



ఆంధ్రప్రదేశ్ రాజపత్రము
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**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 19th January, 2016 and the said assent is hereby first published on the 21st January, 2016 in the Andhra Pradesh Gazette for general information:-

ACT NO. 5 OF 2016.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE METROPOLITAN REGION AND URBAN DEVELOPMENT AUTHORITIES FOR THE PURPOSES OF PLANNING, COORDINATION, EXECUTION, SUPERVISION, FINANCING, FUNDING AND FOR PROMOTING AND SECURING THE PLANNED AND SUSTAINABLE DEVELOPMENT OF THE DEVELOPMENT AREA AND FOR MATTERS ANCILLARY THERETO:

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

CHAPTER I**PRELIMINARY****Short title,
extent and
commence-
ment**

1. (1) This Act may be called the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Definitions

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

(1) 'agriculture' includes farming, raising of crops, fruits, vegetables, flowers, grass, trees, horticulture, floriculture, poultry, fishing, livestock breeding, bee keeping, upkeep of an orchard and the use of land ancillary and accessory to cultivation or any agriculture purpose; but does not include the use of any land as a garden which is an appendage to a building and the expression 'Agricultural' shall be construed accordingly;

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

(3) 'area development plans' means the plans prepared under the provisions of this Act;

(4) 'authority' means the Development Authority constituted under sub-section (1) of section 4 of this Act;

(5) '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;

(6) 'building operations', includes,-

(a) erection or re-erection of a building or any part thereof;

- (b) roofing or re-roofing of a building or any part of a building or any open space;
- (c) any material or structural alteration or addition of a building as is likely to affect the alteration of its drainage or sanitary arrangement or to materially affect its security, or the construction of a door opening on any street or land not belonging to the owner;

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

Central Act
No.18/2013

(8) 'development' with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over, or under, land or the making of any material change, in any building or land 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, forming of layouts and sub-division of any land into plots, and development of amenities and the words "to develop" shall be construed accordingly;

(9) 'development area' means the area or group of areas declared to be a development area under sub-section (1) of section 3 of this Act;

(10) 'developer entity' means and 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 license is given to undertake development works/ Scheme within the framework of a plan or development scheme duly approved under this Act;

(11) 'development fund' means a fund created under this Act;

(12) 'development plan' means a comprehensive plan for the development or redevelopment or improvement of the area within the jurisdiction of the Authority covering the whole or part thereof and includes revision of a

development plan and proposals for development of land within its jurisdiction conceived within the framework of the Perspective Plan/Master Plan/Infrastructure development plan/area development plan/zonal development plan/or any other plan or scheme prepared under the Act by what so ever name known;

(13) 'development project or project' refers to the plans conceived within the framework of a Perspective Plan [PP] or Master Plan [MP] or Infrastructure Development Plan [IDP] or any other Plans, integrated with that of the Development Area containing detailed working layouts with all supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;

(14) 'engineering operations' includes the formation or laying of streets, roads, drainage, sewerage, water supply, electricity, gas, cables or telephone lines, irrigation works, and development of such other amenities;

(15) 'final plot' means a plot or land reconstituted from an original plot or land and allotted in development scheme as a final plot;

(16) 'former authority' means the authority or organization constituted under any other Act or under this Act existing / defunct/ dissolved before the Authority presently constituted under this Act for the whole or part of the development area;

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

Central Act (18) 'government company' means a government company or
No.18/2013 corporation registered under the Companies Act, 2013 which has one of its objects shall be the development of an area;

(19) 'heritage building' means a building/premises or any part thereof or structure or artifact possessing architectural, aesthetic, historic or cultural values or ecological or environmental importance and requires conservation or preservation and which is declared as heritage building by the Authority in whose jurisdiction such building is situated;

(20) 'heritage precinct' means an area comprising heritage building or buildings and precincts thereof or related places as declared by the Authority;

(21) 'Infrastructure Development Plan [IDP]' means the set of plans, projects and estimates for the development of the infrastructure such as water supply, storm water drainage, sewerage, streets and roads including ring/radial/grid roads connecting all settlements, electricity and street lighting, parks and playgrounds, solid waste disposal and management system, communication network and related facilities such as roads, railways, metro ways, airports and the like and any other amenity as decided by the Authority for the Development Area or Zone or Special Area or part of the Development Area prepared and sanctioned under the provisions of the Act;

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

(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) 'Land Pooling Scheme' means a scheme as provided in sub-section (1) of section 26 of this Act;

(25) 'Land Pooling Ownership Certificate [LPOC]' in the context of a Land Pooling Scheme means a certificate issued by the Authority under sub-section (4) of section 31 of this Act to each land owner participating in the Land Pooling Scheme certifying the details of the reconstituted plot / land / final plot allotted to him;

(26) 'local authority' means:

(a) a Municipal Corporation constituted under the respective Act; or

(b) a Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965; or

Act No. 6 of
1965

(c) a Gram Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1994; or

Act No. 13 of
1994

(d) any other body or authority constituted under the relevant Act to govern the urban services;

(27) 'Master Plan [MP]' means the set of plans for the promotion and development of the Development Area or Zone or Special Area or part of the development area prepared and sanctioned under the provisions of the Act;

(28) 'metropolitan area' means an area having a population of a million or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous

area or an urban agglomeration area with a population of million and above as per the Census of India, specified by public notification to be a metropolitan area;

(29) 'metropolitan commissioner' means the Metropolitan Commissioner appointed by Government under sub-clause (d) of clause (i) of sub-section (3) of section 4;

(30) 'metropolitan region' means the metropolitan area as whole and its primary commuter areas, typically formed around the metropolitan area proper with a large concentration of people or a region as notified by the Government;

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

- (a) (i) in the Andhra Pradesh Gazette or District Gazette;
 - (ii) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
 - (iii) in the local 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 Tahsildar, the District Registrar and Sub-Registrar of Stamps & Registration department;
 - (iv) uploaded on the website of the Authority;
- or
- (b) as may be decided by the Authority;

(32) 'occupier' includes, -

- (a) any person including a firm or other body of individuals whether incorporated or not, who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
- (b) an owner living in or otherwise using his land or building;
- (c) a rent free tenant;
- (d) a licensee in occupation of any land or building;

- (e) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;

(33) 'operational construction' means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development, or execution of any of the following services, namely:-

- (a) railways;
- (b) national highways, state highways, other important roads;
- (c) waterways;
- (d) ports;
- (e) airways and aerodromes;
- (f) postal, telecom, wireless, broadcasting and other like forms of communication;
- (g) electricity;
- (h) defence;
- (i) ONGC, GAIL;
- (j) works undertaken by the Authority or any Local Authority;
- (k) 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 a 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 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;

(34) '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. While undertaking the preparation and sanction of the Development Scheme, the tenure and encumbrances on the plot remain unaffected;

(35) '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 stands registered in the Revenue Records;

(36) 'periphery area' means the outer area of the development area declared as such under section 138 of this Act;

(37) 'plan' includes a map or maps indicating proposals, and/or sets of documents, and/or statements and policies and development briefs for securing, promoting and regulating development in the region or for any area and also includes all the sanctioned development plans prepared and sanctioned under the provisions of this Act;

(38) 'prescribed' means prescribed by rules and regulations made under the Act;

(39) 'reconstituted plot' means a final plot / land which is in any way altered by the making of a development scheme;

(40) 'regulation' means a regulation made under the Act and zoning and other regulations made as part of the Plans prepared under the Act;

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

(42) 'revolving fund' means the fund required for the purpose of performing its functions under the Act and for developing amenities and infrastructure facilities in the development area;

(43) 'rule' means a rule made under the Act by the government for enforcement;

(44) 'scheme' means a scheme or policy or directives or guidelines prepared under the Act; and also includes a scheme prepared under any other Act prevailing in the State for securing the planned development of any area or constituent of the Development Area;

(45) 'Town Planning Scheme [TPS]' means the scheme prepared under the Act for achieving the planned development as envisaged in the sanctioned development plan;

(46) 'urban area' means,-

(a) the area comprised within the Municipal Corporation constituted under the respective Acts or within the Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 and any such area in the vicinity as the Government may, having regard to the extent of, and the scope for the urbanization of that area or other relevant considerations, specify in this behalf by notification or an area specified as urban as per the Census of India;

and

(b) such other area as the Government may, by notification, declare to be an urban area, which in the opinion of the Government, is likely to be urbanized;

(47) 'urban region' means the urban area as whole and the surrounding urban and rural areas and also the primary commuter areas typically formed around the urban area proper with a large concentration of people or a region as notified by the Government;

(48) 'Vice-Chairperson' means the Vice-Chairperson of the Authority appointed by the Government under sub-clause (b) of clause (ii) of sub-section (3) of section 4;

(49) 'Zonal Development Plan [ZDP]' means the set of plans for the promotion and development of a zone or part of a zone or a local authority of the development area prepared and sanctioned under the provisions of the Act;

(50) 'zone' means any one of the divisions in which a development area may be divided for the purpose of securing, promoting and regulating development and for providing the urban services under the Act, and the words 'Zoning Regulations' shall be construed accordingly;

(51) Words used but not defined in the Act shall have the same meanings as assigned under the respective Acts.

CHAPTER II

DECLARATION OF DEVELOPMENT AREA AND CONSTITUTION OF THE AUTHORITY

Declaration of Development Area **3.** (1) As soon as may be, after the commencement of this Act, the State Government may, by notification in the Andhra Pradesh Gazette declare the 'Development Area' consisting of such metropolitan region or urban region as a 'development area' for the purposes of this Act with effect from such date as may be specified therein.

(2) Every such notification shall define the limits of the development area to which it relates.

(3) The State Government may, by notification, in the Andhra Pradesh Gazette and in accordance with such rules as may be made in this behalf,—

- (a) exclude from the development area any area comprised therein; or
- (b) include in the development area any other area.

(4) The existing Gram Panchayats, Municipalities and Corporations within the Development Area shall remain functional within their respective jurisdictions based on the prevailing rules, made under the respective laws.

Constitution of the 'Development Authority' **4.** (1) As soon as may be, after the date of commencement of this Act, the State Government may, by notification, in the Andhra Pradesh Gazette, constitute the 'Metropolitan Region Development Authority' [MRDA] for any metropolitan region or 'Urban Development Authority' [UDA] for any urban region, herein after called as the 'Authority' for the development area notified under section 3.

(2) The Authority constituted under sub-section (1) shall be a body corporate by the name of the development area for which it is constituted 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.

(3) (i) The Metropolitan Region Development Authority shall have the following members, namely,—

- (a) the Chairperson to be appointed by the Government;
- (b) Principal Secretary to Government, Municipal Administration & Urban Development Department – Deputy Chairperson;
- (c) Principal Secretary to Government, Finance Department - Member;
- (d) 'Metropolitan Commissioner' who is a government officer to be appointed by the Government, shall be

- the whole time Chief Executive Officer of the Authority and shall be the Member-Convener;
- (e) Officers not more than six, dealing with Transportation, Roads & Buildings, Energy, Environment or such other departments as may be deemed necessary by the Government - Members;
 - (f) District Collectors of the development area - Members;
 - (g) Director of Town & Country Planning - Member;
and
 - (h) Three experts of national or international repute who possess knowledge in urban governance, urban planning, conservation, environment and transportation to be appointed by the Government - Members.

(ii) The Urban Development Authority shall have the following members, namely,—

- (a) the Chairperson to be appointed by the Government;
- (b) the 'Vice-Chairperson' who is a government officer to be appointed by the Government, shall be the whole time Chief Executive Officer of the Authority and shall be the Member-Convener;
- (c) Joint Secretary to Government, Municipal Administration & Urban Development Department or his nominee who shall be not less than Deputy Secretary in cadre or as deemed necessary by the Government - Member;
- (d) Joint Secretary to Government, Finance Department or his nominee who shall not be less than Deputy Secretary in cadre or as deemed necessary by the Government - Member;
- (e) Officers not more than four, dealing with Transportation, Roads & Buildings, Energy, Environment or such other departments as may be deemed necessary by the Government - Members;

- (f) District Collectors of the development area - Members;
 - (g) Director of Town & Country Planning or his nominee - Member; and
 - (h) Three experts of national or international repute who possess knowledge in urban governance, urban planning, conservation, environment and transportation to be appointed by the Government - Members.
- (4) Any other officer or expert whom the Government thinks necessary may be invited to the meetings of the authority as special invitee.
- (5) There shall be an Executive Committee of the Authority consisting of the following members, namely,-
- (a) (i) In case of Metropolitan Region Development Authority, the Principal Secretary to Government, Municipal Administration & Urban Development Department shall be Chairperson of the Executive Committee, and the Metropolitan Commissioner shall be a member-convener of the Executive Committee.
 - (ii) In case of Urban Development Authority, the Vice-Chairperson of Urban Development Authority shall be the Chairperson of the Executive Committee;
 - (b) Joint Secretary to Government, Finance Department or his nominee as deemed necessary by the Government-Member;
 - (c) Joint Secretary to Government Municipal Administration & Urban Development Department or his nominee as deemed necessary by the Government - Member;
 - (d) Officers or Heads of Government Departments or the Authority not exceeding five in number - Members;
 - (e) Secretary of the Authority to be the Member-Convener of the Executive Committee of Urban Development Authority;
 - (f) Any other officer or expert as appointed by the Government.
- (6) The Chairperson of the Executive Committee may invite any of the heads of the departments of Government or the Authority or experts as special invitees to the meetings of the Executive Committee.

(7) The members nominated by the Government to the Authority and Executive Committee shall hold office as may be prescribed by the Government and shall be eligible for re-appointment on such conditions as may be prescribed.

(8) The Government may, by notification, omit any member of the Authority or Executive Committee.

(9) Subject to the general superintendence and control of the Authority, the management and administration of the affairs of the Authority shall vest in the Executive Committee.

(10) The Government shall frame rules with regard to the functioning and conducting of meetings and any other matters relating to the powers and functions of the Authority and the Executive Committee.

(11) The term of office and conditions of service of the staff of the Authority, the procedure to be followed by the Executive Committee and all such other matters relating to the Executive Committee shall be as may be prescribed by rules.

(12) The Authority may,—

- (a) from time to time appoint one or more Functional Committees for the discharge of its functions. The functional committees shall report and discharge their responsibilities under the instructions and directions of the Authority.
- (b) every Committee appointed under clause (a) of sub-section (12) 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.
- (c) consult or associate with such persons or organizations whose assistance or advice it may desire. Such advisor or consultant shall be paid such fees as may be determined by the Authority.

- (d) constitute as many area level functional units or sub-regional units or offices as it deems fit and assign responsibilities and functions to such units.
- (e) create Special Purpose Vehicles (SPVs) with the approval of the Government for various purposes, including but not limited to, design and construction of buildings related to 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, as a representative of the Government 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.
- (f) The Authority may delegate any of its powers or functions to the Executive Committee or the Metropolitan Commissioner / Vice-Chairperson subject to its revision and to such conditions and limitations if any, as it may think fit to impose.

**Powers and
functions of
the Authority**

5. Subject to the provisions of the Act, the functions of the Authority shall be:-

(1) Administration:-

- (a) to monitor, supervise or ensure adequate supervision over the execution of any development plan or project or scheme, the expenses of which in whole or in part are to be met from the Development Fund;
- (b) to co-ordinate with the Andhra Pradesh Transmission Corporation, the Southern Power Distribution Company Ltd, 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 Ltd and such other bodies / departments of the Government to facilitate infrastructure development in the development area;
- (c) to delegate the powers of the Authority to the Executive Committee or specific members of the Executive Committee or the Metropolitan Commissioner / Vice-Chairperson with the responsibility for execution of specific projects of the Authority.

- (d) to fast track and facilitate issues such as project delays, issues related to Development Fund, inter-departmental coordination as raised by the Executive Committee;
- (e) to enter into contracts, agreements or arrangements with any person, body or organization as the Authority may deem necessary for the performance of its functions;
- (f) to perform any other function or exercise powers as are supplemental, incidental or consequential to any of the foregoing duties and powers, and/or take up such matters as the Government may direct in this regard;
- (g) to sanction and recruit officers and staff required for the Authority to perform functions of the Authority with the approval of the Government.
- (h) to meet at least once in three months and at such intervals, at such place and such time as the Chairperson may decide.
- (i) in case of Metropolitan Region Development Authority,-
 - (i) to review, revise and approve proposed projects above Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of projects worth more than Rs. 100.00 crores;
 - (ii) to review, revise and approve all funding, financing and investment plans above Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of funding, financing and investment plans worth more than Rs. 100.00 crores;
 - (iii) to accord approval for all tenders / e-procurement for the projects exceeding Rs. 10.00 crores and up to Rs. 100.00 crores in total contract value and approval of the Government shall be obtained in respect of tenders / e-