

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 the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date—

- (a) all properties, funds and dues which are vested in, or realisable by the Authority shall vest in or be realisable 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 fully 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.

59. Repeal, etc. and savings.—(1) (a) The operation of clause (c) of Section 5, Sections 54, 55 and 56, clause (xxxiii) of Section 114, sub-section (3) of Section 117, clause (c) of sub-section (1) of Section 119, Section 191, Sections 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329 and 333, clauses (a) and (b) of sub-section (1) of Section 334, Sections 335, 336, Chapter XIV of ²[the Uttar Pradesh Municipal Corporations Act, 1959] Sections 178, 179, 180, 180-A, 181, 182, 183, 184, 185, 186, 203, 204, 205, 206, 207, 208, 209, 210 and 222 of ³[the U. P. Municipalities Act, 1916] (or the said sections are extended under Section 338 thereof or under Section 38 of the United Provinces Town Areas Act, 1914), or, as the case may be, of Sections 162 to 171 of the ⁴[Uttar Pradesh Kshettra Panchayats and Zila Panchayats Adhiniyam, 1961] and of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 and the Uttar Pradesh Avas Evam Vikas

1. Ins. by U.P. Act 13 of 1975, Section 14.

2. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".

3. Subs. by U.P. Act 3 of 1997, Section 11, for the words "United Provinces Municipalities Act, 1916."

4. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Kshettra Samities and Zila Parishads Adhiniyam, 1961".

Parishad Adhiniyam, 1965, 1[(except in relation to those housing or improvement schemes which have either been notified under Section 32 of Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 before the declaration of the area comprised therein as development area or which having been notified under Section 28 of the said Adhiniyam before the said declarations are thereafter approved by the State Government for continuance under the said Adhiniyam or which are initiated after such declaration with the approval of the State Government hereinafter in this section referred to as Special Avas Parishad Schemes)] shall in respect of a development area remain suspended, and sub-section (3) of Section 139 of the 2[Uttar Pradesh Municipal Corporations Act, 1959], shall have effect as if the requirements as to constitution of a development fund were suspended with effect from the date of constitution of the Authority for that area and until the dissolution of such Authority, and the provisions of 3[Sections 6 and 24 of the United Provinces General Clauses Act, 1904] shall apply in relation to such suspension as if the suspension amounted to repeal of the said enactments by this Act, and in particular, all proceedings relating to acquisition of land and interest in land for improvement schemes under the said enactments pending immediately before such suspension before any Court, Tribunal or Authority may be continued and concluded in accordance with the provisions of the said enactments (which shall *mutatis mutandis* apply) as if those provisions were not suspended 4[and the powers, for doing anything which could, but for such suspension of the Uttar Pradesh (Regulation of Building Operations) Act, 1958, be done by the Prescribed Authority and Controlling Authority and which can, after such suspension be done by virtue of the application of Section 6 of the Uttar Pradesh General Clauses Act, 1904, shall vest in the Vice-Chairman and the Chairman respectively.]

(b) The operation of the provisions suspended by virtue of clause (a) shall revive upon the dissolution of the Authority under Section 58, and the provisions of 5[Sections 6 and 24 of the United Provinces General Clauses Act, 1904] shall apply in relation to the cesser of application of the corresponding provisions of this Act as if such cesser amounted to a repeal of these provisions of this Act, by an Uttar Pradesh Act.

6[(c) Without prejudice to the generality of the provisions of clauses (a) and (b), any bye-laws, directions or regulations under 7[the Uttar Pradesh Municipalities Act, 1916] or the Uttar Pradesh (Regulation of

1. Subs. by U.P. Act 47 of 1976, Section 6 (a) (i).
2. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
3. Subs. by U.P. Act 13 of 1975, Section 15 (a) (w.e.f. 15.08.1974).
4. Subs. by U.P. Act 47 of 1976, Section 6 (a) (ii).
5. Subs. by U.P. Act 13 of 1975, Section 15 (a) (w.e.f. 15.08.1974).
6. Ins. by U.P. Act 13 of 1975, Section 15 (a) (iii) (w.e.f. 15.08.1974).
7. Subs. by U.P. Act 3 of 1997, Section 11, for the words "United Provinces Municipalities Act, 1916".

Building Operations) Act, 1958 or ¹[the Uttar Pradesh Municipal Corporations Act, 1959], as the case may be, and in force on the date immediately before the date of commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act, continue in force, until altered, repealed or amended by any Competent Authority under this Act.]

(2) Where any area for which an Improvement Trust constituted under the United Provinces Town Improvement Act, 1919 is in existence is declared to be a development area under Section 3, the said Act, as well as the Uttar Pradesh Local Bodies (Appointment of Administrator) Act, 1961, if applicable, shall, in relation to such area, stand repealed as from the date of the constitution of the Development Authority for that area, and the Improvement Trust shall, as from that date stand dissolved.

(3) ²[On and from the constitution of the Development Authority in relation to a development area which includes the whole of a city as defined in the ³[Uttar Pradesh Municipal Corporations Act, 1959], all posts borne on the establishment of the ⁴[Municipal Corporation] of that city exclusively in connection with its activities under Chapter XIV of the said Act or under the Uttar Pradesh (Regulation of Building Operations) Act, 1958, immediately before the date of the constitution of the Development Authority, not being a post governed by the Uttar Pradesh Palika (Centralized) Services Rules, 1966 (hereinafter in this section referred to as the Centralized Services), shall, on and from such date, stand transferred to the Development Authority with such designations as the Authority may determine and officers and other employees who are not members of any Centralized Services, serving under the ⁵[Municipal Corporation] of that city not exceeding the number of posts so transferred shall be selected in accordance with such directions as may be issued by the State Government for being appointed on the said posts and on such selection shall stand transferred to and become officers and other employees of the Development Authority and shall as such hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as they would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority]:

Provided that any service rendered under the ⁶[Municipal Corporation] by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority :

1. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
2. Subs. by U.P. Act 13 of 1975, Section 15 (b) (w.e.f. 15.08.1974).
3. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
4. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".
5. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".
6. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper, and every such officer or other employee shall discharge those functions accordingly.

1[(4) On and from the date of the constitution of the Development Authority in relation to a development area which includes the whole of a city as defined in 2[the Uttar Pradesh Municipal Corporations Act, 1959] all posts governed by the Centralized Services which were borne on the establishment of the 3[Municipal Corporation] of that city exclusively in connection with its said activities immediately before the date of constitution of the Development Authority shall, on and from such date, stand transferred to the Development Authority with such designations as the State Government may determine, but all such posts shall continue to be filled by members of the Centralized Services, as they would have been filled had they not been so transferred to the Authority, and the said Adhiniyam and the rules relating to the Centralised Services shall be amended accordingly.]

(5) Every officer and other employee serving under an Improvement Trust referred to in sub-section (2) immediately before the date of the constitution of the Development Authority shall, on and from such date, be transferred to and become an officer or other employee of the Development Authority with such designations as the Authority may determine and shall hold office for the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority :

Provided that any service rendered under the trust by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority:

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act, as it may think proper, and every such officer or other employee shall discharge those functions accordingly.

(6) Notwithstanding the provisions of sub-sections (1) and (2)—

- (a) anything done or any action taken (including any notification issued or order or scheme made or permission granted) under any of the enactments referred to in sub-sections (1) and (2) shall, so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded

1. Subs. by U.P. Act 13 of 1975, Section 15 (c) (w.e.f. 15.08.1975)
 2. Subs. by U.P. Act 3 of 1967

- by anything done or any action taken under the provisions of this Act;
- (b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any local authority constituted under any enactment referred to in sub-sections (1) and (2) in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Development Authority concerned;
 - (c) all properties, movable and immovable, vested in an Improvement Trust referred to in sub-section (2) shall vest in the Development Authority concerned, all properties, movable and immovable, vested in any other ¹[local authority constituted under any enactment referred to in sub-section (1)] in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall vest in the Development Authority concerned;
 - (d) all rents, fees and other sums of money due to an Improvement Trust referred to in sub-section (2) or in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to be due to the Development Authority;
 - (e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against ²[any authority appointed or constituted under any enactment referred to in sub-section (1)] or sub-section (2) in relation to the performance of functions assigned to the Development Authority by this Act, may be continued or instituted by, for or against the Development Authority;
 - ³[(f) all appeals under sub-section (2) of Section 15 of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 in relation to an area, declared under this Act as a development area, pending before the Controlling Authority on the date of such declaration shall stand transferred to the Chairman and the decision of the Chairman shall be final and all such appeals which were addressed to the Controlling Authority and which were entertained by the Chairman after the said declaration shall be deemed to have been preferred to the Chairman and the decision of the Chairman shall be final.]

1. Subs. by U.P. Act 13 of 1975, Section 15 (d) (i) (w.e.f. 15.08.1974).

2. Subs. by U.P. Act 13 of 1975, Section 15 (d) (ii) (w.e.f. 15.08.1974).

3. Ins. by U.P. Act 13 of 1975, Section 15 (d) (iii) (w.e.f. 15.08.1974).

Explanation.—For the purposes of this sub-section, the Development Fund referred to in sub-section (3) of Section 139 of ¹[the Uttar Pradesh Municipal Corporations Act, 1959], and all properties created out of that fund, and all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Corporation in relation to such properties or in relation to the functions specified in Chapter XIV of the said Act, shall be deemed to relate to the performance of functions assigned to the Development Authority by this Act and clauses (a), (b), (c), (d) and (e) shall apply accordingly.

(7) If any dispute arises between any Local Authority or a Development Authority whether for purposes of clauses (b), (c) and (d) of sub-section (6) any debt, obligation or liability was incurred or any contract was entered into or anything was engaged to be done by, with or for any local authority, or any property vested in any local authority, or any rent, fee or other sum was due to any local authority, in relation exclusively to the performance of functions assigned by this Act to the Development Authority it shall be referred to the State Government whose decision shall be final and shall not be questioned in any Court.

(8) If any question arises whether for the purpose of sub-section (3) any officer or other employee of the ²[Municipal Corporation] concerned was immediately before the date of constitution of the Development Authority employed exclusively in connection with the performance of functions under Chapter XIV of ³[the Uttar Pradesh Municipal Corporations Act, 1959] in the area for which the Development Authority is constituted it shall be referred to the State Government, whose decision shall be final and shall not be questioned in any Court.

(9) Nothing in sub-sections (3) and (4) shall apply to an officer or other employee of a ⁴[Municipal Corporation] or an Improvement Trust, as the case may be, who within one month from the date of the constitution of the Development Authority concerned intimates the Corporation, or Trust of his option not to become an employee of the Development Authority, and on receipt of such intimation by that body, his employment thereunder shall stand immediately determined, and his post under that body shall stand abolished, and he shall be entitled to receive from that body compensation—

- (a) if he was employed immediately before the date of the constitution of the Development Authority, in a permanent capacity, equivalent to three month's salary;

1. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
 2. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".
 3. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
 4. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".

- (b) if he was employed immediately before the date of the constitution of the Development Authority in a temporary capacity, equivalent to one month's salary.

Explanation.—In this sub-section, the expression "salary" includes Dearness Allowance, Special Pay or any other, like periodical allowance or pay.

(10) Notwithstanding anything contained in the U.P. Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of services of any officer or the employee of the Development Authority under sub-section (3) or sub-section (5) shall not entitle him to any compensation under that Act or such other law and no such claim shall be entertained by any Court, Tribunal or Authority.

(11) Notwithstanding anything contained in sub-sections (3) and (5) no appointment made or promotion, increment in salary, pension, allowance or any other benefit granted to any person after the commencement of this Act and before the date of constitution of the Development Authority which in the opinion of the Development Authority would not ordinarily have been made or granted or would not ordinarily have been admissible under the terms and conditions of service in force prior to the commencement of this Act shall have effect or be payable or claimable from the Development Authority or from any provident, pension or other fund or from any Authority administering the fund unless the State Government has, by general or special order, confirmed the appointment, promotion or increment or has directed the continued grant of the pension, allowance or other benefit, as the case may be.

(12) For the persons who immediately before the date of constitution of the Development Authority were trustees of any pension, provident, gratuity or other like fund constituted for the officers and other employees referred to in sub-section (3) or sub-section (5), other than trustees nominated by or under any law, they shall be substituted as trustees such persons as the State Government may by general or special order specify.

(13) For the purposes of clauses (b), (c), (d) and (e) of sub-section (6) all the functions of a ¹[Municipal Corporation] under Chapter XIV of ²[the Uttar Pradesh Municipal Corporations Act, 1959] and all the functions of the Uttar Pradesh Avas Evam Vikas Parishad under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, other than those related to any ³[Special Avas Parishad Schemes] shall be deemed to be functions assigned to the Development Authority by this Act.

⁴[(14) Notwithstanding anything contained in Section 365 of ⁵[the Uttar Pradesh Municipal Corporations Act, 1959] all acquisition of land

1. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Nagar Mahapalika".
2. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".
3. Subs. by U.P. Act 47 of 1976, Section 6 (b).
4. Ins. by U.P. Act 19 of 1976, Section 10 (ii), retrospectively and subs. by U.P. Act 6 of 1982.
5. Subs. by U.P. Act 3 of 1997, Section 11, for the words "Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959".

and interest in land for an improvement scheme the functions in respect of which are to be deemed as functions assigned to Development Authority under sub-section (13) shall be completed at least up to the stage of making awards on or before December 31, 1982.]

60. Repeal and savings.—(1) The Uttar Pradesh Urban Planning and Development Ordinance, 1973 (U.P. Ordinance 7 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 12th day of June, 1973.
