

**U.P. INDUSTRIAL AREA
DEVELOPMENT ACT - 1976**
(U.P. ACT Number 6, of 1976)

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THE UTTAR PRADESH INDUSTRIAL AREA DEVELOPMENT ACT, 1976
(U.P. ACT NO. 6 OF 1976)
(As passed by the Uttar Pradesh Legislature)

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**AN
ACT**

to provide for the constitution of an Authority for the development of certain areas in the State into industrial and urban township and for matters connected therewith.

It is hereby enacted in the twenty-seventh year of the Republic of India, as follows:—

Short title and extent

1. (1) This Act may be called the Uttar Pradesh, Industrial Area Development Act 1976.
- (2) It extends to the whole of Uttar Pradesh.

Definition

2. In this Act

- (a) 'Amenities' include roads, water supply, street lighting and power supply, sewerage, drainage, collection treatment and disposal of industrial waste and town refuse and such other community facilities, services or conveniences as the State Government may, by notification, specify to be an amenity for the purposes of this Act;
- (b) 'Authority' means the Authority constituted under section 3 of the Act;
- (c) 'Chief Executive Officer' means the officer appointed as such under section 4;
- (d) 'Industrial Development Area' means an area declared as such by the State Government by notification;
- (e) 'Occupier' means a person (including a firm or body of individuals whether incorporated or not) who occupies a site or building with the industrial development area and includes his successors and assigns;

- (f) 'Transferee' means a person (including a firm or other body of individuals whether incorporated or not to whom any land or building is transferred in any manner whatsoever, under this act and includes his successors and assigns;
- (g) The words and expressions 'Building development', 'to erect a building' and 'land' shall have the same meaning as assigned to them in the Uttar Pradesh Urban Planning and Development Act, 1973.

Constitution of the Authority

- 3** (1) The State Government may, by notification, constitute for the purposes of this Act, An Authority to be called (Name of the area) Industrial Development Authority, for any industrial development area.
- (2) The Authority shall be a body corporate.
- (3) The Authority shall consist of the following :-
- (a) The Secretary to the Government, Uttar Pradesh, Industries Department or his Nominee not below the rank of Joint Secretary-ex-official. Member
Chairman
- (b) The Secretary to the Government, Uttar Pradesh, Public works Department or his nominee not below the rank of Joint Secretary ex-official. Member
- (c) The Secretary to the Government, Uttar Pradesh, Local Self-Government or his nominee not below the rank of joint Secretary-ex official. Member
- (d) The Secretary to the Government, Uttar Pradesh, Finance Department or his nominee not below the rank of Joint Secretary-ex official. Member
- (e) The Managing Director, U.P. State Industrial Development Corporation-ex official. Member
- (f) Five members to be nominated by the State Government by notification. Member
- (g) Chief Executive Officer. Member
Secretary
- (4) The headquarters of the Authority shall be at such place as may be notified by the State Government.
- (5) The procedure for the conduct of the meetings for the Authority shall be such as may be prescribed.
- (6) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in or defect in the constitution of the Authority.

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| Chief Executive Officer | 4. | <p>(1) The Chief Executive Officer of the Authority shall be appointed by the State Executive Government and shall be a whole-time officer of the Authority.</p> <p>(2) The Chief Executive Officer shall be entitled to receive from the funds of the Authority such salaries and allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.</p> <p>(3) The Chief Executive Officer shall exercise such powers and perform such duties as may be specified in the regulations or delegated to him by the Authority.</p> |
| Staff of the or Authority | 5. | <p>(1) Subject to such control and restrictions as may be determined by general special orders of the State Government, the Authority may appoint such number of officers and employees as may be necessary for the performance of its functions and may determine their grades and designations.</p> <p>(2) Subject as aforesaid the officers and other employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be agreed upon with the Authority.</p> |
| Function of the Authority | 6. | <p>(1) The object of the Authority shall be to secure the planned development of the industrial development areas.</p> <p>(2) Without prejudice to the generality of the objects of the Authority, the Authority shall perform the following functions:-</p> <p>(a) to acquire land in the industrial development area, by agreement or through proceedings under the Land Acquisition Act, 1894 for the purpose of this Act.</p> <p>(b) to prepare a plan for the development of the industrial development area;</p> <p>(c) to demarcate and develop sites for industrial, commercial and residential purpose according to the plan;</p> <p>(d) to provide infrastructure for industrial, commercial and residential purposes;</p> <p>(e) to provide amenities;</p> <p>(f) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial, commercial or residential purposes;</p> <p>(g) to regulate the erection of buildings and setting up of industries; and</p> <p>(h) to lay down the purpose for which a particular site or plot of land shall be used, namely for industrial or commercial or residential purpose or any other specified purpose in such area.</p> |
| Power to the Authority in respect of transfer of land | 7. | The Authority may sell, lease or otherwise transfer whether by auction, allotment or otherwise any land or building belonging to the Authority in the industrial development area on such terms and conditions as it may, subject to any rules that may be made under this Act think fit to impose. |
| Power of issue directions in respect of creation of building | 8. | (1) For the purposes of proper planning and development of the industrial development area, the authority may issue such direction as it may consider necessary, regarding |

- (a) architectural features of the elevation or frontage of any building;
 - (b) the alignment of buildings on any site;
 - (c) the restrictions and conditions in regard to open spaces to be maintained in and around buildings and height and character of buildings;
 - (d) the number of residential buildings that may be erected on any site;
 - (e) Regulations of erections of shops, workshops, warehouses, factories or buildings;
 - (f) maintenance of height and position of walls, fences, hedges or any other structure or architecture constructions;
 - (g) maintenance of amenities;
 - (h) restrictions of use of any site for a purpose other than that for which it has been allocated;
 - (i) the means to be provided for proper (i) drainage of waste water (ii) disposal of industrial waste, and (iii) disposal of town refuse.
- (2) Every transferee shall comply with the directions issued under sub-section (1) and shall as expeditiously as possible erect and building or take such other steps as may be necessary to comply with such directions.

Ban on erection of building in contravention of regulations

- 9.**
- (1) No person shall erect or occupy any building in the industrial development area in contravention of any building regulation made under sub-section (2)
 - (2) The Authority may by notification and with prior approval of the State Government make regulations to regulate the erection of buildings and such regulations may provide for all or any of the following matters, namely
 - (a) The materials to be used for external and partition walls, roofs, floors and other parts of a buildings and their position or location or the method of construction;
 - (b) Lay out plan of the building whether industrial, commercial or residential;
 - (c) the height and slope of the roofs and floors of any building which is intended to be used for residential or cooking purposes;
 - (d) the ventilation in, or the space to be left about any building or part thereof to secure circulation of air or for the prevention of fire;
 - (e) the number and height of the storeys of any building;
 - (f) the means to be provided for the ingress and egress to and from any building;
 - (g) the minimum dimensions of rooms intended for use as living rooms or sleeping rooms and the provisions of ventilation;
 - (h) any other matter in furtherance of the proper regulation of erection, completion and occupation of buildings and
 - (i) the certificates necessary and incidental to the submission of plans amended plans and completion reports.

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| Power to require proper maintenance of site or building | 10. | <p>If it appears to the Authority that the condition or use of any site or building is prejudicially affecting or is likely to affect the proper planning of, or the amenities in any part of the industrial development area of the interests of the general public there, it may serve on the transferee or occupier of that site of building a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain in it in such manner as may be specified therein and in case such transferee or occupier fails to take such steps or to maintain it thereafter the Authority may itself take such steps or maintain it, and realize the cost incurred on it from such transferee or occupier.</p> |
| Levy of Tax | 11. | <p>(1) For the purposes of providing, maintaining, or continuing any amenities in the industrial development area, the Authority may with the previous approval of the State Government, levy such taxes as it may consider necessary in respect of any site or building on the transferee or occupier thereof, provided that the total incidence of such tax shall not exceed twenty five per cent of the annual value of such site or building.</p> <p><i>Explanation :</i> In this sub-section, the expression 'annual value' shall have the same meaning as in Section 174 of the U.P. Nagar Mahapalika Adhiniyam, 1959.</p> <p>(2) If the State Government considers it necessary or expedient in the public interest it may, by a general or special order, exempt wholly or partly - any such transferee or occupier or any class thereof from the taxes levied under sub-section (1).</p> |
| Definition of "annuals values" - 'Annual value means':- | | |
| <p>(a) in the case of railway stations, colleges, schools, hostels, factories and other such buildings, a proportion not below 5 per cent to be fixed by rule made in this behalf of the sum obtained by adding the estimated present cost erecting the building, less depreciation at a rate to be fixed by rule to the estimated value of the land appurtenant thereto, and</p> <p>(b) in the case of a building of land not falling within the provisions of clause (a) the gross annual rent for which such building, exclusive of furniture or machinery therein, or such land is actually let, or where the building or land is not let or in the opinion of the assessing authority is let for a sum less than its fair letting value, might reasonably be expected to let from year to year.</p> | | |
| <p>Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Mahapalke, be excessive if calculated in the aforesaid manner, the Mahapalika may fix the annual value at any less amount which appears to it equitable :</p> | | |
| <p>Provided further that where the Mahapalika so resolves, the annual value in the case of owner occupied building and land shall for the purposes of assessment of property taxes be deemed to be 25% less than the annual value otherwise determined under the section.</p> | | |
| Applications of certain provisions of president's Act XI of 1973 | 12. | <p>The provision of Chapter VII and section 30, 32, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 53 and 58 of the Uttar Pradesh Urban Planning and Development Act, 1973 as re-enacted and modified by the Uttar Pradesh President's act (Re-enactment with modifications) Act, 1974, shall mutatis mutandis apply to the Authority with adaptation that</p> |

- (a) any reference to the aforesaid Act shall be deemed to be a reference to this act;
- (b) any reference to the Authority constituted under the aforesaid Act shall be deemed to be a reference to the Authority constituted under this Act; and
- (c) any reference to the Vice-Chairman of the Authority shall be deemed to be a reference to the Chief Executive Officer of the Authority.

Imposing of penalty mode of recovery of arrears

- 13.** Where any transferee makes any default in the payment of any consideration and money or instalment thereof or any other amount due --- account of the transfer of any site or building by the Authority or any rent due to the Authority in respect of any lease, or where any transferee or occupier makes any default in the payment of any fee or tax levied under this Act, the Chief Executive officer may direct that in addition to the amount of arrears, further sum not exceeding that amount shall be recovered from the transferee or occupier, as the case may be, by way of penalty.

Forfeiture for Breach of Conditions of transfer

- 14.** (1) In the case of non-payment of consideration money or any instalment thereof on account of the transfer by the Authority of any site or building or in case of any breach of any condition of such transfer or breach of any rules or regulations made under this Act, the Chief Executive Officer may resume the site or building so transferred and may further forfeit the whole or any part of the money if any paid in respect thereof.
- (2) Where the Chief Executive Officer orders resumption of any site or building under sub-section (1) the Collector may, on his requisition, cause possession thereof to be delivered to him and may for that purpose use or cause to be used such force as may be necessary.

Penalty

- 15.** Any person who contravenes any provisions of this Act, or rules or regulations made there under or any directions issued under section 8 shall on conviction be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence with further fine which may extend to one hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Powers of entry etc.

- 16.** The Chief Executive Officer may authorise any person to enter into or open any land or building with or without assistance, for the purposes of -
- (a) making any inquiry, inspection, measurement or survey or taking levels of such land or building
 - (b) examining works under construction or of ascertaining the course or sewers or drains;
 - (c) ascertaining whether any building is being or has been erected or re-erected without sanction or in contravention of any sanction given under this Act or the rules and regulations made thereunder and to take such measurements and do any such other acts as may be necessary for each purpose.
 - (d) doing any other thing necessary for the efficient administration of this act.

Provided that :-

- (i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier or if there be no occupier, the owner of the land or building.

- (ii) sufficient opportunity shall in every instance, be given to enable women if any to withdraw from such land or building.
 - (iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.
- Overriding effect of the Act.** 17. Upon any area being declared an industrial development area under the provision of this act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban Planning and Development Act, 1973, or any development plan under any other Uttar Pradesh Act, shall with effect from the date of such declaration be deemed to be excluded from any such plan.
- Power of make rules** 18. The State Government may by notification make rules for carrying out the purposes of this act.
- Power to make regulations** 19. (1) The Authority may with the previous approval of the State Government make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the administration of the affairs of the Authority.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely -
- (a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum thereat;
 - (b) the powers and duties of the Chief Executive Officer;
 - (c) the form of register of application for permission to erect a building;
 - (d) the management of properties of the Authority;
 - (e) fee to be levied in the discharge of its functions;
 - (f) such other matters as are to be provided for in regulation.

Chapter VII

FINANCE, ACCOUNTS AND AUDIT

20. **Fund of the Authority -**
- (1) The authority shall have and maintain its own fund to which shall be credited-
 - (a) all moneys received by the Authority from the State Government by way of grants, loans, advances or otherwise;
 - (b) all moneys borrowed by the Authority from sources other than the State Government by way of loans or debentures;
 - (c) all fees, tolls and charges received by the Authority under this Act;
 - (d) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and
 - (e) all moneys received by the Authority by way of rents and profits or in any other manner or from any other sources.

- (2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act for no other purposes.
- (3) Subject to any directions of the State Government, the Authority may keep in current account of any Scheduled Bank such sum of money out of its fund as it may think necessary for meeting its expected current requirements and invest any surplus money in such manner as it thinks fit.
- (4) The state Government may, after due appropriation made by Legislature by law in that behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the authority under this Act, and all grants, loans and advances made shall be on such terms and conditions as the State Government may determine.
- (5) The Authority may borrow money by way of loans or debentures from such sources (other than the State Government) and on such terms and conditions as may be approved by the State Government.
- (6) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.
- (7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.

21. Budget of the Authority -

The Authority shall prepare in such form and at such time every year as the State Government may specify, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Authority.

22. Accounts and Audit -

- (1) The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts including the balance-sheet in such form as the State Government may specify.
- (2) The accounts of the Authority shall be subject to audit annually by the examiner, Local Fund Accounts.

Provided that in place or in addition to the Examiner, Local Fund Accounts, the State Government may entrust the audit to the Account General, Uttar Pradesh or Controller and Auditor General of India or to any other Auditor on such terms and conditions, in such manner, for such period and at such times as may be agreed upon between him and the State Government.

- (3) The rights, authority and privileges of any person conducting audit under sub-section (2) shall -
 - (i) in the case of Examiner, Local Fund Accounts, be the same as he has in connection with the audit of the accounts of local authority;
 - (ii) in the case of the Accountant General, Uttar Pradesh or as the case may be, the comptroller and Auditor General of India, be the same as he has in connection with audit of Government accounts; and

(iii) in the case of any other auditor, be as prescribed;

and in particular, he shall have the right to demand production of books, accounts, connected vouchers, papers and other documents and to inspect the Office of the Authority.

(4) The accounts of the Authority, as certified by the Auditor or any person appointed by him in that behalf, together with audit report thereon shall be forwarded to the State Government annually or at such times as may be directed by it. The State Government may issue such directions to the authority as it may deem fit and the Authority shall be bound to comply with such directions.

(5) Any expenditure, incurred by the Auditor in connection with the audit, shall be payable by the authority to the Auditor.

23. Annual Report -

The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as the State Government may specify and such report shall be laid before both Houses of the Legislature.

24. Pension and Provident Fund -

(1) The Authority may constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as the State Government may specify, such pension or provident funds as it may deem fit.

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

30. Offences by companies -

(1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to, company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - for the purposes of this section -

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

32. Composition of offences -

- (1) Any offence made punishable by or under this Act may either before or after the institution or proceedings, be compounded by the Authority (or any officer authorised by it in that behalf by general or special order), on such terms including any terms as regards payment of a composition fee, as the Authority (or such officer) may think fit.
- (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of the offence compounded.

40. Recovery of moneys due to Authority -

Any money due to an Authority on account of any fee or charges or from disposal of land, building or any other property, movable or immovable, by way of rent, premium profit or hire purchase instalment, may, without prejudice to the right of recovery provided by or under this Act or any other law for the time being in force, be realised-

- (a) either as arrears of land revenue upon a certificate of the amount due sent by the Authority to the Collector, or
- (b) by attachment and sale of property in the manner provided in section 504, 505, 506, 507, 508, 509, 510, 512, 513 and 514 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 (2 of 1959); and such provision of the said Adhiniyam shall mutatis mutandis apply to recovery of dues of an authority as they apply to recovery of a tax due to a Nagar Mahapalika, so however, that references in the aforesaid sections of the said Adhiniyam to 'Mukhya Nagar Adhikari', 'Mahapalika' and 'Executive Committee' shall be construed as references to 'Vice-Chairman, 'Development Authority' and 'Chairman respectively':

Provided that no two or more modes of recovery shall be commenced or continued simultaneously

- 504. Presentation of Bill-(1)** As soon as a person becomes liable for the payment of any sum on account of a tax, other than octroi or toll or any similar tax payable upon immediate demand, the Mukhya Nagar Adhikari shall with all convenient speed, cause a bill to be presented to the person so liable.
- (2) Unless otherwise provided by rule, a person shall be deemed to become liable for the payment of every tax and licence fee upon the commencement of the period in respect of which such tax or fee is payable.

505. Contents of bill - Every such bill shall specify-

- (a) the period for which and the property, occupation, circumstances or thing in respect of which the sum is claimed and
- (b) the liability or penalty enforceable in default of payment, and
- (c) the time (if any), within an appeal may be preferred as provided in Section 472.

506. Notice of demand -

If the sum for which a bill has been presented as aforesaid is not paid into the office of the Mahapalike, or to a person empowered by a regulation to receive such payments, within fifteen days from the presentation thereof, the Mukhya Nagar Adhikari may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form prescribed by rule.

507. Issue of Warrant -

- (1) If the person liable for the payment of the said sum does not, within fifteen days from the services of such notice of demand either -
 - (a) pay the sum demanded in the notice, or
 - (b) show cause to the satisfaction of the Mukhya Nagar Adhikari or of such officer as the Mahapalika by regulation may appoint in this behalf, why he should not pay the same, such sum with all costs of the recovery may be recovered under a warrant caused to be issued by the Mahapalike in the form prescribed by rule, or to like effect, by distress and sale of movable property of the defaulter.
- (2) Every warrant issued under this section shall be signed by the Mukhya Nagar Adhikari or by the officer referred to in clause (b) of sub section (1).

508. Forcible entry for purpose of executing warrant -

It shall be lawful for a Mahapalika Officer to whom a warrant issued under Section 507 is addressed, to break open, at any time between sunrise and sunset any outer or inner door or window of a building, in order to make the distress directed in the warrant in the following circumstances and not otherwise.

- (a) if the warrant contains a special order authorising him in this behalf;
- (b) if he has reasonable grounds for believing that the building contains property which is liable to seizure under the warrant, and
- (c) if, after notifying his authority and purpose and duty demanding admittance he cannot otherwise obtain admittance.

Provided that such officer shall not enter or break open the door of an apartment appropriated for women, until he has given any women therein an opportunity to withdraw.

509. Manner of executing warrant -

- (1) It shall also be lawful for such officer to distrain, wherever it may be found, any movable property of the person therein named as defaulter, subject to the provisions of sub-sections (2) and (3).
- (2) The following property shall not be distrained :
 - (a) the necessary wearing apparel and bedding of the defaulter his wife and children;
 - (b) the tools of artisans;
 - (c) books of account;
 - (d) when the defaulter is an agriculturist, his implements of husbandry, seed-

grain and such cattle as may be necessary to enable him to earn his livelihood.

- (3) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which in the opinion of the person authorised under sub-section (2) of Section 507 to sign a warrant, should not have been so distrained they shall forth with be returned.
- (4) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form prescribed by rule that the said property will be sold as shall be specified in such notice.

510. Sale of goods under warrant and application of proceeds -

- (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be recovered is likely to exceed its value, the Mukhya Nagar Adhikari or other officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.
- (2) If not sold at once under sub section (1) the property seized or a sufficient portion thereof may, on the expiration of the time specified in the notice served by the officer executing the warrant, be sold by public auction under the orders of the Mahapalika unless the warrant is suspended by the person who signed it or the sum due from the defaulter is paid together with all costs incidental to the notice, warrant of distress and detention of the property.
- (3) The surplus, if any, shall be forthwith credited to the Mahapalika Fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application made to the Mukhya Nagar Adhikari within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Mahapalika.

512. Recovery by attachment and sale of defaulter's immovable property -

In the circumstances mentioned in sub-section (1) of Section 507, the Mukhya Nagar Adhikari or the officer referred to in clause (b) of sub-section (1) of section 507, may in lieu of issuing a warrant for distress and sale of movable property or where such warrant has been issued but the amount recoverable has not been recovered in whole or part issue a warrant for the attachment and sale of the defaulter's immovable property.

513. Warrant how to be executed in the case of immovable property -

- (1) When a warrant is issued under Section 512 for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, and declaring that the property will be sold unless the amount due with the costs of

recovery, are paid into the mahapalika office within five days.

- (2) Such order shall be proclaimed at some place on or adjacent to the property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon conspicuous part of the office of the Mahapalika and also, when the property is land paying revenue to the State Government in the office of the Collector of the district in which the land is situate.
- (3) Any transfer of a charge on the property attached or of any interest therein made without the written permission of the Mukhya Adhikari shall be void as against all claims of the Mahapalika enforceable under the attachment.

514. Sale of immovable property -

- (1) If the amount due is not paid within the period stated in sub-section (1) of Section 513 the immovable property or a sufficient portion thereof may be sold by public auction by order of the Mukhya Nagar Adhikari unless the warrant is suspended by him, or the sum due and the cost of recovery are paid by the defaulter and the Mukhya Nagar Adhikari shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.
- (2) The surplus, if any, shall be forthwith credited to the Mahapalika Fund, but if the same be claimed by written application to the Mukhya Nagar Adhikari within six months from the date of the sale, a refund thereof shall be made to the defaulter and any surplus not claimed within six months as aforesaid shall be the property of the Mahapalika.
- (3) Where the sum due and the costs of recovery are paid by the defaulter before a sale is effected, the attachment of immovable property shall be deemed to have been removed.
- (4) Sales of immovable property under this section shall be held in the manner laid down in the rules.
- (5) After sale of the immovable property as aforesaid, the Mukhya Nagar Adhikari shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.
- (6) It shall be lawful for the Mukhya Nagar Adhikari on behalf of the Mahapalika to offer a nominal bid in the case of any immovable property put up for sale, provided the previous approval of the Executive Committee is obtained to such bidding.
- (7) The Mukhya Nagar Adhikari may direct the removal from the immovable property by any police officer of any person who obstructs him in any action taken in pursuance of sub-section (5) and may also use such force as is reasonably necessary to effect entry on the said property.

Borrowed
Section of U.P.
Urban Planning
and
Development
Act - 1973

41. Control by State Government -

- (1) The (Authority, the Chairmen or the vice-Chairman) shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.
- (2) If in, or in connection with the exercise of its powers and discharge of its functions by the (Authority, the Chairman or the Vice-Chairman) under this

Act any dispute arises between the (Authority, the Chairman of the Vice-Chairman) and the State Government the decision of the State Government on such dispute shall be final.

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

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

- (4) Every order of the State Government made in exercise of the powers conferred by this Act shall be final and shall not be called in question in any court.

42. Returns and inspections -

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

43. Service of notices, etc. -

- (1) All notices, orders and other documents required by this Act or any rule regulation made there under to be served upon any person shall save as otherwise provided in this Act or such rule or regulation be deemed to be duly served -
- (a) Where the person to be served is a company, if the document is addressed to the secretary of the company as its registered office at its principal office or place of business and is either
- (i) sent by registered post, or
 - (ii) delivered at the registered office or at the principal office or place of business of the company.
- (b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, indentifying it by the name or style under which its business is carried on and is either -

- (i) sent by registered post, or
 - (ii) delivered at the said place of business.
- (c) Where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasure or other chief officer of the body, corporation or society at its principal office, and is either -
- (i) sent by registered post, or
 - (ii) delivered at that office.
- (d) in any other case, if the document is addressed to the person to be served and -
- (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of land or building to which it relates, or
 - (iii) is sent by registered post to that person.
- (2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served -
- (a) If the document so addressed is sent or delivered in accordance with clause (d) of sub section (1), or
 - (b) If the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, affixed to some conspicuous parts of the land or building.
- (3) Where a document is served on a firm in accordance with clause (b) of sub-section (1) the document shall be deemed to be served on each partner of that firm.
- (4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any of the property) to state the name and address of the owner thereof).
- (5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.
- (6) A servant is not a member of the family within the meaning of this section.

44. Public notice how to be made known -

Every public notice given under this Act shall be in writing over the signature of the Secretary to the Authority and shall be widely made known in the locality to be

affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by two or more of these means, and by any other means that secretary may thin fit.

45. Notice etc., to fix reasonable time -

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

46. Authentication of orders and documents of Authority -

All permission, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in that behalf.

47. Members and Officers to be public servants -

Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

49. Sanction of prosecution -

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Vice Chairman of the Authority or any officer authorised by him in that behalf.

50. Protection of action taken in good faith -

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

51. Power to delegate -

- (1) The State Government may by general or special order, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised by such officers in such cases and subject to such conditions, if any, as may be specified therein.
- (2) The Authority may, by general or special order direct that any power exercisable by it under this Act except the power to make regulations or bye-laws, may also be exercised by such officer or local authority, in such cases and subject to such conditions, if any as may be specified therein.
- (3) The Vice Chairman of the Authority may by general or special order direct that any power exercisable by him under the Act may also be exercised by such officer of the Authority in such cases and subject to such conditions, if any, as may be specified therein.

53. Exemption -

Notwithstanding anything contained in this Act the State Government may by notification in the Gazette exempt, subject to such conditions and restrictions, if any, as may be specified in such notification any land or building or class of lands

or building or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.

58. Dissolution of Authority -

- (1) Where the State Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, that Government may by notification in the Gazette declare that the authority shall be dissolved with effect from such date as may be specified in that notification and the Authority shall be deemed to be dissolved accordingly.
- (2) **From the said date -**
 - (a) all properties, funds and dues which are vested in, or realisable by the Authority shall vest in or be reliable by the State Government;
 - (b) all nazul lands placed at the disposal of the Authority shall revert to the State Government;
 - (c) all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and
 - (d) for the purpose of carrying out any development which has not been duly carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the State Government.

No. 1520(2) XVII-V-1 (KA)-24-1991

Dated Lucknow August 21,1991

In pursuance of the provisions of clause(3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Adyogik Kshetra Vikas (Sandesh Nivaran Aur Vadhikaran) Adhinyam, 1991 (Uttar Pradesh Adhinyam Sankhya 27 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 20,1991.

The Uttar Pradesh Industrial Area Development

(Removal of doubts and validation Act, 1991)

(As passed by Uttar Pradesh Legislature)

(U.P. Act No. 27 of 1991)

AN

ACT

To provide for the removal of doubts in respect of certain provision of the Uttar Pradesh Industrial Area Development Act, 1976 and to validate certain acts and proceedings there under.

IT IS HEREBY enacted in the Forty-second Year of the Republic of India as follows :-

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation Act 1991).
- (2) Section 2, 3 and 4 shall be deemed to have come into force on July 19, 1991 and the remaining provisions shall come into force at once.

2. For the removal of doubts it hereby declared that the Removal provisions of clause (d) of section 2 of the Uttar Pradesh of doubts Industrial Area Development Act 1976, herein after referred to as the principal Act empower and shall be deemed always to have empowered, the State Government to declare any area as industrial development area.

3. The area specified in the respective Schedule to Validation Government's notifications on :-

- (a) 8452 Bha. U. XVIII-11-223 BhA-88 Dated November 30, 1989;
- (b) 8425(1) B.U. XVIII-11-233 BhA-88, Dated November 30, 1989; and
- (c) 7436-Bha. U. XVIII-11-107-BhA-85, Dated January 28, 1991

shall be deemed to be, and always to have been, declared by the State Government as industrial development areas under clause (d) of section 2 of the principal Act and the said notification shall be, and be deemed always to have been valid and lawful as if the provisions of this Act were in force at all material times.

4. The provisions of this Act shall have effect not with standing anything to the contained in any judgement, decree or order of any Court or authority.

**U.P.
Ordinance
no, 33 of**

5. (1) The Uttar Pradesh Industrial Area Development (Removal of Doubts and Validation) Ordinance, 1991, is hereby repealed.
- (2) Not with standing such repeal, anything done or any action taken under the Ordinance referred join sub-section(1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.