

CHAPTER III

FUNCTIONS, DUTIES AND POWERS OF THE AUTHORITY AND BOARDS

28. (1) Subject to the provisions of the Town Planning Act, and the provisions of clauses (b) and (h) of sub-section (1) of section 12 and section 13 of the Metropolitan Act, it shall be the duty and function of the Authority,—

Functions,
duties and
powers of
Authority.

(a) to prepare or direct the Boards to prepare and execute proposals, plans or projects for—

(i) housing accommodation in the State or any part thereof, sale, including transactions in the nature of hire-purchase of tenements in any building vested in, or belonging to, the Authority, letting, or exchange of property of the Authority ;

(ii) development including provision for amenities in areas within the jurisdiction of the Authority ;

(iii) clearance and re-development of slums in urban areas ;

(iv) development of peripheral areas of existing urban areas to ensure an orderly urban overspill ;

(v) development of commercial centres ;

(vi) development of new towns in accordance with the provisions of the Town planning Act ;

(vii) development of lands vested in the Authority ;

(viii) the closure or demolition of dwellings or portions of dwellings unfit for human habitation ;

(ix) the demolition of obstructive or dangerous and dilapidated buildings or portions of such buildings ;

(x) repairs to , or construction and reconstruction of buildings ;

(xi) the slum improvement works and improvement of sanitary arrangements required in any slum improvement area, including the conservation and prevention of any injury or contamination to rivers or other sources and means of water-supply ;

(xii) undertakings and promoting prefabrication and mass production of buildings components ;

(b) to manage all lands, houses and buildings or other property vested in, or belonging to the Authority ;

(c) to approve proposals, plans or projects prepared by Boards ;

(d) to raise resources for the purpose of carrying out the objects of this Act and subject to the directions, if any, made by the State Government, to make suitable allocations of resources to the Boards ;

(e) to approve the budgets of the Boards ;

(f) to lay down policy regarding disposal of developed sites and housing tenements of the Authority ;

(g) to give directions to Boards for developing areas which in the opinion of the Authority should be developed ;

¹[(h) to advance loans or to assist persons in obtaining loans from banking or finance institutions in accordance with the provisions of Chapter X ;]

(i) to do all such matters and things as are necessary for the exercise or performance of all or any of the functions and duties of the Authority including incurring of expenditure in that behalf.

¹ Clause (h) was substituted for the original by Mah. 12 of 1989, s. 4 (a).

(2) In addition to the duties and functions referred to in sub-section (1), the Authority may undertake such other duties and functions, including those of a Planning Authority or Special Planning Authority under the Town Planning Act, as the State Government may assign to the Authority in any specified area, and in doing so, the Authority shall be deemed to be fulfilling the purposes of this Act and the provision of the Act shall apply to the Authority in respect of those duties and functions also.

(3) The Authority may exercise all or any of the following powers for the purpose of discharging its functions and performing its duties under this Act, namely :—

- (i) to borrow ;
- (ii) to enter into agreements and contracts ;
- (iii) to sell, purchase, lease, mortgage, exchange, partition or otherwise transfer any land or building or to hold land entrusted to it by Government or by any authority ;
- (iv) to make regulations regarding—
 - (a) procedures to be followed regarding contracts,
 - (b) ¹ * * *
 - (c) operation of accounts of the Authority,
 - (d) all matters pertaining to staff of the Authority ;
- (v) to promote or to participate in the formation of limited companies under the Companies Act, 1956, in furtherance of the objectives of the Authority with the prior permission of the State Government ; 1 of 1956.
- (vi) management of each estate including co-operative societies ;
- (vii) to enter and search any Authority premises after due notice, when necessary to the inmates thereof ;
- (viii) to execute or carry out any repairs to the lands or buildings vesting in or belonging to, the Authority ;
- (ix) all other powers necessary for carrying out the purpose of this Act including the power to levy or charge fees.

Powers,
duties and
functions of
Boards.

29. (1) The powers, duties and functions of the Boards shall, subject to the provisions of sub-section (2), be—

- (a) to prepare proposals, plans or projects for any of the matters referred to in clause (a) of sub-section (1) of section 28 and execute them ;
- (b) to enter into contracts in the name of the Authority ;
- (c) to function on behalf of the Authority as Special Planning Authority under the Town Planning Act ;
- (d) to carry out such powers, duties and functions as the Authority may delegate to the Boards.

(2) ²[³‘The Mumbai Housing and Area Development Board] or ‘[the Mumbai Repairs and Reconstruction Board or ‘[the Mumbai Slum Improvement Board] or the Konkan Housing and Area Development Board as the case may be,] shall execute any such plan or project within its area of jurisdiction in the metropolitan Region so as not to be inconsistent with the projects or schemes formulated for the development of the Metropolitan Region or any part thereof under the Metropolitan Act.

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¹ Sub-clause (b) was deleted by Mah. 12 of 1989, s. 4(b).

² The words “The Bombay Housing and Area Development Board or, as the case may be, the Konkan Housing and Area Development Board, shall execute any such plan or project within its area of jurisdiction” were substituted for the words “The Bombay Housing and Area Development Board shall execute any such plan or project” by Mah. 13 of 1981, S. 3.

³ These words were substituted for the words “The Bombay Housing and Area Development Board, or as the case may be, the Konkan Housing and Area Development Board” by Mah. 11 of 1993, S. 3.

⁴ These words were substituted for the words “the Bombay Housing and Area Development Board”, “the Bombay Repairs and Reconstruction Board” and “the Bombay Slum Improvement Board” respectively, by Mah. 25 of 1996, s. 2, Sch. para (3).

⁵ “Sub-section (3) was deleted by Mah. 54 of 1977, s. 4.