

## CHAPTER XIV

### REPEAL AND SAVINGS

188. (1) On and from the appointed day—

Repeal and  
savings.

Bom.  
LXIX  
of  
1948

(a) the Bombay Housing Board Act, 1498, as in force in the Bombay and Hyderabad Area of the State,

M.P.  
Act  
XLIII  
of  
1950.

(b) the Madhya Pradesh Housing Board Act, 1950, as in force in the Vidarbha Region of the State ;

Mah.  
XI, VII  
of  
1969.

(c) the Bombay Building Repairs and Reconstruction Board Act, 1969 ;  
[and]

Mah.  
XXIII.  
of  
1973.

(d) the Maharashtra Slum Improvement Board Act, 1973 ;<sup>2</sup>

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shall stand repealed :

Provided that, the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, proceedings, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

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<sup>1</sup> The word "and" was inserted by Mah. 54 of 1977, s.6(a).

<sup>2</sup> The word "and" was deleted, *ibid.*, 5(b).

<sup>3</sup> Clause (c) was deleted, *ibid.*, s. 6(c).

and any such investigation, proceedings, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed ;

Provided further that subject to the preceding proviso and any saving provisions made elsewhere in this Act, anything done or any action taken under the provisions of any law so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act ; and shall continue to be in force accordingly unless and until superseded by anything done or action taken under this Act ;

(2) (a) Any reference in any law or in any instrument or other document to the provisions of any law so repealed shall, unless a different intention appears, be construed as a reference to the corresponding provisions of this Act ;

(b) any reference in any law or in any instrument to any existing Board shall, unless a different intention appears, be construed as a reference to the Authority and such law or instrument shall apply to the Authority.

Consequences  
of repeal.

189. With effect from the appointed day, without prejudice to the generality of the provision of the provisos to sub-section (1) of section 188, the following consequences shall, unless the State Government by a general or special order directs otherwise, ensue that it is to say,—

(a) all properties, moveable and immovable and interests of whatsoever nature and kind therein which vested in an existing Board immediately before the appointed day shall be deemed to be transferred to, and shall vest, without further assuarance, in the Authority subject to all limitations and conditions and rights or interests of any person, body or authority in force or subsisting immediately prior to the appointed day ;

(b) all rights, liabilities and obligations of an existing Board including those arising under any agreement or contract shall be deemed to be the rights, liabilities and obligations of the Authority ;

(c) all sums due to an existing Board, whether under any contract or otherwise shall be recoverable by the Authority, and for the purposes of such recovery, the Authority shall be competent to take any measures or institute any proceedings which it would have been open to the existing Board or any Authority thereof to take or institute before the appointed day ;

(d) any fund vesting in an existing Board shall be deemed to be the fund of the Authority ;

(e) all contracts made with, and all instruments executed on behalf of, an existing Board shall, subject to the provisions of section 179, be deemed to have been made with, or executed on behalf of, the Authority, and shall have effect, accordingly ;

(f) if, on the date of constitution of the Authority, any suits, appeals or legal proceedings of whatever nature by or against any existing Board are pending, then such suits, appeals or legal proceedings shall not abate, be discontinued or be in any way prejudicially affected by reason of transfer to the Authority of the property, assets, rights and liabilities of the existing Board, but the suits, appeals or legal proceedings may be continued, prosecuted and enforced by or against the Authority;

Mah. XLV of 1963. Mah. XXV-III of 1977. **190.** The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, shall not apply to the Authority duly constituted under the Maharashtra Housing and Area Development Act, 1976, or to any land or building belonging to or vesting in any such Authority. Mah. XLV of 1963 not to apply to Authority, etc.

Mah. XXX-VII of 1966. **191.** In the Maharashtra Regional and Town Planning Act, 1966,— Amendment of section 2 and 40 of Mah. XXXVII of 1966.

\*<sup>1</sup>[(a) in section 2, in clause (15), in paragraph (c), for sub-paragraph (ii), the following sub-paragraphs shall be substituted, namely :—

Mah. XXV-III of 1977. "(ii) the Authority constituted under the Maharashtra Housing and Area Development Act, 1976 ;

C.P. and Berar XXX-VI of 1936. "(iii) the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936, " ;]

(b) in section 40, in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

Mah. XXV-III of 1977. "(aa) appoint the Authority constituted under the Maharashtra Housing and Area Development Act, 1976, or "

Bom. LII of 1956. **192.** In the Bombay Legislature Members ( Removal of Disqualifications) Act, 1956, in Schedule I, for entry 15, the following entry shall be substituted, namely :— Amendment of Schedule I of Bom. LII of 1956.

Mah. XXV-III of 1977. "15. The office of a member of the Maharashtra Housing and Area Development Authority (including the President and the Vice-President thereof) constituted under the Maharashtra Housing and Area Development Act, 1976, or a member of any of the Housing and Area Development Boards ( including the Chairman and the Vice-Chairman thereof) established under that Act, or a member of any Panchayat ( including the Sarpanch and Upa-Sarpanch thereof) established under that Act, by reason only of his holding such office."

**193.** [Substitution of section 272 of C.P. and Berar II of 1950] Deleted by Mah. 54 of 1977, s. 7.

<sup>1</sup> Clause (a) was deemed to have been substituted for the original on 21st November 1977 by Mah. 29 of 1978, s.3.

\* Section 4 of Mah. 29 of 1978 reads as follows :—

Mah. XXV-III of 1977. Mah. XXXVII of 1966. "4. For the removal of doubt, it is hereby declared that clause (a) of section 191 of the Maharashtra Housing and Area Development Act, 1976, which Removal of doubt. alongwith the other provisions of that Act, was brought into force on the 5th December 1977, shall come into force, and shall be deemed to have come into force, on that day, as amended by this Act, and the Nagpur Improvement Trust shall be deemed to have continued without any break as a local authority for the purposes of clause (15) of section 2 of the Maharashtra Regional and Town Planning Act, 1966."