

**URBAN DEVELOPMENT DEPARTMENT**  
**Mantralaya, Mumbai 400032, dated the \_\_\_\_\_**

**NOTICE**

TRAMWAYS ACT, 1886.

No. MMR-3308/639/C.R. 72/UD-7-The following draft of Order which the Government of Maharashtra proposes to issue in exercise of the powers conferred by sub-section (1) of section 4 of the Tramways, Act, 1886 (Act 11 of 1886) (hereinafter referred to as “the said Act”), in its application to the State of Maharashtra; and of all other powers enabling it in this behalf, is hereby published, as required by sub-sections (1) and (2) of section 6 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the \_\_\_\_\_.

2. Any objections or suggestions which may be received by Principal Secretary (I), Urban Development Department, Mantralaya, Mumbai 400032 before the aforesaid date will be considered by the Government.

**DRAFT NOTIFICATION**

No-MMR-3308/639/C.R.72/ UD-7 Whereas, with a view to explore the possibility of providing various alternate Mass Transit Systems, in order to improve the traffic and transportation scenario in Navi Mumbai, various studies have been carried out;

And whereas, the Belapur-Kharghar-Taloja-Kalamboli- Khandeshwar has been identified as priority corridors to improve such traffic and transportation;

And whereas, it is expedient to develop the said corridor on Turnkey Basis by providing Tramway in the form of Metrorail. And whereas the City & Industrial Development Corporation (CIDCO) shall be designated as Project Implementing Agency (PIA) for the said purpose;

And whereas, the said City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO) established under MR and TP Act, 1966 Section 113, Subsection 1 and 3(A), which is also registered as a Company under Company Act of 1956, has applied for construction of Tramway/MRTS in the said corridor;

And whereas, for the said purpose it is expedient to issue an Order authorizing construction of a Tramway/Metro rail System in the said Corridor.

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 4 of the Tramways Act, 1886 (Act 11 of 1886) in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby authorizes, the construction and maintenance of a Tramway/MRTS in the said Corridor by the said City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO) herein after referred to as MRTS Administrator or any Company established by it or any "Developer" with which that Authority may enter into an agreement, on the conditions specified in the Schedule appended hereto.

### **SCHEDULE**

1. Scope of Activities of the MRTS Administrator- (1) The MRTS Administrator shall be responsible for construction of the Metrorail inter-alia of the rail lines, (elevated) and superstructure required for the operation of the MRTS or any other work connected therewith. For this purpose, the MRTS Administration may undertake all or any of the following activities-
  - (a) construct such number of guided beam/tracks as may be necessary upon, under, along or over any land, canal, river, street on road on the Metrorail Alignment and all other works and conveniences in connection therewith;
  - (b) erect or construct such houses, warehouses, offices and other building and such yards, stations, engines, machinery, apparatus and other works and conveniences;

- (c) alter, repair or discontinue such buildings, works and conveniences as aforesaid and substitute others in their stead;
- (d) Open, temporarily divert, close or break up roads or streets on the alignment or at intersection points with the prior consent of the Competent Authority, for the purposes of the construction or maintenance of the MRTS or any part thereof;
- (e) maintain and repair the portion of the road or street traversed by the MRTS to the satisfaction of the Competent Authority;
- (f) open, alter, divert or temporarily close any rain water pipe, sub-soil water pipe (or other pipes or objects of a like nature), trench, drain (including a sewer), channel, ditch, culvert or any other device (whether for carrying of sullage, sewage, offensive matter, polluted water, trade effluent, or any other object.);
- (g) alter, divert or temporarily close any cable, electric, gas supply, telecommunication or telegraph lines or installations, or raise or sink level thereof in order to carry them over, under, or across any land, building, street, road, railway or water body;
- (h) alter the course of any rivers, canals, brooks streams or water courses for the purposes of constructing tunnels, passages or other works over or under them and divert or alter temporarily or permanently, the course of any rivers, canals, brooks, streams, or water-courses;
- (i) make drains or conduits into, through or under, any lands adjoining the MRTS for the purpose of conveying water from or to the MRTS;
- (j) to lay down signaling and other works; make or construct in, upon, across, under any lands, buildings, streets, road, railways or tramways or any rivers, canals, brooks, streams or other waters or any drains, water-pipes, electric lines or telegraph lines, such temporary or permanent inclines, planes, arches, tunnels, culverts, embankment, aqueducts, bridges, ways or passages;
- (k) draw maps, make plans or conduct surveys or tests;

- (l) determine the application of material excavated for the construction or maintenance of the MRTS as per applicable Law;
  - (m) make provision for such crossings, passing places, sidings, junctions and other works as may from time to time be necessary or convenient to the efficient working of the MRTS;
  - (n) acquire land for the MRTS Project under the Land Acquisition Act, 1870;
  - (o) - Deleted -
  - (p) adopt and apply such improvements as the (State Government) may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the MRTS to suit future alterations in the road or roads.
- (2) The MRTS Administration shall, for the purpose of doing any of the above activities either directly or through any other party including the City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO) have the power to enter into contracts and leases and to execute all instruments necessary therefore and to do all other things necessary or expedient for the exercise of any of the aforesaid powers.
- (3) The MRTS Administration shall undertake the above named activities in good faith, and in accordance with applicable laws, environmental regulations and any directions that the State Government may give from time to time under provisions of Tramways Act.
- (4) The MRTS Administration will have the complete authority to decide the technical parameters and the performance specifications of the entire system viz., way and track structure, stations, rolling stock, traction system and power supply, signaling and communication, ticketing, method of construction, operation and maintenance including quality of service and any other such system parameters. All the parameters should be so fixed as to ensure safe, economical, comfortable, fast and eco-friendly mass rapid transit system for the public carriage of passengers as per the rider-ship projections for the corridor with adequate provisions for the future growth.

2. Limitations of Powers –

(1) For the avoidance of doubt, the City & Industrial Development Corporation of Maharashtra Ltd. (CIDCO) shall continue to be responsible for all acts of a regulatory nature and the MRTS Administration shall co-ordinate closely with the CIDCO for all activities that have not specifically been delegated. Including inter-alia framing of regulations for drilling of tube wells or sinking of wells, in the proximate vicinity of the MRTS Alignment and development of property within the corridor specified around the MRTS Alignment.

(2) While exercising any powers under sub-section (1), the MRTS Administration shall take such precautionary measures as are necessary, shall cause as little damage as possible and shall be liable only for the damages or cost actually suffered or incurred by any person as a result of the exercise of such powers.

3. Development over MRTS Alignment- Any person who proposes to develop any land or building along or on the MRTS alignment shall, before commencing such development and without in any way limiting his obligation under any other Act to obtain any approval or consent, submit to the MRTS Administration details of the proposed development and shall comply with any conditions imposed by MRTS Administration in respect thereof. The MRTS Administration shall while imposing any condition under this Order have regard to the safety of the MRTS and such other matters as may be prescribed.

4. Power to prohibit or regulate construction of buildings and excavation:-

(1) If the State Government is of opinion that it is necessary or expedient so to do for facilitating the construction of the MRTS or for ensuring the safety of the MRTS, it may, by notification in the Official Gazette-

- (a) Direct that no building or any such development as may be specified in the notification shall be constructed or made above the MRTS alignment or on any land within such distance, not exceeding (fifty meters) on either side of the centre line of the MRTS alignment, as may be specified in the notification and where there is any building on such land also direct to owner of, or the person having control over, such building to demolish such building or to make such additions or alterations to such building as may be specified in the notification or to desist from making any such development within such period as may be specified in the notification.
- (b) Direct temporary evacuation of all persons together with any movable property or animal that may be in custody, control or possession of such persons from any building situated above the MRTS alignment or in any area within a distance not exceeding fifty meters on either side of centre line of such alignment and within such period as may be specified in the notification.

Provided that before issuing any notification under this clause, the State Government shall provide such persons temporarily with alternative accommodation, which in its opinion is suitable, free of cost, or an amount, which is in its opinion is sufficient to procure a temporary alternative accommodation.

- (2) Where any property is needed or likely to be needed for providing any alternative accommodation under the proviso to clause (b) of sub-section (1) of this Para 4, such property shall be deemed to be needed for a public purpose under MR and TP Act, 1966 as the case may be.
- (3) In specifying the distance under clause (a) of sub-section (1) of this Para 4, the State Government shall have regarded to:-
  - (a) the nature and the requirement of the MRTS;
  - (b) the safety of the building;

- (c) such other matters as are prescribed.
  - (4)
    - (a) A distance of 50 M on both the sides from the Central line of the MRTS alignment is kept only for regulation of development / redevelopment. If any proposal is received within the 50M for development / redevelopment, CIDCO shall act as per the notification.
    - (b) The entire metro alignment is at an elevated level and generally at the centre of the sanctioned ROW, except at the Turning locations and other specified locations. Only at places where it is not technically feasible to provide ingress or egress to MRTS station building within ROW or where the alignment does not run along the centre of ROW, land required will be procured / acquired as per the applicable Law. The necessary information will be displayed at Public Information Centres at selected places along the MRTS corridor.
  - (5) Where any direction has been issued under sub-section (1) of this para directing the owner or the person having control over any building to demolish such building or to make additions or alternations to such building or to desist from making any development specified in such notification a copy of the notification containing such direction shall be served on the owner of, or the person having control over, such building, as the case may be.
  - (6) The MRTS administration shall give to the owner or occupier of such buildings or structure at least 10 days notice in writing before undertaking the work of underpinning or otherwise strengthening the building/structure.
5. Power to enter, etc.:- With a view to making survey, or to ascertaining the nature or condition, of any land or building for the purpose of construction of MRTS or any outer work connected therewith, the MRTS Administration or any person

authorized by the administration may, at any reasonable hour in the day time and after giving reasonable notice to the owner or occupier of such land or building, enter upon or into such land or building in along, over or near or near the MRTS alignment to:-

- (a) inspect the same;
  - (b) make measurements and drawings and take photographs thereof and check up, by digging trial pits or otherwise, the foundation of any building in the vicinity of the MRTS alignment;
  - (c) Take such other measures as the said administration deems necessary and proper.
6. Amount payable for damage, loss or injury:-
- (a) Where the MRTS Administration exercise any power conferred on it by or under this Act and in consequence thereof any damage loss or injury is sustained by any person interested in any land, building, street, road or passage, the MRTS Administration shall be liable to pay to such person for such damage, loss or injury such amount as may be determined by the Competent Authority.
  - (b) If the amount determined by the Competent Authority under sub-section (a) of this para 6, is not acceptable to both the parties, they may appeal within thirty days from date of competent authority's order to the Tribunal appointed for the purpose. On appeal, the Tribunal after hearing determine the amount to be paid and its determinations shall be final and shall not be questioned in any court.
  - (c) The Competent Authority or the (appellate authority) while determining the amount under sub-section (a) or sub-section (b), of this para 6, as the case may be, shall have due regard to the damage, loss or injury sustained by any person interested in the land, building, street, road or passage by reasons of-
    - (i) the removal of trees or standing crops, if any;

- (ii) the temporary severance of the land, building, street, road or passage;
  - (iii) Any injury to any other property whether movable or immovable.
- 7. Right to claim for damages:- No claim in respect of any damage, loss or injury alleged to have been caused as a consequence of MRTS or any other work connected therewith under this Act shall be against the MRTS Administration unless such claim is made after a period of twelve months from the date of the construction of MRTS or other work in the area in which such damages, loss or injury is caused.
- 8. Tolls/Fares leviable by MRTS Administration or Concessionaire:-
  - (a) The MRTS Administration or concessionaire may demand and take in respect of the MRTS, tolls / fares not exceeding the limits specified from time to time by the MRTS Administration or Concessionaire with the previous sanction of the Government.
  - (b) A list of all the tolls/fares authorized to be levied shall be exhibited in such languages as MRTS Administration may direct, in conspicuous places at the MRTS stations.
  - (c) The State Government may authorize CIDCO to fix the fares for the MRTS and revise the same from time to time as necessary.
- 9. Miscellaneous:-
  - (1) The operation and maintenance of the MRTS may be leased or licensed in accordance with the Act or by order of the State Government or in terms of the Concession Agreement between CIDCO and Developer.
  - (2) The terms and conditions of this order may on the application of MRTS Administration, be revoked, amended, extended or varied by a further order upon application. The (State Government) may, in its discretion, either grant or reject the application. If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for

in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the MRTS Administration.

- (3) All such authorities having jurisdiction along the MRTS corridor shall extend all the necessary help to the MRTS Administration for the smooth implementation of the project, as needed from time to time.

By order and in the name of Governor of Maharashtra.

SURESH KAKANI,

Deputy Secretary to  
Government.