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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd December, 2017:—

BILL No. 248 OF 2017

A Bill further to amend the Specific Relief Act, 1963.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Specific Relief (Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

47 of 1963.

2. In section 6 of the Specific Relief Act, 1963 (hereinafter referred to as the principal Act), in sub-section (1), after the words “he or any person”, the words “through whom he has been in possession or any person” shall be inserted.

Amendment of section 6.

3. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10.

“10. The specific performance of a contract shall be enforced by the court subject to the provisions contained in sub-section (2) of section 11, section 14 and section 16.”

Specific performance in respect of contracts.

Amendment of section 11.

4. In section 11 of the principal Act, in sub-section (1), for the words “contract may, in the discretion of the court”, the words “contract shall” shall be substituted.

Substitution of new sections for section 14.

5. For section 14 of the principal Act, the following sections shall be substituted, namely:—

Contracts not specifically enforceable.

“14. The following contracts cannot be specifically enforced, namely:—

(a) where a party to the contract has obtained substituted performance of contract in accordance with the provisions of section 20;

(b) a contract, the performance of which involves the performance of a continuous duty which the court cannot supervise;

(c) a contract which is so dependent on the personal qualifications of the parties that the court cannot enforce specific performance of its material terms; and

(d) a contract which is in its nature determinable.

Power of court to engage experts.

14A. (1) Without prejudice to the generality of the provisions contained in the Code of Civil Procedure, 1908, in any suit under this Act, where the court considers it necessary to get expert opinion to assist it on any specific issue involved in the suit, it may engage one or more experts and direct to report to it on such issue and may secure attendance of the expert for providing evidence, including production of documents on the issue.

5 of 1908.

(2) The court may require or direct any person to give relevant information to the expert or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(3) The opinion or report given by the expert shall form part of the record of the suit; and the court, or with the permission of the court any of the parties to the suit, may examine the expert personally in open court on any of the matters referred to him or mentioned in his opinion or report, or as to his opinion or report, or as to the manner in which he has made the inspection.

(4) The expert shall be entitled to such fee, cost or expense as the court may fix, which shall be payable by the parties in such proportion, and at such time, as the court may direct.”.

Amendment of section 15.

6. In section 15 of the principal Act, after clause (f), the following clause shall be inserted, namely:—

“(fa) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.

Amendment of section 16.

7. In section 16 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) who has obtained substituted performance of contract under section 20; or”;

(ii) in clause (c),—

(I) for the words “who fails to aver and prove”, the words “who fails to prove” shall be substituted;

(II) in the *Explanation*, in clause (ii), for the words “must aver”, the words “must prove” shall be substituted.

8. In section 19 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

Amendment of section 19.

“(ca) when a limited liability partnership has entered into a contract and subsequently becomes amalgamated with another limited liability partnership, the new limited liability partnership which arises out of the amalgamation.”.

9. For the sub-heading “*Discretion and powers of Court*” occurring after section 19, the sub-heading “*Substituted performance of contracts, etc.*” shall be substituted.

Amendment of sub-heading under Chapter II.

10. For section 20 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 20.

9 of 1872.

“20. (1) Without prejudice to the generality of the provisions contained in the Indian Contract Act, 1872, and, except as otherwise agreed upon by the parties, where the contract is broken due to non-performance of promise by any party, the party who suffers by such breach shall have the option of substituted performance through a third party or by his own agency, and, recover the expenses and other costs actually incurred, spent or suffered by him, from the party committing such breach.

Substituted performance of contract.

(2) No substituted performance of contract under sub-section (1) shall be undertaken unless the party who suffers such breach has given a notice in writing, of not less than thirty days, to the party in breach calling upon him to perform the contract within such time as specified in the notice, and on his refusal or failure to do so, he may get the same performed by a third party or by his own agency:

Provided that the party who suffers such breach shall not be entitled to recover the expenses and costs under sub-section (1) unless he has got the contract performed through a third party or by his own agency.

(3) Where the party suffering breach of contract has got the contract performed through a third party or by his own agency after giving notice under sub-section (1), he shall not be entitled to claim relief of specific performance against the party in breach.

(4) Nothing in this section shall prevent the party who has suffered breach of contract from claiming compensation from the party in breach.

20A. (1) No injunction shall be granted by a court in a suit under this Act involving a contract relating to an infrastructure project specified in the Schedule, where granting injunction would cause impediment or delay in the progress or completion of such infrastructure project.

Special provisions for contract relating to infrastructure project.

Explanation.—For the purposes of this section, section 20B and clause (ha) of section 41, the expression “infrastructure project” means the category of projects and infrastructure Sub-Sectors specified in the Schedule.

(2) The Central Government may, depending upon the requirement for development of infrastructure projects, and if it considers necessary or expedient to do so, by notification in the Official Gazette, amend the Schedule relating to any Category of projects or Infrastructure Sub-Sectors.

(3) Every notification issued under this Act by the Central Government shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Special Courts.

20B. The State Government, in consultation with the Chief Justice of the High Court, shall designate, by notification published in the Official Gazette, one or more Civil Courts as Special Courts, within the local limits of the area to exercise jurisdiction and to try a suit under this Act in respect of contracts relating to infrastructure projects.

Expeditious disposal of suits.

20C. Notwithstanding anything contained in the Code of Civil Procedure, 1908, a suit filed under the provisions of this Act shall be disposed of by the court within a period of twelve months from the date of service of summons to the defendant: 5 of 1908.

Provided that the said period may be extended for a further period not exceeding six months in aggregate after recording reasons in writing for such extension by the court.”.

Amendment of section 21.

11. In section 21 of the principal Act, in sub-section (I), for the words “, either in addition to, or in substitution of,” the words “in addition to” shall be substituted.

Amendment of section 25.

12. In section 25 of the principal Act, for the words and figures “the Arbitration Act, 1940”, the words and figures “the Arbitration and Conciliation Act, 1996” shall be substituted. 10 of 1940.
26 of 1996.

Amendment of section 41.

13. In section 41 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

“(ha) if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.”.

Insertion of Schedule.

14. After Part III of the principal Act, the following Schedule shall be inserted, namely:—

‘THE SCHEDULE

[See sections 20A and 41 (ha)]

Category of projects and Infrastructure Sub-Sectors

Sl. No.	Category	Infrastructure Sub-Sectors
1	2	3
1.	Transport	<p>(a) Road and bridges</p> <p>(b) Ports (including Capital Dredging)</p> <p>(c) Shipyards (including a floating or land-based facility with the essential features of waterfront, turning basin, berthing and docking facility, slipways or ship lifts, and which is self sufficient for carrying on shipbuilding/repair/breaking activities)</p> <p>(d) Inland Waterways</p> <p>(e) Airports</p> <p>(f) Railway Track, tunnels, viaducts, bridges, terminal infrastructure including stations and adjoining commercial infrastructure</p> <p>(g) Urban Public Transport (except rolling stock in case of urban road transport)</p>

1	2	3
2.	Energy	<ul style="list-style-type: none"> (a) Electricity Generation (b) Electricity Transmission (c) Electricity Distribution (d) Oil pipelines (e) Oil/Gas/Liquefied Natural Gas (LNG) storage facility (including strategic storage of crude oil) (f) Gas pipelines (including city gas distribution network)
3.	Water and Sanitation	<ul style="list-style-type: none"> (a) Solid Waste Management (b) Water supply pipelines (c) Water treatment plants (d) Sewage collection, treatment and disposal system (e) Irrigation (dams, channels, embankments, <i>etc.</i>) (f) Storm Water Drainage System (g) Slurry pipelines
4.	Communication	<ul style="list-style-type: none"> (a) Telecommunication (Fixed network including optic fibre/wire/cable networks which provide broadband/internet) (b) Telecommunication towers (c) Telecommunications and Telecom Services
5.	Social and Commercial Infrastructure	<ul style="list-style-type: none"> (a) Education Institutions (capital stock) (b) Sports infrastructure (including provision of Sports Stadia and Infrastructure for Academies for Training/ Research in Sports and Sports-relating activities) (c) Hospitals (capital stock including Medical Colleges, Para Medical Training Institutes and Diagnostic Centres) (d) Tourism infrastructure <i>viz.</i> (i) three-star or higher category classified hotels located outside cities with population of more than one million; (ii) ropeways and cable cars (e) Common infrastructure for industrial parks and other parks with industrial activity such as food parks, textile parks, Special Economic Zones, tourism facilities and agriculture markets (f) Post-harvest storage infrastructure for agriculture and horticulture produce including cold storage (g) Terminal markets (h) Soil-testing laboratories (i) Cold chain (including cold room facility for farm level pre-cooling, for preservation or storage of agriculture and allied produce, marine products and meat)

1	2	3
		<p>(j) Affordable Housing (including a housing project using at least 50% of the Floor Area Ratio (FAR)/ Floor Space Index (FSI) for dwelling units with carpet area of not more than 60 square meters</p>
		<p><i>Explanation.</i>—For the purposes of this sub-clause, the term “carpet area” shall have the same meaning as assigned to it in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).'</p>

STATEMENT OF OBJECTS AND REASONS

The Specific Relief Act, 1963 was enacted to define and amend the law relating to certain kinds of specific relief. It contains provisions, *inter alia*, specific performance of contracts, contracts not specifically enforceable, parties who may obtain and against whom specific performance may be obtained, etc. It also confers wide discretionary powers upon the courts to decree specific performance and to refuse injunction, etc. As a result of wide discretionary powers, the courts in majority of cases award damages as a general rule and grant specific performance as an exception.

2. The tremendous economic development since the enactment of the Act have brought in enormous commercial activities in India including foreign direct investments, public private partnerships, public utilities infrastructure developments, etc.; which have prompted extensive reforms in the related laws to facilitate enforcement of contracts, settlement of disputes in speedy manner. It has been felt that the Act is not in tune with the rapid economic growth happening in our country and the expansion of infrastructure activities that are needed for the overall development of the country.

3. In view of the above, it is proposed to do away with the wider discretion of courts to grant specific performance and to make specific performance of contract a general rule than exception subject to certain limited grounds. Further, it is proposed to provide for substituted performance of contracts, where a contract is broken, the party who suffers would be entitled to get the contract performed by a third party or by his own agency and to recover expenses and costs, including compensation from the party who failed to perform his part of contract. This would be an alternative remedy at the option of the party who suffers the broken contract. It is also proposed to enable the courts to engage experts on specific issues and to secure their attendance, etc.

4. A new section 20A is proposed for infrastructure project contracts which provides that the court shall not grant injunction in any suit, where it appears to it that granting injunction would cause hindrance or delay in the continuance or completion of the infrastructure project. The Department of Economic Affairs is the nodal agency for specifying various categories of projects and infrastructure sub-sectors, which is provided as Schedule to the Bill and it is proposed that the said Department may amend the Schedule relating to any such category or sub-sectors.

5. Special courts are proposed to be designated to try suits in respect of contracts relating to infrastructure projects and to dispose of such suits within a period of twelve months from the date of service of summons to the defendant and also to extend the said period for another six months in aggregate, after recordings reasons therefor.

The Bill seeks to achieve the above objectives.

NEW DELHI;

RAVI SHANKAR PRASAD.

The 15th December, 2017.

BILL NO. 269 OF 2017

A Bill to amend the Goods and Services Tax (Compensation to States) Act, 2017.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Goods and Services Tax (Compensation to States) Amendment Act, 2017.

(2) It shall be deemed to have come into force on the 2nd day of September, 2017.

Amendment to Schedule.

2. In the Goods and Services Tax (Compensation to States) Act, 2017, in the Schedule,— 15 of 2017.

(i) after serial number 4 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

(1)	(2)	(3)	(4)
"4A	Motor vehicles for the transport of not more than thirteen persons, including the driver.	8702 10, 8702 20, 8702 30 or 8702 90	Twenty-five per cent. <i>ad valorem</i> ."

(ii) against serial number 5, for the entry in column (4), the entry "Twenty-five per cent. *ad valorem*" shall be substituted.

Ord. 5 of 2017. **3. (1)** The Goods and Services Tax (Compensation to States) Amendment Ordinance, 2017 is hereby repealed. Repeal and savings.

15 of 2017. (2) Notwithstanding such repeal, anything done or any action taken under the Goods and Services Tax (Compensation to States) Act, 2017, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Goods and Services Tax (Compensation to States) Act, 2017 (15 of 2017) was enacted, with a view to provide for compensation to the States for the loss of revenue arising on account of implementation of Goods and Services Tax. The said Act, *inter alia*, provides for imposition of Compensation cess on intra-State as well as inter-State supplies of goods and services specified in the Schedule to the said Act at the rate, not exceeding the rate specified in the said Schedule.

2. The Goods and Services Tax Council, in its 20th meeting held on 5th August, 2017 has recommended an increase of 10% (that is from 15% to 25%) in the maximum rate (at which Compensation cess may be collected) on the entry relating to motor vehicles falling under heading 8702 and 8703.

3. The maximum rates for the said entries were to be increased immediately by amending the Goods and Service Tax (Compensation to States) Act, 2017 before the next meeting of the Goods and Services Tax Council, which was to be held on 9th September, 2017, so as to ensure that the cushion in maximum rate for compensation cess for such motor vehicles was available at the said meeting.

4. As Parliament was not in session, considering the extraordinary urgency of the situation, the Hon'ble President of India promulgated the Goods and Services Tax (Compensation to States) Amendment Ordinance, 2017, on 2nd September, 2017.

5. The Bill seeks to replace the said Ordinance.

NEW DELHI;
The 20th December, 2017.

ARUN JAITLEY.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 AND 274 OF THE
CONSTITUTION OF INDIA

**[Copy of D.O. No. 354/159/2017-TRU dated 20 December, 2017 from Shri Arun Jaitley,
Minister of Finance to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the Goods and Services Tax (Compensation to States) Amendment Bill, 2017, recommends under clause (1) and (3) of article 117 read with clause (1) of article 274 of the Constitution, the introduction of the Goods and Services Tax (Compensation to States) Amendment Bill, 2017, in Lok Sabha and also recommends the consideration of the Bill.

FINANCIAL MEMORANDUM

The proposed Goods and Services Tax (Compensation to States) Amendment Bill, 2017 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of India.

BILL NO. 268 OF 2017

*A Bill further to amend the National Capital Territory of Delhi Laws
(Special Provisions) Second Act, 2011.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2017. Short title.

2. In the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters “for a further period up to the 31st day of December, 2017”, the words, figures and letters “for a further period up to the 31st day of December, 2020” shall be substituted. Amendment of long title.

3. In the principal Act, in the Preamble,—

(a) fourth paragraph shall be omitted;

Amendment of Preamble.

(b) for ninth paragraph and tenth paragraph, the following paragraph shall be substituted, namely:—

“AND WHEREAS more time is required for the regularisation of unauthorised colonies, village *abadi* area and their extensions and special areas;”;

(c) in the last paragraph, for the words, figures and letters “for a period up to the 31st day of December, 2017”, the words, figures and letters “for a period up to the 31st day of December, 2020” shall be substituted.

Amendment of section 1.

4. In the principal Act, in section 1, in sub-section (4), in the opening portion, for the words, figures and letters “It shall cease to have effect on the 31st day of December, 2017”, the words, figures and letters “It shall cease to have effect on the 31st day of December, 2020” shall be substituted.

Amendment of section 3.

5. In the principal Act, in section 3,—

(a) in sub-section (1),—

(i) the words “hawkers and urban street vendors,” shall be omitted;

(ii) clause (b) shall be omitted;

(b) in sub-section (3), for the words, figures and letters “till the 31st day of December, 2017”, the words, figures and letters “till the 31st day of December, 2020” shall be substituted;

(c) in sub-section (4), for the words, figures and letters “at any time before the 31st day of December, 2017”, the words, figures and letters “at any time before the 31st day of December, 2020” shall be substituted.

Amendment of section 4.

6. In the principal Act, in section 4,—

(a) in clause (a), for the brackets, letters and word “(a), (b) and (c)”, the brackets, letters and word “(a) and (c)” shall be substituted;

(b) in clause (b), the words “hawkers and urban street vendors,” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The National Capital Territory of Delhi has been growing phenomenally over the last many years, putting a heavy strain on its infrastructure and resources and *inter alia*, leading to an ever increasing demand for housing, commercial space and other civic amenities. This has resulted in problem of encroachment on public land, growth of slums, unauthorised constructions, commercial usage of residential areas, inadequacy of housing stocks, etc.

2. At the time of preparation of Master Plan for Delhi-2021 (MPD-2021), in order to protect certain forms of unauthorised developments from punitive action, the Delhi Laws (Special Provisions) Act, 2006 was enacted on 19th May, 2006 which was in force for a period of one year. This was followed by similar Acts which were in force for one year each. Subsequently, the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 (the said Act, 2011) was enacted and was in force for a period of three years. It was extended for a further period of three years in 2014 *vide* the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014 and its validity is expiring on 31st December, 2017.

3. As per the provisions of the said Act, 2011, orderly arrangements had to be made for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhopri* clusters; regulation of urban street vendors; regularisation of unauthorised colonies, village *abadi* area and their extensions; policy regarding existing farm houses involving construction beyond permissible building limits; regularisation of schools, dispensaries, religious and cultural institutions, storages, warehouses and godowns built on agricultural land; redevelopment of existing godown clusters; orderly arrangements for Special Areas and policy or plan for orderly arrangements for all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

4. The measures to finalise norms, policy guidelines, feasible strategies for making orderly arrangements to deal with the problem of encroachment and unauthorised development are required to be adopted by the Government of National Capital Territory of Delhi (GNCTD), Delhi Development Authority (DDA), the Municipal Corporations of Delhi (MCDs), etc. These bodies are in the process of taking steps to carry out surveys, simplifying procedures, formulation of redevelopment plan, finalisation of policies, obtaining approvals, etc., in this regard. The Central Government has been in dialogue with all the stakeholders to monitor the progress made to complete the action as envisaged in the said Act, 2011. This process involving multiple stakeholders is likely to take some more time. Meanwhile, with adequate provisions having been made in the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014, the provision for protection of street vendors under clause (b) of sub-section (1) of section 3 in the said Act of 2011, is no longer needed.

5. The objective of the proposal is to extend the validity of the said Act, 2011 to continue the protection to certain forms of unauthorised developments in the National Capital Territory of Delhi from punitive action for a limited period, *i.e.*, up to 31st December, 2020 and to allow time to the Government, urban local bodies and other organisations involved to take a balanced and well considered view on policies, norms and strategies for orderly implementation of plans regarding these unauthorised developments.

6. In view of above, it is necessary to extend the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 for a period of three years from 1st January, 2018 to 31st December, 2020.

7. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 19th December, 2017.

HARDEEP SINGH PURI.

SNEHLATA SHRIVASTAVA
Secretary General