

फक्स:- २२०३३०१८

दूरध्वनी:२२०३४९१६

२२०३७५०७

२२१९०५००

तार का पता: राज्य ऑडिट

क्र.सा.क्षे.-१/प्रभार III & IV/आय.आर.नं.५४९/फा.न. १०९५/

दिनांक:

सेवा में,

सहायक नगररचनाकार,
नगर रचना विभाग,
उल्हासनगर महानगरपालिका,
उल्हासनगर.

विषय: २०१२-१३ से २०१५-१६ तक की अवधि के आपके कार्यालय के लेखाओं का निरीक्षण रिपोर्ट।

महोदय,

उपरोक्त लेखों का निरीक्षण रिपोर्ट इसके साथ भेज रहा/रही हूँ जिसका स्थानीय लेखा परीक्षा पार्टी द्वारा दिनांक ०६/०९/२०१६ से १४/०९/२०१६ तक किया गया था और आपसे निवेदन करता/करती हूँ कि इसमें शामिल किए गए सभी पैराग्राफों का पूर्ण रूप से दस्तावेजों सहित उत्तर कार्यालय में शीघ्र भेज दिया जाए और आपके कार्यालय में इस रिपोर्ट मिलने की तारीख से किसी भी परिस्थिति में एक माह से अधिक बिलंब नहीं हो जैसा कि वित्त विभाग के सरकारी अधिसूचशा सं. बी.जी.एल. ११६१/९१, दिनांक २६/०५/१९९१ में निर्धारित किया गया है।

दि
Town Planning department ला
अवगत करे।

भवदीय,

हस्ता

व.लेखा परीक्षा अधिकारी/सा.क्षे.- १

क्र.सा.क्षे.-I/प्रभार-III & IV/आय.आर.नं. ५४९/फा.न. १०९५/०७७५५ १०० ३१/०३/१७

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रेषित:

- ०१). आयुक्त, उल्हासनगर महानगरपालिका, उल्हासनगर.
- ०२). सचिव,महाराष्ट्र शासन, नगर विकास विभाग, बांधकाम भवन, फोर्ट, मुंबई-४००००१.
- ०३). मुख्य लेखापरीक्षक, स्थानीय लेखा निधि, कोंकण भवन,सी.बी.डी. बेलापुर, नवी मुंबई -४००६१४
- ०४). मुख्य लेखापरीक्षक, उल्हासनगर महानगरपालिका, उल्हासनगर.
- ०५). अतिरिक्त प्रत

व.लेखा परीक्षा अधिकारी/सा.क्षे.- १

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Inspection Report on the accounts maintained by the Assistant Director, Town Planning Department, Ulhasnagar Municipal Corporation, Ulhasnagar for the period 01.04.2012 to 31.03.2016 under Section 14(2) of C&AG's (DPC) Act, 1971

Part-I-A: Introductory

A test check on the accounts of the Asstt. Director, Town Planning Department, Ulhasnagar Municipal Corporation, Ulhasnagar for the period 01.04.2012 to 31.03.2016 was conducted locally during 06.09.2016 to 14.09.2016 by an audit team comprising of Shri Sanjay Kumar, AAO, Smt.J.M. Kulkarni, AAO, Smt. Aarti Deodhar, AAO and Shri D. S. Ghadse, Sr. Auditor under the supervision of Shri S.N.Fulzele, Sr. Audit Officer.

(i) Personnel:-

The following personnel held the charge of the post of the Asstt. Director, Town Planning Department Ulhasnagar Municipal Corporation, Ulhasnagar during the period covered by audit:

S.N.	Name of Officer	Period
1.	Shri.Shaikh(1.4.12 to 31.5.12) Shri.P.R.Thakur(31.5.12 to 03.8.12) Shri.Pralhad Hoge Patil(3.8.12 to 31.3.13)	01.04.2012 to 31.03.2013
2.	Shri.Pralhad Hoge Patil(1.4.13 to 10.10.13) Shri.H.R.Thakur(14.11.13 to 31.3.14)	01.4.2013 to 31.03.2014
3.	Shri.H.R.Thakur(01.4.14 to 10.6.14) Shri.Nagargoje(11.6.14 to 30.6.14) Shri.Milind Sonawani(30.6.14 to 31.3.15)	01.04.2014 to 31.03.2015
4.	Shri.Milind Sonawani(1.4.15 to 10.7.15) Shri.,Sanjeev Karpe(10.7.15 to till date)	01.04.2015 to 31.3.2016

ii) Revenue and expenditure:-

The details of revenue received and expenditure incurred during the period covered by audit were as under:

(Rs.in Thousands)

S.N.	Head of Account	2012-13		2013-14		2014-15		2015-16	
		Budget	Actuals	Budget	Actuals	Budget	Actuals	Budget	Actuals
1	Development Charges	37695	6177	20000	10725	20000	28799	20000	19839
2	Bldg.Permission fee & Premium	120000	141881	500000	183907	500000	47644	560000	242305
3	Stocking of Bldg. material on road site	289	511	700	618	1000	235	1000	515
4	Other fees	300	453	500	297	500	150	500	---

(iii) Activities:

1. To implement Development Plan for Ulhasnagar City.
2. To give approvals to Building/Development Plan or Proposal as per sanctioned Development Control Rules.
3. Acquisition of Reservation Roads widening as per Development Plan.
4. To implement Slum Redevelopment Scheme (SRD) for Slums.
5. Development of Reservation as per sanctioned Development Plan.

(iv) Audit/Inspection:-

The audit of the unit by Local fund has been completed upto the year 2012-13 and report has been received.

(v) The cases of misappropriation/ embezzlement during the period covered by audit are reported to be nil.

(vi) There were 45 cases pertaining to the department pending in the court of law and were monitored by legal cell of the Corporation.

(vii) Accounts upto 2015-16 were finalized and approved by the Standing Committee of the Corporation.

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Disclaimer

The Inspection Report has been prepared on the basis of the information furnished and the records made available by Asstt. Director, Town Planning Department, Ulhasnagar Municipal Corporation, Ulhasnagar. The office of the Pr. Accountant General (Audit)-I, Maharashtra Mumbai disclaims any responsibility for any non information and /or misinformation on the part of the Auditee organization.

Part I B: Paras outstanding from previous Inspection Report

Inspection Report for the period 1997-2002

Para 01: Violation of MRTP act and irregular allowance of extension of completion of buildings under reserved plot without taking possession of Municipal share

Details possession in the remaining cases may be furnished. Para retained.

Para 02: Development of site no. 193 reserved for parking cum commercial shopping centre.

Supporting documents may be furnished. Para retained.

Inspection Report for the period 2006-2009

Para 4: Non recovery of penalty of Rs. 30.44 crore from the unauthorized buildings subsequently regularized by designated authority

Para is retained for full and final compliance.

Para 6: Improper maintenance of records and non compliance of conditions laid down in MRTP Act 1966

Full and final compliance in respect of all the issues raised in the para may be furnished.

Inspection Report for the period 2009-2010

Para 7: Excess grant of FSI in violation of DC rules.

Compliance with reference to issues in the audit objection may be furnished. Para retained.

Para 8: Irregular grant of FSI

Para is retained for full and final compliance.

Para 9: Granting of additional FSI against parking to be surrendered to corporation and short recovery of development charges of Rs. 1.07 lakhs.

Detailed compliance with reference to issues pointed out in the audit para may be furnished. Para retained.

Para 11: Irregular grant of extra FSI against surrender of parking.

Supporting documents may be furnished. Para retained.

Para 12: Irregular approval of plan

Para is retained for full and final compliance.

Para 13: Excess granting of FSI in violation of DC rules

Supporting documents may be furnished. Para retained.

Inspection Report for the period 2011-2012

Para 9: Non implementation of guidance at national building code in UMC

Para is retained for final compliance.

Para 10: Non recovery of labour welfare cess from the buildings permission was granted

Para is retained for full and final compliance.

Part I- C Persistent Irregularities

Nil

Part II -Current Audit:

Part II A -Major Irregularities

Para 1: Delay in implementation of Govt notification resulted in revenue forgone Rs. 95.65 lakhs

According to section 124 B of the MRTP Act 1966, on and from the date of commencement of the MRTP (Amendment) Act 2010, development charges shall be levied and collected by the authority at the rate specified in column 4 of the second schedule.

As per column 4 of schedule II, the charges for development of land for residential or institutional use also involving buildings or construction operation were revised at 0.5 percent of the rates of developed land mentioned in the stamp duty ready reckoner (SDRR) and 2 percent of developed land mentioned in the SDRR for construction. The Govt had notified the said

amendment on 01.12.2010 and applicable from 01.03.2011. As per revised rate mentioned in column 4 of the II schedule of section 124 b of the MRTP Act 1966 charges were required to be levied @ 2.5 percent of current SDRR, however, the recovery was made as per Rs. 120 per sqm. The rate leviable was considered Rs. 300 per sqm (2.5% of Rs. 12000 SDRR for the year 2012-13. The rate of levy of development charges was Rs. 120 per sqm(1 percent of SDRR).

In pursuance of the above notification Ulhasnagar Municipal Corporation had to implement the said notification and development charges were to be recovered at enhanced rate with effect from 01.03.2011.

Scrutiny of relevant records revealed that the said notification was approved by General Body of the Corporation only on 06.03.2013 and decided to recover the development charges at enhanced rate with effect from 01.01.2013. Thus delay in implementation of Govt notification led to revenue forgone of Rs.95.65 lakhs during the period 01.04.2012 to 31.12.2013. If the Corporation had implemented the said notification immediately the said amount could have been saved by the Corporation.

The reasons for delay in implementation of Govt notification and subsequently loss to the Corporation were called for in audit.

On this being pointed out in audit the department stated that the notification of Govt received in March 2012 late by the Corporation and sanction of the same from General body took time.

The reply of the department is not tenable as matter was relating to financial health of the Corporation and should have been taken up promptly. Further General body of the Corporation should have implemented the revised rate from the earlier dates instead of 01.01.2013. The audit is opined that the matter should have been taken up by the competent authority once again and an earlier date of implementation should have been decided.

Further progress is awaited.

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Part II B: - Other Observations

Para 2: Short recovery of development charges Rs. 8.51 lakh

In pursuance of amendment made in section 124 of MRTP Act 1966, the Ulhasnagar Municipal Corporation has revised the rate of development charges wef 01.01.2013.

Scrutiny of records relating to levy and collection of development charges from developer revealed that even after revision of rates of development charges, in respect of the cases detailed below the development charges continued to be recovered at the old rates. This resulted in short recovery of Rs. 851450/-. After March 2013 in almost all cases development charges were recovered at new rates. We had verified border line cases in which short recoveries were noticed. Cases having arrears more than 500 sqm were verified out of which approximately 50 cases were scrutinized.

Name and address of party	Dt of application	Area (Sq M)	Deveopment charges recoverable	Developme nt charges recovered	Short recovery of DC
Vridhi Nirman,Haresh Guhajani CTS 30345 Unagar 5	10.01.2013	3102 (R) SDRR 12000	930600	372240	558360
Manoj L Jagwani CTS 24392,93 Unagar 5	16.04.2013	485.70 SDRR 13900	168780	119020	49760
Kavita Enterprises Unit no 25 Unagar 5	06.03.2013	680 SDRR 13900	236300	47600	188700
Sukhdev Vithal Ahire, CTS no. 30357 U nagar 4	12.03.2013	336 SDRR 13200	110880	56250	54630
Total					851450

The above observations were illustrative and not exhaustive. Such type of cases during transition period of implementation of new rate may please be verified by the department.

On this being pointed out in audit the department stated that the matter would be verified and result there would be communicated to audit.

Further progress is awaited.

Para 3: Non-acquisition of land under reservation and irregular issue of building permission.

Government, in Urban Development Department under section 31 (1) of the Maharashtra Regional and Town Planning Act, 1966 sanctioned the Development Plan of Ulhasnagar Municipal Corporation (UMC) vide Notification dated 20.05.1974. In the said Development Plan, Sheet No-31 and 40 in Camp No-4 of UMC was reserved for garden.

As per Section 127 of the MRTP Act, 1966 if the land under reservation was not acquired within 10 years from the date on which final Development Plan came into force, the land under reservation was deemed to have been lapsed.

UMC was required to acquire the land within 10 years from the date on which final Development Plan came into force. However, the said land under reservation was not acquired by the UMC. Further, as per the section 127 of the MRTP Act, 1966 the owner of the land issued a notice to the UMC intimating to purchase his interest of land by UMC within prescribed time period of 12 months. The UMC was required to initiate action to acquire the land within 12 months. However, this was not done. Hon'ble High court vide its order dated 16 April 2012 also held that the said reservation to the extent of the said land stands lapsed under section 127 of the MRTP Act, 1966.

Further, the UMC submitted the Draft Development Plan of the city for the period 2010-35 to the Government under which the said land was again included under reservation as land for garden. The Development Plan is pending with Government pending final approval under Section 31 of the MRTP Act.

It was noticed that the building permission was issued to the Gurudayal Singh on 21.11.2015 despite the fact that the land in question was included as reserved land for garden in Development Plan submitted to Government, the final sanction of which is pending with the Government.

On this being pointed out in audit the department stated that the building permission was issued in accordance with the order of Hon High court.

The reply of the department is not tenable as due to negligence of the department the reserved plot could not be acquired in time as per the Section 127 of the MRTP act.

Further progress is awaited.

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Para 4: Non submission of claim for rebate on account of Labour Welfare Cess from the Building Construction Workers Welfare Board Rs. 137099/-

As per Government of Maharashtra, Industry, Energy and Labour Department Circular No. BCA2009/Pra.Kra.108/Labour 7-A dated 17-6-2010, Labour Welfare Cess at the rate of one percent of the cost of construction in respect of building permission granted from 01-07-2010 onwards is to be levied and recovered. As per Para 4 of above GR the department is required to submit an Annual Report before 15th May of the next financial year to the Building Construction Workers Welfare Board, regarding the amount of Cess recovered and deposited into Government account during the previous year. In turn, the Board would refund the Corporation, one percent of actual amount of Cess remitted or actual expenditure incurred for collection whichever is less. Scrutiny of records relating to levy and collection of welfare cess revealed that the Ulhasnagar Municipal Corporation collected amounts as detailed below on account of welfare cess, however, the rebate on the same was neither refunded by the Welfare Board nor claimed by UMC. Further, scrutiny revealed that there were no records with the department from the year 2014 to indicate the amount of welfare cess paid to Board by persons who were granted building permissions in the UMC area in the absence of which it was not possible to claim the amount due from the Welfare Board.

Year	Labour Welfare Cess deposited into Government account (Rs.)	Rebate receivable (Rs.)
2012-13	7127290	71272
2013-14	6582775	65827
	Total	137099

On this being pointed out in audit the department stated that necessary action would be taken to claim the municipal part of the cess from the Welfare Board.

Further progress is awaited.

Para 5: Pending issue of Occupancy Certificate.

As per Regulation No. 7.7 of the Development Control Regulations of “The Building Regulations and Development Control Rules for Kalyan Complex Notified Area 1976”, the owners are required to apply for the Occupancy Certificate in Appendix K after completion of the construction activity and before the property are brought into use. The Municipal Commissioner may inspect the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in Form No. 19.

Scrutiny of records revealed that out of 436 Commencement Certificates issued during the period from 01-04-2012 to 31.03.2015, only 22 occupancy Certificates as detailed below were issued which 5 % of the total OC was issued. Further, 1477 Occupancy Certificates issued during this period include the Occupancy Certificates pertaining to the Commencement Certificates issued in the period prior to April 2010. It is observed that rate of issue of OC against the CC was very meager due to which chances of unauthorized construction could not be ruled out.

Year	Total no of CC issued	No of OC issued	Pending OC
2012-13	141	7	134
2013-14	112	6	106
2014-15	33	1	32
2014-15	150	8	142
Total	436	22	414

On this being pointed out in audit the department stated that necessary action would be taken in this regard under intimation to audit

Further progress is awaited.

Para 6:- Non achievement of targets of Development Plan

According to Sec 21, 22 & 26 of the Maharashtra Regional & Town Planning Act, 1966 (MRTP Act) every Planning Authority should carry out survey, prepare an existing land-use map and prepare a Development Plan for the area within its jurisdiction, in accordance with the provisions of a Regional Plan, proposals for allocating the use of land for purposes such as residential, industrial, commercial, agricultural, recreational, etc.

While scrutiny of records, the following facts were noticed.

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1. Development Plan for Ulhasnagar jurisdiction was prepared in 1974 in which 204 areas were initially earmarked for schools, market, gardens etc., out of which 186 sites were sanctioned.

2. As per the present status, only 21 sites were fully implemented and 1 site partly implemented. This implementation was only 11% of the sanctioned sites even, it was reported that the remaining sites were fully encroached. Non-implementation of the development plan deprived the citizens of the usage of public places such as schools, hospital, playgrounds, parks, etc. The lands situated in the jurisdiction of Ulhasnagar Municipal area belong to Govt of India and till 1987 it was under the Administrator. In March 1987 the reserved plots were handed over to the Chief Officer, Municipal Council, Ulhasnagar which were mainly embarked for playground, gardens and municipal schools. It was stated by the department that the reserved plots handed over by administrator were already encroached. Further due to shortage of staff and financial crunch the reserved plots were not developed.

The reasons for non achievement of target of development plan were called for in audit.

On this being pointed out in audit, department stated that the plots handed over by the Administrator were already encroached and due to shortage of manpower the encroachments could not be evicted. The reply of the department is not tenable as the Corporation could not acquire the plots under encroachment even after a lapse of so many years thus depriving the citizens of the intended benefits.

Further progress is awaited.

PART III: Test Audit Note

- Nil-

Shambhaji
Sr. Audit Officer/SS-I