; or

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

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

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

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

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



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

(a) sent by registered post to any person, it shall be deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered, and in proving service of the notice, it shall be sufficient to prove that the envelope containing the same was property addressed, stamped and posted by registered post;

(b) sent by ordinary post to any person, it shall be deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered;

(c) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal place of business, it shall be deemed to be duly served on the person to whom it is address on the day of transmission, subject to receipt on the sending facsimile machine of a notification 9by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be; and

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

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

134. Powers and duties of police officers, - (1) The Commissioners of Police or Superintendents of Police in the capital region shall provide necessary aid to the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good public order.

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

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

(4) It shall be the duty of all police officers, to give immediate information to the Commissioner of the commission of, or the attempt to commit any offence against the Act or any rule, regulation or standing order made thereunder and to assist all employees of the Authority in the exercise of their lawful authority.

135. Effect of other laws, - (1) Notwithstanding anything contained in the Andhra Pradesh Town Planning Act, 1920 or Greater Hyderabad Municipal Corporation Act, 1955 or the Andhra Pradesh Municipalities Act, 1965, or the Andhra Pradesh Urban Areas (Development) Act, 1975 or Vijayawada Municipal Corporation Act, 1981 or Andhra Pradesh Municipal Corporations Act, 1994 or any other law, the provisions of this Act shall have an over-riding effect over all such laws. This Act is in addition, but not derogatory to other laws.

(2) Development permission, No Objection Certificate or other clearances given under the Act shall be construed to be for the purpose of planned development and shall in no way either confer ownership rights under the relevant laws or affect ownership under the land revenue laws. The Authority shall stand absolved of any ownership disputes or discrepancies.

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

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

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

(b) When permission for development in respect of any land (for layout or sub-division of plot or construction) or building or institution or change of

use of any land or building has not been obtained under the Act, such development shall not be deemed to be lawfully undertaken or carried out by reasons only of the fact that permission approval or sanction required under such other law for such development has been obtained.

136. Public Notice how to be made known, - Every public notice given under the Act or rules or standing orders made there under shall be in writing and shall be widely made known in the locality to be affected hereby affixing copies thereof to conspicuous public places within the said locality by publishing it in the official web portal of the Authority, and by advertisement in one or more local newspapers.

137. notices, etc to file reasonable time, - Where any notice, order or other document issued or made under the Act or any rule or standing order made thereunder require anything to be done for the doing of which no time is fixed in this Act or rule or standing order made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

138. Obstructing officers of Authority, - Any person who obstructs or molests or hinders an officer or agent of the Authority acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs.10,000/- or to imprisonment for a term not exceeding 3 months or to both.

139. Prosecution Magistrate's Power etc., - (1) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Commissioner.

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

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1973 (Act No.11 of 1974), it shall be lawful for any court of a Magistrate of the first class to pass any sentence authorized by this Act in excess of its power under the said section.

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

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

142. Fines to be paid to Authority, - All fines imposed for an offence under this Act or any regulations made there under shall be paid into the development fund of the Authority.

143. Compounding of offences, - (1) The Authority may, in its direction, compound any offence under this Act or any regulations made there under which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding Rs.5,000.

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

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

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

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

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

145. Interpretation of the Act, - When any difference of opinion arises in regard to any interpretation of the provisions of the Act or the rules or standing orders made thereunder or any other law and the interpretation and the decision of the Government thereon shall be final.

146. Bar of Legal Proceeding, - No suit, prosecution or the proceeding shall lie against the Government or Authority or officer or person for any act done or purporting to be done under or in pursuance of the Act or the rules or standing orders made there under.

147. Boundary to be out of jurisdiction and cessation of powers of local bodies in the capital region, - On the constitution of the Authority administration to the extent relating to the provisions made in the Act shall cease to be under the control and jurisdiction of a Local body.

148. Periphery area of the capital region, - (1) The Government may, by Notification, in the manner as prescribed, declare such of the outer area adjacent to the capital region, consisting of such villages or at a distance

specified along the boundary of the capital region, to be the periphery area of the Authority as it deems fit.



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

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

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

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

(2) From the said date, -

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

(b) all Government vacant lands placed at the disposal of the Authority shall revert to the Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and

(d) For the purposes of carrying out any development which has not been fully carried out by the Authority and for the purposes of realizing properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the Government.

150. Confidentiality and intellectual property rights, - The confidentiality in respect of designs for execution of the project are confidential and the Authority under this Act shall have exclusive Intellectual Property Rights thereon.

151. Delegation of powers by Government, - The Government may, by notification delegate one or more of its functions and powers specified in sections starting from sections 61 to section 107 to the Authority.

152. Transitional provisions, - The provisions set out in the Fourth Schedule with respect to the transfer of assets, liabilities, functions and employees of the former Authority, and transitional and savings provisions in the Fifth Schedule shall have effect.

FIRST SCHEDULE
(see Section 5)
PROCEEDINGS OF THE AUTHORITY



1. Temporary Chairman or Vice-Chairman,-

The Chairman may appoint Vice-Chairman to be temporary Chairman or any member to be temporary Vice-Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from India of the Chairman or the Vice-Chairman, as the case may be.

2. Vacation of office of member, -

The office of a member shall be vacated if the member becomes in any manner disqualified for membership of the Authority.

3. Disqualification from membership, -

No person shall be appointed or shall continue to hold office as a member if he,-

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

4. Member's interest to be made known,-

(1) A member who is in any way, directly or indirectly, interest in transaction or project of the Authority shall disclose the nature of his interest at the first meeting of the Authority at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-section(1) shall be recorded in the minutes of the meeting of the Authority and, after the disclosure, that member, -

- (a) shall not take part in any deliberation or decision of the Authority with respect to that transaction or project; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority for such deliberation or decision.

(3) No act or proceedings of the Authority shall be questioned on the ground that a member has contravened this section.



5. Meetings of Authority, -

(1) The Chairman shall summon meetings as often as may be required but not less than once in 3 months at such place within the jurisdiction of the Authority and at such time as the Chairman may decide.

(2) The quorum at every meeting of the Authority shall be one-third of the total number of members or 3 members, whichever is the higher.

(3) Decisions at meetings of the Authority shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Vice-Chairman shall have a casting vote.

(4) The Chairman or in his absence the Vice-Chairman shall preside at meetings of the Authority.

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

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

6. validity of acts of members, -

The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

SECOND SCHEDULE **(see Section 11 and Section 12)** **POWERS OF THE AUTHORITY**

1. Powers of the Authority, -

- (a) To carry out or assist in carrying out any project in connection with development of capital city and urban development in capital region.
- (b) To grant loans or advances to a company or corporation carrying on or intending to carry on urban development in capital region or having one or more of its objects connected with or related to one or more of the functions imposed on the Authority under this Act.
- (c) To manage, control or supervise such company or corporation by nominating directors or advisers or otherwise collaborating with them or entering into partnerships or any other arrangement for jointly working with them.
- (d) To approve plans.
- (e) To enter into any joint venture or arrangement with the Government for the sharing of revenues or otherwise for the purposes of this Act.
- (f) To subscribe to stocks, shares bonds or debentures of a company or corporation,
- (g) To acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything, whether movable or immovable, required by the Authority for the purposes of this Act.
- (h) To enter into contracts, covenants, bonds, deeds or agreements or prepare documents of every kind for the purposes of this Act.
- (i) Subject to rule which may be made by the Government under this Act, to impose such charges or fees as the Authority may determine for the provision of accommodation, services or works, or the use of buildings, recreational grounds, equipment, amenities or facilities provided, maintained, controlled or operated by the Authority.

(j) To do anything for the purpose of advancing the skill of persons employed by the Authority, or of the efficiency of the equipment of the Authority, or of the manner in which that equipment is operated, including the provision by the Authority and the assistance of the provision by orders or facilities for training, education and research.

(k) To provide house, hostels and other like accommodation, including convalescent or holiday house, club houses and playing fields, for persons employed by the Authority.

(l) To make or guarantee loans to any person employed by the Authority for the purpose of purchasing a vehicle, building a house, purchasing a plot of land on which to build a house or purchasing a house for the use of that person or for the residential use of his family.

(m) To award scholarships or to give loans to any employee of the Authority or any member of his family for purposes specifically approved by the Authority.

(n) To approve the schedule of taxes of various categories by whatsoever name known as well as the annual budget for capital region.

(o) Any other decision or acts which are in consonance with the purposes of this Act.

2. Powers of the Executive Committee, -

(a) to vet the schedule of taxes of various categories by whatsoever name known and the annual budget.

(b) to study and approve all matters relating to development fund, resource mobilization proposals, financial structures, investment plans, and such other matters before being placed before the Authority.

(c) to associate with experts or organizations, public or private, for assurance or advice on payment of less as decided.

(d) to review performance of companies, SPVs or such other joint venture entities formed under this Act.

(e) to scrutinize plans, development schemes, land acquisition proposals and development regulations before approval.

3. Powers of commissioner, -

(a) to execute all projects approved by Authority or Executive Committee and take all day to day decisions necessary for execution of projects;

(b) to prepare the agenda for the meetings of Executive Committee and Authority;

(c) to setup Commissioner's office with appropriate number of persons;

(d) to prepare and scrutinize projects and investment plans for any value and submit them for approval in accordance with the provisions of this Act;

(e) to engage professional service providers and experts in accordance with the provisions of this Act to help implement the activities of the Authority;

(f) to review the operational progress of various departments against project deliverables and initiatives taken periodically.

(g) to arrange for delegation of the powers of the Authority vested under this Act to the respective local bodies and the staff working in the Authority duly obtaining the approval of the Authority or Executive Committee;

h) to prepare annual budget for the Authority and schedule of taxes of various categories by whatsoever name known.

(i) to prepare the plans, land acquisition proposals or development schemes and implement them after approval.

(j) to conceptualise and prepare plans, procure contractors, manage contracts and raise financial resources for the development projects of the capital city area;

(k) to ensure compliance of approved plans, schemes and projects by the local bodies

(l) to issue directions to a body or department or functional agency or person or special purpose vehicle with regard to the implementation of any development project or scheme financed under this Act, or development regulations, or undertaking survey, demarcation and development of roads, right-of-way for facilities, protection of open spaces or amenities as deemed fit, and any such Authority or person shall be bound to comply with such directions;

(m) notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body or department or functional agency or person to whom it is issued.

Provided if such person falls to carry out his directions, it shall be competent for the Commissioner to take necessary action to carry out the directions issued under sub-section(2) and recover expenses, if any incurred from the person/body concerned;

(n) to supervise and manage the urban civic and utility services in the capital city area.

(o) to administer development fund in accordance with the provisions of the Act, and

(p) to undertake any other activity incidental or necessary to further the interests of the authority, duly recording the reasons thereto.



THIRD SCHEDULE
(See Section 35)
FINANCIAL PROVISIONS



1. The financial year of the Authority shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority shall begin on the date of enactment and shall end on 31st March 2015.

2. The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

3. (1) The accounts of the Authority shall be audited by the Accountant-General or such other auditor as may be appointed annually by the Government in consultation with the Accountant-General.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act, 2013 (Act No.30 of 2013).

4. The remuneration of the auditor shall be paid out of the funds of the Authority.

5. The Authority shall, as soon as practicable but not later than 31st July in every year, prepare and submit the financial statements in respect of the preceding financial year to the auditor who shall audit and report on them.

6. (1) The auditor shall his report state,-

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;

(b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise;

(c) whether the financial statements are prepared on a basis similar to that adopted for the preceding year;

(d) whether the financial statements are in agreement with the accounting and other records;

(e) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Authority during the financial year have been in accordance with this Act; and

(f) such other matters arising from the audit as he considers should be reported.

(2) The auditor shall send an annual report of his audit to the Authority not later than 30th September in each year.

7. The auditor may at any other time report to the Government through the Authority upon any matter arising out of the performance of his audit.

8. 8. The Accountant-General or any person as may be appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant-General has in connection with the State Government accounts and in particular shall have the right to, at all reasonable times, full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority.

9. The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

10. The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

11. Any person who fails without any reasonable cause to comply with any requirement of the auditor under paragraph 10 or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Rs.10,000 and, in the case of a continuing offence, to a further fine not exceeding Rs.1000 for every day during which the offence continues after conviction.

12. As soon as the accounts of the Authority and the financial statements have been audited in accordance with the provisions of this Act but not later than 30th September in each year, a copy of the audited financial statements signed by the Commissioner and certified by the auditor, together with a copy of any report made by the auditor, shall be submitted to the Government.

13. Where the Accountant-General is not the auditor of the Authority, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Accountant-General at the same time they are submitted to the Authority.

14. The Government shall as soon as practicable cause a copy of the audited financial statements and of the report of the auditor to be presented to State Legislature.

FOURTH SCHEDULE

(See Section 152)

TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS AND EMPLOYEES

1. Dissolution of former Authority.

As from the date of enactment of the Act, the former Authority shall cease to exist.

2. Transfer of assets and liabilities.

As from the date of enactment of the Act all the lands, buildings and other property movable and immovable, vested in the former Authority immediately before that date and all assets, rights and interests vested in, and all outstanding debts, liabilities and obligations incurred by, the former Authority in connection therewith, shall be transferred to and shall vest in the Authority without further assurance.

3. Existing agreements, etc.

All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the date of enactment of the Act, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Authority under this Act shall continue in force on and after that date and shall be enforceable by or against the Authority as if, instead of the former Authority or a person acting on behalf

of the former Authority, the Authority had been named therein or had been a party thereto.



4. Pending legal proceedings.

(1) Any proceedings or cause of action pending or existing immediately before the date of enactment of the Act by or against the former Authority or any person acting on its behalf, may be continued and shall be enforced by or against the Authority.

(2) Sub-para (1) shall not apply to any proceedings or cause or action relating to any sums of money paid, or payable by way of instalments, to the former Authority.

5. Transfer of employees.

(1) As from date of enactment of the Act, every person who immediately before that date is employed by the former Authority, may be transferred to the Authority subject to the satisfaction of the Authority of such persons possessing the required skills and experience.

(2) Notwithstanding any thing contained in sub-para (1), Government shall have right to redeploy persons under the employment of the former Authority to other similar Authorities or to other local bodies in the State or to any other government department or agency.

6. Conditions of service, - (1) Until such time as terms and conditions of services are drawn up by the Authority, the schemes and terms and conditions of service of the former Authority shall continue to apply to every person transferred to the service of the Authority under this Act as if he were still in the service of the former Authority.

(2) The terms and conditions to be drawn up by the Authority shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by the persons transferred to the service of the Authority under this Act while in the employment of the former Authority and any such terms or condition relating to the length of service with the Authority shall provide for the recognition of service under the former Authority by the person so transferred to be service by them under the Authority.

7. Pension benefits, - (1) Nothing in the terms and conditions to be drawn up by the Authority shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority as regards any pension, gratuity or allowance payable to them.

(2) Where any person in the service of the Authority whose case does not come within the scope and effect of any pension or other schemes referred to under this section, retires or dies in the service of the Authority or is discharged from such service, the Authority may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority may think fit, such allowance or gratuity as the Authority may determine.

8. Continuation and completion of disciplinary proceedings, - (1) Where on the date of enactment of this Act any disciplinary proceedings were pending against any employee of the former Authority who has been transferred to the service of the Authority under this Act, the proceedings shall be carried on and completed by the Authority under and in conformity with this Act as far as practicable; but where on that date any matter was in the course of being heard or investigated or had been heard or investigated by the former Authority and no order or decision had been rendered thereon, the former Authority shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the date of enactment of the Act, the former Authority shall complete the hearing or investigation in accordance with the authority vested in the former Authority or committee immediately before that date and make such order or direction as the former Authority could have made under the authority vested in it immediately before that date.

(3) Any order, rule or direction made or given by the former Authority pursuant to this schedule shall be treated as an order or direction of the Authority and have the same force of effect as if it had been made or given by the Authority pursuant to the authority vested in the Authority under this Act.

9. Misconduct or neglect of duty by employee before transfer, - The Authority may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the former Authority, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the former Authority or any other person acting under its authority or direction or otherwise, as if this Act had not been enacted.

FIFTH SCHEDULE
(See Section 152)
TRANSITIONAL AND SAVINGS PROVISIONS

1. First chief executive. The first chief executive of the Authority shall be the person who, immediately before the date of enactment of the Act, is appointed to perform the duties of the Special Commissioner of the capital city.

2. Projects of former Authority. Every proposal, plan and project submitted by the former Authority before the date of enactment of the Act and which have neither been approved nor rejected by the Government under the relevant Act shall be deemed to have been lapsed.

3. Annual report. (1) Notwithstanding the provisions of this Act, the former Authority shall, for the purposes of preparing and furnishing to the Government a report of its functions under the relevant Act (referred to in this paragraph as the annual report), continue in existence until it has furnished that report.

(2) The former Authority shall, as soon as practicable after the date of enactment of the Act, prepare and furnish to the Government an annual report for the period that commenced on 1st April 2014 and ending immediately before date of enactment of the Act.

(3) The Government shall cause a copy of the annual report to be presented to State Legislature as soon as practicable after receipt of the annual report.

(4) The Authority shall provide the former Authority with such clerical and other assistance as is reasonably required for the preparation of the annual report.

4. Contracts, documents, etc. (1) Any scheme, contract, document, licence, consent or resolution prepared, made, granted, approved or issued by or on behalf of the former Authority under any provision of the relevant Act, shall, except as otherwise expressly provided in this Act or any other written law, continue and be deemed to have been prepared, made, granted or approved by the Authority.

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

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

5. Certain plans already prepared and sanctioned are deemed to have been prepared and sanctioned under the Act. (1) Any General Town Planning Scheme prepared under the Andhra Pradesh Town Planning Act, 1920, or any other Statutory Development Plan or Master Plan prepared under the Andhra Pradesh Urban Areas (Development) Act, 1975 or Andhra Pradesh Municipalities Act, 1965 for the capital region and published by the Local body or Urban Development Authority concerned and sanctioned by the Government before commencement of the Act, shall continue to be in force unless prepared afresh and superseded or revised under this Act.

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