

(To be published in Part II, Section 3, Sub-section (ii) of the Extra Ordinary Gazette of the Dadra and Nagar Haveli Union Territory Administration, dated the....., 2019)

Administration of Dadra and Nagar Haveli, Union Territory.
Silvassa Municipal Council

Notification

No.DNH/SMC/BYE LAWS/01/2019

Subject to sanction of Director Municipal Administration, in exercise of the powers conferred by sub-sections (1) & (2) of Section 301 read with Section 150 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, Silvassa Municipal Council proposes to make the following draft Bye-Laws, which are hereby published, as required by clause(b) of sub-section(3) of Section 301 of the said Regulation and notice is hereby given that the draft of the said bye-laws will be taken into consideration of the expiry on a period of 15 days from the date of publication of this notification.

Any person who intend to make any objection or suggestion regarding these draft Bye-Laws, may send the same to the Chief Officer , Silvassa Municipal Council, Dadra & Nagar Haveli, Union Territory within the period specified above.

Any objections or suggestions, which may be received by the Chief Officer, Silvassa Municipal Council, Dadra and Nagar Haveli within aforesaid period, shall be considered by the Council

Draft Bye-Laws

In exercise of the powers conferred by sub-sections (1) and (2) of Section 301 read with Section 150 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004 the Silvassa Municipal Council hereby makes the following Byelaws after obtaining sanction of the competent authority.

1. Short title and commencement. (1) These **Bye-laws** may be called the Dadra and Nagar Haveli Silvassa Municipal Council **Notice Fees and Warrant Fees Bye-laws, 2019.**
(2) They shall come in to force from the date of their publication in the Official Gazette and shall be applicable in the notified area of Silvassa Municipal Council.
2. **Notice fees / warrant fees/ distress or attachment fee/ charges for maintenance of cattle:** Fee for every notice of demand issued under Section 142 of Dadra and Nagar Haveli Municipal Council Regulation 2004, for every warrant issued under Section 143 and for every distress or attachment made under Section 146 of the said regulation, and for upkeep, impounding and maintenance of cattle shall be such as council may, from time to time, by a resolution decide.

Provided that any such resolution before becoming effective shall require previous sanction of Director Municipal Administration and shall be duly published in at least three local newspaper of Hindi, Gujarati and Marathi each, after the sanction is obtained.

Provided further that in no case such fee shall be less than the actual expenses incurred by the council in the delivery of such notice, warrant or in distress or attachment of the property.

3. **Interim Notice fees/Warrant Fees/Distress or Attachment fee:** So long as the council does not pass any resolution:-

(1) For every notice of demand issued under section 142 of the Dadra and Nagar Haveli Municipal Council Regulation, 2004 the following fees shall be charged:-

- (i) When the amount demanded does not exceed rupees One Thousand. Rs. 20/- (Rs. Twenty only)
- (ii) When the amount demanded exceeds Rs. 1000/- and above Rs. 50/- (Rs. Fifty only)

(2)Warrant fees: - For every warrant issued under section 143 a lumpsum fee of Rs. 200 (Rs. Two hundred only) shall be charged.

(3) For every distress or attachment made under section 146 following fee shall be charged:
The actual cost incurred by the Silvassa Municipal Council which includes expenses such as Salary of staff, petrol expenses, Salary of police protection staff, cost of material necessary for sealing of property etc. equally divided among the properties sealed on the same day or Rs. 4500/- (Rs. Four thousand five hundred only) per attachment whichever is more. Provided that the distress fee shall not exceed Rs. 15000/- per property.

Illustration:-

1. A, B and C properties were distressed on the same day. The actual expenses incurred against distressing amounts to Rs. 30,000/-. The total charges are divided among these 3 properties, amounting to Rs. 10,000/-. Therefore, the distress fee levied on each property is Rs. 10,000/-
2. A, B and C properties are distressed on the same day incurring actual expenses of Rs. 12,000/-. When these charges are divided by the number of properties distressed, the expense amounts to Rs. 4,000/- per property.
In accordance to sub – byelaw 3.1 of this bye-law, the actual expense incurred or Rs. 4,500/-, whichever is more, shall be levied as distress fee. Therefore, the distress fee levied is Rs. 4,500/- per property/ attachment.
3. Property X, is distressed in a day. The actual cost incurred in distressing this property is Rs. 32,000/- The distress fee levied on property X is Rs. 32,000/-. However, only Rs. 15000/- can be collected as distress fee.

4. **Interim charges for maintenance of livestock:** - Silvassa Municipal Council shall charge actual cost incurred for impounding of the animal, such as camel, buffalo, bull, bullock, horse, mare, gelding, pony, cow, colt, filly, calf, heifer, donkey, ram, ewe, sheep, lamb, goat, etc., along with administrative charge of Rs. 150/- (Rs. One hundred fifty only) per cattle if the animal is sent to any outside agency for maintenance and upkeep.
If the Council maintains the animals in a cattle pound maintained by the Council, it shall charge Rs. 2000/- (Rs. Two Thousand Only) as one time fee of impounding plus Rs 200 per cattle per day as maintenance charge from the owner of the cattle.

**This Issued with Previous Approval of
Director Municipal Administration/**

**Chief Officer
Silvassa Municipal Council
Silvassa**

Silvassa
Dated /06/2019