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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 526]

भोपाल, सोमवार, दिनांक 23 दिसम्बर 2019—पौष 2, शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 23 दिसम्बर 2019

क्र. 21939-343-इक्कीस-अ(प्रा.)—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश नगर तथा ग्राम निवेश (संशोधन) विधेयक, 2019 (क्रमांक 35 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL
No. 35 OF 2019

THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH
(SANSHODHAN) VIDHEYAK, 2019

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MADHYA PRADESH BILL
No. 35 OF 2019

**THE MADHYA PRADESH NAGAR TATHA GRAM NIVESH
(SANSHODHAN) VIDHEYAK, 2019**

**A Bill Further to amend the Madhya Pradesh NAGAR TATHA GRAM NIVESH
Adhiniyam, 1973.**

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows :-

**Short title and
commencement.**

1. (1) This Act may be called the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan) Adhiniyam, 2019.
- (2) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

**Amendment of
Section 2.**

2. In Section 2 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) (hereinafter referred to as the principal Act),-

(i) after clause(e), the following clauses shall be inserted namely :—

“(ea) “compensation” means the reconstituted final plot provided in the town development scheme to equalise the total value of original plot;

“(eb) “contribution” means the share of increment in value of the final plot to be levied from the land owner due to increase in value by providing infrastructure in town development scheme as per clause (f) of sub-section (4) of Section 50 ;”;

(ii) after clause (i), the following clause shall be inserted, namely:—

“(i-1) “final plot” means a plot reconstituted in a town development scheme as a final plot;”;

(iii) after clause (m), the following clause shall be inserted, namely :—

“(m-1) “original plot” means a portion of land held in single or joint ownership and numbered and shown as one plot in a town development scheme;”.

**Amendment of
Section 17.**

3. In Section 17 of the principal Act, in clause (j), for full stop, semi-colon shall be substituted and thereafter the following new clause shall be added, namely:—

“(k) indicate in development plan, tentative delineation of town development scheme boundaries for preparation and implementation of these town development schemes over the plan period or in phases.”.

**Amendment of
Section 38**

4. In Section 38 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

“(2A) The State Government may also designate a government agency or a Government owned company or urban local body, as the Town and Country Development Authority, and may delegate specific duties and responsibilities such as the preparation and implementation of Town Development Schemes, to the exclusion of development authority of the town for such specific area within planning area:

Provided that the provisions of sections 39 to 48 shall not be applicable to such agencies.

5. For Section 49 of the principal Act, the following section shall be substituted, namely:—

**Substitution of
Section 49.**

“49. **Town Development Scheme.** – (1) The Town and Country Development Authority shall prepare and implement one or more town development schemes within its jurisdiction and in conformity with the proposals of the development plan. The town development scheme may be prepared for—

- (a) an area that is proposed for future development in the development plan; or
 - (b) an area that is in the process of development; or
 - (c) the redevelopment of an already developed area; or
 - (d) any area that has been notified under the repealed provisions of the Act, as town development scheme but development has either not started or in progress,
- in such manner as may be prescribed.

(2) A town development scheme may provide for any of the following purposes:

- (a) acquisition, development, sale, leasing or reconstitution of land for purpose of town expansion;
- (b) reconstitution of plots for the purpose of buildings, roads, drains, sewage lines and other similar amenities;
- (c) undertaking of such building or construction work as may be necessary to provide housing, shopping, commercial or other facilities;
- (d) any other work of a nature such as that would bring about environmental improvements which may be taken up by the Town and Country Development Authority with the prior approval of the State Government.

(3) A town development scheme may provide for any of the following matters, namely:—

- (a) the layout or re-layout of land, either vacant or already built upon;
- (b) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;
- (c) the construction, alteration and removal of buildings, bridges and other structures;
- (d) the allotment or reservation of land for roads, open spaces, facilities for health and education and public purposes of all kinds;

- (e) facilities for all transportation modes, particularly, the safe movement of pedestrians and non-motorized vehicles;
- (f) facilities for physical infrastructure and municipal services including water supply, waste water management systems, storm water drainage, solid waste management and street lighting;
- (g) the conservation of natural and cultural heritage;
- (h) allocation of land for affordable housing for low and informal income groups;
- (i) slum improvement, in-situ redevelopment or relocation and rehabilitation in conformity with the prevailing laws and policies in this regard;
- (j) provisions to ensure ecologically sustainable development;
- (k) reservation and allocation of land to the Town and Country Development Authority for sale to recover the cost of preparing and implementing the town development scheme and providing the infrastructure therein;
- (l) any other residual infrastructure or work;
- (m) any infrastructure or development work which may be necessary for such scheme in future;
- (n) (i) the authority shall return to the extent possible 50 percent of original plot as final plot to the land owner. As far as possible the distribution of land in the scheme shall be as below :—
- I. twenty percent for roads,
 - II. five percent for parks, play-grounds and open space,
 - III. five percent for social infrastructure such as school, dispensary, fire brigade, public utility place as earmarked in the draft town development scheme, and
 - IV. twenty percent for sale by appropriate authority for residential, commercial, low and informal income housing or industrial use depending upon the nature of development:
- Provided that the percentage of the allotment of land specified in paragraphs I to IV may be altered by the development authority depending upon the nature of development and for the reasons to be recorded in writing;
- (ii) the proceeds from the sale of land referred to in paragraph IV of sub-clause (i) shall be used for the purpose of providing infrastructural facilities;
- (iii) the land allotted for the purpose referred to in paragraphs II and III of sub-clause (i) shall not be changed by variation of schemes for the purpose other than public purpose;
- (o) development control regulations to be followed by all construction within the town development scheme including urban design guidelines to ensure the development of efficient, livable and aesthetically harmonious urban areas, provided that they are in conformity with the proposals and intent of the development plan.”.

6. For Section 50 of the principal Act, the following section shall be substituted, namely:—

Substitution of
Section 50.

“50. Preparation of town development schemes.—(1) (a) The Town and Country Development Authority shall submit a proposal for the preparation and implementation of a town development scheme with phasing plan to be followed, to the Director with a copy to the State Government. Within fifteen days of submission of the proposal to Director, the Development Authority shall issue a public notification of the proposal in the Gazette and in prominent Hindi newspapers. By this notification the Director shall prohibit all development in the scheme area till further notification upon the approval or disposal of the proposal by the State Government.

(b) Town development scheme notified under the repealed provisions of the Act, but development has either not started or not been taken up for any reasons, shall lapse. However, where infrastructural development work was initiated and an expenditure upto 10 percent has been incurred as calculated on date of amendment in the Act, and land owners reimburse expenditure incurred on the scheme, to the development authority, the scheme shall lapse as may be prescribed:

Provided that, not later than six months, the town and development authority may draw a fresh scheme, as may be prescribed, till such time the Director shall prohibit all development in the scheme area, so as not to adversely affect the viability of the scheme:

Provided further that the town development scheme, where any infrastructural development work is in progress with more than 10 percent of expenditure on the estimated cost as calculated on the date of amendment, the scheme shall continue as published under the provision of the Act.

(c) The Director shall examine the proposal and hold consultations with the concerned Development Authority officials and send the scheme along with his opinion or otherwise with development plan proposals to the State Government within one month of receipt of the proposal.

(d) Within three months from the date of receipt of the proposal, the State Government may either approve the proposal as it is or may approve with modifications or may reject the proposal with reasons after giving due opportunity of hearing to the Development Authority:

Provided that the State Government may extend the above specified period for another three months, if found necessary.

(2) As per the State Government's response, the Development authority shall issue a notification within one month in the Gazette and in minimum two prominent Hindi newspapers, declaring its intention to prepare the town development scheme or withdrawing its proposal, as the case may be.

(3) Not later than six months from the date of publication of the declaration under sub-section (2), the Town and Country Development Authority shall prepare a draft town development scheme in such form and manner as may be prescribed, together with a notice inviting objections and suggestions from any person with respect to the said draft town development scheme before such date as may be specified therein, such date not being earlier than thirty days from the date of publication of such notice:

Provided that on an application by the Town and Country Development Authority in that behalf, the State Government may, from time to time, by notification, extend the aforesaid period by such period or periods as may be specified therein, so however that the period or periods so extended shall not in any case exceed three months in the aggregate.

(4) The draft town development scheme shall contain the following particulars, namely:

- (a) the area, ownership and tenure of each original plot;
- (b) the particulars of land allotted or reserved under clause (d) of sub-section (3) of section 49 and full description of all other details of the scheme under sub-section (3) of section 49 as may be applicable:

Provided that the areas reserved for public purpose shall be proportionately distributed among the residents within the area of the scheme, other areas adjacent to the scheme or town level as may be prescribed, for the calculation of contribution;

- (c) the details of final plots allocated to the owners in lieu of original plots;
- (d) estimation of the value of original and final reconstituted plots;
- (e) estimation of and apportionment of the compensation to or contribution from the beneficiaries of the scheme on account of the reconstitution of the plot and reservation of portions for public purpose;
- (f) evaluation of the increment in value of each reconstituted plot and assessment of the development contribution to be levied on the plot holder:

Provided that the contribution shall not exceed half the increment in value;

- (g) evaluation of the reduction in value of any reconstituted plot and assess the compensation payable thereof;
- (h) an estimate of the net cost of the scheme to be borne by the appropriate Authority; and
- (i) any other prescribed particulars.

(5) The cost of town development scheme shall include:—

- (a) all sums payable by the Town and Country Development Authority under the provisions of the Act, which are not specifically excluded from the costs of scheme;
- (b) all sums spent or estimated to be spent by the Town and Country Development Authority in the making and execution of the scheme;
- (c) all sums payable as compensation for land reserved for or designated for any public purpose or for the purposes of the Town and Country Development Authority which is solely or partly beneficial to the owners of land or residents within the area of the scheme;
- (d) all legal expenses incurred by the Town and Country Development Authority in the making and in the execution of the scheme;

- (e) other incidental expenses such as statutory decree, change of law, and force majeure, shall be recovered from the land owners included in the scheme;
- (f) twenty percent of the amount of the cost of infrastructure provided in the area adjacent to the area of the scheme, if necessary, for the purpose of and incidental to the scheme;
- (g) the costs of the scheme shall be met wholly or in part by a contribution to be levied by the Town and Country Development Authority on each plot included in the final scheme calculated in proportion to the increment:

Provided that —

- (i) (a) where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution;
- (b) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the Town and Country Development Authority.
- (ii) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Town and Country Development Authority which is solely beneficial to the owners of land or residents within the area of the scheme; and
- (iii) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the Town and Country Development Authority which is beneficial partly to the owners of land or residents within the area of the scheme or partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

Explanation.-For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the original plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plots estimated, with a factor, as may be prescribed, without reference to improvements contemplated in the scheme:

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration;

- (h) the owner of each plot included in the scheme shall be primarily liable for the payment of contribution leviable in respect of such plot.
- (6) (a) If the owner of an original plot is not provided with plot in scheme or if the contribution to be levied from him under sub-section (4) is less than the total amount to be deducted therefrom under any of the provision of this Act, the net amount of his loss shall be payable to him by the Town and Country Development Authority. All payments due to be made to any person shall, as far as possible, be made by adjustment in such account with the Town and Country Development Authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cash or in such other manner as may be agreed upon by the parties.

- (b) The net amount payable under the provision of this Act by the owner of a plot included in the scheme may be at the option of the contributor be paid in lump sum or in annual installments not exceeding six.
- (c) If the owner elects to pay the amount by installments, interest at such rate as arrived at by adding two percent to the bank rate published under section 49 of the Reserve Bank of India Act, 1934 (No. 2 of 1934), from time to time, shall be charged per annum on the net amount payable.
- (d) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the Town and Country Development Authority, he shall be deemed to have exercised the option of paying contribution in installments and the interest on the contribution shall be calculated from the date specified in the notice being the date before which he was required to exercise the option.
- (e) If the owner of a plot fails to pay contribution in lump sum or in installments or does not appear after issuing the notice, a final notice of payment as calculated under clause (d) shall be issued for payment on or before the date specified in the notice, failing to appear after such notice issued to him in that behalf by the Town and Country Development Authority, the contribution of such amount shall be adjusted by deducting the land for the such amount due.
- (7) (a) In the draft scheme referred to in sub-section (3) and (4), the size and shape of every plot shall be determined, so far as may be, to render it suitable for building purposes and where the plot is already built upon, to ensure that the building, as far as possible, complies with the provisions of the scheme as regards rules to regulate the control of development.
- (b) For the purposes of clause (a), the draft scheme may contain proposals:
- (i) to form a final plot by reconstitution of an original plot by the alteration of its boundaries, if necessary;
- (ii) to form a final plot from an original plot by the transfer of any adjoining lands;
- (iii) to provide with the consent of the owners that two or more original plots which are owned by several persons or owned by persons jointly be held in ownership in common as a final plot, with or without alteration of boundaries;
- (iv) to allot a final plot to any owner dispossessed of land in furtherance of the scheme; and
- (v) to transfer the ownership of a plot from one person to another.
- (8) The Town and Country Development Authority shall consider all the objections and suggestions as may be received within the period specified in the notice under sub-section (3) and shall, after giving a reasonable opportunity to such persons affected thereby as are desirous of being heard, or after considering the report of the committee constituted under sub-section (9), approve the draft scheme as published or make such modifications therein as it may deem fit.

- (9) Notwithstanding anything contained in sub-section (7), the Town and Country Development Authority shall constitute a committee, to consider all the objections and suggestions as may be received within the period specified in the notice under sub-section (3), consisting of the Chief Executive Officer of the said Authority, an officer nominated by the Director, an officer nominated by District Collector not below the rank of Tehsildar, Commissioner or Chief Municipal Officer or his nominee of such urban local body within whose jurisdiction the town development scheme is situated and Chief Executive Officer or his nominee of the Zila Panchayat in case the scheme lies wholly or partly in his jurisdiction.
- (10) The committee constituted under sub-section (9) shall consider the objections and suggestions and give reasonable opportunity of to such persons affected thereby as are desirous of being heard and shall submit its report considering the provisions under sub-section (4) to the Town and Country Development Authority with recommendations for changes in the contents of the draft town development scheme to address the objections and suggestions and to effect any improvements in the scheme that the committee deems fit to recommend:

Provided that the final publication of such draft scheme shall be notified after the layout proposed therein has been approved by the Director. Such final publication shall be notified not later than six months from the date of publication of the draft scheme under sub-section (3) failing which the draft scheme shall be deemed to have lapsed:

Provided further that any person intending to carry out any development or construction on final plot allotted to him by the Town and Country Development authority shall obtain permission as may be prescribed.

- (11) Immediately after the town development scheme is approved under sub-section (10) with or without modifications, the Town and Country Development Authority shall publish in the Gazette and in such other manner as may be prescribed a final town development scheme and specify the date on which it shall come into operation.
- (12) (a) Where a town development scheme has come into operation, all lands required by the Town and Country Development Authority for the purposes specified in following clauses:
- (i) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications etc;
 - (ii) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;
 - (iii) lighting;
 - (iv) water supply;
- shall vest absolutely in the Town and Country Development Authority free from all encumbrances.
- (b) Nothing in clause (a) shall affect any right of the owner of the land vested in the appropriate authority.”.

Insertion of Section 50-A.

7. After Section 50 of the principal Act, the following Section shall be inserted, namely:—

“50-A. Disputed Ownership. (1) Where there is a disputed claim to the ownership of any piece of land included in an area in respect of which a declaration of intention to make a scheme has been made and any entry in the record of rights or mutation relevant to such disputed claim is inaccurate or inconclusive or in litigation, at any time prior to the date on which the Director, Town and Country Planning approves the scheme under sub-section (10) of Section 50, such claim shall be applicable on final plot mutatis mutandis, unless been decided by a competent court.

(2) In the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the appropriate authority by the person affected by such decree.”.

Amendment of Section 56.

8. Section 56 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following new sub-section shall be inserted, namely:—

“(2) The lands reserved and allocated to the Town and Country Development Authority as per the provisions of Section 49 and vested in the Authority under sub-section (11) of Section 50 shall be transferred to the freehold ownership of the Town and Country Development Authority. This transfer having been done through the process of plot reconstitution under sub-section (7) of Section 50 with concomitant calculations of compensation and contribution under the provisions of sub-section (4) of Section 50, shall not be subject to the provisions of any legislation regarding land acquisition:

Provided that after the declaration of final scheme the Town and Country Development Authority shall without delay forward a copy of the final scheme to the District Collector of the region for the purpose of correcting the survey records.”.

Substitution of Section 59.

9. For Section 59 of the principal Act, the following Section shall be substituted, namely:—

“59. Development charges-(1) Where as a result of town development scheme, there is in the opinion of the Town and Country Development Authority, appreciation in the market value of lands adjacent to and affected by a scheme, the Town and Country Development Authority may, in lieu of providing for the acquisition of such land or framing a town development scheme, levy development charges on owners of such land:

Provided that such levy may also be charged on the land which is lying within the area of town development scheme, and is in the course of development, with prior permission of the Director.

(2) The development charges shall be an amount equal to one-third of the difference between the value of the land on the date of publication of the intention to prepare the town development scheme under sub-section (2) of Section 50 and value of the land on the date of development charges to levy.”.

10. For sub-section (1) of Section 60 of the principal Act, the following sub-section shall be substituted, namely : — **Amendment of Section 60.**

“(1) During implementation of the development scheme, the Town and Country Development Authority shall, by a notice in such form and published in such manner as may be prescribed, declare of its intention to levy development charges in the area affected by the scheme or within the area of town development scheme, calling upon owners of land liable to pay development charges to submit objection, if any, within such period which shall not be less than thirty days from the date of publication of the notice, and to such authority as may be specified in the notice.”.

11. Section 78 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following new sub-section shall be added, namely:— **Amendment of Section 78**

“(2) No civil court shall have jurisdiction to entertain any dispute relating to town development scheme in respect of which the development authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter.”.

12. In Section 85 of the principal Act, in sub-section (2), for clause (xiii), the following clause shall be substituted, namely:— **Amendment of Section 85.**

“(xiii) (a) the manner of publication of declaration under section 50(1);

(b) the manner of publication of declaration under section 50(2);

(c) the form in which and the manner in which the town development scheme in draft form shall be published under section 50(3);

(d) the form and the manner in which the contents of town development scheme in draft form shall be published under section 50(4);

(e) the manner in which the permission on final plot of a town development scheme shall be issued under section 50(10);

(f) the manner in which the final town development scheme shall be published under section 50(11);”.

13. In Section 87 of the principal Act, after the sub-section (2), the following new sub-section shall be added, namely:— **Amendment of Section 87.**

“(3) Notwithstanding the substitution of Section 49 and Section 50 by the Madhya Pradesh Nagar Tatha Gram Nivesh (Sanshodhan) Adhiniyam, 2019, anything done or any action taken for physical development after the final publication of scheme under repealed provision of Section 50, shall, in so far as it is inconsistent with the provision of this Act, be deemed to have been done or taken under the corresponding provision of this Act.”

STATEMENT OF OBJECTS AND REASONS

After final notification under section 50(7) there is a provision to acquire land through an agreement upto a time limit of three years under section 56 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), for the implementation of town development scheme. In case of failure to make agreement, only alternative left with the authorities is to obtain the land through compulsory land acquisition process.

2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013) provides for payment of compensation at double the Collector guideline rate in case of compulsory acquisition of land in the urban areas.

3. It has become extremely difficult for the Development Authorities of the State to acquire land for any Town Development Scheme through regular land acquisition process due to which implementation of such schemes has been held up since long and is causing distress to the citizens of the State.

4. Due to distress being caused towards implementation of town development schemes, many States in the country have made such provisions in their Acts according to which scheme is developed through land assembly techniques (such as collection, pooling) and accordingly owners of land are returned 55-60 percent of reconstituted plots along with other complete developed infrastructure.

5. In order to obviate the above difficulties, it is proposed to make suitable amendments in the principal Act. The salient features of the proposed amendments are as under:

- (i) Definitions of "compensation", "contribution", "original plot" and "final plot", in respect of land owners have been proposed to be defined;
- (ii) Section 17 has been amended with the introduction of new clause according to which town development scheme could be described in the development plan;
- (iii) Section 38 has been amended with the provisions of an additional sub-section, namely (2A) wherein a Government owned Company or local body can also be delegated with the powers to take up implementation of a town development Scheme;
- (iv) Under section 49, details indicate what sort of provisions could be made in the preparation of town development scheme;
- (v) Through amendment proposed in Section 50, provision has been made as to how the proposal for preparation and notification of town development scheme shall be initiated. The provisions have also been made to initiate methods to transfer of reconstituted plots and their transfer to land owners;
- (vi) Provision of new Section 50-A provides to resolve the issue pertaining to disputed ownership of land included in the scheme;
- (vii) Introduction of new sub-section (2) in Section 56 provides for the transfer of lands which have been reserved and allocated for implementation of town development scheme;
- (viii) Amendment of Section 59 provides for realization of development charges in respect of lands where there is an appreciation in their market value;
- (ix) Under section 60, provision indicates as to how the development charges shall be levied on the owners of the land;
- (x) Sub-section (2) is introduced in Section 78 for bar of jurisdiction of civil courts for the disputes arising out of town development schemes.
- (xi) Section 85 pertains to "Power to make rules" wherein it is proposed to incorporate the rule making power towards the preparation of town development schemes.
- (xii) Section 87 pertains to repeal and savings of the schemes declared under the repealed provisions.

6. Hence this Bill.

BHOPAL :
Dated, the 20th December, 2019.

JAIWARDHAN SINGH
Member-in-Charge.