



The New Town, Kolkata Development Authority Act, 2007

Act 30 of 2007

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NOTIFICATION

No. 1088-L.—27th June, 2008.—The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information :—

West Bengal Act XXX of 2007

THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY ACT, 2007.

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the Kolkata Gazette,
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THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY ACT, 2007.

An Act to provide for the planned development in the areas within New Town, Kolkata, and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the planned development in the areas within New Town, Kolkata and for matters connected therewith or incidental thereto :

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

PART I

CHAPTER I

Preliminary

1. (1) This Act may be called the New Town, Kolkata Development Authority Act, 2007.

(2) It extends to the whole of New Town, Kolkata having the areas described in Schedule I.

(3) It shall be deemed to have come into force on the 28th day of December, 2006.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) "amenity" includes roads, water supply, street lighting, drainage, sewerage, treatment and disposal of sewage, public works, tourist spots, open spaces, parks, landscaping and play fields and other utilities and such other conveniences as the State Government may, by notification, specify to be an amenity for the purposes of this Act;
- (b) "Chairman" means the Chairman of the Development Authority;
- (c) "Development Authority" means the New Town, Kolkata Development Authority constituted under section 3;
- (d) "Member" means a Member of the Development Authority;
- (e) "Member-Secretary" means the Member-Secretary of the Development Authority;
- (f) "New Town, Kolkata" means the area described in Schedule I;
- (g) "notification" means a notification published in the *Official Gazette*;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "Schedule" means a Schedule appended to this Act;
- (j) "settlement area" means and includes the land with the structure thereon, occupied by any person.

*The New Town, Kolkata Development Authority Act, 2007.**(Part II.—Development Authority.—Sections 3-7.)*

(2) Words and expressions, used in this Act and not otherwise defined, shall have the meaning respectively assigned to them in the West Bengal Town and Country (Planning and Development) Act, 1979 and the West Bengal Municipal Act, 1993.

West Ben. Act
XIII of 1979.
West Ben. Act
XXII of 1993.

PART II

CHAPTER II

Development Authority

3. (1) The State Government shall, by notification, constitute a Development Authority for New Town, Kolkata (hereinafter referred to in this Act as the Development Authority), for carrying out the purposes of this Act.

(2) The Development Authority shall consist of—

- (a) a Chairman;
- (b) a Member-Secretary; and
- (c) such other members, not exceeding seven, as the State Government may deem fit.

(3) The Chairman, the Member-Secretary and the other members shall be appointed by the State Government and shall hold office for a period of five years or for such lesser period, as the State Government may deem fit and shall be eligible to be re-appointed for a further period not exceeding five years.

(4) Notwithstanding anything contained in this section, the State Government may, at any time, re-constitute the Development Authority.

4. The Development Authority shall be a body corporate with perpetual possession and a common seal, and may, by the name of the Development Authority, sue and be sued.

5. The Chairman shall be the executive head of the Development Authority and the development administration of New Town, Kolkata, shall be under his control.

6. (1) The Chairman shall exercise such powers and functions as conferred on him by or under this Act.

(2) The Chairman shall preside over the meetings of the Development Authority.

(3) The Chairman shall allocate the business among the members of the Development Authority.

(4) The matters to be discussed at a meeting of the Development Authority shall be prepared under the direction of the Chairman and shall be circulated to the members of the Development Authority in such manner as the Chairman may determine.

(5) The Chairman shall, if he is of opinion that immediate execution of any work is necessary, direct the execution of such work.

7. (1) The Chairman may, at any time, by giving a notice in writing to the State Government, resign his office and the procedure for acceptance or otherwise of the resignation shall be such as may be prescribed.

Constitution of
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Development
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Chairman to be the
executive head.

Powers and
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Terms of office of
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members.

The New Town, Kolkata Development Authority Act, 2007.

(Part II.—Chapter II—Development Authority.—Sections 8, 9.—Chapter III.—Establishment of Development Authority.—Sections.—10, 11.)

(2) When—

- (i) the office of the Chairman falls vacant by reason of death, resignation, removal or otherwise, or
- (ii) the Chairman is, by reason of leave, illness or other cause temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Member-Secretary shall, exercise the powers, perform the functions and discharge the duties of the Chairman until a Chairman is appointed and assumes office or until the Chairman resumes his duties, as the case may be.

(3) In the case of casual vacancies in the office of the Member-Secretary and other members caused by death, resignation, removal or otherwise, the State Government may appoint the Member-Secretary and other members, as the case may be.

8. (1) The Development Authority shall hold meeting at least once in every two months reckoned according to the English calendar unless it is necessary and expedient to hold meeting more than once during the said period of two months.

(2) The meeting of the Development Authority shall be presided over by the Chairman. In the absence of the Chairman, the members present shall select one from amongst themselves to preside over the meeting.

(3) One-third of the total number of members shall constitute a quorum for a meeting of the Development Authority.

(4) The procedure for the conduct of business at the meeting of the Development Authority shall be such as the Development Authority may, by regulations, determine.

9. The non-official members of the Development Authority shall receive such remuneration or allowance as may be prescribed.

CHAPTER III

Establishment of Development Authority

10. The Development Authority shall have the following officers:—

- (a) an Executive Officer;
- (b) Executive Engineers and Architects;
- (c) Finance Officers;
- (d) a Secretary;
- (e) Accountants;
- (f) such other officers and staff as may be designated by the State Government in this behalf;

Provided that the State Government may increase or reduce the number of posts of officers as aforesaid.

11. Notwithstanding anything contained elsewhere in this Act, the State Government may appoint for the Development Authority, on deputation, an officer of that Government, possessing such qualifications as that Government may determine, as Executive Officer, Engineer, or Finance Officer, referred to in section 10, or with such other designation as the State Government may consider necessary, and in such manner, and on such terms and conditions, as that Government may determine in this behalf.

Meeting of the
Development
Authority.

Remuneration of
members of
Development
Authority.

Officer and staff
of Development
Authority.

Appointment of
Officers of State
Government for
Development
Authority.

*The New Town, Kolkata Development Authority Act, 2007.**(Part II.—Chapter III.—Establishment of Development Authority.—
Sections 12-15.—Chapter IV.—Powers and Functions.—Section 16.)*

Terms and conditions of service of officers and other employees of Development Authority.

12. The officers and other employees of the Development Authority shall be subject to such terms and conditions of service as may be prescribed.

Pay and allowance of officers and other employees of Development Authority.

13. (1) The officers and other employees of the Development Authority shall receive such pay and allowances as the State Government may, by order, determine.

(2) The pay and allowances of the officers and other employees of the Development Authority shall be paid out of the Fund of the Development Authority.

(3) The State Government may make such contribution towards the salary and allowances of the officers and other employees of the Development Authority as that Government may, by order, determine.

Provident Fund, Pension and retiring gratuity, etc. of officers and other employees of Development Authority.

14. The Development Authority may provide for Provident Fund, Pension and retiring gratuity in respect of, and award of reward or penalty to, officers and other employees of the Development Authority in accordance with such norms, and subject to such conditions, as may be prescribed by the State Government.

Power of Development Authority to appoint officers and staff or to take alternative measures.

15. (1) Subject to the provisions of section 11, appointment to the posts of officers referred to in section 10 shall be made by the Development Authority.

(2) The Development Authority may also appoint any person, who has retired from any post under the State Government or a Government undertaking on attaining the age of superannuation, to any of the posts of officers, referred to in section 10, on contract basis which shall state specifically the terms and conditions of appointment :

Provided that the Development Authority shall be under no obligation to appoint such person on permanent basis.

(3) Notwithstanding anything contained in any other law for the time being in force or in the provisions of this Act, the Development Authority may use the services of any person, firm, society, co-operative society or Company in respect of any particular jobs, for a particular period, or for particular purpose subject to such terms and conditions as may be prescribed by the State Government.

CHAPTER IV

Powers and Functions

Obligatory functions.

16. It shall be the obligation of the Development Authority to make reasonable and adequate provision and in accordance with the rules prescribed for the following matters within its territorial limits and the financial means at its disposal:—

(1) in the sphere of public works,—

- (a) providing by itself or by an agency, means for supply of water for public and private purposes;
- (b) construction, maintenance and cleansing of sewers and drains, sewerage and drainage works;
- (c) construction, maintenance, alteration and improvement of public streets and street furniture, bridges and culverts, fly-overs, subways, cause-ways and the like;
- (d) lighting of public streets and other public places;
- (e) planting and care of trees on road-side and elsewhere;

The New Town, Kolkata Development Authority Act, 2007.
 (Part II.—Chapter IV.—Powers and Functions.—Sections 17, 18.)

- (2) in the sphere of town planning and development,—
- (a) devising town planning within the limits of the area of New Town, Kolkata in accordance with the laws relating to town planning for the time being in force;
 - (b) planned development of the border areas of New Town, Kolkata in accordance with the laws applicable for the purpose;
 - (c) laying out and maintenance of public parks, squares, gardens, water bodies and recreation areas;
 - (d) control of regular lines of streets;
 - (e) control of all building operations and regulation of building uses;
 - (f) co-ordination of all over-ground rights enjoyed by service agencies;
 - (g) co-ordination of activities of agencies relating to laying and maintenance of underground pipelines, tubes, cables and the like;
 - (h) re-development of congested areas for providing better living conditions;
 - (i) planned development of new areas for human settlement;
 - (j) preservation of monuments and places of historical, artistic or other importance;
 - (k) measures for beautification of the township by setting up fountains and statues, providing recreational areas, improving canal banks, landscaping and the like.

Transfer of functions and duties of the State Government.

17. Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, the State Government may, subject to such conditions as it may think fit to impose, transfer to the Development Authority, by an order published in the *Official Gazette*, any of the functions and duties relating to Government under any law which the State Legislature is competent to enact or which is otherwise within the executive power of the State.

Power to transfer any function of the Development Authority under the Act to any organisation.

18. Notwithstanding anything contained in this Act or in any other law for the time being in force, the Development Authority may, if it is of opinion that it is necessary so to do in the public interest, transfer by contract or otherwise, with the prior approval of the State Government, any function or functions of the Development Authority under this Act to any organisation including a Government Organisation, in such manner, and on such terms and conditions, as may be determined by the Development Authority and approved by the State Government:

Provided that such transfer of function or functions of the Development Authority to such organisation shall not absolve the Development Authority from the responsibility of carrying out the provisions of this Act in relation to the function or functions so transferred.

Explanation.—"Government Organisation" shall mean an organisation maintained or managed by the State Government or any other company owned by the Government.

The New Town, Kolkata Development Authority Act, 2007.

(Part III.—Finance.—Chapter V.—A. Development Fund.—Sections 19- 22.—
B. Budget.—Section 23.)

PART III**FINANCE****CHAPTER V****A. Development Fund**

Development Fund and
the application thereof.

19. (1) There shall be constituted for the Development Authority a fund to be called Development Fund for New Town, Kolkata (hereinafter referred to in this Act as the Development Fund) to be held by the Development Authority for the purposes of the Act and all moneys realised or realisable under this Act and all moneys otherwise received by the Development Authority shall be credited thereto.

(2) All moneys credited to the Development Fund shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder or for payment of all sums payable out of the Development Fund under any other law for the time being in force.

(3) No payment of any sum shall normally be made out of the Development Fund unless such expenditure is covered by a current budget grant and sufficient balance of such budget is available for the purpose.

(4) Whenever a sum is paid for the purposes not covered by the budget grant, the matter shall forthwith be communicated to the Development Authority which shall take such action under the provision of this Act as may appear to it to be feasible and expedient for covering the amounts of such payment.

Opening and operation
of bank account

20. (1) The Development Authority shall open an account with a Nationalized Bank and shall operate such account.

(2) The Development Authority shall have the power to invest in fixed deposit in such Bank.

(3) All moneys received on account of the Development Fund shall be paid into the said Bank and all transactions shall be made by the Development Authority through the account with the said Bank.

(4) The Member-Secretary shall operate the account with the Bank jointly with a member, or an officer of the Development Authority, as may be authorised in this behalf by the Development Authority.

Financial assistance
from the State
Government.

21. The State Government may give grants or financial assistances to the Development Authority with or without direction as to the manner in which the sum shall be applied.

Loans.

22. Subject to the provisions of Local Authorities Loans Act, 1994, the Development Authority may, with the prior permission of the State Government, obtain loan from any financial institution of repute or Nationalized Bank or such other lending institution as the State Government may approve in this behalf, and the State Government may, if it considers necessary so to do, stand as guarantor for payment of such loan.

9 of 1914.

B. Budget

Annual budget
estimate of the
Development
Authority.

23. (1) The Development Authority shall prepare a budget estimate for a financial year in such form as may be prescribed at least one month before the commencement of such financial year.

Explanation—“Financial year” shall mean the year commencing on the first day of April.

(2) All expenditure from the Development Fund shall be made in accordance with the provisions in the budget estimate.

*The New Town, Kolkata Development Authority Act, 2007.**(Part III.—Finance.—Chapter VI.—Accounts and Audit.—Sections 24- 26.)*

CHAPTER VI

Accounts and Audit

Accounts to be kept.

24. The accounts of all financial transactions of the Development Authority shall be kept in such manner and in such form as the State Government may prescribe.

Appointment and power of the Auditors.

25. (1) The accounts of the Development Authority shall be audited by the State Government or by the Auditors appointed in that behalf by it.

(2) The Member-Secretary shall submit accounts to the Auditors as required by them.

(3) The Auditors so appointed may—

(a) require, by written notice production before them or before any officer subordinate to them of any document, which they consider necessary for the proper conduct of audit;

(b) require, by written notice, any person, accountable, for or having the custody or control of, any documents, to appear in person before them or before any officer subordinate to them;

(c) require any person so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such documents or to answer any question or to prepare and submit any statement; and

(d) cause physical verification of any stock of articles in course of examination of accounts.

(4) The Auditor may, after giving the person concerned an opportunity of being heard, disallow any item of accounts contrary to the provision of this Act and surcharge the amount of any illegal payment on the person making or authorising it, and charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into accounts by such person, and shall, in every such case, certify the amount due from such person:

Provided that any person aggrieved by an order of payment of certified sums may appeal to the State Government whose decision on such appeal shall be final.

(5) Any person who wilfully neglects or refuses to comply with the requisition made by an Auditor shall, on conviction by a court be punishable with fine which may extend to one thousand rupees in respect of each item included in the requisition.

1914.

Audit report.

26. (1) As soon as practicable after the completion of the audit, but not later than three months thereafter, the Auditor shall prepare the report on the accounts audited and examined, and shall send such report to the Chairman and a copy thereof to the Member-Secretary or such other officers as the State Government may direct.

(2) The Auditor shall include in his report a statement showing—

(a) every payment which appears to him to be contrary to law,

(b) account of any deficiency or defalcation or loss which appears to have been caused by the gross negligence or misconduct of any person,

(c) the account of any sum received, which ought to have been, but have not been, brought into any account by any person,

*The New Town, Kolkata Development Authority Act, 2007.**(Part III.—Finance.—Chapter VI.—Accounts and Audit.—Sections 27- 31.)*

(d) any other material impropriety or irregularity which may be observed in the accounts.

Chairman to remedy the defects upon audit report.

27. (1) The Chairman shall, in consultation with the other members of the Development Authority, forthwith remedy any defect or irregularity that may be pointed out by the Auditor in his audit report and shall report to the State Government or such other officers as the State Government directs:

Provided that if there is a difference of opinion between the Development Authority and the Auditor, the matter may be referred to the State Government.

(2) The State Government may pass such order upon the audit report as it thinks fit for compliance by the Development Authority.

Power of the State Government to enforce an order upon audit report.

28. If any order made by the State Government under this Chapter is not complied with, it shall be lawful for the State Government to take such step as it thinks fit to secure the compliance of the order and direct that all expenses therefor shall be defrayed from the Development Fund.

Special audit.

29. In addition to the audit mentioned hereinabove, the State Government may, if it thinks fit, appoint an auditor to conduct a special audit pertaining to a specified item or series of items requiring thorough examination, and the procedure relating to audit shall also apply *mutatis mutandis* to such special audit.

Internal audit.

30. The State Government may by rules provide for internal audit of the day to day accounts of the Development Authority in such manner as it thinks fit.

Accounts Committee of Development Authority.

31. (1) The Development Authority shall, at its first meeting in each year or in its next meeting which shall be held within a period of thirty days from the date of its first meeting in that year, constitute an Accounts Committee of the Development Authority:

Provided that the State Government may, on an application by the Chairman and for reasons to be recorded in writing, extend the period as aforesaid by such period not exceeding thirty days as the State Government may think fit.

(2) The Accounts Committee of the Development Authority shall consist of such numbers, not being less than three and not more than five, as the Development Authority may determine, to be selected by the members from amongst themselves:

Provided that the Chairman and the Member-Secretary shall not be the member of the Accounts Committee of the Development Authority.

(3) The Development Authority may associate with the Accounts Committee of the Development Authority such persons having special knowledge in public accounts and administration, not being members and not exceeding one-half of the members in such committee, and for such terms, as it thinks fit. Such persons shall not have the right to vote at the meeting of the Accounts Committee of the Development Authority.

(4) The members of the Accounts Committee of the Development Authority shall elect from among themselves one member to be its convenor.

(5) The members of the Accounts Committee of the Development Authority shall hold office until a new Committee is constituted.

(6) Subject to the provisions of this Act and the rules and the bye-laws made thereunder, it shall be the duty of the Accounts Committee of the Development Authority—

(a) to examine the accounts of the Development Authority;

(b) to examine and scrutinise the report on the accounts of the Development Authority by the Auditor appointed under this Chapter;

*The New Town, Kolkata Development Authority Act, 2007.**(Part III.—Finance.—Chapter VI.—Accounts and Audit.—Sections 32-34.)*

- (c) to examine and scrutinise the report of special audit, if any;
- (d) to examine and scrutinise the report of physical verification of stock, if any;
- (e) to submit report to the Development Authority every year and from time to time on such examination and scrutiny;
- (f) to discharge such other functions as may be entrusted to it by the Development Authority.

(7) The Accounts Committee of the Development Authority may call for any book or document and send for such officer of the Development Authority as it may consider necessary for explaining any matter in connection with his work.

(8) The manner of transaction of business of the Accounts Committee of the Development Authority shall be such as may be determined by it.

32. (1) Where an amount is certified, under sub-section (4) of section 25, to be due from any person, such amount shall be paid within three months from the date of certificate under that section.

(2) When a person appeals to the State Government under the proviso to sub-section (4) of section 25, the amount shall, if any, as decided by the State Government, be paid within a period of not less than three months from the date of such decision, as the State Government may allow.

(3) The amount shall, as decided under sub-sections (1) and (2), be recoverable by the Chairman.

33. Where a person, from whom an amount is certified to be due under sub-section (4) of section 25, is an officer or employee of the Development Authority and where such person has not paid such amount within three months from the date of such certificate, or where an amount, declared to be due from such person under the proviso to sub-section (4) of section 25, has not been paid by such person within such period not less than three months from the date of such declaration as may be allowed to him under section 32, such person shall be subject to such disciplinary proceedings as the State Government may prescribe.

34. (1) The State Government may make rules for the purposes of carrying out the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the manner and form in which the accounts of the Development Authority shall be kept;
- (b) the time within which, and the manner, in which, the matter referred to in the proviso to sub-section (4) of section 25, shall be referred to the State Government;
- (c) the manner of serving certificate under sub-section (4) of section 25;
- (d) any other matter which may be or is required to be prescribed under the provisions of this Chapter.

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(Part IV.—Development Charge and Property of Development Authority.—
Chapter VII.—Fees and charges.—Sections 35, 36.—Chapter VIII.—Property
of Development Authority.—Sections 37, 38.)

PART IV

DEVELOPMENT CHARGE AND PROPERTY OF
DEVELOPMENT AUTHORITY

CHAPTER VII

Fees and charges

Levy, assessment and
recovery of
development charge.

35. (1) The Development Authority may, with the previous sanction of the State Government, levy a charge, to be called development charge, for having carried out, or for carrying out in future, any work of development in the area of New Town, Kolkata.

(2) Subject to the provisions of sub-section (1), the development charge shall be assessed, and shall be leviable, on the owner or the occupier of any land within the jurisdiction of the Development Authority, at such rate as may be determined by the Development Authority.

(3) The development charge under this section shall be the first charge upon the land as aforesaid after land-revenue and shall be recoverable as an arrear of land-revenue.

(4) The development charge realized by the Development Authority under this section shall be credited to the Development Fund, and the Development Authority shall have the power to incur expenditure from the Development Fund from time to time on any work of development in the area of New Town, Kolkata.

Levy, assessment and
recovery of amenity
charge.

36. (1) The Development Authority may, with the previous sanction of the State Government, levy a charge to be called amenity charge, for providing such amenity to the whole or any part of the area of New Town, Kolkata and at such rate, as may be approved by the State Government.

(2) The amenity charge realized by the Development Authority under this section shall be credited to the Development Fund, and the Development Authority shall have the power to incur expenditure from the Development Fund from time to time for the purpose of providing better amenity to any area within New Town, Kolkata.

CHAPTER VIII

Property of Development Authority

Power to acquire and
hold property.

37. The Development Authority shall, for the purposes of this Act, have power to acquire, by gift, purchase or otherwise, and hold, movable and immovable property or any interest therein, whether within or outside the limits of the New Town, Kolkata.

Vesting of property

38. Notwithstanding anything contained in any other law for the time being in force, the movable and immovable properties of the following categories within the limits of New Town, Kolkata shall vest in the Development Authority, unless the State Government otherwise directs by a notification in the *Official Gazette*:—

- (a) all vested public lands not belonging to any Government Department or the statutory body or corporation;
- (b) all public tanks, streams, reservoirs and wells;
- (c) all public markets and slaughter houses;
- (d) all public sewers and drains, channels, tunnels, culverts and water courses in, alongside or under, any street;
- (e) all public streets and pavements, stones and other materials, and also trees on such public streets or pavements not belonging to any private individual;

*The New Town, Kolkata Development Authority Act, 2007.**(Part IV.— Development Charge and Property of Development Authority.—
Chapter VIII.— Property of Development Authority.—Sections 39-41.)*

- (f) all public parks and gardens, including squares and public open spaces;
- (g) all public *ghats* or rivers or streams or tanks;
- (h) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto;
- (i) all public places for disposal of the dead, excluding those governed by any specific law in this behalf;
- (j) all solid and liquid wastes collected on public street or public place, including dead animals and birds;
- (k) all stray animals not belonging to any private persons.

39. (1) The Development Authority may, on such terms and conditions as may be approved by it, acquire by agreement—

- (a) any immovable property,
- (b) any easement affecting immovable property.

(2) The Development Authority may also acquire a property by exchange on such terms and conditions as may be approved by it.

(3) The Development Authority may also hire or take on lease immovable property on such terms and conditions as may be approved by it.

(4) The Development Authority may receive, any grant or dedication by donor, whether in the form of any income or any movable or immovable property, by which any obligatory function of the Development Authority may be benefited.

(5) It shall be lawful for the Development Authority to be the beneficiary of any trust created under the Charitable and Religious Trusts Act, 1920 or the Indian Trusts Act, 1882.

14 of 1920.
2 of 1882.

40. The property belonging to the Development Authority may be disposed of in the manner provided in this section, namely:—

- (a) the Development Authority may sell, or grant lease of, or otherwise dispose of, by public auction, any movable property belonging to the Development Authority;
- (b) the Development Authority, with the prior approval of the State Government may, for valuable consideration, let out on hire, grant lease, or sell or otherwise transfer, any immovable property belonging to the Development Authority but not required for carrying out the purposes of this Act;
- (c) the Development Authority shall not transfer any immovable property vested in it by virtue of this Act, but shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made thereunder:

Provided that the State Government may authorise, in the public interest, the disposal of such immovable property by the Development Authority if such authority so requires for reasons to be recorded in writing.

41. (1) The Development Authority shall maintain an inventory of the movable and immovable properties of the Development Authority in such form and in such manner as may be prescribed.

(2) The Development Authority shall, in the case of the inventory of an immovable property, prepare an annual statement along with the reference therein.

(3) Such statement shall be included as an appendix to the annual administration report of the Development Authority.

The New Town, Kolkata Development Authority Act, 2007.

(Part V—Regulatory Jurisdiction.—Chapter IX.—Streets and public places.— Sections 42-45.)

PART V

REGULATORY JURISDICTION

CHAPTER IX

Streets and public places

Power to classify public and private streets.

42. The Development Authority may classify public and private streets into arteria road, connecting road, service road, passage, pathway, lane and by-lane and specify the width of each class in accordance with such rules as may be made in this behalf.

Vesting of public streets, parking terminals, squares, parks and gardens in the Development Authority.

43. (1) All public streets, bus, taxi or rickshaw stand or other parking or transportation terminals, squares, parks and gardens within the area of New Town, Kolkata including the soil, sub-soil, side-drains, footpaths, pavements, stones and other materials, and all erections and trees provided therein shall vest in the Development Authority.

(2) The State Government may, for reasons to be recorded in writing, by notification withdraw from the Development Authority any public street, square, park or garden, or transportation terminal and transfer the same for a limited period to any other agency for development or maintenance thereof in public interest.

(3) The Chairman shall maintain a register in such form and in such manner showing a list of all public streets, parking or transportation terminals, squares, parks and gardens and other properties vested in the Development Authority including those transferred to other agencies under sub-section (2).

Power to the Development Authority in respect of control of public streets, etc.

44. (1) All public streets, parking or transportation terminals, squares, parks and gardens vested in the Development Authority shall be under the control of the Development Authority which shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and regulations made thereunder.

(2) The Development Authority shall cause all public streets vested in the Development Authority to be levelled, metalled, paved, channelled or altered or repaired, widened, extended or otherwise improved or cause the soil thereof to be raised, lowered or altered, and may place and repair fences and posts for the safety of pedestrians.

(3) The Development Authority shall cause various items of street furniture, including guard rails, traffic lights and traffic signs, streets markings, median strips and similar other items to be installed or done for public safety, convenience and expeditious movement of traffic, including pedestrian traffic.

(4) The Development Authority may, for any public purpose, turn, divert or temporarily or permanently close any public street or park thereof or permanently close any public square or garden :

Provided that the Development Authority so closing any street, shall not do so for mere financial gain and shall be bound to provide reasonable means of access to persons occupying premises adjacent to such street.

Rights of way for underground utilities.

45. Subject to the provisions of the Indian Telegraph Act, 1885, the Electricity Act, 2003, and such other Acts as may be notified by the State Government for the purposes of this section, the State Government may by rules provide for the following :—

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter IX.—Streets and public places.— Sections 46-48.)*

- (a) the sanction by the Development Authority of specific rights of way in the sub-soil of public and private streets within the area of New Town, Kolkata for different public utilities, including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, sewerage and drainage, shopping plazas, warehousing facilities and apparatus and appurtenances related thereto, provided by Government or any statutory body or any licensee under any of the said Act ;
- (b) the levy of any fee or charges permissible under any of the said Acts ;
- (c) the furnishing to the Development Authority of maps, drawings and statements, which shall enable it to compile and maintain precise records of the placement of the underground utilities within or without the limits of the area of New Town, Kolkata.

46. The Chairman shall cause to be maintained complete survey maps, drawings and descriptions of all the underground utilities within the area of New Town, Kolkata in such form and in such manner, as may be prescribed, and shall ensure the secrecy of such survey maps, drawings, and descriptions in conformity with the provisions of the Official Secrets Act, 1923.

19 of 1923.

47. (1) If the Development Authority considers it expedient to make regulation for any public street a building-line or a street alignment, or both a building-line and a street alignment, it shall give public notice of its intention to do so.

(2) Every such notice shall specify a period within which objections will be received, and a copy of such notice shall be sent by post to every owner of premises abutting on such street who is registered in respect of such premises on the books of the Development Authority :

Provided that the failure or omission to serve such notice on any of the owners shall not invalidate the proceedings under this section.

(3) The Development Authority shall consider all objections received within such period as it may fix in this behalf, and may then make regulation determining a building-line or a street alignment or both a building-line and a street alignment for such public street.

(4) A register or book with plans attached shall be maintained by the Chairman showing all public streets within the area of New Town, Kolkata including, in particular, those in respect of which a building-line or street alignment has been determined by regulation, and such register shall maintain such particulars as the Development Authority may determine and shall be open to inspection by any person upon payment of such fee as may be fixed by the Development Authority.

48. (1) No portion of any building or boundary wall shall be erected or added to within such street alignment as the Development Authority may determine by regulation under section 47 :

Provided that the Development Authority may, at its discretion, permit additions to a building to be made within a street alignment, if such additions merely add to the height of, and rest upon, an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors-in-interest—

- (a) not to claim compensation in the event of the Development Authority at any time thereafter acquire calling upon him or such successors-in-

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter IX.—Streets and public places.— Sections 49-51.)*

interest, by a notice, in writing, to remove any addition made to any building in pursuance of such permission, or any portion thereof, and

(b) to pay the expenses of such removal.

(2) If the Development Authority refuses to grant the permission to add to any building on the ground that the proposed site falls wholly or in part within a street alignment referred to in section 47, and if such site or the portion thereof which falls within such alignment is not acquired by the Development Authority within one year after the date of such refusal, it shall pay reasonable compensation to the owner of the site.

(3) No person shall erect or add to any building between a street alignment and the building-line without first obtaining the permission of the Development Authority to do so.

(4) If the Development Authority grants permission under sub-section (3), it may require the applicant to execute an agreement in accordance with the proviso to sub-section (1).

Power to prohibit use of public streets for certain kind of traffic.

49. (1) The Development Authority may, for sufficient reasons,—

(a) prohibit vehicular traffic in all public streets or any public street or any portion of street so as to prevent danger, construction, or inconvenience to the public, or to ensure quietness in any locality;

(b) prohibit, in respect of all public streets or any particular public street, the transit of any vehicle of such type form, construction, weight, emission or size, or of any vehicle laden with such heavy or unwieldy object, as is likely to cause injury to the roadways or any construction thereon, or of any vehicle for public convenience, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants, and other general precautions, and upon the payment of such charges, as may be specified by the Development Authority generally or specifically in each case;

(c) prohibit, at all times or during any particular hours, entry from, or exit to, premises of vehicular traffic from any particular public street carrying such traffic.

(2) Notices of prohibition under sub-section (1) shall be posted in conspicuous places at or near both ends of public streets or portions thereof to which they relate, if such prohibition applies generally to all public streets; otherwise such notices may be advertised.

Closure of public street for parking purposes.

50. (1) The Development Authority may declare a public street or a portion of it as a fee parking area.

(2) Parking fee may be levied for each hour at such rate, and for such types of vehicles parked in different areas or for parking on different categories of streets at different hours of the day, as the Development Authority may determine.

Removal of encroachments over public streets, etc.

51. (1) The Development Authority may itself or by an Officer authorized by it in writing, in this behalf, without notice—

(a) remove, alter or otherwise deal with any structure, wall, hoarding, scaffolding, fence, rail, post, platform or other projection, obstruction or encroachment which, without first obtaining its permission, in writing, has been erected or set up in, over, above or upon any public street, house-gully, sewer, drain, aqueducts, water-course, or ghat,

(b) remove any materials or goods or any movable property which has, without its permission, been deposited in a public street or in, over,

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter IX.—Streets and public places.— Sections 52-54.)*

above or upon any house-gully or any public sewer, drain, aqueduct, water-course or *ghat*, or which remains so deposited, when the period covered by any permission given in this behalf has expired, whether or not the offender is prosecuted under this Act or the rules or the regulations made thereunder.

(2) Any expenditure incurred for the removal of any projection, obstruction or encroachment referred to in sub-section (1) shall be recovered as an arrear of land revenue from the person who erects or sets up such projection, obstruction or encroachment.

(3) If the person who erect or sets up any of the projections, obstructions or encroachments, referred to in sub-section (1), is not known or cannot be found, of the Development Authority may cause a notice to be posted up in the neighbourhood of the said projection, obstruction or encroachment, as the case may be, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition.

(4) No person shall be entitled to any compensation in respect of the removal of any projection, obstruction or encroachment under this section. If the expenses of removing or altering any such projection, obstruction or encroachment are paid by the occupier of the building in any case in which such projection, obstruction or encroachment was not erected or set up by himself, he shall be entitled to deduct from the rent payable by him to the owner of the building any reasonable expense incurred for such removal or alteration.

52. Whoever removes, not being duly authorized in that behalf, any earth, sand or other material from or makes any encroachment in or upon, any street or open space which is not a private property, shall, on conviction, be punished with fine which may extend to two hundred rupees and, in the case of continuing offence, with further fine which may extend to fifty rupees for every day after the first during which such offence continues.

53. (1) No person shall, without the permission of the Development Authority or any other lawful authority, displace, dig up or make any alteration in, or otherwise damage, the pavement, gutter, flags or other materials of any public street, or any street furniture like posts, fences and walls, including lamp-posts, lamps, brackets, water-posts, hydrants and accessories thereto, or any other property of the Development Authority on a public street or public place, park, square or garden.

(2) Every person to whom any permission is granted under sub-section (1) shall abide by such conditions as the Development Authority may impose in this behalf.

(3) Any person who contravenes any provision of sub-section (1) shall, on conviction, be punished with a fine which may extend to two hundred rupees and in the case of continuing offence with a further daily fine extending to fifty rupees :

Provided that such person shall, in addition to any penalty that may be imposed on him, be liable to pay the expenses which the Development Authority may incur in replacement or restoration consequent on such contravention, and such expenses shall be recoverable as an arrear of land-revenue.

54. Whenever any public street or drain or any other property of the Development Authority is damaged, washed away or eroded by any activity within any land or building (including tank) which exists by the side of such street, drain or property, the Development Authority may, by a notice in writing, require

The New Town, Kolkata Development Authority Act, 2007.

(Part V.—Regulatory Jurisdiction.—Chapter IX.—Streets and public places.—Sections 55—Private Street— Sections 56-59.)

the owner or the occupier of such land or building, as the case may be, to repair the damage and to restore the street, drain or property as the case may be, to its original condition as far as possible within such time as may be specified in the notice, and it shall be incumbent upon such owner or occupier to comply with such requirement, failing which the Development Authority may carry out the work of repair or restoration and the expenses thereof shall be recoverable from the owner or the occupier as an arrear of land-revenue.

Naming and numbering of streets and numbering of premises.

55. (1) It shall be lawful for the Development Authority to—
- (a) give a name or a number to every public street ;
 - (b) cause to be put up or painted on a conspicuous part of any building, wall or any other place the name or the number by which such street is to be known ;
 - (c) determine the number or the sub-number by which any premises or part thereof shall be known; and
 - (d) require the owner of any premises or part thereof by a notice, in writing, to put up a plate showing the number or the sub-number of such premises or part of such premises, determined under clause (c), in such position and manner as may be specified in the notice.

(2) Any person, who destroys pulls down or defaces any such name or number of a public street or number or sub-number of any premises or part thereof or puts up any name, number or sub-number different from that determined by the Development Authority, or any owner of any premises or part thereof who does not, on being so required, put up at his own expenses such number or sub-number of such premises or part thereof, shall, on conviction, be punished with a fine which may extend to one hundred rupees.

Private street

Power to require owner to upgrade private street.

56. (1) The Development Authority may require any owner or owners of land or building within the area of New Town, Kolkata to upgrade a private street with such land or building in respect of such items of work and in conformity with such standard as may be prescribed.

(2) If such requirements are not complied with, the Chairman may cause the execution of the work by its own agency and recover the expenses incurred either in whole or in part, from the owner or owners, as the case may be.

Power of access over private street.

57. The Development Authority shall have access over any private street for the purpose of extending amenity or providing amenity.

Power to take over private streets.

58. (1) If any private street has been upgraded under section 56 and the majority of the owners of such street or the owners of lands or buildings on such street express their consent in writing, the Development Authority shall declare the same to be a public street.

(2) If the Development Authority decides for reasons to be recorded in writing, to take over a private street, whether upgraded or not, it may, notwithstanding anything contained in this section, declare such street to be a public street.

(3) Upon a private street being declared by the Development Authority under sub-section (1) or sub-section (2), as the case may be, to be a public street, such private street shall vest in the Development Authority, free from all encumbrances, with effect from the date of such declaration.

New private street.

59. (1) Every person intending to lay out or make a new street within the area of New Town, Kolkata, shall give notice thereof in writing to the Chairman and shall furnish along with such notice plans and sections showing—

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter IX.—Private Street.—Section 60.)*

- (a) the intended level, direction and width of the street ;
- (b) the situation and the boundaries of any buildings or plots abutting on such street or likely to be served by such street ;
- (c) the position of any public street or streets to which the new street may have an access ;
- (d) the arrangements to be made for the levelling, paving, metalling, flagging, channelling, draining or lighting of the street ; and
- (e) such other particulars as may be required by regulations, if any, made in this behalf.

(2) Within sixty days of receipt by the Chairman of the information and documents hereinafter specified or, if any further information or documents have been called for, within sixty days of the receipt of such further information or documents, the Development Authority may either—

- (a) sanction the laying out or making of the new street, subject to such modifications or conditions as he may think fit ; or
- (b) disallow it for reasons which shall be communicated to the applicant in writing.

(3) If the Development Authority fails to issue any order under sub-section (2) within the specified period, the person giving notice shall be entitled to lay out and make the proposed street in such manner as may have been specified in the notice under sub-section (1) and in a manner not inconsistent with any provision of this Act or any rules or regulations for the time being in force.

(4) If any person, who is entitled to proceed with any work under sub-section (2) or sub-section (3), fails to carry out such work within one year from the date on which he becomes so entitled, his right to proceed with such work shall lapse.

(5) If any person lays out or makes a new street in contravention of the provisions of this section, the Chairman shall forthwith cause the work to be stopped and may execute his order for such stoppage with the help of the police.

(6) Whoever lays out or makes any such street in any manner contrary to the provisions of this Act or of any rules or regulations made thereunder or violates any order for stoppage of works under sub-section (5) shall, on conviction, be punished with imprisonment for six months or with fine which may extend to five thousand rupees or with both, and the Chairman may cause any street so laid out or made to be altered and any building constructed on such street to be altered or removed and expenses thereby incurred shall be paid to the Development Authority by the offender, and shall be recoverable as an arrear of land-revenue.

60. (1) Before utilising, selling, leasing out or otherwise disposing of any land or building as plots for construction of buildings thereon, the owner thereof shall send to the Chairman a written application with a layout plan of the land showing the street or streets giving access to the plots into which the land may be divided and connections of such street or streets with any existing public or private street in the following particulars :—

- (a) the size or sizes and the number of plots into which the land is proposed to be divided for the erection of building thereon and the purpose or purposes for which such buildings are to be used ;
- (b) the land use pattern depicting reservation or allotment of any site for any street, parking lot, open space, park, recreation ground, school, market or any public purpose ;
- (c) the intended level, direction and width of street or streets including footpath ;

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter IX.—Private Street.—Section 61.)*

- (d) the arrangement for water-supply, energy supply, drainage, sanitation and conservancy as respects the plot ;
- (e) the arrangements to be made for levelling, paving, matalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(2) Within ninety days of receipt of any application under sub-section (1), the Chairman shall, after obtaining such technical views as he may deem proper, either accord approval to the layout plan on such conditions as he may think fit or disallow it or ask for further information with respect to it.

(3) Such approval shall be refused,—

- (a) if the particulars shown in the layout plan are in conflict with any arrangements which have been made or are likely to be made for carrying out any general scheme or development of the areas of New Town, Kolkata, whether or not such scheme is contained in the development plan or the development scheme prepared under any law in force for the time being ;
- (b) if the layout plan does not conform to the provisions of this Act and the rules and the regulations made thereunder ; or
- (c) if any street proposed in the layout plan is not so designed as to connect it at one end with a street which is already open.

(4) No person shall utilise, sell or otherwise deal with any land or lay out or make any new street, nor shall any person make any construction on any plot, comprised in such land without or otherwise than in conformity with the orders or approval of the Chairman; and, if further information is asked for, no steps shall be taken to utilise, sell or otherwise deal with the land or to lay out or make the street until an order has been passed by the Chairman upon receipt of such information :

Provided that the passing of any such order shall not, in any case, be delayed for more than ninety days after the Chairman has received such information as he considers necessary to enable him to deal with the application.

(5) Where the transfer of any land or building is executed before the layout plan has been approved, no plan for erection of a building within the meaning of sub-section (1) of section 64 on the said land or building shall be approved :

Provided that the Chairman may, after considering the case, by order approve the plan for erection of such building in relaxation of the provision of this sub-section.

61. The Development Authority may—

- (a) take measures for lighting, in a suitable manner, such public streets and public places as may be considered necessary ;
- (b) procure, erect and maintain such number of lamps, lamp-posts, and other appurtenances as may be necessary for the purpose as aforesaid ;
- (c) cause such lamps to be lighted by such means as may be determined by it ;
- (d) place and maintain—
 - (i) electric wires for the purpose of lighting such lamps under, over, along or across,
 - (ii) posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or

Lighting of streets in public places and measures for lighting.

The New Town, Kolkata Development Authority Act, 2007.

(Part V.—Regulatory Jurisdiction.—Chapter IX.—Private Street.—Sections 62, 63.—Chapter X.—Building.—Section 64.)

electric wires in or upon, any immovable property without being liable to any claim for compensation thereof :

Provided that such electric wires, posts, poles, standards, stays, struts, brackets or contrivances shall be so placed as to cause the least practicable inconvenience or nuisance to any person :

Provided further that the Development Authority may, for carrying, suspending or supporting any lamp or electric wire, enter into an agreement with any firm or company or Government agency for using, on terms and conditions mutually agreed upon, any post, pole, or standard, erected and maintained by such firm, company or Government agency.

62. (1) The Development Authority may, on its own or in collaboration with anyone, erect plants for generation of electric power, subject to such rules as may be made in this behalf.

(2) Notwithstanding anything contained in this Chapter, all matters relating to generation, transmission, supply or use of electrical energy in any area of New Town, Kolkata, shall be regulated by the provisions of the Electricity Act, 2003.

63. (1) No person shall, without the written permission of the Chairman or any lawful authority, take away or wilfully or negligently break or throw down or damage,—

- (a) any lamp or any appurtenances of any lamp or lamp-post or lamp-iron set up of any public street or any public place ;
- (b) any electric wire for lighting such lamp ;
- (c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence breaks, or causes any damage to, anything referred to in sub-section (1), he shall, in addition to any penalty to which he may be subject under this Act, pay the expenses of repairing the damage so caused by him.

CHAPTER X

Building

64. (1) In this Part, unless the context otherwise requires, the expression "to erect a building" means—

- (a) to erect a new building on any site, whether previously built upon or not ;
- (b) to re-erect—
 - (i) any building of which more than one-half of the cubical contents above the level of plinth have been pulled down, burnt or destroyed, or
 - (ii) any building of which more than one-half of the superficial area of the external wall above the level of plinth has been pulled down, or
 - (iii) any frame-building of which more than half of the number of columns or beams in the external walls have been pulled down;
- (c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation, subsequently appropriated for any other purpose ;

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.—Section 64.)*

- (d) to convert into more than one dwelling house a building originally constructed as one dwelling house only ;
- (e) to convert into a place of religious worship or a sacred building any place or building not originally constructed for such purpose ;
- (f) to roof or cover an open space between walls or buildings to the extent of the structure formed by the roofing or covering of such space ;
- (g) to convert two or more tenements in a building into a greater or lesser number of such tenements ;
- (h) to convert into a stall, shop, office, warehouse or godown, workshop, factory or garage any building not originally constructed for use as such, or to convert any building constructed for such purpose by subdivision or addition, in greater or lesser number of such stalls, shops, offices, warehouses or godowns, workshops, factories or garages ;
- (i) to convert a building, which, when originally constructed, was legally exempt from the operation of any building regulation contained in this Act or under any rules or regulations made under this Act or contained in any other law for the time being in force, into a building which, had it been originally erected in its converted form, would have been subject to such building regulations ;
- (j) to convert into, or to use as a dwelling house, any building which has been discontinued as or appropriated for any purpose other than a dwelling house ;
- (k) to make any addition to a building ;
- (l) to close permanently any door or window in any external wall ;
- (m) to remove or reconstruct the principal staircase or to alter its position.

(2) for the purposes of this Act, "use group" or "occupancy" shall mean the purpose for which a building or part of a building is used or intended to be used. For the purpose of classification of a building according to occupancy, occupancy shall be deemed to include subsidiary occupancies which are contingent upon it. The classification of occupancy shall include residential, educational, institutional, assembly, business, mercantile (retail), mercantile (wholesale), industrial, storage and hazardous. The principal occupancy shall be the occupancy covering eighty per cent or more of the covered area of a building. The classification of buildings based on principal occupancy shall be as follows :—

- (a) 'residential building', that is to say, any building in which sleeping accommodation is provided for normal residential purpose as a principal use with or without cooking facilities, or dining facility or both. Such building shall also include one or two or multi family dwellings, lodging or rooming houses, hostels, dormitories, apartment houses and flats, private garages, work and leaving studio ;
- (b) 'educational building', that is to say, any building used for the school, college, library or day care purposes as principal use involving assembly for instruction, education or recreation, incidental to education ;
- (c) 'institutional building', that is to say, any building or part thereof ordinarily providing sleeping accommodation for occupants and used principally for the purpose of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents of aged persons, veterinary services and

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter X.—Building.—Section 64.)*

for penal or correctional detention in which the liberty of the inmates is restricted. Such building shall include hospital, clinics, dispensaries, sanatoria, custodian institutions and penal institutions lie correctional homes, prisons, mental hospital and reformatories ;

- (d) 'assembly building', that is to say, any building or part thereof where groups of people gather for amusement or recreation or for social, religious, patriotic, civil, travel, sports, and similar other purposes as the principal use. Such building shall include theatres, motion picture houses, drive in theatres, city halls, town halls, auditoria, exhibition halls, museums, skating rings, restaurants, eating houses, bars, hotels, boarding houses, places of worship, dance halls, club rooms, gymnasiums, passengers stations and terminals of air, surface and other public transportation services, recreation and piers and stadiums ;
- (e) 'business building', that is to say, any building or part thereof used principally for transaction of business for keeping of accounts and records or for similar purposes. Such building shall also include buildings or premises solely or principally used as an office or for office purposes;
- (f) 'mercantile building (retail)', that is to say, any building or part thereof used principally as shops, stores or markets for display or retail sell of merchandise or for office and storage of service facilities incidental thereto ;
- (g) 'mercantile building (wholesale)', that is to say, any building or part thereof used principally as shops, stores or market for display or sell of merchandise on wholesale basis, or for office storage or service facilities incidental thereto, and shall include establishments, wholly or partly engaged in wholesale trade, manufacturers wholesale outlets including related storage facilities, wire houses and establishments engaged in truck transport (including truck transport booking agencies) ;
- (h) 'industrial building' that is to say, any building or part thereof used principally for fabrication, assembly or processing of goods and materials of different kinds. Such building shall include laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories and workshops ;
- (i) 'storage building', that is to say, any building or part thereof, used principally for the storage or sheltering of goods, wares or merchandise as in warehouses. Such building shall include cold storage, freight depots, transit sets, store houses, public garages, hangars, silos and barns ;
- (j) 'hazardous building', that is to say, any industrial building, storage building, mercantile building (retail) and mercantile building (wholesale) or part thereof which are principally used for the storage, handling, manufacture or processing of highly combustible or explosive material or products which are liable to burn with extreme rapidity or which may produce poisonous or noxious fumes or explosion during storage, handling, manufacturing or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other

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liquids, or chemical or radioactive elements producing flames, fumes, explosions or mixtures of dust or any other matter which result in the division of matter into fine particles subject to spontaneous ignition :

Provided that the hazardous building shall not be allowed for mixing with other use groups or occupancy in a same building.

65. (1) the State Government may make rules to provide for—

- (a) the regulation of restriction of the use of sites for buildings, and
- (b) the regulation or restriction of building.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of following matters :—

(a) information and plans to be submitted together with application under any of the provisions of this part ;

(b) requirements of sites ;

(c) means of access ;

(d) development of land into land sub-division and layout ;

(e) land use classification and uses ;

(f) open spaces, area and height limitation ;

(g) parking spaces ;

(h) requirements of parts of building plinth, habitable room, kitchen pantry, bathroom and water closet, loft, ledge, mezzanine floor, store-room, garage, roof, basement chimney, lighting and ventilation of room, parapet, wells, septic tanks and boundary wall ;

(i) provisions for lifts ;

(j) exit requirements including doorways, corridors, passageways, staircase, ramps and lobbies ;

(k) fire protection requirements including materials and designs for interior decoration ;

(l) special requirements of occupancies for residential building, educational building, institutional building, assembly building, business building, mercantile building, industrial building, storage building and hazardous building (including those for assembly, movement, parking, loading, unloading, public conveniences, water-supply and vendors' plazas) ;

(m) structural designs ;

(n) quality of materials and workmanship ;

(o) alternative materials, methods of design, construction and tests ;

(p) building services including electric supply, air-conditioning or heating, and telephone and telex ;

(q) plumbing services ;

(r) signs and outdoor display structures ;

(s) compliance with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979, and such other Act or the rules made thereunder as the State Government may direct ;

(t) any other matter considered necessary in relation to building activities

(3) The State Government may, by notification, exempt any part of New Town, Kolkata from the operation of all or any of the provisions of this Part of the rules made under this section.

Power of State Government to make building rules and to classify areas of New Town, Kolkata for the purpose of application of building rules.

*The New Town, Kolkata Development Authority Act, 2007.**(Part V—Regulatory Jurisdiction.—Chapter X.—Building.— Sections 66,67.)*

(4) While such exemption as aforesaid remains in force in any part of New Town, Kolkata, the State Government may make rules consistent with the provisions of this Part for application to such Part of the area as aforesaid.

66. (1) The Development Authority may give public notice of its intention to declare that—

- (a) in any street or portion thereof specified in the notice, the elevation and construction of the frontage of all buildings or any class of buildings erected or re-erected after such notice shall, in respect of their architectural features, be such as the Development Authority may consider suitable to the locality ; or
- (b) in any locality specified in the notice, there shall be allowed the erection of only detached or semi-detached buildings or both or row-houses and that the land appurtenant to each such building shall be of an area being not less than that specified in the notice ; or
- (c) the division or sub-division of building plots in a particular locality shall be of a specified size ; or
- (d) in any street, portion of a street, or locality specified in the notice, the construction of any one or more of the different classes of buildings like residential, commercial, business, assembly, mercantile, industrial, institutional, storage or hazardous buildings, shall not be allowed without the special permission of the Development Authority.

(2) The Development Authority shall, at a meeting, consider all the suggestions or objections received within a period of three months of the publication of the notice under sub-section (1), and may confirm the declaration or may modify it; so, however, that no such modification shall extend the effect of such declaration.

(3) The Development Authority shall, in the manner prescribed, publish any declaration so confirmed or modified, and such declaration shall take effect from the date of such publication.

(4) No person shall, after the date of publication of such declaration, erect or re-erect any building in contravention of such declaration.

(5) The Development Authority shall ensure that such declaration is in conformity with the provisions of any Development Plan, if in force, under the West Bengal Town and Country (Planning and Development) Act, 1979.

67. (1) No person shall, without the permission, in writing, of the Chairman or otherwise than in conformity with the conditions of such permission,—

- (a) use or permit to be used for the purpose of human habitation any building or part thereof not originally erected or authorized to be used for such purpose ;
- (b) change or allow the change of the use of a building for any purpose other than that specified in the sanctioned plan ;
- (c) change or allow the change of the use of any building erected before the commencement of this Act contrary to the use for which such erection was originally sanctioned ;
- (d) convert or allow the conversion of a tenement within a building to an occupational use, other than the use intended in the original sanctioned plan, nor materially alter, enlarge or extend the permitted use.

(2) If, in any case, such permission is given, no change of occupancy or use shall be allowed before necessary alterations or provisions have been made to the satisfaction of the Chairman and in accordance with the provisions of this Act or the rules or the regulations made thereunder or any other law for the time being in force.

Power to regulate future construction of building in particular streets or localities.

West Bengal Act of 1979.

West Ben. Act XIII of 1979

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.—Sections 68-70.)*

(3) Any change of use made before the commencement of this Act, except in so far as such use is permissible under the provisions of the West Bengal Panchayat Act, 1973, or the West Bengal Municipal Act, 1993, shall be deemed to be an unauthorized change and shall be dealt with under the provisions of this Act.

West Ben. Act XL
1973.
West Ben. Act XXX
1993;

(4) Without prejudice to any other action that may be taken against any person, whether owner or occupier, contravening any provision of this section, the Development Authority may levy on such person, in accordance with such scale as may be prescribed, a fine not exceeding in each case rupees one hundred per square metre per month for the area under unauthorized use throughout the period during which such contravention continues.

(5) The Chairman may, if he deems fit, order that the unauthorized use be stopped forthwith :

Provided that before making any such order, the Chairman shall give to the person affected a reasonable opportunity to show cause why such order shall not be made.

(6) Any person aggrieved by an order of the Chairman under sub-section (5) may, within thirty days from the date of the order, prefer an appeal against the order to the State Government whose decision thereon shall be final and conclusive.

(7) Where an appeal is preferred under sub-section (6), the State Government may stay the enforcement of the order made by the Chairman under sub-section (5) on such terms and for such period as it may think fit.

(8) Save as otherwise provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the Chairman or the State Government to restrain from taking any action or making any order in pursuance of the provisions of this section.

Explanation.—For the purposes of this Chapter, “unauthorized use” shall mean change or conversion of a building without sanction from one occupancy or use to another, such “occupancy” or “use” being for any of the purposes, namely, residential, commercial, business, mercantile, industrial, storage, institutional, assembly and hazardous (dangerous and offensive) :

Provided that any change or conversion, which is considered not to be of material significance under the rules made under this Act, shall not be deemed to be an “unauthorized use” for the purposes of this Chapter.

Approval of building sites and sanction of plan for erection of buildings.

68. No piece of land shall be used as a site for the erection of a building unless such site has been so approved within the prescribed period, and no building shall be erected unless a building plan has been sanctioned for such erection in accordance with the provisions of this Chapter and the rules and the regulations made under this Act.

Prohibition of building without sanction.

69. No person shall erect or commence to erect any building or execute any specified building work, except with the previous sanction of the Development Authority and in accordance with the provisions of this Part and the rules and the regulations made under this Act in relation to such erection of building or execution of work.

Construction of building in contravention of the provisions of the Act or rules made thereunder.

70. (1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person, who being responsible by himself or by any other person on his behalf, so constructs or attempts to so construct or conspires to so construct any new building or additional floor or floors of any building in contravention of the provisions of this Act or the rules made thereunder as endangers or is likely to endanger human life, or any property of the Development Authority whereupon the water-supply,

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.— Sections 71-73.)*

drainage or sewerage or the road traffic is disrupted or is likely to be disrupted, or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to fifty thousand rupees.

Explanation.—“Person” shall include an owner, occupier, lessee, mortgagor, consultant, promoter or financier or a servant or agent of an owner, occupier, lessee, mortgagor, consultant, promoter or financier, who supervises or causes the construction of any building or additional floor or floors of any building as aforesaid.

(2) The offence under sub-section (1) shall be cognizable and non-bailable, within the meaning of the Code of Criminal Procedure, 1973.

(3) Where an offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purposes of this section,—

(a) “company” means a body corporate, and includes a firm or other association of individuals ; and

(b) “director”, in relation to a firm, means a partner in the firm.

71. Every person, who intends to erect or re-erect a building, shall first submit an application with a building plan in such Form, accompanied by such plans and specifications, and containing such information, together with such fees and for such purposes, as may be prescribed.

72. (1) Every person making an application to erect or to re-erect a building shall specify the purpose for which such building is intended to be used.

(2) The Development Authority may require that a building may not be erected or re-erected for more than one occupancy or use or contrary to such mixed uses as the Development Authority may determine consistent with the provisions of this Act or any other law for the time being in force.

73. (1) Within sixty days after the receipt of any application with building plan or of any information or document which the Development Authority may reasonably require the applicant to furnish before deciding whether sanction shall be accorded in this regard, the Development Authority shall, by an order in writing,—

(a) either accord sanction to the building plan conditionally or unconditionally and give permission to execute the work, or

(b) refuse, on one or more of the grounds mentioned in section 75, to accord such sanction, or

(c) accord sanction but impose conditions for compliance before permission to execute the work.

(2) A building plan sanctioned under this section shall remain valid for three years from the date of such sanction, and may be renewed for such period on payment of such fees as may be prescribed.

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.—Sections 74-77.)*

Notice to Development Authority before commencement of work.

Grounds on which sanctioned may be refused.

74. Not less than seven days before any person commences to erect or re-erect a building, the owner of the building shall send to the Chairman a notice, in writing, specifying the date on which he proposes to commence the work.

75. The sanction of a building plan may be refused on any of the following grounds :—

- (a) that the approval of the building site has not been obtained as required under the provisions of this Act and the rules and the regulations made thereunder ;
- (b) that the ground plan, elevation, section or specification would contravene any of the provisions of this Act or the rules or the regulations made thereunder or of any other law for the time being in force ;
- (c) that the application with building plan does not contain the necessary particulars and has not been prepared in the manner as required under the rules and the regulations made in this behalf ;
- (d) that any information or document required by the Development Authority in this behalf has not been duly furnished ;
- (e) that the building or the work would be an encroachment on Government land or land vested in the Development Authority ;
- (f) that for the use of the building for non-residential purposes, if any, a licence or permission has not been obtained for such use as required under the provisions of this Act or any other law for the time being in force :

Provided that a provisional sanction may be given in this regard for erection or re-erection of a building which may be confirmed by final sanction upon production of necessary licence or permission from the Development Authority or the Government or the appropriate statutory body, as the case may be.

Period of completion of building work.

76. The Development Authority shall, when granting permission conditionally or un-conditionally to execute the work, specify a reasonable period within which the building or the work is to be completed, and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh permission unless the Development Authority, on an application made in this behalf, allows an extension of such period :

Provided that the Development Authority may, if it considers necessary, require a modification of the building plan, for reasons to be recorded in writing, in the case of inordinate delay in completion of the work.

Completion certificate.

77. (1) Every person submitting an application with building plan or a work to which such application relates shall, within one month after the completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent to the Development Authority a notice, in writing, of such completion accompanied by a certificate in such Form as maybe prescribed and shall give to the Development Authority all necessary facilities for inspection of such building or work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or any part thereof affected by any such work until permission has been granted by the Development Authority in this behalf in accordance with the rules and the regulations made under this Act :

Provided that if the Development Authority fails, within a period of thirty days of receipt of the notice of completion, to communicate its refusal to grant such permission, such person may make representation in writing to the Chairman, and

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.— Sections 78-80.)*

the Chairman shall, after such enquiry and he may think fit and after giving such person an opportunity of being heard, grant such permission or communicate his refusal to grant such permission stating the reasons thereof within a period of thirty days from the date of receipt of the representation as aforesaid failing which such permission shall be deemed to have been granted.

78. (1) No roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the permission, in writing, of the Chairman, not shall any such roof, verandah, pandal, wall, shed or fence, constructed or reconstructed, be retained beyond a period of three months after such construction or reconstruction except with the fresh permission obtained in this behalf. Every permission granted under this sub-section shall expire at the end of the period of three months for which it is granted.

(2) The Development Authority may regulate the use of materials, design or construction, or other practices or interior decoration in accordance with such regulations as may be made in this behalf.

79. (1) The Chairman or any other person duly authorized by him in this behalf may, at any time and without notice, inspect any building or work in respect of which an application with building plan has been submitted, while the work is in progress, and shall cause such inspection on receipt of the notice of completion or credible information regarding such completion.

(2) If, on making any inspection under sub-section (1), the Chairman or the other person as aforesaid finds that the building is being, or has been, erected—

- (a) otherwise than in accordance with the building plan as sanctioned, or
- (b) in such a way as to contravene the provisions of this Act or the rules or the regulations made thereunder,

the Chairman may, by notice, in writing, require the owner of the building either to make such alterations within such time as may be specified in the notice with the object of bringing the work into conformity with the said plan or the provisions of this Act or the rules or the regulations made thereunder, as the case may be, or to appear before the Chairman and to show cause why such alteration should not be made.

(3) If the owner does not appear and does not show cause under sub-section (2), he shall be bound to make the alterations specified in the notice as aforesaid.

(4) If the owner appears and shows cause under sub-section (2), the Chairman shall, after hearing him, either—

- (a) cancel the notice issued under that sub-section, or
- (b) confirm the said notice, subject to such modifications, if any, as he may think fit.

(5) On the failure of the owner to comply with the foregoing provisions of this section, the Chairman may require any police officer or any employee of the Development Authority to seal such area after evicting all persons, including the workmen, therefrom to prevent further work till the alterations specified in the notice under sub-section (2) are made.

80. The provisions of this Chapter and the rules and the regulations made thereunder relating to erection of buildings shall not apply to necessary repairs not involving any of the works which constitute a material addition or alteration.

Explanation.—An addition to, or alteration of, a building shall be deemed to be material if such addition or alteration—

- (a) increases or decreases the height of the area covered by, or affects the cubical contents of, the building or any part thereof; or

*The New Town, Kolkata Development Authority Act, 2007.**(Part V.—Regulatory Jurisdiction.—Chapter X.—Building.—Sections 81-83.)*

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Power to Develop-
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on the ground of
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Order for demolition
or alteration of
buildings in certain
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- (b) affects or is likely to affect prejudicially the stability and safety of the building in respect of sewerage, drainage, ventilation and environmental safety; or
- (c) converts the building or any part thereof from one occupancy or use to another occupancy or use; or
- (d) is an addition or alteration as defined in the rules and the regulations made under this Chapter.

81. If, at any time, the Development Authority is satisfied that such sanction has been given in consequence of any material misrepresentation or fraudulent statement contained in the plans, elevation sections or specifications of land or any material particulars submitted in respect of such building, it may cancel such sanction, and any work done thereunder shall be deemed to have been done without sanction.

82. (1) If the Development Authority is satisfied that—

- (a) the erection of any building—
 - (i) has been commenced without obtaining sanction or permission under this Act, or
 - (ii) is being carried on or has been completed otherwise than in accordance with the sanction accorded, or the permission granted, under this Act, or after such sanction or permission has been lawfully withdrawn, or
 - (iii) is being carried on, or has been completed, in contravention of any provision of this Act or the rules or the regulations made thereunder, or
- (b) any building or projection exists in violation of any condition, direction or requisition under any provision of this Act or the rules or the regulations made thereunder, or
- (c) any material alteration of, or addition to, any building has been commenced, or is being carried on, or has been completed, in breach of any provision of this Act or the rules or the regulations made thereunder,

it may, after giving the owner of the building a reasonable opportunity of being heard, make an order directing that such erection, alteration, addition or projection, as the case may be, or so much thereof as has been executed unlawfully, may be demolished or altered, and, upon such order, it shall be the duty of the owner to cause such demolition or alteration to the satisfaction of the Development Authority within such period as may be specified in the order, and, in default, such erection, alteration, addition or projection, or alteration or addition, as the case may be, may be demolished or altered by the Development Authority at the expense of the owner.

(2) The procedure relating to the opportunity of hearing to be given to the owner under sub-section (1) shall be such as may be prescribed.

(3) An appeal against an order under sub-section (1) shall lie with the court having jurisdiction.

(4) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Chapter, if the Development Authority is of opinion that immediate action is necessary in respect of any building being constructed, or any work being carried on, in contravention of the provisions of this Act, it may, for reasons to be recorded in writing, cause such building or work to be demolished forthwith.

83. If, during excavation or any other operation for the purpose of construction of any building or execution of any work, any of the underground utilities (such as electric or telephone cables, water-supply, sewerage and drainage

Power to stop
excavation.

mains, and gas pipe) is touched or is likely to be touched or if the Chairman is of opinion that such excavation may cause danger to public, he may, by an order, in writing, stop forthwith any such excavation or other work till the matter is investigated and decided to his satisfaction.

84. (1) In any case in which the erection of a building or any other work connected therewith has been commenced or is being carried on unlawfully, the Chairman may, by notice, in writing, require the owner or the person carrying on such erection or other work to discontinue such erection or other work forthwith, pending further proceedings in respect of such erection or other work, as the case may be.

(2) If the notice under sub-section (1) is not duly complied with, the Chairman may, with the assistance of the police or any employee of the Development Authority, if necessary, take such steps as he may deem fit to stop the continuance of such erection or other work, as the case may be.

(3) If it appears to the Chairman that with a view to preventing the continuance of such erection or other work, it is necessary to depute any police or any employee of the Development Authority to watch such erection or other work, he may give necessary direction accordingly, and the cost of deputing the police or the employee of the Development Authority shall be borne by the owner or the person to whom the notice under sub-section (1) was issued.

85. (1) The Development Authority may, for sufficient reasons, by an order require the owner or the occupier of the building abutting on a public or a private street keep the external parts of the building, including the roof thereof, in proper repair with lime plaster or other material or properly painted to the satisfaction of the Development Authority.

(2) If such owner or occupier makes persistent default in carrying out an order made in this behalf, the Development Authority may itself carry out the work and recover the cost thereof from the owner or the occupier of the building, as the case may be.

(3) Notwithstanding anything contained in any other law for the time being in force, the Development Authority may apportion the cost incurred under sub-section (1) or sub-section (2) between the owner and the occupier in such manner as it may consider just and reasonable.

(4) The Development Authority may create and administer a special fund for maintenance as well as improvement of buildings in any area on corporate basis in accordance with such procedure as may be prescribed.

86. (1) Where the Development Authority, upon any information in its possession, is satisfied that any building is unfit for human habitation and is not capable, at a reasonable expense, of being rendered fit, shall serve upon the owner of the building and upon any person having an interest in the building, whether as lessee, mortgagee or otherwise a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under sub-section (1) appears, in pursuance thereof, before the Development Authority and gives an undertaking that such person shall, if within the period specified by the Development Authority, execute such work of improvement in relation to the building as will, in the opinion of the Development Authority, render the building fit for human habitation or that the building shall not be used for human habitation until the Development Authority, on being satisfied that it has been rendered fit for human habitation, cancels the undertaking, the development Authority shall not make an order of demolition of the building.

(3) If no such undertaking as is referred to in sub-section (2) is given or if, in a case where any such undertaking has been given, any work of improvement to

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI.—Amenities.—Chapter XI.—Water Supply.—Section 87.)*

which the undertaking relates is not carried out within the specified period or the building is used in contravention of the terms of the undertaking, the Development Authority shall forthwith make an order of demolition of the building requiring that the building shall be vacated within such period, not being less than sixty days from the date of the order, as may be specified in the order and demolished within ninety days after the expiration of that period.

(4) Where an order of the demolition of the building under this section has been made, the owner of the building or any other person having an interest therein shall demolish the building within the period specified in the order, and if the building is not demolished within such period, the Development Authority shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Development Authority under sub-section (4), which cannot be met out of the proceeds of sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrear of land-revenue.

(6) In determining, for the purposes of this section, whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,—

- (a) repair;
- (b) stability;
- (c) freedom from damp;
- (d) natural light and air;
- (e) water supply;
- (f) drainage and sanitary conveniences;
- (g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter,

and the building shall be deemed to be unfit as aforesaid if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of this section, 'work of improvement' in relation to a building shall include anyone of the following works, namely:—

- (a) necessary repairs;
- (b) structural alterations;
- (c) provisions of light points and water taps;
- (d) construction of drains, open or covered;
- (e) provisions of latrines and urinals;
- (f) provisions of additional or improved fixtures or fittings;
- (g) opening up or paving of courtyard;
- (h) removal of rubbish, filth and other polluted and obnoxious matters;
- (i) any other work, including demolition of any building or any part thereof,

which, in the opinion of the Development Authority, is necessary for executing any of the works specified in clauses (a) to (h).

PART VI
AMENITIES
CHAPTER XI
Water Supply

87. (1) It shall be the duty of the Development Authority to provide a supply of wholesome water for the domestic use of the inhabitants.

The New Town, Kolkata Development Authority Act, 2007.

Part VI—Amenities.—Chapter XI—Water Supply.—Sections 88-90.)

(2) The supply of water domestic or non-domestic uses may be charged for at such rate of fees, or price, as may be prescribed :

Provided that in the case of water supply projects, implemented in any area within New Town, Kolkata, with external aid or on joint venture basis or through private participation, the Development Authority may make regulations fixing fees for supply of water and other allied matters associated with the project, as may be necessitated by the terms and conditions of the project.

(3) The Development Authority may, for the purpose of measuring or recording the quantity of water consumed, provide for devices of attachment of meter in the premises or adopt a system of calculation by means of the size or number of ferrules through which the supply is made or by any other method or measurement or means in such manner, and in accordance with such procedure, as may be prescribed.

88. (1) All public tanks, reservoirs, cisterns, wells, tube-wells, aqueduct, conduits, tunnels, pipes, taps and other water-works, whether made, led or erected at the cost met from the Development Fund or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and any adjacent land (not being private property) appertaining to any public tank, which is situated within the area of New Town, Kolkata, shall vest in the Development Authority.

(2) All rights over the sub-soil water resources within the area of New Town, Kolkata, shall vest in the Development Authority.

89. (1) Subject to the approval of the State Government, the Development Authority may, either singly or jointly with any other local authority, within or outside the area of New Town, Kolkata, undertake construction of water-works and operating, manage and maintain such water-works to serve the inhabitant of the New Town, Kolkata.

(2) Whenever the State Government has approved any work outside the limits of the area within the jurisdiction of the Development Authority, the Development Authority may exercise all the powers for construction, maintenance and repair throughout the line of the territory in which such work is situated or through which it is to run, as if such work is situated within the area of jurisdiction of the Development Authority.

90. The Development Authority may lay or carry any water-main or service-main or any pipe or channel of any kind for the purpose of providing or carrying out or maintaining a system of water-supply on, across, under or over any street or public place, and after giving a reasonable notice of not less than a month to the owner or the occupier across, under, or over any private land or building whatsoever, situated within the limits of a local authority, may, at all times, do all acts and things which may be necessary or expedient for repairing or maintaining any such pipe or channel, as the case may be, in an effective state for the purpose for which such pipe or channel, as the case may be, may be used or intended to be used:

Provided that in the case of sudden water-logging of any area within New Town, Kolkata, the Development Authority may, if it considers necessary so to do in the interest of public health and convenience, take such action as is necessary under this sub-section for draining out the water across, under, over or up the side of any land or building within New Town, Kolkata, without prior service of any notice on the owner or the occupier of such land or building:

Provided further that a reasonable compensation shall be paid to such owner or occupier for any damage sustained by him in consequence of any action taken under this section.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI.—Amenities.—Chapter XI.—Water Supply— Sections 91-94.)*

Control of constructions on land through which water-main etc. passes.

91. No building or private street shall be constructed over any water-main or service-main, laid or carried by the Development Authority, except with the permission, in writing, of the Development Authority which may impose such conditions for construction of such building or private street as it may deem fit.

Power to permit connection to houses and lands.

92. (1) Subject to such conditions and restrictions as may be prescribed and such terms as the Development Authority may, from time to time, determine, the Development Authority may, on an application of the owner or the occupier of any house or land in respect of which property tax is paid, make or cause or permit to be made communication or connection from any main, service-main, or distribution pipe, belonging to the Development Authority or from any channel maintained or owned by, or vested in, the Development Authority.

(2) The Development Authority may require the amount necessary for the execution of any work under this section and other charges or fees, if any, to be paid or deposited before such work is executed by it.

Power to require water supply to be taken.

93. (1) If, at any time, it appears to the Chairman that any building or land in any area within the New Town, Kolkata, is without a proper supply of wholesome water, the Chairman may, by written notice, require the owner or the lessee or the occupier of the building or the land or any person having an interest therein, as the case may be, to obtain from water-mains of the Development Authority such quantity of water as may be adequate for the requirement of the person usually occupying or employed upon the building or the land, and provide connection pipe of such size, materials and description, and take such necessary steps for the purpose, as may be provided by regulations, within such period as may be specified in the notice.

(2) On receipt of the written notice under sub-section (1), the owner or the lessee of the occupier of the building or the land, or the other person having an interest therein, as the case may be, shall—

(a) obtain from the water-mains of the Development Authority such quantity of water as may be adequate for the requirement of the persons usually occupying in, or employed upon, the building or the land, as the case may be, and

(b) provide connection pipes of such size, materials and description and take such necessary steps for the purpose, as may be provided by regulations,

within such period as specified in the notice.

(3) If the owner or the lessee or the occupier of the building or the land or the other person, as the case may be, having an interest therein, does not comply with the notice within the period specified therein, the Development Authority shall—

(a) obtain from the water-mains of the Development Authority such quantity of water as may be adequate for the requirement of the persons occupying in, or employed upon, the building or the land, as the case may be, and

(b) provide connection pipes of such size, materials and description and take such necessary steps for the purpose, as may be provided by regulations,

and the cost incurred therefor by the Development Authority shall be recovered from the owner or the occupier of the building or the land or the other person having an interest therein, as the case may be, as an arrear of the land-revenue.

Water supply to hydrants, stand-post and other conveniences.

94. (1) The Development Authority may erect hydrants or stand-posts for supply of wholesome water to the public within the area of New Town, Kolkata.

(2) The Development Authority may, by regulations, provide for safety, maintenance and use of such public hydrants or stand-posts, or it may place such public hydrants or stand-posts under the charge of any person who may realize from each consumer such fee as the Development Authority may determine.

(3) The Development Authority may fix hydrant on water-mains at such places as may be most convenient for affording a supply of water for extinguishing any fire in the locality and denote the situation of every such hydrant with marks or figures prominently displayed on any convenient structure near such hydrant :

Provided that on deposit of requisite expenses by any owner or occupier of any factory, workshop, trade premises or place of business, situated in or near a street in which a water-main is laid, the Development Authority shall fix such hydrants to be used only for extinguishing fire.

(4) The operation and maintenance of hydrants for extinguishing fire shall be in accordance with such procedure as may be prescribed.

95. (1) All private connections of premises to the mains of the Development Authority for the supply of water thereto and all pipes, taps, and other fittings used for such supply shall be made, maintained and regulated in the manner prescribed.

(2) The Development Authority may, if it thinks fit so to do, take charge of all communication-pipes and fittings of any existing private service connected with water-supply system within the area of New Town, Kolkata, up to an including the stop-cock nearest to the doorstep of the concerned premises and such communication-pipes and fittings shall thereafter vest in, and shall be maintained at the expense of, the Development Authority as part of the water-works of the Development Authority.

96. Except in the case of any special agreement to the contrary, the owner of any premises shall bear the expenses of repairs of all works connected with the supply of water thereto and, if he fails to do so, the occupier may, after giving the owner and the Chairman three days' notice, in writing, in such Form as may be approved by the Development Authority, himself have the repairs done, and deduct the expenses for such repairs from any rent due from him to the owner in respect of such premises.

97. The Development Authority may, with the sanction of, and on such terms as may be approved by the State Government, supply water to a local authority or other person outside the area of New Town, Kolkata.

98. (1) No person, being the occupier of any premises to which water is supplied by the Development Authority under this Chapter, shall, on account of negligence or other circumstances under his control, allow the water to be wasted, or allow the pipes, works or fittings for the supply of water to his premises to be out of repair, causing thereby waste of water.

(2) No person shall unlawfully flood, draw off, or divert, or take water from, any water-works belonging to, or under the control of, the Development Authority, or any water course or stream by which such water-works are supplied.

(3) Any person, who contravenes the provisions of this section, shall be liable to such fine imposed by the Development Authority, not exceeding five hundred rupees, as may be prescribed.

99. (1) Notwithstanding anything contained in this Chapter, the Development Authority may cut off the connection of water-supply to any premises, or may turn off such supply, in any of the following cases, namely :—

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI.—Amenities.—Chapter XI.—Water Supply.—Section 100.)*

- (a) if the premises are unoccupied or prohibited for human habitation; or
- (b) if any tax or rate or fee or charge in respect of the premises is arrear for more than six months; or
- (c) if, after receipt of a written notice from the Chairman requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water or to permit the water to be used, in contravention of the provisions of this Act or the rules or the regulations made thereunder, he continues to do so; or
- (d) if any pipe, tap, works or fittings connected with the supply of water to the premises be found, on examination by any officer of the Development Authority duly authorized in this behalf, to be out of repairs to such extent as may cause so serious a waste or contamination of water that, in the opinion of the Chairman, immediate prevention is necessary; or
- (e) if, there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (f) if, by reason of a leak in the service-pipe or the fittings, a damage is caused to the public street and immediate prevention is necessary:

Provided that no action under clause (a), or clause (b), or clause (c) shall be taken without giving notice of not less than three days to the owner or the occupier, as the case may be.

(2) The expenses of cutting off the connection or turning off the water and of restoring the connection or the flow of water, as may be determined by the Development Authority in any of the cases referred to in sub-section (1), shall be paid by the owner or the occupier of the premises.

(3) No action taken under this section shall relieve any person of any penalties or liabilities which he may otherwise have incurred.

100. The Development Authority may, by order published at such places as it thinks fit, set apart any well, tank, spring, or water-course, or any part thereof, vested in it, or any private tank, well, spring, or water-course, or any part thereof, by an agreement with the owner thereof, subject to the rights, if any, which the owner may retain with the consent of the Development Authority, for the purpose of—

- (a) supply of water exclusively for drinking or for culinary purpose or for both, or
- (b) bathing, or
- (c) washing animals or clothes, or
- (d) supply of water for any other purpose connected with the health, cleanliness or comfort of the inhabitants,

and may, by order published in the like manner, prohibit the bathing or the washing of animals or clothes or other things at any public place not set apart for such purposes; or prohibit any other act by which water in any public place may be rendered foul or unfit for use, or provide for alternative facilities and conveniences to regulate the use of any tank, well, spring or water-course to promote public safety, health and welfare.

Power to set apart wells, tanks, etc. for drinking, culinary, bathing and washing purposes.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI.—Amenities.—Chapter XI.—Water Supply.—Sections 101, 102.)*

Analysis of water for drinking or culinary purposes.

101. The State Government may make rules to provide for the proper analysis of the water of any water-works, tank, well, spring or any water-course or other source, unused or likely to be used for drinking or culinary purposes in any area of New Town, Kolkata, and, in particular, may require the Development Authority to take samples of water in the manner prescribed and make it over at such time and place, and to such person or persons, as the State Government may appoint in this behalf.

Power to make rules.

102. The State Government may make rules to provide for—

- (a) the preparation of plans and estimates for water-works or for introduction of a public distribution network;
- (b) the power of the Development Authority or the State Government to accord sanction to plans and estimates as aforesaid;
- (c) the publication of the particulars and the nature of any water-works or scheme, the cost involved, and the manner in which the water-works or scheme shall be financed and carried out;
- (d) the size and nature of water-works, mains, service-mains, pipes or channels to be constructed or laid by the Development Authority for the supply of water;
- (e) the maintenance of water-works of the Development Authority and of pipes and fittings in connection therewith ;
- (f) the size and nature of stand-posts or pumps to be erected by the Development Authority and of ferrules and all pipes, stand-pipes, stop cocks, taps, hydrants, and other fittings, whether within or outside any premises, that may be necessary for the regulation of the supply and use of water ;
- (g) the mains or pipes in which fire plugs are to be fixed and the places at which keys of the fire plugs are to be deposited;
- (h) the periodical analysis by a qualified analyst of the water supplied by the Development Authority;
- (i) the conservations of, and the prevention of injury or contamination to, sources and means of water-supply and appliances for distribution of water whether within or without the limits of New Town, Kolkata;
- (j) the manner in which connections with water-works, or supply-system shall, or may be constructed, altered, or maintained, the fees to be levied for such connections and the person by whom such fees shall be paid; and the agency to be employed for such construction, alteration or maintenance;
- (k) the rates at which the charges for water supplied for domestic purposes and for various non-domestic purposes may be levied by the Development Authority and the use, maintenance and testing of meters and ferrules;
- (l) the regulation of all matters and things connected with the supply and use of water, and the turning on, and turning off, and preventing the waste, of water; and
- (m) any other matter relating to the supply of water in respect of which this Act or any other law for the time being in force, makes no provision or makes insufficient provision and, in the opinion of the State Government, further provision is necessary.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI—Amenities.—Chapter XII.—Drainage and Sewerage—
Sections 103-109.)*

CHAPTER XII

Drainage and Sewerage

The Development Authority to provide drainage, sewerage, etc.

103. The Development Authority shall provide and maintain a system of drainage or sewerage as well as a safe and sufficient outfall in or outside New Town, Kolkata.

Public drains, trunk-sewers, etc. to vest in the Development Authority.

104. (1) All public drains, and all drains in, alongside, or under any public street, whether made out of the fund of the Development Authority or otherwise, and all trunk-sewers, sewage treatment plants, drainage and pumping station and all works, materials and things appurtenant to the drainage system, which are situated within the area of New Town, Kolkata, shall vest in the Development Authority.

(2) For the purpose of enlarging, deepening or otherwise repairing or maintaining any drain as aforesaid, so much of the sub-soil, appertaining to the drain as may be necessary, shall be deemed to vest in the Development Authority.

(3) The Development Authority may, with the approval of the State Government, make over the trunk-sewers, sewage treatment plants, pumping stations and other materials and things appurtenant thereto to any agency belonging to the Government or statutory body, and shall be lawful for such agency to exercise control over all such items for their maintenance and development.

Control of Development Authority over drainage.

105. (1) All drains, sewers, privies, water-closets, toilets, house-gullies, gutters and cess pools within the area of New Town, Kolkata, whether private or public, shall be under the survey and control of Development Authority.

(2) All cover drains, sewers and cess pools, whether public or private, shall be provided with proper taps, coverings or other means of ventilation; and the Chairman may, by written notice, call upon the owner of any such cover drains, sewers and cess-pools to make provisions accordingly.

Cleaning of drains.

106. The Development Authority shall provide for the drains within the area of its jurisdiction to be cleansed, flushed, and emptied from time to time.

Provisions for treatment and disposal of sewage.

107. The Development Authority may, for the purpose of receiving, treating, storing, disinfecting, distributing, or otherwise disposing of sewage, construct, operate, maintain, develop and manage any plant or other device within or outside the area within its jurisdiction.

Construction or maintenance of drainage and sewerage systems etc.

108. Subject to the sanction of the State Government and the rules made in this behalf, the Development Authority, either singly or jointly with any other local authority, may, within or without the area of New Town, Kolkata,—

- (a) construct or maintain a system of drainage, sewers, drainage or sewage outfall, sewage treatment plants or devices, and pumping stations, or
- (b) alter the size and course of, or otherwise modify or discontinue, close up, or remove, the system of drainage, sewers, drainage or sewage outfall, sewage treatment plants or devices, and drainage and pumping stations.

Power of Development Authority to lay or carry pipe through private and public land.

109. The Development Authority may carry any drain, sewer, or channel of any kind for the purpose of establishing or maintaining a system of drainage or sewerage upon, across, under or over any street or public place and, after giving a reasonable notice, in writing, to the owner or the occupier, upon, across, under, over or up the side of any private land or building whatsoever, situated within the

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI—Amenities.—Chapter XII.—Drainage and Sewerage—
Sections 110-114.)*

limits of area of New Town, Kolkata, and, for the purpose of the outfall of sewage, or for drainage outfall, without such limits, and may, at all times, do all acts and things which may be necessary or expedient for repairing or maintaining any such drain, sewer or channel, as the case may be, in an effective state for the purpose for which such drain, sewer or channel may be used or intended to be used:

Provided that in the case of sudden water-logging of any area within the New Town, Kolkata or any nuisance, the Development Authority may, if considers necessary so to do in the interest of public health and convenience, take such action as is necessary for draining out the water upon, across, under, over or up the side of any private land or building within any area of New Town, Kolkata without prior service of any notice on the owner or the occupier of such land or building:

Provided further that a reasonable compensation shall be paid to the owner or the occupier of such private land or building for any damage sustained by him in consequence of any act or thing done by the Development Authority or any action taken by the Development Authority under this section.

110. The owner or the occupier of a building or land shall be entitled to cause his drains to empty into the drains of the Development Authority after obtaining permission, in writing, of the Chairman, and such owner or occupier, as the case may be, shall comply with such conditions relating to the communications between private drains and the drains of the Development Authority as the Chairman may deem fit to impose.

111. No person shall, without the written consent of the Chairman first obtained, make or cause to be made, or alter, or cause to be altered, any drain or branch drain leading into any of the sewers of the Development Authority or drains or into any water-course, street or land vested in the Development Authority, and the Chairman may cause any drain or branch drain, so made or altered, to be demolished, altered, remade or otherwise dealt with at the expenses of the persons making or altering such drain.

112. If it appears to the Development Authority that a group or block of buildings may be drained more economically and advantageously in combination than separately, and if a sewer or drain of sufficient size belonging to the Development Authority already exists or is about to be constructed within the reasonable reach of such group or block of buildings, the Development Authority may cause such group or block of buildings to be so drained, and the expenses thereby incurred shall be recovered from the owners of such buildings in such proportions as the Development Authority may deem fit.

113. The Development Authority may, by a notice, in writing, require drainage to be provided for any undrained premises and may also require separate provisions to be made for drainage or sewerage and other offensive matters, distinct from rainwater and other unpolluted sub-soil water in accordance with such rules as may be made in this behalf.

114. (1) No person shall —

- (a) construct a building, wall, fence or any structure or any private street over any drain, culvert or gutter of the Development Authority; or bed, bank, or embankment of any sewerage works or storm-water channel vested in the Development Authority; or
- (b) otherwise encroach upon drainage and sewerage system in the area within the jurisdiction of the Development Authority:

Provided that the Development Authority may give consent to any such construction only for the purpose of securing access to any abutting land or building on such conditions as the Development Authority may think fit to impose.

The New Town, Kolkata Development Authority Act, 2007.

(Part VI—Amenities.—Chapter XII.—Drainage and Sewerage.—Section 115.—
Chapter XIII.—Solid wastes.—Functions in relation to solid wastes.—
Section 116.)

(2) The Chairman may, without notice, cause to be removed or altered any building, wall, fence, or structure, constructed in contravention of the provisions of this section, or any unauthorised encroachment, whatsoever, at any time for reasons to be recorded in writing.

(3) The Chairman may, by a notice, in writing, require any person to pull down or otherwise deal with any building, fencing, wall or structure or any encroachment whatsoever, constructed or erected in contravention of the provisions of sub-section (1), and the expenses in doing so shall be paid by the person at whose instance the unauthorised construction or encroachment was made.

(4) Any person who fails to act in accordance with the provisions of sub-section (3) shall, on conviction, be punished with a fine which may extend to one thousand rupees and, in the case of continuing offence, with further fine which may extend to two hundred rupees for every day during which such offence continues. In addition, such person shall also be liable for all expenses that the Development Authority may incur in removing or otherwise dealing with the unauthorised construction or encroachment.

Power to make rules.

115. The State Government may make rules to provide for—

- (a) the preparation of plans and estimates for the introduction of a system of drainage or sewerage, where such work or system is to be constructed, or carried out, partly or wholly, at the expense of the Development Authority;
- (b) the power of the Development Authority or the State Government in the matter of sanction to such plans and estimates and responsibilities for financing and execution;
- (c) the size and other particulars of drains, sewerage or channels to be constructed or laid for drainage or sewerage;
- (d) the manner in which connections with the drainage or sewerage system shall be constructed, altered or maintained, the fees to be levied for such connections and the person by whom such fees shall be payable, and the agency to be employed for such construction, alteration or maintenance;
- (e) the items of trade effluents or noxious chemicals which may not ordinarily be passed into the drain of the Development Authority, or the mode of treatment of such chemicals before they can be so passed, or such other steps as may be necessary to control environmental pollution arising out of such chemicals;
- (f) any other matter relating to the drainage or sewerage in respect of which this Act makes no provision or makes insufficient provision and further provision is, in the opinion of the State Government, necessary.

CHAPTER XIII

Solid Wastes

Functions in relation to solid wastes

Collection, removal
and disposal of solid
wastes.

116. For the purpose of securing efficient scavenging and cleansing of all streets, public places and premises within New Town, Kolkata, the Development Authority shall provide for the functions of collection, removal and disposal of solid wastes.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI—Amenities.—Chapter XIII.—Solid wastes.—Functions in relation to Solid wastes.— Sections 117-121.)*

Provision for receptacles, depots and places for temporary deposit.

117. (1) The Development Authority shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of—

- (a) rubbish ;
- (b) offensive matter ;
- (c) trade refuse ;
- (d) carcasses of dead animals ; and
- (e) excrementitious and polluted matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit of any of the matters referred to in sub-section (1).

Duties of owners and occupiers to collect and deposit rubbish, etc.

118. It shall be the duty of the owners and occupiers, as the case may be, of all premises—

- (a) to have the premises swept and cleaned ;
- (b) to cause all rubbish and offensive matters to be collected from their respective premises and to be deposited, at such time as the Chairman may, by public notice, specify, in public receptacles, depots or places provided or appointed by the Development Authority or in receptacles provided under clause (c) for the temporary deposit or final disposal thereof; and
- (c) to provide receptacles of the type and the manner specified by the Chairman for collection therein of all rubbish and offensive matters from such premises and to keep such receptacles in good condition and repair.

The Development Authority to provide for cleansing of streets and removal of solid wastes.

119. (1) The Chairman shall take measures for securing—

- (a) the daily surface-cleansing of all streets within the area of New Town, Kolkata and removal of sweeping therefrom;
- (b) the removal of the contents of all receptacles and depots and the accumulations at all places provided or appointed by the Development Authority under the provisions of this Act for the temporary deposit of rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matters;
- (c) the removal of special wastes and hazardous wastes and other solid wastes from premises.

(2) The Chairman may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) The Chairman shall make adequate provision for preventing receptacles, depots, places, vehicles, and vessels referred to in this Chapter from becoming sources of nuisance.

solid wastes to be the property of Development Authority.

120. All matters deposited in public receptacles, depots, and places, provided or appointed by the Development Authority and all solid wastes collected shall be the property of the Development Authority.

provision of vehicles or other suitable means for removal of solid wastes.

121. (1) The Development Authority shall provide vehicles or other suitable means and, where necessary, covered vehicles or vessels for the removal of solid wastes.

(2) The Development Authority may construct, acquire, operate, maintain, develop, or manage any garage or work for proper maintenance of the vehicles or vessels or means for removal of solid wastes under sub-section (1).

*The New Town, Kolkata Development Authority Act, 2007.**(Part VI—Amenities.—Chapter XIII.—Solid wastes.—Functions in relation to Solid wastes.— Sections 122-125.)*

Removal of solid wastes accumulated on non-residential premises.

122. The Development Authority may, if it thinks fit,—

- (a) by a notice, in writing, require the owner or the occupier of any premises used—
- (i) as a factory or workshop or for carrying on any manufacture, or
 - (ii) as a trade premises or shop or market or slaughter house, or
 - (iii) as a hotel, eating-house or restaurant, or
 - (iv) as a hospital or nursing home, or
 - (v) as a warehouse or godown, or
 - (vi) as a place to which large number of persons resort, or
 - (vii) in any other way,

where rubbish, offensive matter, filth, trade refuse, special wastes, hazardous wastes, or excrementitious and polluted matters are accumulated in large quantities, to collect such matters accumulating thereon by such means of receptacles or construction on the premises as may be determined, or to remove such matters at such time, and in such trailers or receptacles, and by such routes, as may be specified in the notice to a depot or place provided or appointed by the Development Authority; or

- (b) after giving the owner or the occupier of any premises notice of its intention so to do, cause all rubbish, including building rubbish, offensive matter, trade refuse, special wastes, hazardous wastes, or excrementitious and polluted matters accumulated in such premises to be removed, and charge the said owner or the occupier, as the case may be, for such removal such fee as may be determined by the Development Authority and specified in the notice.

Appointment of places for disposal of solid wastes.

123. The Chairman may cause the solid wastes to be disposed at such place or places within or outside the area of its jurisdiction, and in such manner, as it considers suitable :

Provided that no place, which has not been used for the purpose specified in this section before the commencement of this Act, shall be used except in conformity with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979.

West Ben. Act
XIII of 1979.

Provision for processing and disposal of solid wastes.

124. (1) The Development Authority may, for the purpose of receiving, storing, treating, processing, and disposing solid wastes or converting solid wastes into compost or other matter, construct, acquire, operate, maintain, develop, or manage any work within or outside the area of New Town, Kolkata and run it on a commercial basis.

(2) The Development Authority may cause to be utilized solid wastes for filling up any well, tank, or low land on a commercial basis within or outside area of New Town, Kolkata.

Special sanitary arrangements at certain places.

125. (1) The Chairman may make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any place of religious worship or institution or place to which a large number of people resort on particular occasions or in any place used for holding fairs, festivals, sports or cultural or social events.

(2) The Chairman may require any person having control over any such place to pay to the Development Authority fees at such rates as the Development Authority may determine.

The New Town, Kolkata Development Authority Act, 2007.

(Part VI—Amenities.—Chapter XIII.—Solid wastes.—Functions in relation to Solid wastes.—Sections 126-129.—Chapter XIV.—Markets and slaughter houses.—Section 130.—Chapter XV.—Fire prevention and fire safety.—Section 131.)

126. (1) No person shall deposit or cause or permit to be deposited or throw upon or along any public street, public place, land belonging to the Development Authority, or land on the bank of a water course any solid wastes except in accordance with the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provisions of this section, no person shall deposit or cause or permit to be deposited any building rubbish or scraps in or along any street, public place or land except with the prior permission of the Chairman :

Provided that no such permission shall be given until an advance payment of a fee for the removal of such rubbish or scraps has been made in accordance with such rates as may be determined by the Development Authority.

127. If any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulating on any premises is deposited in any place in contravention of the provisions of this Act, it shall be presumed, unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

128. Whoever deposits or throws or causes or permits to be deposited or thrown any solid wastes on any place in contravention of the provisions of this Act shall, subject to such rules and regulations as may be made in this behalf, be punishable with fine which shall not be less than one hundred rupees or more than five thousand rupees for each of such offences.

129. If any street or public place under the control of Government or any statutory body is not properly or regularly scavenged or is, in the opinion of the Chairman, in a filthy and unwholesome condition, the Chairman may, by a notice, in writing, require the owner or the occupier to do the scavenging or cleansing or may cause scavenging or cleansing to be done, and the cost of such scavenging or cleansing shall be recovered from the owner or the occupier thereof, as the case may be.

CHAPTER XIV

Markets and slaughter houses

130. The Development Authority may provide and maintain markets, slaughter houses or stockyards in such number as it may think fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter houses or stockyards.

CHAPTER XV

Fire prevention and fire safety

131. On the coming into force of the West Bengal Fire Services Act, 1950, in any area within New Town, Kolkata the Development Authority shall, in consultation with the Director of Fire Services or any other officer authorised by him in this behalf by general or special order, require the owner or the occupier of all or any of the premises in the area as aforesaid to make, or to carry, such arrangements as may be necessary for fire prevention and fire safety in the said premises in the area, and issue a fire safety certificate on such conditions as the State Government may prescribe.

West Ben. Act
XVIII of 1950.

Explanation.—“Director of Fire Services” shall mean the Director of Fire Services referred to in clause (e) of section 2 of the West Bengal Fire Services Act, 1950.

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
A. Entry and inspection.—Sections 132-134.)

PART VII**POWERS, PROCEDURES, PENALTIES AND SAVINGS****CHAPTER XVI****A. Entry and inspection**

Power of entry and
inspection.

132. The Chairman or any member of the Development Authority or any officer or other employee of the Development Authority authorised by the Development Authority or empowered by or under this Act in this behalf may enter into or upon any land or building with or without assistant or workmen—

- (a) for the purpose of ascertaining whether, in connection with the land or the building, there is or has been any contravention of the provisions of this Act or the rules or the regulations made thereunder;
- (b) for the purpose of ascertaining whether or not circumstances exist which render it necessary, or require the Chairman or any member of the Development Authority or any officer or other employee of the Development Authority authorised or empowered in this behalf, to take any action or execute any work under this Act or the rules or the regulations made thereunder;
- (c) for the purpose of taking any action or executing any work authorised or required by this Act or the rules or the regulations made thereunder;
- (d) to make such inquiry, inspection, examination, measurement, valuation or survey as may be authorised or required by or under this Act or as may be necessary for the proper administration of this Act;
- (e) generally for the purpose of efficient discharge of the functions by any of the authorities under this Act or the rules or the regulations made thereunder.

Power to enter land or
adjoining land in
relation to any work.

133. (1) the Development Authority or any person authorised by it or empowered by or under this Act in this behalf may enter upon any land within one hundred metres of any work authorised by or under this Act with or without assistant or workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Development Authority in accordance with the rules or the regulations made under this Act in this behalf to the owner or the occupier of such land or to both for any such damage, whether permanent or temporary.

Breaking into building.

134. (1) It shall be lawful for the Chairman or any member of the Development Authority or any person authorised by it or empowered by or under this Act in this behalf to make any entry into any place and to open or to cause to be opened any door, gate or other barrier,

- (a) if he considers the opening of such door, gate or other barrier necessary for the purpose of such entry; and
- (b) if the owner or the occupier is absent or, being present, refuses to open such door, gate or other barrier.

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
A. Entry and inspection.—Sections 135, 136.—B. Public notices and
advertisements.—Section 137.—C. Evidence.—Section 138.)

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Chairman or any member of the Development Authority or the person authorised or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate to witness the entry into such place or the opening of such door, gate or other barrier and may issue an order in writing to them or to any one of them so to do.

135. Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry into any place authorised by or under this Act shall be made except between the hours of sunrise and sunset :

Provided that if the Chairman is satisfied that the erection of any building or the execution of any other work has been commenced, or being carried on, in any premises in contravention of the provisions of this Act or any other evasion of the provision of this Act or the rules or regulations made thereunder is being committed between the period of sunset and sunrise, it may, for reasons to be recorded in writing, enter such premises during such period to make an inspection thereof and take such action as may be necessary under this Act.

136. Save as otherwise provided in this Act or the rules or the regulations made thereunder, no land or building shall be entered without giving the owner or the occupier thereof as the case may be, not less than twenty-four hours written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the Chairman considers, for reasons to be recorded in writing, that there is immediate urgency for such entry and the service of a written notice may defeat its purpose.

B. Public notices and advertisements

137. Every public notice given under this Act or the rules or the regulations made thereunder shall be in writing under the signature of the Chairman or any officer of the Development Authority authorised in this behalf by the Development Authority, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places, within such locality or by advertisement in local newspaper or by publishing the same otherwise as the Development Authority may think fit.

C. Evidence

138. Wherever under this Act or the rules or the regulations made thereunder the doing, or the omission to do, or the validity of, anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

- (a) any member of the Development Authority, or
- (b) the chairman or any officer of the Development Authority, as the case may be, written document signed,—
 - (i) in the case referred to in clause (a), by the Chairman, and
 - (ii) in the case referred to in clause (b), by the Chairman or such officer of the Development Authority,

purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
D. Notices, etc.—Sections 139-142.)

D. Notices, etc.

Notices etc. to fix
reasonable time.

139. Where any notice, bill, order or requisition issued or made under this Act, or the rules or regulations made thereunder requires anything to be done for the doing of which not time is fixed in this Act or the rules or the regulations made thereunder, such notice, bill, order or requisition shall specify reasonable time for doing the same.

Signature on notices
etc. to be stamped.

140. (1) Every written permission, notice, bill, summons or other documents, which is required by this Act or the rules or the regulations made thereunder to bear the signature of the Chairman or any officer of the Development Authority shall be deemed to be properly signed if it bears facsimile of the signature of the Chairman or such officer, as the case may be, is stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Development Fund.

Notices etc. by whom
to be served or issued.

141. every notice, bill, summons, requisition or other document required by this Act or the rules or the regulations made thereunder to be served upon, or issued to, any person, shall be served or issued by an officer or other employee of the Development Authority or by any person authorised by the Chairman in that behalf.

Services of notices
etc.

142. (1) every notice, bill, summons, requisition or other document required or authorised by this Act or the rules or the regulations made thereunder to be served or issued by or on behalf of the Development Authority or by any officer or other employee of the Development Authority shall, save as otherwise provided in this Act or the rules or the regulations made thereunder, be deemed to be duly served—

- (a) where the person to be served is a Company, if the document is addressed to the Secretary of the Company at its registered office or at its principal office or place of business and is—
 - (i) sent under certificate of posting; or
 - (ii) delivered at the registered office or at the principal office or place of business of the Company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business identifying it by the name or the style under which its business is carried on and is—
 - (i) sent under certificate of posting; or
 - (ii) delivered at the place of business of the partnership;
- (c) where the person to be served is a corporation, society or any other body or authority, if the document is addressed to the Secretary, treasurer or other officer of such corporation, society or other body or authority at its principal office and is—
 - (i) sent under certificate of posting, or
 - (ii) delivered at the principal office of such corporation, society or other body or authority;
- (d) if such notice, bill, summons, requisition or other document is in any other case, addressed to the person to be served and—
 - (i) is given or tendered to him, or

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*The New Town, Kolkata Development Authority Act, 2007.**(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
E. Enforcement of orders to execute work, etc.—Section 143.)*

- (ii) if such person can not be found, is affixed on some conspicuous part of his last known place or residence or business within the area of New Town, Kolkata, or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
 - (iii) is sent under certificate of posting to such person.
- (2) Any notice, bill, summons, requisition or other document required or authorised to be served on the owner or the occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of such land or building (naming such land or building) without further name or description, and shall be deemed to be duly served,—
- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1);
 - (b) if the document or a copy thereof so addressed is delivered to some person on the land or the building or, where there is no such person to whom it can be delivered, is affixed to such conspicuous part of such land or building.
- (3) Where a notice, bill, summons, requisition or other document is served on a partnership under this section, such notice, bill, summons, requisition or other document shall be deemed to be duly served on each partner.
- (4) For the purpose of enabling any notice, bill, summons, requisition or other document to be served on the owner of any premises, the Chairman may, by notice in writing, require the occupier of such premises to state the name and address of the owner thereof.
- (5) Where the person on whom a notice, bill, summons, requisition or other document is to be served is a minor, the service thereof upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

E. Enforcement of orders to execute work, etc.

143. (1) When, under this Act or the rules or the regulations made thereunder, any requisition or order is made by a written notice issued to any person or persons by the Chairman or any officer of the Development Authority, such authority or officer shall specify in such notice a period within which—

- (a) such requisition or order shall be complied with, and
- (b) any written objection thereto shall be received by such authority or officer.

(2) If any such requisition or order or any part thereof is not complied with within the period specified under sub-section (1), the Development Authority may, subject to such regulations as may be made by the Development Authority in this behalf, take such measure or cause such work to be executed or such thing to be done as may, in its opinion, be necessary for causing due compliance with such requisition or order; and, except as otherwise expressly provided in this Act or the rules or the regulations made thereunder, the expenses, if any, incurred by such authority or officer in causing such compliance with such requisition or order, shall be paid by the person or persons to whom such notice is issued.

(3) The Development Authority may take any measure, execute any work or cause anything to be done under this section; notwithstanding any prosecution or punishment or liability to punishment of any person under this Act or the rules or the regulations made thereunder for his failure to comply with such requisition or order.

for complying
requisition or
and power of
Chairman or any
of the
Development
Authority to enforce
such order in

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
E. Enforcement of orders to execute work, etc.—Section 144.—F. Recovery
of expenses.—Section 145.—G. Payment of compensation.—Sections
146, 147.—H. Legal proceedings.—148.)

Submission of
objections to comply
with notice.

144. (1) Any person who has been served with a written notice under sub-section (1) of section 143 in which a period for receiving objections has been specified may, within such period, deliver to the Development Authority or the officers of the Development Authority, as the case may be, a written objection setting forth the reasons which he may desire to urge for the withdrawal or modification of such notice.

(2) Every such objection shall be placed before the Chairman for determination.

F. Recovery of expenses

Execution of work by
occupier on the
failure of owner.

145. When the owner of any land or building fails to execute any work which he is required to execute under this Act or the rules or the regulations made thereunder, the occupier, if any, of such land or building may, with the approval of the Development Authority, execute such work and shall, subject to any agreement to the contrary between himself and the owner of such land or building, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct any amount thereof from the rent payable by him to such owner.

G. Payment of compensation

Compensation to be
paid for damage to
property of Develop-
ment Authority.

146. Any person who has been convicted of an offence punishable under this Act or the rules or the regulations made thereunder shall, without prejudice to any punishment to which he may be subject, be liable to pay such compensation for any damage to any property of the Development Authority resulting from such offence as the Development Authority may consider reasonable.

Recovery of certain
dues of Development
Authority.

147. Save as otherwise provided in this Act or the rules or the regulations made thereunder, any sum due to the Development Authority on account of any charge, cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable as an arrear of land-revenue.

H. Legal proceedings

Power to institute etc.
legal proceedings and
obtain legal advice.

148. The Development Authority may—

- (a) initiate, or withdraw from any proceedings against any person who is charged with—
 - (i) any offence under this Act or the rules or the regulations made thereunder, or
 - (ii) any offence which affects or is likely to affect any property or interest of the Development Authority, or
 - (iii) committing any nuisance whatsoever;
- (b) institute, or withdraw from, or compromise, any proceedings under this Act;
- (c) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Development Authority;
- (d) defend or compromise any suit or other legal proceeding or claim brought against the Development Authority or any officer or other employee of the Development Authority in respect of any thing done or committed to be done by the Development Authority or such authority or officer or other employee under this Act or the rules or the regulations made thereunder;

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Indemnity.

Co-operati
police.

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
H. Legal proceedings.—Sections 149, 150.—I. Power and duties of
police officers.—Section 151.)

- (e) institute or prosecute any suit, proceeding or claim, or withdraw from, or compromise any suit, proceeding or claim, instituted or made, as the case may be, in the name of the Development Authority or the Chairman;
- (f) obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing lawful exercise or discharge of any power or duty vesting in, or imposed upon, Development Authority or any officer or other employee of the Development Authority, such legal advice and assistance as it may consider necessary or expedient.

149. (1) No suit shall be instituted in any court having jurisdiction against the Development Authority or any officer or other employee of the Development Authority or any person acting under the direction of the Development Authority in respect of any act done or purporting to be done under this Act or the rules or the regulations made thereunder until after the expiration of one month next after a notice in writing has been delivered or left at the office of such authority or at the office or the residence of such officer or other employee or person stating—

- (a) the cause of action,
- (b) the name and residence of the intending plaintiff, and
- (c) the relief which such plaintiff claims.

(2) If the Development Authority at the office of which, or the officer or the other employee of the Development Authority or the person acting under the direction of the Development Authority at the office of the residence of whom, a notice has been delivered or left under sub-section (1), satisfies the court having jurisdiction that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.

(3) Nothing in the foregoing provisions of this section shall apply to any suit instituted under section 38 of the Specific Relief Act, 1963.

47 of 1963.

150. No suit shall be maintainable against the Development Authority or any officer or other employee of the Development Authority or any person acting under the direction of the Development Authority or of a Magistrate in respect of anything done lawfully and in good faith and with due regard to the provisions of this Act or the rules or the regulations made thereunder.

I. Power and duties of police officers

151. (1) The Director General and Inspector-General of Police, West Bengal, and the police officers subordinate to him shall—

- (a) co-operate with the Development authority for carrying into effect and enforcing the provisions of this Act and for maintaining good order in and outside the area of New Town, Kolkata, and
- (b) assist the Development Authority, the Chairman or any officer or other employee of the Development Authority in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police officer—

- (i) to communicate without delay to the Chairman or any officer of the Development Authority any information which he receives in respect of any design to commit, or any commission of, any offence under this Act or the rules or the regulations made thereunder, and
- (ii) to assist the Development Authority, or the Chairman or any officer or other employee of the Development Authority reasonably demanding his aid for the lawful exercise of any power vesting in the Development Authority or the Chairman or such officer or other employee under this Act or the rules or the regulations made thereunder.

The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVI.—
I. Power and duties of police officers.—Section 152.—J. General Provisions.—Sections 153-158.)

(3) Any officer or other employee of the Development Authority may, when empowered by a general or special order the Director General and Inspector-General of Police, West Bengal, on the recommendation of the Chairman in that behalf, exercise the power of a police officer for such of the purposes of this Act as may be specified in such order.

Power of police to arrest offenders.

152. (1) Any police officer may arrest any person who commits, in his view, any offence under this Act or the rules or the regulations made thereunder, provided the name and address of such person are unknown to him and such person declines to give, on demand, his name and address or gives a name or address which the police officer has reason to believe to be false.

(2) No person arrested under sub-section (1) shall be detained in custody after his true name and address are ascertained or without the order of a Magistrate for a period longer than twenty-four hours from the time of arrest, excluding the period necessary for the journey from the place of arrest to the court of the Magistrate.

(3) On the written application of the Chairman, any police officer above the rank of a constable shall arrest any person who obstructs the Chairman or any member of the Development Authority or any officer or other employee of the Development Authority in the exercise of any power or performance of any function or discharge of any duties under this Act or the rules or the regulations made thereunder.

J. General Provisions

Validity of notices and other documents.

153. No notice, order, requisition, written permission or any other document issued under this Act shall be invalid merely by reason of defect of Form.

Admissibility of document or entry as evidence.

154. A copy of any receipt, application, plan, notice, order or other document or any entry in a register in the possession of Development Authority shall, if duly certified by the lawful keeper thereof or other person authorised by the Chairman in this behalf, be admissible in evidence of the existence of such document or entry, and shall be admitted as evidence of the matter and transaction therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matter and transactions.

Evidence of officer or other employee of the Development Authority.

155. No officer or other employee of the Development Authority shall, in any legal proceeding to which the Development Authority is not a party, be required to produce any register or document the contents of which can be proved by a certified copy or to appear as a witness to prove any matter or transaction recorded therein save by order of the court.

Prohibition against removal of mark.

156. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or the rules or the regulations made thereunder.

Prohibition against removal or obliteration of notice.

157. No person shall, without any authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under the orders of the Development Authority or any officer or other employees of the Development Authority empowered in this behalf.

Prohibition against unauthorized intermeddling with property of the Development Authority.

158. (1) No person shall, without any authority in that behalf, remove earth, sand or other material from or deposit any matter in, or make any encroachment on, any land vested in the Development Authority or in any way obstruct such land.

(2) No person shall interfere with, or encroach upon, or otherwise damage, any property belonging to, or vested in the Development Authority.

Power to ma

Power to amend Schedule.

Power to make regulations.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVII.—
Rules and Regulations.—Sections 159-161.)*

CHAPTER XVII

Rules and Regulations

159. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed or to be provided for by rules.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2) of this section or elsewhere in this Act, till such time as the State Government makes rules under this Act, the rules made under the West Bengal Municipal Act, 1993, and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, be deemed to be the rules made under this Act, and the provisions of sub-section (3) shall not apply to any rules deemed under this sub-section to be the rules made under this Act.

160. The State Government may, on its own or on the recommendation of the Development Authority, by notification, add to, amend or alter Schedule I to this Act.

161. (1) The Development Authority may, after previous publication, in accordance with the provisions of sub-section (2), make regulations not inconsistent with the provisions of this Act or the rules made thereunder for discharging its functions under this Act.

(2) (a) A notice relating to the draft regulations shall be published in one or more of the local newspapers circulated within New Town, Kolkata or if there be no such newspaper, in such manner as the Development Authority may direct.

(b) Such draft shall not be further proceeded with until the expiration of a period of one month from the date of such publication or such longer period as the Development Authority may decide.

(c) For not less than one month during such period, a copy of such draft shall be kept in the office of the Development Authority for public inspection, and any person shall be permitted at any reasonable time to peruse such draft, free of charge.

(d) Copies of such draft shall be made available to any person requiring on payment of such fee as the Development Authority may fix.

(3) Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, till such time as the Development Authority makes regulations under this Act, the regulations made under the West Bengal Municipal Act, 1993, and in force immediately before the commencement of this Act, shall, so far as they are not inconsistent with the provisions of this Act or the rules made thereunder, be deemed to be the regulations made under this Act, and the provisions of sub-section (2) of this section or section 162 shall not apply to any regulations deemed under this sub-section to be the regulations made under this Act :

Provided that the provisions of section 163 shall apply to any regulations deemed under this sub-section to be the regulations made under this Act.

Explanation.—“Regulations” shall include bye-law.

West Ben. Act
XXII of 1993.

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*The New Town, Kolkata Development Authority Act, 2007.**(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVII.—
Rules and Regulations.—Sections 162-166.)*

Regulations to be subject to approval of State Government.

162. No regulations made by the Development Authority under this Act shall have any validity unless and until it is approved by the State Government.

Power of State Government to cancel or to modify regulations.

163. (1) If the State Government is, at any time, of opinion that any regulations made by the Development Authority under this Act should be cancelled or modified, either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Development Authority and shall appoint a reasonable period, being not less than fifteen days, within which the Development Authority may make such representation with regard thereto as it may think fit.

(2) On receipt of such representation and after consideration thereof or, if no such representation is received, after the expiry of the period as aforesaid, the State Government may, at any time, by notification, cancel or modify such regulations, either wholly or in part.

(3) The cancellation or modification of any regulations under sub-section (2) shall take effect from such date as the State Government may specify in the notification under that sub-section or, if no such date is specified, from the date of publication of the said notification, provided such cancellation or modification shall not affect anything done, or suffered or omitted to be done, under such regulations before such date.

(4) Any notification under sub-section (2) shall be published in local newspapers or in such other manner as the State Government may decide.

Penalty for breach of rules or regulations.

164. (1) Any rules or regulations made under this Act may provide that a contravention thereof shall be punishable—

(a) with fine which may extend to one thousand rupees;

(b) with an additional fine, in the case of a continuing contravention which may extend to one hundred rupees for every day during which such contravention continues after conviction of the first such contravention; and

(c) with additional fine which may extend to fifty rupees for every day during which the contravention continues after receipt of a notice from the Development Authority requiring the offender to discontinue such contravention.

(2) Any rules or regulations made under this Act may further provide that the offender shall be required to remedy, in so far as such remedy lies in his power, the mischief, if any, caused by the contravention of any rules or regulations made under this Act.

Rules and regulations to be available for inspection and purchase.

165. (1) A copy of all rules and regulations made under this Act shall be kept at the office of the Development Authority and shall, during office hours, be open, free of charge, to inspection by any inhabitant of New Town, Kolkata.

(2) Copies of all such rules and regulations shall be kept at the office of the Development Authority and shall be sold to the public at such price as the Development Authority may determine.

Doubts as to powers, duties or functions of Development Authority.

166. If any doubt arises in any matter as to the authority of the Development Authority to which any particular power, duty or function appertains, the Chairman shall refer the matter to the State Government and the decision of the State Government thereon shall be final.

The New Town, Kolkata Development Authority Act, 2007.

*(Part VII.—Powers, Precedures, Penalties and Savings.—Chapter XVIII.—
Co-ordination and Control.—Sections 167-172.)*

CHAPETER XVIII

Co-ordination and Control

167. The State Government may, at any time,—

(a) call for any document in the possession, or under the control, of the Chairman or any officer of the Development Authority; or

(b) require the Chairman or any officer of the Development Authority to furnish any return, plan, estimate, statement, account, report, or statistics, or any other information.

168. Any work or institution constructed or maintained or any programme undertaken, in whole or in part, at the expense of the Development Authority, all registers, books, accounts or other documents relating thereto shall, at all times, be open to inspection by such officers of the State Government as that Government may appoint in this behalf.

169. (1) The State Government may, after giving the Development Authority a reasonable opportunity of being heard, annul any proceeding or resolution or order which the State Government considers to be not in conformity with the provisions of this Act or the rules made thereunder and may do all things necessary to secure such conformity :

Provided that pending the hearing to be given to the Development Authority, the State Government may suspend the operation of such proceeding or resolution or order.

(2) The State Government may, on receiveing any information that the Development Authority or any officer of the Development Authority is about to pass an order or issue an instruction or implement any act in excess of any power conferred by this Act, forthwith prohibit the passing of such order or issuing of such instruction or implementation of such act, and such prohibition shall be binding on the Development Authority or the officer of the Development Authority, as the case may be :

Provided that the State Government shall immediately thereafter give an opportunity to the Development Authority or the officer of the Development Authority, as the case may be, to make a representation in the matter and, upon such representation, the State Government shall give its final order with reasons in writing.

170. (1) Notwithstanding anything contained elsewhere in this Act, the State Government may, by an order in writing, remove, with effect from a date to be specified in the order, the Chairman or the Member-Secretary or the members of the Development Authority from his office if, in its opinion, he wilfully omits or refuses to carry out the provisions of this act or of any rules or orders made thereunder or abuses the powers vested in him under this Act.

(2) The State Government shall, before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order of removal.

171. In the discharge of its functions, the Deelopment Authority shall be guided by such direction as may be given to it by the State Government in conformity with the provisions of this Act.

172. (1) If, at any time, it appears to the State Government that the Development Authority has made default in performing any duty including the duty in relation to the Development Fund, imposed on it by or under this Act or

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The New Town, Kolkata Development Authority Act, 2007.

(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVIII.—
Co-ordination and Control.—Sections 173-175.)

any other law for the time being in force, the State Government may, by order in writing, fix a period for due performance of such duty.

(2) If such duty is not performed within the period fixed under sub-section (1), the State Government may, in the public interest, by order, do, or cause to be done by any officer of the State Government or any authority appointed by that Government, anything for due performance of such duty, notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force.

173. (1) If, in the opinion of the State Government, the Development Authority has shown gross neglect in the performance of the duties imposed upon it by or under this Act or any other law for the time being in force or has committed serious irregularities in the performance of such duties, the State Government may, by order, in writing, direct the Development Authority to show cause within such period as may be specified in the order why it shall not be dissolved on grounds of charges mentioned in the order.

(2) If the Development Authority fails to answer the charges within the period specified in the order or within such further time as may be allowed by the State Government, or if the answer does not convince the State Government or where more than two-thirds of the total number of Members holding office for the time being have, for any reason, resigned, the State Government may dissolve the Development Authority by an order published in the *Official Gazette* with effect from the date of the order.

(3) When the order of dissolution has been passed, all the powers and functions vested in the Development Authority under this Act or any other law for the time being in force, shall be exercised by such person or persons to be designated as Administrator or Board of Administrators as the State Government may appoint for the purpose:

Provided that the Administrator or the Board of Administrators shall continue for a period of six months only within which the Development Authority shall be reconstituted by the State Government.

(4) If any question arises as to what constitutes a gross neglect or serious irregularity under this section, the opinion of the State Government as recorded in writing in the order under sub-section (1) shall be final and conclusive and shall not be questioned in any court of law.

174. Where, by reason of any order of a competent court, the Development Authority is unable to exercise the powers, or perform the duties, or discharge the functions, conferred or imposed on it by or under any provision of this Act or the rules or the regulations made thereunder the State Government may appoint any Authority, or any person or persons, to exercise the powers, or perform the duties, or discharge the functions, as the case may be, during the period of such inability, in such manner, and on such conditions, as the State Government may, by order, direct.

175. (1) The State Government may require the Development Authority to be integrated with such authorities at the level of district, region or State for the purposes of planning and development, as it may deem fit and proper.

(2) When so required, it shall be the duty of the authorities, under sub-section (1), to participate in such process of co-ordination in accordance with such procedure as the State Government may determine.

Power of State Government to intervene in case of gross neglect or serious irregularity.

Special provision in the case of prohibitory order from court.

Co-ordination for purposes of planning and development.

PART

Members and public

State Government place other the dis Development Authority

Disputes

Penalties punishment

Removal of difficulties

The New Town, Kolkata Development Authority Act, 2007.

*(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XVIII.—
Co-ordination and Control.—Sections 176-180.)*

176. All the Members and all the officers and other employees of the Development Authority shall, while acting, or purporting to act, in pursuance of, or in exercise of any power conferred by or under, any provision of this Act or the rules or the regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

177. (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force,—

- (a) upon the issue of any direction to the Development Authority to exercise any power or to perform any function or to discharge any duty, or
- (b) upon the transfer of any function or control and management of any property to the Development Authority,

under any provision of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the Development Authority the services of such officers and other employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.

(2) The officers and other employees, whose services are so placed at the disposal of the Development Authority, shall continue to be the officers and other employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State :

Provided that where any disciplinary or other action is required to be taken against any such officer or other employee, the Development Authority shall make a reference to the State Government for appropriate action.

(3) Where any power or function or duty as conferred or imposed on the Development Authority by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and, thereupon, such law shall be deemed to have been amended accordingly.

178. If any dispute arises on any matter between the Development Authority and any other local authority, such dispute shall be referred to the State Government whose decision thereon shall be final and shall not be questioned in any court.

179. Save as otherwise provided in this Act, whoever contravenes any provision of any of the sections, sub-sections, clauses, or provisions as mentioned in column 1 of Schedule II or fails to comply with any order of direction lawfully given to him or any requisition lawfully made to him under any of the provisions as aforesaid, shall be punishable—

- (a) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in column 3 of the said Schedule, or with both, and
- (b) in the case of continuing contravention or failure, with an additional fine which may extend to the amount specified in column 4 of the said Schedule for every day during which such contravention or failure continues after conviction upon first such contravention or failure.

180. If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, as occasion may require, by order, not inconsistent with the provisions of this Act, do, or cause to be done, anything which may be necessary for removing the difficulty.

*The New Town, Kolkata Development Authority Act, 2007.**(Part VII.—Powers, Procedures, Penalties and Savings.—Chapter XIX.—Miscellaneous.—Sections 181-186.)*

CHAPTER XIX

Miscellaneous

Power to acquire land.

181. The Development Authority may acquire land for New Town, Kolkata, for carrying out the purposes of this Act.

Explanation.—“Carrying out the purposes of the Act” shall be deemed to be public purpose within the meaning of the Land Acquisition Act, 1894.

1 of 1894.

Payment of compensation.

182. The Development Authority shall for any acquisition made for carrying out the purposes of this Act, pay compensation as awarded under the Land Acquisition Act, 1894.

Relaxation.

183. (1) Notwithstanding anything contained elsewhere in this Act, the State Government may, if it is of opinion that the operation of any of the provisions of this Act causes undue hardship or of circumstances exist which render it expedient to do so, relax, by rules, any class of persons or areas the application of all or any of the provisions of this Act, subject to such terms and conditions as it may deem fit to impose.

(2) Relaxation, under sub-section (1), may also be extended,—

- (a) if special environment friendly measures are maintained in construction of building and dwelling houses;
- (b) if the system for using non-conventional energy is introduced;
- (c) if measures are taken for preservation of rain water and uses thereof;
- (d) for setting up of rehabilitation and resettlement colony; and
- (e) to the philanthropic institutions.

Act to have overriding effect.

184. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or any judgment, decree, or order of any court, tribunal or other authority.

Dissolution of Development Authority.

185. (1) Where the State Government is satisfied that the purposes for which the Development Authority is constituted under this Act have been substantially achieved so as to render the continued existence of the Development Authority in the opinion of the State Government unnecessary, the State Government may, by notification, declare that the Development Authority shall be dissolved with effect from such date, as may be specified in the notification; and the Development Authority shall be deemed to be dissolved accordingly.

(2) From the date specified under sub-section (1)—

- (a) all properties, funds and dues which are vested in, or realisable by the Development Authority, shall vest in, or be realisable by, the State Government;
- (b) all liabilities which are enforceable against the Development Authority shall be enforceable against the State Government; and
- (c) for the purpose of carrying out any development which has not been carried out by the Development Authority and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of Development Authority shall be discharged by the State Government.

Repeal and savings.

186. (1) The New Town, Kolkata Development Authority Ordinance, 2006 is hereby repealed.

West Ben. Ord.
V of 2006.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

The New Town, Kolkata Development Authority Act, 2007.

SCHEDULE I

[See section 1 (2)]

PART A

Serial Number	Mouza	Jurisdiction List No.	Police Station	District
1.	Gopalpur (Part)	2	AirPort	North 24-Parganas
2.	Naopara (Part)	11	Rajarhat	North 24-Parganas
3.	Hatiara (Part)	14	Rajarhat	North 24-Parganas
4.	Sulang-gari (Part)	22	Rajarhat	North 24-Parganas
5.	Ghuni (Part)	23	Rajarhat	North 24-Parganas
6.	Jatragachhi (Part)	24	Rajarhat	North 24-Parganas
7.	Chandi Beria (Part)	15	Rajarhat	North 24-Parganas
8.	Tarulia (Part)	21	Rajarhat	North 24-Parganas
9.	Mahisgot (Part)	20	Rajarhat	North 24-Parganas
10.	Mahisbathan (Part)	18	Rajarhat	North 24-Parganas
11.	Thakdari (Part)	19	Rajarhat	North 24-Parganas
12.	Kochpukur (Part)	2	Kolkata Leather Complex	South 24-Parganas
13.	Jotbhim (Part)	3	Kolkata Leather Complex	South 24-Parganas
14.	Baligari (Part)	34	Rajarhat	North 24-Parganas
15.	Patharghata (Part)	36	Rajarhat	North 24-Parganas
16.	Chapna (Part)	35	Rajarhat	North 24-Parganas
17.	Akanda Keshari (Part)	55	Rajarhat	North 24-Parganas
18.	Chanda Kanthal Beria (Part)	8	Kolkata Leather Complex	South 24-Parganas
19.	Hatisala (Part)	9	Kolkata Leather Complex	South 24-Parganas
20.	Bhagabanpur (Part)	10	Kashipur	South 24-Parganas
21.	Chakpachuria ((Part)	33	Rajarhat	North 24-Parganas
22.	Kadampukur (Part)	25	Rajarhat	North 24-Parganas
23.	Rekjuani (Part)	13	Rajarhat	North 24-Parganas
24.	Raigachhi (Part)	12	Rajarhat	North 24-Parganas

1.0 Location :—

Mouza	—	Gopalpur (Part)
Jurisdiction List No.	—	2
Police Station	—	Air-Port
District	—	North 24-Parganas

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule I.)*

1.1 Descriptions in detail :—

Sheet No. 4. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 4205 reading clockwise :

Plot Nos.—4205, 4207, 4208, 4209, 4210, 4211, 4212, 4218, 4219, 4221, 4225, 4224, 4230, 4243, 4244, 4247, 4265, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4280, 4281, 4282, 4283, 4284, 4289, 4262, 4361, 4360, 4359, 4291, 4293, 4297, 4296, 4299, 4300, 4301, 4308, 4309, 4310, 4307, 4333, 4334, 4331, 4328, 4327, 4322, 4324, 4325, 4326, 4327, 4328, 4329, 4335, 4336, 4343, 4344, 4345, 4386, 4391, 4392, 4394, 4398, 4400, 4599, 4598, 4600, 4601, 4604, 4605, 4606, 4612, 4622, 4617, 4616, 4566, 4565, 4562, 4561, 4550, 4546, 4541, 4540, 4539, 4534, 4490, 4489, 4488, 4473, 4472, 4461, 4453, 4452, 4451, 4203, 4204, 4205.

2.0 Location :—

Mouza	—	Naopara (Part)
Jurisdiction List No.	—	11
Police Station	—	Rajarhat
District	—	North 24-Parganas

2.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 17 reading clockwise :

Plot Nos. 17, 24, 26, 27, 28, 29, 30, 31, 576, 577, 578, 579, 587, 588, 589, 590, 591, 593, 731, 733, 739, 741, 743, 744, 745, 746, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 777, 776, 775, 774, 771, 699, 698, 696, 695, 694, 683, 682, 681, 680, 679, 677, 674, 500, 499, 498, 497, 495, 494, 492, 491, 490, 483, 482, 481, 434, 433, 432, 431, 427, 426, 418, 417, 416, 781, 273, 272, 271, 270, 277, 276, 353, 352, 351, 349, 347, 337 (Road), 362, 363, 327, 326, 321, 320, 319, 318, 384, 385, 382, 388, 136, 137, 141, 142, 143, 144, 146, 57, 67, 46, 47, 48, 6, 7, 8, 9, 10, 14, 15, 16, 17.

3.0 Location :—

Mouza	—	Hatiara (Part)
Jurisdiction List No.	—	14
Police Station	—	Rajarhat
District	—	North 24-Parganas

3.1 Descriptions in detail :—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 504 reading clockwise :

Plot Nos. 504, 505, 506, 507, 508, 509, 512, 513, 514, 515, 517, 518, 519, 488, 486, 485, 468, 466, 467, 469, 472, 475, 476, 477, 493, 492, 389, 383, 384, 386, 387, 496, 497, 498, 494, 493, 499, 502, 500, 504.

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule I.)*

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2001 reading clockwise :

Plot Nos. 2001, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2265, 2266, 2267, 2269, 2270, 2283, 2284, 2311, 2312, 2313, 2314, 2315, 2318, 2319, 2324, 2325, 2326, 2327, 2328, 2329, 2361, 2362, 2364, 3042, 2385, 2386, 2387, 2427, 2429, 2431, 2433, 2982, 2983, 2984, 2985, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 3006, 3007, 3005, 3008, 3022, 3023, 3021, 3020, 3019, 3018, 3325, 3041, 3039, 2963, 2962, 2963, 2961, 2960, 2959, 2943, 2942, 2885, 2882, 2884, 2883, 2882, 2873, 2872, 2871, 2849, 2850, 2851, 2852, 2840, 2859, 2747, 2750, 2751, 2752, 2754, 2758, 2759, 2760, 2700, 2701, 2702, 2703, 2705, 2706, 2634, 2635, 2636, 2638, 2644, 2645, 2646, 2647, 2649, 2650, 2651, 2653, 2659, 2137, 2135, 2128, 2134, 2133, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2070, 2078, 2074, 2073, 2072, 2070, 2069, 2067, 2239, 2237, 2248, 2250, 2251, 2253, 2019, 2020, 2026, 2025, 2023, 2022, 2016, 2002, 2001.

4.0 Location :—

Mouza	—	Sulang-gari (Part)
Jurisdiction List No.	—	22
Police Station	—	Rajarhat
District	—	North 24-Parganas

4.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 232 reading clockwise :

Plot Nos.—232, 234, 235, 236, 241, 240, 243, 242, 248, 743, 744, 250, 744, 252, 253, 254, 255, 257, 258, 230, 259, 260, 226, 225, 224, 261, 262, 263, 292, 296, 269, 279, 289, 285, 284, 216, 215, 216, 217, 218, 219, 220, 222, 223, 225, 226, 227, 228, 231, 232.

5.0 Location :—

Mouza	—	Ghuni (Part)
Jurisdiction List No.	—	23
Police Station	—	Rajarhat
District	—	North 24-Parganas

5.1 Descriptions in detail :—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise:

Plot Nos.—1, 2, 4, 5, 6, 7, 11, 12, 13, 21, 22, 23, 24, 25, 2276, 1240 (Road), 26, 27, 187, 188, 195, 196, 240, 241, 243, 242, 246, 247, 248, 249, 250, 251, 254, 255, 256, 257, 258, 259, 1887, 1888, 1896, 1900, 1906, 1907, 1908, 1909, 1910, 1930, 1961, 1962, 2269, 1971, 1972, 1973, 1974, 1976, 1977, 2173, 2172, 2174, 2177, 2261, 2264, 2295, 1830 (Part), 2255, 2181, 2151, 2150, 2149, 2145, 2144, 2136, 2134, 2135, 2137, 2139, 2127, 2007, 2009, 2010, 2011, 2012, 2003 (Road), 1795, 1794, 1793, 1792, 836, 1801, 834, 833, 832, 826, 825, 821, 818, 869 (Road), 668, 669, 670, 671, 673, 677, 676, 531, 538, 540, 500, 499, 495, 496, 497, 543, 557, 477, 476, 475, 474, 2280, 2179, 469, 464, 463, 462, 461, 460, 459, 458, 451, 450, 449, 448, 447, 80, 79, 78, 77, 74, 73, 72, 71, 1830, 3266, 58, 52, 51, 50, 43, 42, 41, 6, 3, 1.

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule 1.)*

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2301 reading clockwise:

Plot Nos.—2301, 2305, 2306, 2314, 2321, 2322, 2480, 2481, 2483, 2492, 2493, 2494, 2497, 2498, 2499, 2500, 2617, 2618, 2616, 2613, 2612, 2611, 2535, 2536, 2537, 2538, 2539, 2605, 2606, 2303, 2587, 2586, 2584, 2583, 2578, 2577, 2576, 2437, 2436, 2431, 2430, 2429, 2425, 2426, 2425, 2424, 2421, 2422, 2423, 2417, 2413, 5619, 2412, 2380, 2375, 2368, 2366, 2361, 2360, 2359, 2317, 2311, 2312, 2302, 2301.

Sheet No. 3. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 3094 (Part) reading clockwise:

Plot Nos.—3094, 3098, 3125, 3126, 3127, 3145, 3146, 3147, 3148, 3155, 3156, 3165, 3166, 3161, 3180, 3181, 3198, 3211, 3201, 3210, 3222, 3223, 3228, 3229, 3138, 3137, 3114, 3113, 3111, 3110, 3107, 3106, 3104, 3102, 3103, 3098, 3094.

6.0 Location:—

Mouza — Jatragachhi (Part)
Jurisdiction List No. — 28
Police Station — Rajarhat
District — North 24 Parganas

6.1 Descriptions in detail:—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise:

Plot Nos.—1, 2, 11, 12, 13, 17, 20, 21, 342, 339, 343, 344, 350, 351, 361, 362, 365, 366, 367, 457, 236, 235, 458, 469, 470, 471, 483, 484, 503, 504, 508, 513, 514, 512, 507, 506, 505, 502, 496, 495, 494, 492, 490, 435, 436, 434, 433, 432, 431, 235, 236, 301, 419, 418, 309, 310, 311, 312, 307, 306, 290, 287, 286, 242, 241, 245, 246, 247, 76, 77, 182, 181, 80, 81, 525, 73, 71, 70, 59, 1.

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1426 reading clockwise:

Plot Nos.—1426, 1427, 1428, 1436, 1437, 1439, 1445, 1443, 1670, 1528, 1529, 1530, 1526, 1525, 1547, 1546, 1545, 1558, 1567, 1561, 1562, 1563, 1644, 1645, 1650, 1208, 1203, 1202, 1196, 1674, 1675, 1194, 1645, 1644, 1650, 1643, 1646, 1647, 1648, 1649, 1614, 1606, 1602, 1601, 1498, 1497, 1496, 1495, 1494, 1493, 1486, 1485, 1482, 1478, 1476, 1475, 1474, 1473, 1472, 1471, 1426.

Sheet No. 3. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1788 reading clockwise:

Plot Nos.—1788, 1789, 1895, 1790, 1897, 1815, 1830, 1898, 1849, 1900, 1901, 1902, 1903, 1854, 1855, 1856, 1871, 1876, 1878, 1879, 1880, 1884, 1883, 1875, 1874, 1873, 1866, 1865, 1864, 1863, 1822, 1821, 1820, 1804, 1803, 1801, 1800, 1799, 1798, 1797, 1788.

(Schedule I.)

7.0 Location:—

Mouza	—	Chandiberia (Part)
Jurisdiction List No.	—	15
Police Station	—	Rajarhat
District	—	North 24-Parganas

7.1 Descriptions in detail:—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 407 reading clockwise:

Plot Nos.—407, 408, 412, 411, 410, 408, 407.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 437 reading clockwise:—

Plot Nos.—437, 443, 440, 439, 438, 437.

8.0 Location:—

Mouza	—	Tarulia (Part)
Jurisdiction List No.	—	21
Police Station	—	Rajarhat
District	—	North 24-Parganas

8.1 Descriptions in detail:—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise:

Plot Nos.—1, 25, 21, 22, 26, 317, 318, 319, 315, 329, 330, 336, 337, 344, 342, 347, 348, 349, 372, 373, 374, 375, 357, 365, 360, 359, 304, 303, 302, 293, 292, 277, 276, 277, 275, 27, 70, 69, 68, 67, 66, 49, 50, 51, 52, 53, 45, 44, 6, 7, 5, 4, 2, 1.

9.0 Location:—

Mouza	—	Mahishgot (Part)
Jurisdiction List No.	—	20
Police Station	—	Rajarhat
District	—	North 24-Parganas

9.1 Descriptions in detail:—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 284 reading clockwise:

Plot Nos.—284, 285, 286, 287, 289, 412, 413, 416, 417, 418, 419, 618, 620, 622, 625, 634, 635, 636, 637, 638, 639, 640, 644, 657, 659, 662, 683, 684, 685, 686, 687, 701, 702, 703, 704, 831, 832, 833, 834, 835, 836, 840, 841, 842, 845, 846, 847, 848, 851, 849, 853, 854, 858, 860, 867, 871, 872, 876, 875, 920, 921, 926, 931, 907, 815, 814, 813, 816, 817, 818, 727, 728, 734, 733, 732, 735, 736, 740, 739, 578, 577, 549, 550, 567, 566, 565, 563, 560, 559, 533, 480, 482, 480, 477, 478, 474, 472, 471, 358, 359, 467, 364, 368, 369, 370, 371, 372, 322, 321, 320, 379, 386, 385, 384, 382, 383, 390, 391, 392, 393, 394, 304, 257, 256, 258, 181, 260, 265, 266, 270, 273, 274, 275, 143, 282, 283, 284.

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*The New Town, Kolkata Development Authority Act, 2007.**(Schedule I.)*

10.0 Location :—

Mouza	—	Mahisbathan (Part)
Jurisdiction List No.	—	18
Police Station	—	Rajarhat
District	—	North 24-Parganas

10.1 Descriptions in detail :—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise :

Plot Nos.—1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 25, 27, 29, 33, 35, 40, 41, 46, 47, 48, 49, 60, 61, 62, 65, 64, 53, 59, 57, 56, 52, 50, 44, 43, 38, 37, 34, 33, 29, 31, 21, 20, 19, 18, 10, 9, 8, 7, 4, 1.

11.0 Location :—

Mouza	—	Thakdari (Part)
Jurisdiction List No.	—	19
Police Station	—	Rajarhat
District	—	North 24-Parganas

11.1 Descriptions in detail :—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 58 reading clockwise :

Plot Nos.—58, 95, 96, 97, 328, 108, 109, 110, 111, 113, 115, 116, 117, 118, 119, 134, 135, 137, 138, 139, 140, 186, 185, 187, 188, 189, 190, 208, 209, 210, 214, 215, 385 (Canal), 422, 421, 385, 215, 216, 204, 217, 219, 224, 203, 202, 261, 262, 265, 266, 271, 272, 277, 160, 159, 286, 284, 285, 78, 76, 74, 73, 72, 71, 70, 68, 989, 615, 616, 665, 729, 730, 731, 739, 738, 737, 735, 28, 27, 774, 778, 779, 778, 777, 776, 23, 22, 21, 20, 19, 16, 15, 14, 12, 11, 10, 9, 8, 7, 6, 3, 2, 1, 58.

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1101 reading clockwise :

Plot Nos.—1101, 1111, 1112, 1132, 1136, 1137, 1138, 1147, 1154, 1155, 1156, 1176, 1177, 1179, 1180, 1186, 1187, 1189, 1191, 1192, 1193, 1194, 1203, 1204, 1205, 1206, 1208, 1280, 1281, 1282, 1284, 1285, 1308, 1309, 1310, 1312, 1313, 1314, 1306, 1305, 1304, 1303, 1302, 1301, 1299, 1300, 1257, 1256, 1251, 1250, 1249, 1248, 1247, 1237, 1236, 1121, 1119, 1118, 1116, 1110, 1108, 1107, 1106, 1105, 1104, 1103, 1102, 1101.

12.0 Location :—

Mouza	—	Kochpukur (Part)
Jurisdiction List No.	—	2
Police Station	—	Kolkata Leather Complex
District	—	South 24-Parganas

12.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 66 reading clockwise :

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Plot Nos.—66, 68, 69, 70, 71, 72, 73, 74, 164, 169, 170, 171, 228, 230, 231, 232, 233, 353, 354, 356, 357, 358, 361, 392, 393, 395, 396, 429, 430, 431, 432, 548, 549, 550, 585, 587, 588, 589, 590, 584, 585, 552, 545, 542, 534, 535, 536, 538, 437, 423, 424, 397, 398, 399, 403, 401, 390, 391, 388, 387, 386, 385, 383, 361, 362, 356, 347, 345, 344, 339, 340, 341, 235, 216, 215, 213, 212, 135, 131, 132, 106, 107, 109, 121, 118, 119, 249, 252, 251, 250, 249, 119, 118, 117, 116, 114, 113, 112, 111, 110, 98, 35, 31, 30, 29, 28, 27, 26, 25, 23, 22, 21, 20, 19, 18, 17, 16, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 65, 64, 66.

13.0 Location :—

Mouza	—	Joth Bhim (Part)
Jurisdiction List No.	—	3
Police Station	—	Kolkata Leather Complex
District	—	South 24-Parganas

13.1 Descriptions in detail :—

One Sheet. - The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise :

Plot Nos.—1, 3, 7, 12, 19, 20, 103, 104, 105, 106, 108, 774, 116, 111, 112, 113, 114, 98, 158, 159, 173, 241, 240, 231, 230, 229, 228, 222, 223, 219, 180, 188, 189, 196, 197, 198, 204, 210, 209, 208, 78, 77, 76, 75, 74, 73, 71, 70, 68, 67, 66, 63, 12, 11, 10, 9, 7, 3, 1.

14.0 Location :—

Mouza	—	Baligari (Part)
Jurisdiction List No.	—	34
Police Station	—	Rajarhat
District	—	North 24-Parganas

14.1 Descriptions in detail :—

One Sheet. - The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise :

Plot Nos.—1, 2, 3, 4, 8, 9, 685, 21, 38, 47, 48, 49, 99, 98, 61, 77, 76, 61, 31, 63, 65, 64, 63, 30, 29, 26, 25, 634, 1.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 186 reading clockwise:

Plot Nos.—186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 198, 199, 227, 228, 229, 232, 233, 221, 220, 219, 218, 243, 241, 236, 237, 240, 255, 257, 258, 259, 260, 283, 285, 289, 286, 301, 298, 300, 301, 281, 282, 263, 264, 271, 279, 272, 273, 253, 252, 250, 249, 246, 245, 218, 217, 216, 215, 172, 170, 169, 168, 175, 210, 209, 205, 204, 203, 193, 188, 187, 186.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 449 reading clockwise:

Plot Nos.—449, 448, 447, 498, 499, 501, 502, 503, 504, 502, 501, 500, 514, 513, 514, 515, 516, 517, 518, 519, 521, 585, 565, 561, 558, 559, 549, 551, 550, 554, 587, 590, 591, 597, 632, 595, 594, 589, 588, 551, 550, 549, 548, 547, 544, 542, 538, 537, 536, 535, 534, 533, 532, 531, 473, 471, 468, 467, 466, 465, 463, 462, 461, 460, 461, 459 (Road), 453, 456, 451, 450, 449.

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The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 638 reading clockwise:

Plot Nos.—638, 636, 647, 655, 656, 657, 658, 660, 661, 662, 663, 664, 665, 667, 668, 669, 671, 675, 677, 678, 680, 679, 678, 677, 676, 675, 673, 653, 645, 644, 643, 642, 641, 640, 639, 638.

15.0 Location :—

Mouza	—	Patharghata (Part)
Jurisdiction List No.	—	36
Police Station	—	Rajarhat
District	—	North 24-Parganas

15.1 Descriptions in detail:—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from Plot No. 1 to Plot No. 821 and from Plot No. 823 to plot No. 827.

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1670 reading clockwise :

Plot Nos.—1670, 1671, 1672.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1676 reading clockwise :

Plot Nos.—1676, 1675, 1673, 1674, 1693, 1694, 1702, 1703, 1705, 1702, 1706, 1707, 1708, 1710, 1711, 1799, 1800, 1801, 1925, 1926, 1927, 1928, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1940, 1951, 1953, 1954, 1960, 1959, 2087, 1896, 1897, 1898, 1899, 1900, 1876(Part), 1817, 1818, 1871, 1870, 1865, 1864, 1827, 1776, 1831, 1775, 1772, 1767, 1766, 1778, 1779, 1780, 1781, 1782, 1823, 1788, 1791, 1792, 1793, 1795, 1797, 1798, 1802, 1799, 1800, 1801, 1721, 1720, 1724, 1719, 2899, 1718, 1716, 1698, 1695, 1694, 1693, 1690, 1691, 1687, 1688, 1689, 1686, 1691, 1692, 1676.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1182 reading clockwise :

Plot Nos.—1182, 1183, 967, 1183, 1182, 1181, 1170, 1171, 1177, 1170, 1181, 1182.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2350 reading clockwise :

Plot Nos.—2350, 2351, 2352, 2354, 2315, 2285, 2290, 2289, 2301, 2300, 2400, 2403, 2404, 2411, 2412, 2414, 2423, 2422, 2419, 2485, 2486, 2492, 2490, 2489, 2488, 2483, 2426, 2434, 2435, 2436, 2397, 2396, 2446, 2396, 2389, 2388, 2387, 2386, 2384, 2381, 2380, 2379, 2378, 2376, 2375, 2373, 2372, 2371, 2370, 2350.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2462 reading clockwise :

Plot Nos.—2462, 2456, 2450, 2452, 2451, 2457, 2459, 2460, 2461, 2465, 2470, 2469, 2468, 2467, 2474, 2513, 2512, 2500, 2501, 2497, 2498, 2549, 2642, 2643, 2644, 2636, 2635, 2634, 2633, 2632, 2631, 2705, 2629, 2707, 2708, 2716, 2715, 2714, 2737, 2738, 2744, 2745, 2750, 2749, 2741, 2619, 2618, 2585, 2584, 2582, 2580, 2579, 2578, 2577, 2576, 2575, 2574, 2573, 2533, 2531, 2532, 2530, 2529, 2528, 2527, 2465, 2464, 2465, 2463, 2462.

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The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2787 reading clockwise :

Plot Nos.—2787, 2788, 2804, 2805, 2807, 2808, 2809, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2816, 2798, 2797, 2796, 2794, 2792, 2789, 2787.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2760 reading clockwise :

Plot Nos.—2760, 2857, 2856, 2759, 2757, 2756, 2755, 2756, 2757, 2758, 2760.

Sheet No. 3. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2953 reading clockwise :

Plot Nos.—2953, 2954, 2955, 2968, 2973, 2974, 2975, 3340, 3341, 3342, 3345, 3346, 3351, 3352, 3354, 3355, 3356, 3357, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3410, 3411, 3421, 3422, 3447, 3448, 3451, 3452, 3453, 3454, 3455, 3603, 3604, 3605, 3606, 3610, 3616, 3623, 3624, 3626, 3627, 3628, 3637, 3667, 3665, 3676, 3661, 3660, 3659, 3680, 3652, 3682, 3683, 3684, 3685, 3686, 3687, 3578, 3577, 3575, 3574, 3573, 3551, 3549, 3546, 3545, 3523, 3242, 3246, 3247, 3248, 3249, 3250, 3234, 3203, 3202, 3201, 3200, 3261, 3263, 3264, 3177, 3174, 3173, 3168, 3053, 3057, 3058, 3061, 3062, 3046, 3045, 3044, 3043, 3042, 3038, 3037, 3030, 3029, 3028, 3027, 3021, 3019, 3018, 3011, 3010, 3009, 2918, 2917, 2916, 2907, 2905, 2903, 2902, 2901, 2904, 2944, 2946, 2949, 2950, 2953.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 3190 reading clockwise :

Plot Nos.—3190, 3189, 3198, 3199, 3211, 3210, 3207, 3208, 3205, 3232, 3237, 3527, 3538, 3546, 3791, 3543, 3542, 3541, 3596, 3597, 3702, 3693, 3692, 3706, 3707, 3708, 3709, 3711, 3712, 3714, 3717, 3718, 3719, 3720, 3721, 3722, 3725, 3726, 3727, 3737, 3760, 3761, 3762, 3765, 3766, 3768, 3774, 3218, 3217, 3216, 3215, 3213, 3212, 3210, 3211, 3197, 3190.

Sheet No. 4. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 4220 reading clockwise :

Plot Nos.—4220, 4218, 4215, 4214, 4208, 4076, 4073, 4072, 4071, 4070, 4068, 4055, 4054, 4053, 4050, 4049, 4051, 4052, 4043, 4042, 4030, 3983, 4429, 3976, 3978, 3979, 3973, 3969, 3967, 3965, 3963, 3962, 3961, 3960, 3959, 3957, 3958, 3994, 3996, 3997, 3999, 4000, 4003, 4004, 4005, 4134, 4135, 4136, 4137, 4148, 4149, 4153, 4154, 4155, 4156, 4378, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4384, 4386, 4387, 4428, 4427, 4426, 4425, 4424, 4423, 4295, 4294, 4293, 4291, 4290, 4289, 4288, 4277, 4276, 4275, 4273, 4272, 4270, 4269, 4266, 4238, 4237, 4236, 4235, 4228, 4227, 4224, 4221, 4220.

Sheet No. 5. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 4501 reading clockwise :

Plot Nos.—4501, 4555, 4556, 4558, 4560, 4579, 4580, 4581, 4582, 4588, 4605, 4609, 4610, 4613, 4601, 4600, 4599, 4596, 4595, 4594, 4593, 4592, 4590, 4589, 4588, 4570, 4569, 4538, 4536, 4533, 4532, 4531, 4527, 4526, 4525, 4522, 4521, 4522, 4519, 4518, 4516, 4512, 4511, 4510, 4509, 4508, 4506, 4503, 4502, 4501.

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The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No.4624 reading clockwise :

Plot Nos.—4624, 4625, 4626, 4630, 4631, 4632, 4633, 4635, 4636, 4637, 4638, 4640, 4619, 4616, 4615, 4616, 4617, 4623, 4624.

16.0 Location :—

Mouza	—	Chhapna (Part)
Jurisdiction List No.	—	35
Police Station	—	Rajarhat
District	—	North 24-Parganas

16.1 Descriptions in detail :

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 358 reading clockwise :

Plot Nos.—358, 363, 349, 348, 347, 711, 716, 715, 752, 317, 285, 286, 284, 282, 281, 280, 277, 276, 275, 271, 270, 268, 266, 144, 145, 147, 148, 149, 157, 153, 154, 155, 164, 171, 170, 166, 178, 179, 181, 182, 184, 194, 195, 196, 197, 199, 200, 201, 213, 214, 215, 1011, 1012, 1016, 1021, 1020, 997, 840, 839, 838, 836, 834, 833, 832, 829, 830, 803, 802, 801, 800, 796, 797, 798, 763, 774, 775, 776, 777, 673, 672, 670, 667, 657, 659, 633, 630, 627, 628, 615, 611, 610, 601, 610, 611, 615, 570, 569, 563, 532, 561, 541, 542, 534, 533, 546, 547, 530, 529, 525, 522, 375, 376, 378, 377, 362, 358.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2 reading clockwise :

Plot Nos.—2, 1044, 73, 3, 7, 13, 14, 15, 16, 18, 23, 24, 25, 26, 30, 31, 32, 34, 35, 45, 44, 41, 42, 39, 38, 36, 33, 32, 31, 30, 26, 25, 24, 23, 18, 17, 13, 12, 11, 10, 9, 8, 7, 3, 2.

The following Revisional Settlement Plots encircling the bounded areas starting from the North-west corner of Plot No. 645 reading clockwise :

Plot Nos.—645, 646, 653, 881, 880, 878, 784, 785, 787, 789, 790, 791, 793, 794, 847, 1041, 845, 844, 843, 842, 835, 841, 995, 994, 1042, 1023, 1024, 1025, 1042, 993, 988, 987, 982, 979, 978, 977, 976, 975, 971, 970, 969, 968, 967, 966, 965, 958, 938, 937, 936, 927, 926, 925, 924, 923, 919, 918, 917, 916, 915, 912, 911, 893, 892, 891, 889, 888, 886, 883, 882, 649, 648, 647, 645.

17.0 Location :—

Mouza	—	Akandakesari (Part)
Jurisdiction List No.	—	55
Police Station	—	Rajarhat
District	—	North 24-Parganas

17.1 Descriptions in detail :

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 42 reading clockwise :

Plot Nos.—42, 44, 46, 47, 476, 994, 995, 483, 481, 480, 482, 479, 478, 477, 46, 43, 42.

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The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 500 reading clockwise :

Plot Nos.—500, 1000, 999, 484, 490, 458, 456, 555, 448, 433, 431, 426, 427, 562, 563, 564, 671, 675, 706, 707, 670, 712, 713, 716, 717, 756, 755, 757, 758, 759, 760, 817, 801, 816, 803, 804, 805, 798, 796, 774, 796, 893, 793, 791, 784, 396, 389, 397, 398, 792, , 907, 912, 1004, 913, 915, 917, 919, 923, 918, 910, 929, 930, 935, 936, 938, 939, 882, 880, 878, 876, 872, 871, 870, 869, 868, 866, 865, 864, 863, 852, 850, 849, 847, 846, 740, 739, 738, 737, 736, 735, 734, 636, 635, 634, 633, 632, 611, 610, 606, 607, 608, 607, 606, 609, 605, 598, 528, 529, 527, 524, 513, 512, 511, 510, 509, 506, 505, 504, 503, 500.

18.0 Location —

Mouza	—	Chanda Kanthal Beria (Part)
Jurisdiction List No.	—	8
Police Station	—	Kolkata Leather Complex
District	—	South 24-Parganas

18.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1 reading clockwise :

Plot Nos.—1, 3, 9, 10, 15, 16, 18, 19, 21, 22, 29, 30, 31, 32, 153, 155, 156, 157, 158, 159, 217, 218, 219, 221, 222, 223, 224, 225, 226, 236, 237, 240, 238, 235, 234, 233, 207, 206, 201, 183, 182, 180, 179, 189, 188, 196, 195, 194, 257, 258, 191, 179, 137, 276, 134, 133, 132, 129, 127, 23, 127, 92, 93, 101, 102, 100, 5, 4, 2, 1.

19.0 Location :—

Mouza	—	Hatisala (Part)
Jurisdiction List No.	—	9
Police Station	—	Kolkata Leather Complex
District	—	South 24-Parganas

19.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2 reading clockwise :

Plot Nos.—2, 10, 11, 15, 16, 21, 22, 780, 37, 38, 39, 49, 50, 77, 78, 785, 784, 783, 73, 782, 166, 165, 164, 163, 162, 159, 157, 155, 154, 153, 129, 153, 152, 151, 150, 149, 148, 146, 145, 184, , 183, 182, 181, 209, 210, 214, 287, 286, 284, 283, 279, 278, 276, 275, 274, 333, 274, 332, 331, 330, 329, 327, 323, 322, 316, 317, 311, 309, 306, 307, 373, 372, 479, 530, 528, 527, 533, 535, 683, 684, 686, 687, 674, 670, 669, 808, 668, 660, 656, 651, 652, 647, 645, 644, 643, 642, 641, 636, 635, 634, 632, 628, 627, 617, 618, 619, 624, 620, 623, 622, 6, 3, 2.

20.0 Location :—

Mouza	—	Bhagabanpur (Part)
Jurisdiction List No.	—	10
Police Station	—	Kashipur
District	—	South 24-Parganas

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20.1 Descriptions in detail :—

Sheet No.1. The following Revisional Settlement plots encircling the bounded areas starting from the North west corner of Plot No. 883 reading clockwise :

Plot Nos.—883, 884, 947, 949, 950, 951, 954, 960, 961, 962, 968, 967, 966, 979, 980, 981, 985, 987, 988, 990, 989, 1131, 959, 882, 883.

The following Revisional Settlement plot encircling the bounded areas starting from the North west corner of Plot No. 865 reading clockwise :

Plot No. 865.

21.0 Location :—

Mouza	—	Chakpachuria (Part)
Jurisdiction List No.	—	33
Police Station	—	Rajarhat
District	—	North 24-Parganas

21.1 Descriptions in detail :—

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from the North west corner of Plot No. 50 reading clockwise :

Plot Nos.—50, 83, 84, 85, 86, 91, 92, 93, 115, 114, 94, 103, 107, 108, 112, 147, 146, 145, 144, 152, 153, 154, 155, 156, 162, 290, 305, 306, 307, 312, 313, 314, 315, 316, 317, 318, 319, 320, 454, 486, 487, 489, 1083, 490, 501, 502, 504, 507, 508, 509, 510, 513, 516, 515, 514, 522, 524, 527, 528, 526, 531, 500, 494, 473, 474, 454, 460, 461, (Road), 458, 445, 464, 440, 439, 438, 437, 417, 420, 421, 403, 404, 405, 399, 398, 340, 341, 347, 358, 359, 2224, 2227, 2224, 681, 682, 384, 685, 676, 715, 716, 717, 719, 718, 792, 796, 798, 797, 796, 795, 701, 100, 699, 698, 696, 694, 969, 693, 2224, 354, 353, 351, 348, 344, 254, 255, 1079, 1080, 279, 276, 271, 268, 269, 267, 211, 213, 215, 217, 220, 218, 19, 18, 17, 12, 11, 10, 9, 8, 7, 6, 5, 4, 14, 1065 (Road), 40, 57, 50.

The following Revisional Settlement plots encircling the bounded areas starting from the North west corner of Plot No. 882 reading clockwise :

Plot Nos.—882, 1090, 1091, 895, 893, 898, 913, 914, 915, 916, 1000, 1002, 1003, 1004, 1005, 1003, 1012, 1014, 1017, 1018, 1018, 1017, 1013, 1012, 1030, 1028, 1035, 1037, 1057, 1060, 1058, 1052, 1051, 1049, 1048, 1047, 989, 988, 984, 983, 982, 981, 980, 919, 923, 924, 925 (Road), 1050, 882.

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1138 reading clockwise :

Plot Nos.—1138, 1139, 1140, 1158, 1159, 1178, 1187, 1186, 1185, 1184, 1181, 1180, 1179, 1180, 1183, 1184, 1185, 1186, 1187, 1190, 1191, 1192, 1194, 1208, 1210, 1211, 1212, 1213, 1275, 1276, 1277, 1278, 1292, 1296, 1443, 1295, 1307, 1303, 1305, 1306, 1307, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1332, 1352, 1353, 1415, 1416, 1418, 1419, 1420, 1421, 1427, 1426, 1325, 1412, 1411, 1406, 1404, 1403, 1385, 1384, 1383, 1382, 1381, 1380, 1441, 1440, 1439, 1369, 1244, 1242, 1243, 1108, 1107, 1101, 1138.

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule I.)*

Sheet No. 3. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1501 reading clockwise :

Plot Nos.—1501, 1552, 1553, 1563, 1564, 1565, 1561, 1560, 1559, 1558, 1557, 1627, 1628, 1629, 1630 (Road), 1651, 1652, 1653, 1654, 1655, 1658, 1659, 1660; 1661, 1662, 1663, 1664, 1667, 1668, 1718, 1719, 1723, 1724, 1726, 1727, 1728, 1730, 1731, 1731, 1732, 1735, 1736; 1908, 1913, 1916, 1911, 1901, 1899, 1892, 1891, 1890, 1866, 1867, 1868, 1863, 1858, 1857, 2003, 2004, 2005, 2012, 2016, 2017, 2019, 2020, 2026, 2027, 2112, 2058, 2061, 2063, 2064, 2065, 2064, 2062, 2054, 2053, 2051, 2050, 2049, 2048, 2047, 1801, 1800, 1799, 1798, 1797, 1795, 1794, 1793, 1790, 1789, 1510, 1504, 1503, 1502, 1501.

The following Revisional Settlement plots encircling bounded areas starting from the North-west corner of Plot No. 1937 reading clockwise :

Plot Nos.—1937, 1962, 1963, 1964, 1970, 1972, 1973, 1974, 1984, 1983, 1984, 2195, 2196, 2197, 2198, 2215, 2216, 2217, 2219, 2220, 2219, 2218, 2212, 2210, 2209, 2210, 2208, 2207, 2206, 2205, 2190 (Road), 2191, 2192, 2193, 2194, 1987, 1989, 1990, 2161, 2002, 1999, 1994, 1995, 1960, 1961, 1962, 1937.

22.0 Location :—

Mouza	—	Kadam Pukur (Part)
Jurisdiction List No.	—	25
Police Station	—	Rajarhat
District	—	North 24-Parganas

22.1 Descriptions in detail :—

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from the North -West Corner of Plot No. 1 reading clockwise :

Plot Nos.—1, 7, 8, 10, 11, 8, 12, 13, 15, 18, 19, 20, 21, 606, 607, 611, 614, 615, 616, 617, 615, 602, 618; 602, 598, 597, 1412, 596, 595, 594, 590, 591, 602, 36, 73, 54, 55, 56, 57, 58, 59, 60, 91, 92, 96, 97, 577, 548, 542, 541, 526, 528, 529, 531, 532, 533, 286, 1426, 292, 293, 294, 295, 407, 406, 411, 412, 413, 519, 520, 524, 518, 508, 510, 511, 481, 476, 477, 478, 479, 468, 469, 461, 460, 464, 465, 1401, 445, 444, 513, 514, 442, 424, 425, 426, 427, 428, 429, 422, 379, 380, 382, 383, 384, 375, 372, 370, 366, 367, 349, 355, 357, 358; 359, 332, 327, 325, 321, 252, 253, 237, 238, 239, 240, 235, 234, 232, 197, 196, 195, 194, 190, 189, 188, 187, 185, 184, 183, 145, 144, 142, 140, 137, 136, 2, 1.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 661 reading clockwise :

Plot No.—661, 677, 678, 679, 778, 779, 780, 781, 797, 798, 799, 800, 801, 805, 806, 808, 822, 823, 824, 826, 827, 828, 829, 830, 831, 827, 832, 833, 834, 835; 916, 917, 918, 919, 917, 920, 924, 925, 926, 928, 929, 931, 932, 933, 934, 1398, 1399, 1400, 1399, 1398, 934, 938, 939, 942, 943, 947, 948, 953, 954, 955, 956, 958, 912, 911, 966, 968, 971, 973, 974, 981, 982, 983, 984, 1423, 987, 989, 988, 997, 998, 1001, 1002, 1003, 899, 898, 897, 896, 893, 892, 875, 874, 873, 872, 871, 754, 758, 1416, 744, 735, 733, 732, 731, 706, 708, 707, 688, 687, 685, 684, 669, 674, 663, 662, 661.

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule I.)*

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 650 reading clockwise :

Plot No.—650, 651, 652, 653, 654, 655, 722 (Road), 656, 657, 658, 659, 660, 722 (Road), 646, 648, 649, 650.

The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 1130 reading clockwise :

Plot No.—1130, 1123, 1430, 1122, 1115, 1110, 1109, 1091, 1089, 1073, 1077, 1079, 1078, 1061, 1060, 1058, 1057, 1056, 1212, 1419, 1420, 1296, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1285, 1284, 1272, 1275, 1269, 1268, 1267, 1266, 1258, 1239, 1242, 1243, 1244, 1245, 1246, 1247, 1393, 1394, 1395, 1396, 1397, 1390, 1389, 1387, 1385, 1374, 1373, 1371, 1369, 1368, 1367, 1139, 1318, 1195, 1194, 1193, 1188, 1187, 1171, 1170, 1166, 1165, 1164, 1163, 1162, 1161, 1160, 1159, 1158, 1151, 1150, 1133, 1128, 1129, 1132, 1131, 1130.

23.0 Location:—

Mouza	—	Rekjuani (Part)
Jurisdiction List No.	—	13
Police Station	—	Rajarhat
District	—	North 24-Parganas

23.1 Descriptions in detail :—

Sheet No.2 The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 2081 reading clockwise :

Plot Nos.—2081, 2078, 2077, 2075, 2070, 2068, 2172, 2173, 2170, 2208, 2206, 2205, 2217, 2221, 2224, 2225, 2222, 2886, 2255 (Road), 2350, 2356, 2363, 2364, 2366, 1367, 2326, 2325, 2322, 2321, 2319, 2318, 2305, 2304, 2303, 2297, 2294, 2299, 2300, 2280, 2276, 2433, 2463, 2468, 2467, 2472, 2479, 2478, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2501, 2502, 2503, 2507, 2508, 2512, 2513, 2514, 2515, 2522, 2523, 2524, 2525, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2549, 2550, 2578, 2579, 2588, 2589, 2590, 2591, 2706, 2707, 2709, 2711, 2779, 2780, 2781, 3620, 3621, 3623, 3624, 3625, 3626, 3627, 3649, 3650, 3647, 3743, 3642, 3551, 3550, 3546, 3545, 3542, 3541, 3536, 3480, 3479, 3478, 3476, 3473, 3472, 3471, 3470, 3469, 3456, 3428, 3424, 3423, 3422, 3406, 3405, 3400, 3399, 3398, 3397, 3396, 3395, 3381, 3382, 3383, 3390, 3391, 3399, 3400, 3402, 3370, 3366, 3363, 3358, 3356, 3355, 3160, 3158, 3156, 3145, 3144, 3143, 3134, 3133, 3132, 3130, 3129, 3125, 3124, 3120, 3119, 3118, 3117, 3183, 3197, 3196, 3201, 3202, 3205, 3207, 3220, 3228, 3227, 3226, 3223, 3238, 3239, 3240, 3242, 3248, 3249, 3250, 3253, 3018, 3022, 3022, 3023, 3025, 3026, 3027, 3028, 3017, 2999, 2969, 2971, 2950, 2960, 2959, 2958, 2061, 2057, 2066, 2055, 2073, 2074, 2071, 2075, 2076, 2081.

(Schedule I.)

Sheet No. 3. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 4001 reading clockwise:

Plot Nos.— 4001, 4002, 4003, 4004, 4005, 4006, 4059, 4060, 4058, 5096, 4054, 4053, 4052, 4072, 4075, 4076, 4077, 4078, 4266, 4292, 4293, 4287, 4330, 4256, 4248, 4247, 4231, 4233, 4237, 4336, 4333, 4364, 4365, 4427, 4428, 4432, 4435, 4444, 4442, 4440, 4903, 4913, 4912, 4911, 4910, 4909, 4953, 4952, 4948, 4947, 4941, 4967, 4968, 4970, 4971, 4973, 4937, 4976, 4982, 4984, 4995, 5010, 5011, 5012, 5020, 5022, 5044, 5092, 5088, 5087, 5086, 5084, 5083, 5095, 5073, 5072, 4775, 4766, 4765, 4763, 4762, 4761, 4760, 4750, 4749, 4714, 4713, 4712, 4711, 4710, 4709, 4708, 4707, 4706, 4704, 4703, 4702, 4700, 4699, 4696, 4695, 4694, 4693, 4630, 4629, 4628, 4627, 4626, 4622, 4621, 4620, 4617, 4619, 4614, 4610, 4609, 4608, 4580, 4579, 4549, 4548, 4547, 4546, 4545, 4540, 4538, 4537, 4536, 4535, 4532, 4518, 4024, 4023, 4021, 4001.

Sheet No. 4. The following Revisional Settlement plots encircling the bounded areas starting from the North-west corner of Plot No. 5301 reading clockwise:

Plot Nos.— 5301, 5302, 5341, 5342, 5343, 5344, 5345, 5350, 5352, 5354, 5495, 5499, 5500, 5501, 5502, 5503, 5504, 5507, 5508, 5509, 5510, 5511, 5652, 5653, 5654, 5655, 5663, 5664, 5665, 5666, 5730, 5730, 5721, 5735, 5736, 5737, 5739, 5742, 5788, 5789, 5793, 5797, 5798, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5816, 6020, 6021, 6022, 6023, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6035, 6055, 6056, 6063, 6062, 6047, 5981, 5980, 5979, 5978, 5969, 5968, 5931, 5921, 5914, 5913, 5608, 5607, 5571, 5570, 5568, 5441, 5440, 5436, 5427, 5426, 5425, 5424, 5423, 5422, 5421, 5419, 5410, 5409, 5408, 5407, 5396, 5395, 5309, 5308, 5307, 5306, 5305, 5304, 5301.

24.0 Location :—

Mouza	—	Raigachhi (Part)
Jurisdiction List No.	—	12
Police Station	—	Rajarhat
District	—	North 24-Parganas

24.1 Descriptions in detail :—

Sheet No. 2. The following Revisional Settlement plot encircling the bounded areas starting from the North-west corner of plot No. 937 reading clockwise :

Plot Nos.— 937, 936, 944, 945, 948, 949, 950, 952, 950, 965, 961, 960, 1022, 1021, 1039, 1038, 1036, 1031, 1032, 1033, 1034, 1035, 1039, 1040, 1041, 1042, 1048, 1049, 1052, 1053, 1054, 1055, 1187, 1186, 1188, 1393, 1395, 1399, 1400, 1401, 1402, 1403, 1404, 1409, 1410, 1375, 1373, 1411, 1415, 1416, 1418, 1419, 1420, 1421, 1422, 1423, 1425, 1426, 1427, 1489, 1532, 1531, 1530, 1529, 1528, 1527, 1524, 1523, 1520, 1519, 1513, 1511, 1508, 1507, 1506, 1505, 1504, 1503, 1453, 1452, 1450, 1449, 1448, 1447, 1446, 1445, 1324, 1323, 1321, 1533, 1311, 1310, 1308, 1307, 1304, 1305, 1299, 1298, 1289, 1288, 1287, 1286, 1284, 1280, 1279, 1278, 1277, 1275, 1276, 979, 978, 977, 985, 974, 973, 972, 971, 941, 940, 939, 937.

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I to by the

The New Town, Kolkata Development Authority Act, 2007.

(Schedule I)

PART B**Other areas of New Town, Kolkata**

25.0 Location :—

Serial No.	Mouza	Jurisdiction List No.	Police Station	District	Mouzas (Full / Part) involved (excluding settlement areas)
1.	Wari	26	Kolkata Leather Complex	South 24-Parganas	Full
2.	Paikan	28	Kolkata Leather Complex	South 24-Parganas	Full
3.	Sukpukuria	30	Kolkata Leather Complex	South 24-Parganas	Full
4.	Krolbaria	31	Kolkata Leather Complex	South 24-Parganas	North of Basanti Road
5.	Chariswar	29	Kolkata Leather Complex	South 24-Parganas	Full
6.	Bhatipata	33	Kolkata Leather Complex	South 24-Parganas	North of Basanti Road
7.	Karidanga	32a	Kolkata Leather Complex	South 24-Parganas	North of Basanti Road
8.	Gangapur	35	Kolkata Leather Complex	South 24-Parganas	North of Basanti Road
9.	Ghunimeghi	44	Kolkata Leather Complex	South 24-Parganas	West of Chariswar Khal and North of Basanti Road.

*The New Town, Kolkata Development Authority Act, 2007.**(Schedule II.)***SCHEDULE II***(See section 179)***Penalties**

Explanation.—The entries in the second column of the following table, 'Headed Subject', are not intended as definition of the offences referred to in the provisions mentioned in the first column, or as abstracts of those provisions, but are inserted as reference to the subject thereof.

Sections, sub-section, clauses, or provisos.	Subject	Maximum fine or imprisonment which may be imposed for contravention	Daily fine which may, in addition, be imposed for continuing offences.
1	2	3	4
Section 48, sub-section (3)	Restriction on erection of, or addition to, buildings or walls within street alignment or building-line	Two hundred rupees	One hundred rupees.
Section 63, sub-sections (1) and (2)	Power to prohibit removal etc. of lamps	Five hundred rupees.	
Section 66, sub-section (4)	Power to regulate future construction of building in particular street or locality	Two thousand rupees and/or imprisonment for three months	One hundred rupees.
Section 67, sub-section (1)	Power to prohibit change of authorised use of building	Two thousand rupees and/or imprisonment for three months	Five hundred rupees.
Section 69	Prohibition of building without sanction	Five thousand rupees and/or imprisonment for six months	One thousand rupees.
Section 74	Notice to Development Authority before commencement of work	Two thousand rupees.	
Section 77, sub-section (2)	Completion certificate	Five hundred rupees	Fifty rupees.
Section 126, sub-sections (1) and (2)	Prohibition against deposition of solid wastes	One hundred rupees	Ten rupees.
Section 132	Power of entry and inspection	Five hundred rupees	One hundred rupees.
Section 156	Prohibition against removal of mark	Two hundred rupees.	
Section 157	Prohibition against removal of obliteration of notice	Two hundred rupees.	
Section 158	Prohibition against unauthorised intermeddling with the property of the Development Authority	One thousand rupees	One hundred rupees.

By order of the Governor,
ANINDYA BHATTACHARYYA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.

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by the

The
Kolkata  **Gazette**

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THURSDAY, MAY 27, 2010

[SAKA 1932

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 730-L.—27th May, 2010.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act X of 2010

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2010.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 27th May, 2010.]*

An Act to amend the New Town, Kolkata Development Authority Act, 2007.

WHEREAS it is expedient to amend the New Town, Kolkata Development Authority Act, 2007, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXX of 2007.

It is hereby enacted in the Sixty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the New Town, Kolkata Development Authority (Amendment) Act, 2010.

(2) This section shall come into force at once, and the remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2010.*

(Sections 2-6.)

Amendment of section 10 of West Ben. Act XXX of 2007.

2. In section 10 of the New Town, Kolkata Development Authority Act, 2007 (hereinafter referred to as the principal Act), in clause (a), for the words "an Executive Officer", the words "Chief Executive Officer" shall be substituted.

Amendment of section 11.

3. In section 11 of the principal Act, for the words "as Executive Officer," the words "Chief Executive Officer," shall be substituted.

Amendment of section 20.

4. For sub-section (4) of section 20 of the principal Act, the following sub-section shall be substituted:—

"(4) The Member-Secretary or the Chief Executive Officer will jointly operate the account of the Development Authority with Finance Officer or any other officer to be designated by the Development Authority:

Provided that in the absence of Finance Officer or any other officer, the Member-Secretary and the Chief Executive Officer will jointly operate the account of the Development Authority."

Insertion of new section 36A after section 36.

5. After section 36 of the principal Act, the following section shall be inserted:—

36A. (1) Every person engaged or intending to be engaged in any profession, trade or calling within the area of New Town Kolkata either by himself or by an agent or representative, shall obtain certificate of enlistment or get the same renewed annually, as the case may be, from the Development Authority upon presentation of an application in such form as may be specified by the Development Authority by regulation together with such application fee, not exceeding rupees two thousand five hundred, as may be determined by the Development Authority. Such application form shall be available from the Development Authority on payment of such fee as may be determined by the Development Authority:

Provided that such enlistment or renewal thereof shall not absolve such person from any liability to take out any license under any other law for the time being in force.

(2) The Development Authority shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order.

(3) The Development Authority will determine the amount of renewal fee not exceeding five hundred rupees:

Provided that no profession, trade or calling, referred to in sub-section (1), shall be commenced or carried on without any license or permission, as required under any law, being obtained and produced before the Chairman, failing which the certificate of enlistment shall be revoked or shall not be renewed as the case may be."

Provided further that if it is subsequently detected that the profession, trade or calling is carried on without any license or permission the enlistment shall be revoked or shall not be renewed, as the case may be."

Insertion of Chapter XA after Chapter X.

6. In Part V, after Chapter X of the principal Act, the following Chapter shall be inserted:—

"Chapter XA

Registration

Record of registration of record of land, building etc.
Authority.

86A. (1) Every title of land, building, dwelling unit, shop establishment or other unit situated within the area of New Town Kolkata shall be recorded in the register of the Development

*The New Town, Kolkata Development Authority
(Amendment) Act, 2010.*

(Section 7.)

(2) A person shall, on getting right, title and possession of land, building, dwelling unit, shop, establishment or any other unit, as specified in sub-section (1), apply to the Development Authority in such form as may be specified by the Development Authority to record the same.

(3) The format of register for registration shall be such as may be decided by the Development Authority.

Notice of transfer. 86B. (1) Whenever the title of any person to any land, building, dwelling unit, shop, establishment and other unit situated within the area of New Town Kolkata is transferred, such person, and the person to whom the title is so transferred shall, within three months after the execution of the instrument of transfer, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Development Authority.

(2) On the death of any person primarily liable as aforesaid, the person on whom the title of such land or building devolves shall, within six months from the date of death of the former, give notice of such devolution in writing to the Chairman.

(3) The notice under this section shall be in such form as may be prescribed, and the transferee or the person on whom the title devolves shall, if so required, be bound to produce before the Development Authority any document evidencing the transfer or devolution.

(4) The Development Authority shall, on receipt of a notice of transfer or devolution of title under this section and upon payment of such fee as may be determined by regulations, record such transfer or devolution in a book and also in the relevant register or book of the Development Authority:

Provided that nothing in this sub-section shall derogate the power of the Development Authority to refuse mutation in a case where there is arrear of any dues to the Development Authority on account of the transfer to the predecessor-in-interest of the applicant."

7. After section 137 of the principal Act, the following sections shall be inserted:—

"Prohibition of advertisements without written permission of the Development Authority.

137A. (1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement, or display any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), in any place within the area of New Town Kolkata as described in the Schedule I of the Act, without the written permission of the Development Authority:

Provided that the permission under this sub-section shall be accorded subject to the submission of written consent, in original, of the owner or the authority of land, building, wall, hoarding, frame, post, kiosk or structure, if the same is not owned by the applicant, upon or over which the advertisement has been proposed to be erected, exhibited, fixed or retained, by the person intending to erect, exhibit, fix or retain any advertisement, or display any advertisement to public view:

Provided further that application for permission under this sub-section shall accompany a declaration by the advertiser stipulating a time-frame within which the advertisement shall be erased, removed or taken down:

Provided also that the application for permission shall also accompany a security deposit of such amount, as may be determined by the Development Authority by order, which shall, if the advertisement is not erased, removed or taken down by the advertiser within seven days after the expiry of the time-frame for erasure, removal or taken down

*The New Town, Kolkata Development Authority
(Amendment) Act, 2010.*

(Section 7.)

of such advertisement as mentioned in the declaration, be deemed to have been forfeited and the money, as forfeited, shall be used by the Development Authority for erasure, removal or taken down of the advertisement:

Provided also that when the advertisement is erased, removed or taken down within seven days after the expiry of the time-frame in the declaration, the security deposit shall forthwith be refunded.

(2) The Development Authority shall not grant such permission if—

- (a) a licence for the use of the particular site for purpose of advertisement has not been taken out; or
- (b) the advertisement contravenes any provisions of this Act or the rules or the regulations made thereunder, or any other Act or rule made thereunder for the purpose of advertisement.

(3) No person shall broadcast any advertisement, except on All India Radio or Doordarshan, without the written permission of the Development Authority.

(4) Notwithstanding anything contained in this section or elsewhere in this Act or in any other law for the time being in force, non-commercial advertisement or advertisement related to public interest may, with the consent, in writing, of the owner or the authority of the property be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure, or displayed to public view in any manner whatsoever:

Provided that no permission of the Development Authority shall be required for erecting, exhibiting, retaining upon or over any land, building, wall, hoarding, frame, post, kiosk or structure displaying any advertisement under this sub-section:

Provided further that no non-commercial advertisement, other than the advertisement related to public interest, shall be erected, exhibited, fixed or retained on—

- (i) the surface of any solid wall, or on any other permanent structure, including the terrace, in such manner which shall cover, even partially, any door, window, ventilation shaft, chimney, air-conditioner, balcony or any other portion of the building covered with iron grill;
- (ii) the building or fence of any educational institution or hospital;
- (iii) the building used for religious purposes;
- (iv) the gate or exit requirement of any building;
- (v) the electrical installation, like transformer, lamp post, switchgear box, meter room;
- (vi) the water supply installation, like pump house, pump, water main, boosting station or machinery, water tank or water reservoir;
- (vii) the portion of any public transport;
- (viii) the buildings or the structures owned by the Central Government, State Government or any local authority or on any heritage building;
- (ix) the public street which may block the flow of pedestrians or traffic.

Explanation.—In this Chapter,—

- (a) the words 'non-commercial advertisement' mean the advertisement which is related to the campaign of any political party or any independent candidate to an election, or any campaign of any mass organization;
- (b) the words 'advertisement related to public interest' mean the advertisement which is related to promoting public health, preservation and conservation of environment, literacy campaign, fire protection, awareness of traffic rules, communal harmony, displayed by the

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(Amendment) Act 2010.*

(Section 7.)

Government or registered non-Government organization, but shall not include the displaying advertisement, in any manner whatsoever, for the purposes of—

- (i) selling or buying goods, real estates, services, concepts in lieu of financial or any other consideration, or
- (ii) entertainment or recreational programme, or
- (iii) setting up any marketing chain or network, or
- (iv) admission in any tutorial, academy, training centre, commercial school, commercial college, or any other organization which imparts, or shall impart, any education, including technical education, in lieu of financial or any other consideration, or
- (v) recruitment of personnel through any private agency;
- (c) the words 'mass organisation' include any registered trade union, organized workers' organization, teachers' organization, youth organization, women organization, peasants' organization, students' organization, pensioners' organization, unorganized workers' organization,
- (d) the words 'political party' shall mean a political party as defined in clause (f) of section 2 of the Representation of the People Act, 1951.

43 of 1951.

(5) Whoever contravenes the provisions of sub-section (4) shall be guilty of an offence and shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine not exceeding fifty thousand rupees:

Provided that if such contravention is made for the benefit of any political party, or any mass organisation, or an independent candidate, then such other person and every president, chairman, director, partner, manager, secretary, agent or any other person, who was in charge of, and was responsible to such political party or mass organisation or independent candidate, shall also be deemed to be guilty of the offence and shall be liable to be proceeded and pushed accordingly:

Provided further that nothing contained in this sub-section shall render such other person, president, chairman, director, partner, manager, secretary, agent or any other person who was in charge of, and was responsible to, such political party, mass organisation or independent candidate liable to any punishment under this sub-section, if he proves that the offence was committed without his knowledge or that he had exercised due diligence during the commission of such offence.

Licence for use of site for purpose of advertisement.

137B. (1) Except under and in conformity with the terms and conditions of a license, no person being the owner, lessee, sub-lessee, occupier or any advertising agent shall use or allow to be used any site in any land, building, wall or erect or allow to be erected on any site, any hoarding, frame, post, kiosk, structure, neon sign or sky-sign for the purpose of display of any advertisement.

(2) For the purpose of advertisement, every person—

- (a) using any site before commencement of this Act, within ninety days from the date of such commencement, or
- (b) intending to use any site,

shall apply for a licence or renewal of a licence, as the case may be, to the Development Authority in such form as may be specified by the Development Authority.

(3) The Development Authority shall, after making such inspection as may be necessary and within thirty days of the receipt of the application, refuse, grant, renew or cancel a licence, as the case may be, on payment of such fees as may be determined by the Development Authority by regulations.

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(Amendment) Act, 2010.*

(Section 7.)

(4) The Chairman may, if in his opinion the proposed site for any advertisement is unsuitable from the consideration of public safety, traffic hazards, aesthetic design, or obstruction of the view of, or harmony with, any heritage building, refuse a licence or refuse to renew any existing licence.

(5) Every licence shall be for a period of one year except in case of sites used for temporary fairs, exhibitions, sports events or cultural or social programmes.

(6) The Chairman shall cause to be maintained a register wherein the licences issued under this section shall be separately recorded in respect of advertisement sites—

- (a) on telephone, telegraph, electric or other posts or poles erected on or along public streets or private streets or public places;
- (b) on lands or buildings;
- (c) in cinema halls, theatres, or other places of public resort.

Tax on Advertisements.

137C. (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement or, displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph) shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rate as the Development Authority may determine by regulations:

Provided that a surcharge not exceeding fifty per cent, of the applicable rate may be imposed on any advertisement on display in temporary fairs, exhibitions, sports events or cultural or social programmes.

(2) Chairman may, however, exempt tax if he considers any advertisement which—

- (a) relates to 'advertisement related to public interest' as defined in the *Explanation* to sub-section (3) of section 137A; or
- (b) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon or in the same; or
- (c) relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (d) relates to any activity of the Government or the Municipality.

(3) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as the Development Authority may by regulations determine.

(4) The Development Authority may determine the procedure for collection of tax.

Permission of Development Authority to become void in certain cases.

137D. The permission granted under section 137A shall become void—

- (a) if the advertisement contravenes any regulations made under this Act; or
- (b) if any material change is made in the advertisement or any part thereof without the previous permission of the Development Authority; or
- (c) if the advertisement or any part thereof falls otherwise than through accident; or
- (d) if due to the work by Government, Development Authority or by any statutory authority, the advertisement has to be displaced.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2010.*

(Section 7.)

Licence for use of site for purpose of advertisement to become void in certain cases.

137E. The licence granted under section 137B shall become void,—

- (a) if the licensee contravenes any terms and conditions of licence; or
- (b) if any addition or alteration is made to, or in the building, wall, hoarding, frame, post, kiosk, or structure upon or over which the advertisement is erected, exhibited, fixed or retained; or
- (c) if the building, wall, hoarding, frame, post, kiosk or structure over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.

Presumption in case of contravention.

137F. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displayed to public view from a public street or public place in contravention of the provisions of this Act or any regulations made thereunder, it shall be presumed, unless the contrary is proved, that the contravention has been committed by the person or persons on whose behalf the advertisement purports to be or the agents of such person or persons.

Power of the Development Authority in case of contravention.

137G. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or any regulations made thereunder, the Development Authority may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any land, building or property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.

Explanation I.—The word “structure” in this Chapter includes any movable board on wheels used as an advertisement or advertisement medium.

Explanation II.—The word “advertisement” in relation to a tax on advertisement under this Act shall mean any word, model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.

Removal of poster, hoarding, etc.

137H. Notwithstanding any other action that may be taken against the owner or the occupier of any land or building, upon or over which there is any hoarding, frame, post, kiosk or structure for erecting any advertisement in contravention of the provisions of this Act or any regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk or structure, the Development Authority may, for removal and storage of such hoarding, frame, post, kiosk or structure, realize from the person who owns such hoarding, frame, post, kiosk or structure, such charges as may be fixed by the Chairman from time to time.

Fine for not paying tax under section 137C.

137I. If any person erects, exhibits, fixes or retains any advertisement referred to in this Chapter without paying the tax under section 137C, he shall be punished with fine which—

- (i) may extend to an amount equal to three times the amount payable as such tax; and
- (ii) shall not ordinary be less than an amount equal to one and a half times such tax.”.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2010.*

(Section 8.)

Amendment of
Schedule II.

8. In schedule II of the principal Act, in the first column, after section 132 and the entries relating thereto in columns 2, 3 and 4, the following entries in column 1 and entries relating thereto in columns 2, 3 and 4 shall be inserted:—

1	2	3	4
"Section 137B	License for use of site for purpose of advertisement	One thousand rupees	One hundred rupees."

By order of the Governor,

MITA BASU ROY,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*

The

Kolkata Gazette
सत्यमेव जयते

Extraordinary
Published by Authority

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FRIDAY, APRIL 11, 2014

[SAKA 1936

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 712-L.—11th April, 2014.—The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information.—

West Bengal Act XXVII of 2013

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2013.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 11th April, 2014.]

An Act to amend the New Town, Kolkata Development Authority Act, 2007.

WHEREAS it is expedient to amend the New Town, Kolkata Development Authority Act, 2007, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXX of 2007.

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the New Town, Kolkata Development Authority (Amendment) Act, 2013.

(2) This section shall come into force at once, and the remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

Amendment of
section 36A of
West Ben. Act
XXX of 2007.

2. In section 36A of the New Town, Kolkata Development Authority Act, 2007 (hereinafter referred to as the principal Act), in sub-section (3), for the words “five hundred rupees”, the words “two thousand five hundred rupees” shall be substituted.

The New Town, Kolkata Development Authority (Amendment) Act, 2013.

(Sections 3, 4.)

Insertion of new section 36B after section 36A.


3. After section 36A of the principal Act, the following section shall be inserted:-
“Applicability of Chapter X of the West Bengal Municipal Act, 1993. 36B. The provisions as contained in Chapter X of the West Bengal Municipal Act, 1993 shall be applicable to the entire jurisdiction of New Town Kolkata Development Authority *mutatis mutandis*.”

West Ben. Act XXII of 1993.

Amendment of section 86A.

4. In sub-section (1) of section 86A of the principal Act, after the words “Development Authority”, the words “upon payment of such fees as may be determined by regulations by the Development Authority” shall be inserted.

By order of the Governor,
MALAY MARUT BANERJEE,
Secy. to the Govt. of West Bengal,
Law Department.

The
Kolkata  **Gazette**

सत्यमेव जयते

Extraordinary
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FRIDAY, JANUARY 20, 2017

[SAKA 1938

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 79-L.— 20th January, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVI of 2016

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2016.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 20th January, 2017.]*

An Act to amend the New Town, Kolkata Development Authority Act, 2007.

WHEREAS it is expedient to amend the New Town, Kolkata Development Authority Act, 2007, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXX of 2007.

It is hereby enacted in the Sixty-seventh Year of the republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the New Town, Kolkata Development Authority (Amendment) Act, 2016.

(2) This section shall come into force at once, and the remaining sections shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2016.*

(Sections 2-5.)

Amendment of section 2 of West Ben. Act XXX of 2007.

2. In Chapter I, in sub-section (1) of section 2 of the New Town, Kolkata Development Authority Act, 2007 (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted:—

‘(ca) “Government” means the Government of West Bengal in the Urban Development Department;’.

Amendment of section 20.

3. In Chapter V, for sub-section (1) of section 20 of the principal Act, the following sub-section shall be substituted:—

“(1) The Development Authority shall open accounts with such Nationalized Banks and with such Scheduled Banks, as may be prescribed.”.

Omission of section 36B.

4. Section 36B of the principal Act shall be omitted.

Insertion of a new Chapter after Chapter VII.

5. After Chapter VII of the principal Act, the following Chapter shall be inserted:—

“CHAPTER VIIA

TAXATION

Powers of Taxation and Property Taxes

A. Levy of Taxes

Taxes to be levied by the Development Authority.

36C. (1) The Development Authority shall, for the purposes of this Act, have the Power to levy property tax on land and building within New Town.

(2) The levy, assessment and collection of taxes mentioned in sub-section (1) shall be in accordance with the provisions of this Act and the rules and the regulations made thereunder and such levy, assessment and collection of taxes under this Chapter may be made electronically or otherwise in such manner as may be prescribed by the rules, or specified by the regulations.

B. Property tax on land and building

Property tax on lands and buildings.

36D. (1) For the purposes of this Act, a property tax on land and buildings within New Town, as determined under this Chapter, shall be imposed by the Development Authority.

(2) The property tax,—

- (a) for any building, shall be equal to a percentage of such annual value of covered space of building, as determined under section 36H, subject to the minimum and maximum limit as specified in sub-section (3);

Explanation.—The expression ‘covered space’, in relation to a building, shall mean the total floor area including the thickness of wall, and shall include the spaces of covered courtyard, gangway, garage, open garage, *verandah*, common service area, balcony and such other spaces as may be determined in the regulations;

- (b) for any land comprising building or any vacant land in respect of any premises, shall be equal to a percentage of such annual value of land comprising building or any vacant land, as determined under section 36H, subject to the minimum and maximum limit as specified in sub-section (4).

*The New Town, Kolkata Development Authority
(Amendment) Act, 2016.*

(Section 5.)

(3) Save as otherwise provided in this Act, the rates of property tax, on buildings in New Town, shall be between a minimum of six *per centum* and a maximum of twenty *per centum*, of the annual values of such buildings, as may be specified in the scheme:

Provided that the Development Authority may, at any time, specify fixed rates between the minimum and the maximum rates of property tax, for different categories of areas or for different groups of buildings in such categories, through the scheme:

Provided further that the Development Authority may introduce graduated rates of property tax within the minimum and the maximum rates of property tax on the basis of any system as may be determined by the regulations.

(4) Save as otherwise provided in this Act, the rates of property tax, on land comprising building or any vacant land in New Town, shall be between a minimum of six *per centum* and a maximum of twenty *per centum*, of the annual values of such land as may be specified in the scheme:

Provided that the Development Authority may, at any time, specify fixed rates between the minimum and the maximum rates of property tax, for different categories of areas or group of lands within such categories, by the scheme:

Provided further that the Development Authority may introduce graduated rates of property tax within the minimum and the maximum rates of property tax on the basis of any system as may be determined by the regulations.

(5) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of installments, and in such manner, as may be prescribed:

Provided that if any amount due is paid on or before the date as specified, a rebate of five *per centum* of such amount shall be allowed and if annual property tax is paid in a single installment within the due date of first installment, an additional rebate of five *per centum* shall be allowed.

(6) In calculating the gross amount of property tax including other taxes that may be imposed on lands and buildings *per* quarter and the net amount payable *per* quarter after allowing rebate under sub-section (5), the fraction of a rupee shall be rounded off to the nearest rupee, fifty *paise* being treated as rupee one.

(7) Notwithstanding anything contained in this Chapter, lands and buildings which are the properties of the Central Government shall be exempted from the property tax:

Provided that the Development Authority may levy a service charge on such lands and buildings on the basis of such annual value and at such rate as may be calculated at the rate of 75 *per centum*, 50 *per centum* or 33.1/3 *per centum* of the property tax otherwise payable, depending upon utilization of full, partial or nil services respectively:

Provided that the service charge payable by the Central Government shall not be more than the service charge and/or property tax paid by the State Government for its properties and if any exemption or concession is granted for the properties of the State Government, the same shall apply to the properties of the Central Government.

(8) Notwithstanding anything contained in this Chapter, lands and buildings of the West Bengal Housing Infrastructure Development Corporation Limited, shall be exempted from the property tax:

*The New Town, Kolkata Development Authority
(Amendment) Act, 2016.*

(Section 5.)

Provided that the Development Authority may levy a service charge on such building on the basis of such annual value and at such rate as may be determined by the Development Authority from time to time.

(9) Notwithstanding anything contained in sub-section (2), the property tax on the—

(a) land owned by or belonging to—

- (i) the Kolkata Metropolitan Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979, or West Ben. Act XIII of 1979.
- (ii) the West Bengal Infrastructure Development Corporation established under the West Bengal Infrastructure Development Corporation Act, 1974, or West Ben. Act XXV of 1974.
- (iii) the West Bengal Housing Board constituted under the West Bengal Housing Board Act, 1972, or West Ben. Act XXXII of 1972.
- (iv) such other statutory body as may be notified by the State Government in this behalf from time to time, for the purposes of development schemes in accordance with the published or approved plans but not put to such use,

shall be ten *per centum* of the annual value of such land as determined under this Chapter;

- (b) land or building acquired, constructed, purchased or owned by the Government or any of the Statutory bodies mentioned in this sub-section for any Government approved scheme for the purpose of subsidized housing for person belonging to low income group or economically weaker section or industrial worker and comprising of tenements let out to such persons on a monthly rent, shall be six *per centum* of the annual value of such land or building determined under this Chapter;
- (c) land or building acquired, constructed, purchased or owned by the Government or any of the Statutory bodies mentioned in this sub-section for any other purpose, shall be at the rate determined under sub-section (2) of this section.

Exemption on
land and building
from property tax.

36E. (1) Notwithstanding anything contained in the foregoing sections of this Chapter,—

- (a) the Development Authority shall exempt from the property tax—
 - (i) lands and buildings or portions thereof exclusively used for the purpose of public worship, or
 - (ii) land and building or portions thereof exclusively used for the purpose of public burial or as burning ground, or any other place used for the disposal of the dead, or
 - (iii) parade grounds which are the properties of the Government, or
 - (iv) Social Welfare Homes run by the State Government, or
 - (v) the land and building as may be notified by the Government.

Explanation.—For the purpose of sub-clause (i) of clause (a) of this sub-section, any land or building used for purpose of public worship shall not be deemed to be exclusively used for such purpose, if on such land or in such building any trade or business is carried on or any rent is derived in respect of such land or building;

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(b) the Development Authority may exempt from the property tax—

(i) any land or building, the annual value of which does not exceed five thousand rupees:

Provided that where a person owns or occupies more than one piece of land or more than one building and the aggregate of annual value of all such land and building exceeds five thousand rupees, such land and building shall not be exempted from the property tax;

(ii) any self-occupied residential land or building or portion thereof, annual value of which does not exceed five thousand rupees and owned singly or jointly by citizen who attained the age of sixty-five years or more, or owned by widow or deserted women irrespective of age, or a certified physically challenged person, as may be specified, irrespective of age, or jointly owned by any of these categories of persons:

Provided that where such a person owns or occupies, for residential purpose, more than one piece of land or more than one building or portion thereof, such person shall get benefit for such exemption for one plot of land or for one building or portion thereof;

(iii) any land or building exclusively used with the approval of the Development Authority for the purpose of public charity or for the purpose of medical relief to, or education of, the poor, free of charge;

(iv) any land used for street, any water body, any swimming pool, any open space for public play-ground or any public park under any of the statutory bodies mentioned in sub-sections (8) and (9) (a) of section 36D;

(c) the Development Authority may, after prior approval of the State Government, exempt from payment of a portion of property tax not exceeding thirty *percent* of the actual gross amount of property tax on any lands or buildings or portion(s) thereof which is exclusively used for Information Technology Industry or Information Technology Enabled Services or where at least fifty *percent* of covered area is used for such purpose:

Provided that such exemption shall be allowed for the first five years from the quarter following the date of approval of the State Government.

Explanation I.—For the purpose of this section, ‘Information Technology Industry’ means the Information Technology Industry exclusively engaged in software programming and software development;

Explanation II.—For the purpose of this section, ‘Information Technology Enabled Services’ means that sector of Information Technology Industry which aims at providing various services through the use of Information Technology and includes call centers, claim processing, medical transcription, legal transcription, content development or computer animation, data processing, computer aided engineering and computer aided design, geographic information system services, remote maintenance, revenue accounting support centers, website services and other operations such as accounting, data processing and data mining and such other type

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of services that are not possible to be provided without the use of Information Technology and such other services as may be determined by the Department of Information Technology, Government of West Bengal, as Information Technology Enabled Services.

Explanation.— For the purpose of getting exemption under clause (c), the applicant shall, with the application, submit a certificate to be issued by the Department of Information Technology, Government of West Bengal, to the effect that the industry or the service, in respect of which the exemption under clause has been sought for by the applicant, is an Information Technology Industry or Information Technology Enabled Services.

(2) The Development Authority shall cause to be maintained a register showing separately the land and building exempted from the property tax under sub-section (1) in such form as may be determined by the Development Authority by the regulations and such register shall be open to the public for inspection.

Exemption and manner of exemption of property tax in certain cases.

36F. Notwithstanding anything contained in the foregoing provision of this Chapter, the property tax shall be exempted in the following manner and cases:—

- (a) the State Government may, by order, exempt from the payment of any rate, tax or fee payable under the provisions of this Act to any diplomatic or consular mission of a foreign State and the diplomatic or consular officers of such mission;
- (b) the Development Authority may, by a resolution, exempt upto fifty *percent* of the property tax on any land or building to a person belonging to economically weaker sections or to a land loser who has lost his land or building in any part of the New Town and who is residing on that land or building in New Town;
- (c) the Development Authority may, by a resolution, exempt upto twenty-five *percent* of the property tax on any land or building belonging to the family of a deceased soldier, who has no other land or building in any part of the State of West Bengal and who is residing on that land or building;
- (d) the Development Authority may, by a resolution, exempt upto twenty-five *percent* of the property tax on any land or building belonging to a physically challenged person who has no other land or building in any part of the State of West Bengal and who is residing on that land or building;
- (e) the Development Authority may, by a resolution, exempt upto twenty-five *percent* of the property tax on any land or building belonging to a Freedom Fighter or to his family who has no other land or building in any part of the State of West Bengal and who is residing on that land or building;
- (f) the Development Authority may, by a resolution, exempt upto twenty-five *percent* of the property tax on any land or building belonging to a Winner of National Award who has no other land or building in any part of the State of West Bengal and who is residing on that land or building;
- (g) the Development Authority may, by a resolution, exempt upto twenty-five *percent* of the property tax on any land or building belonging to the assessee as mentioned in sub-section (8) and (9) of section 36D.

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(Section 5.)

Power to provide relief.

36G.(1) Whenever from the circumstances of the case, levy of property tax on any property amounts to excessive hardship to the person liable to pay the same, the Development Authority may, on application, in writing, by the tax-payer concerned, review the amount payable on account of such property or realize the sum in instalments:

Provided that such reduction or remission, if allowed, shall not have effect for more than one year.

(2) The Development Authority may, for the purpose of examination of the applications submitted under sub-section (1), constitute a committee, which shall make recommendations for any relief to the Development Authority for consideration.

C. Determination of annual valuation

Determination of annual valuation.

36H. (1) The annual value for the purpose of property tax, shall be determined as follows:—

- (a) the State Government shall after coming into force of this Chapter, and thereafter at the expiration of every five year, constitute, by notification in the *Official Gazette*, a Property Valuation Committee, the terms and conditions thereof, shall be such as may be specified;
- (b) the Property Valuation Committee shall consist of—
 - (i) Member-Secretary of the Development Authority as Chairman, and
 - (ii) such other members, being not less than two and not more than six, as the State Government may, by notification, appoint;
- (c) the Property Valuation Committee shall specify the base unit area values of vacant land or land comprising building or covered space of building, or portion thereof falling within New Town considering the land use pattern, cost of land, cost of construction and revenue simulation of the Development Authority and the Property Valuation Committee may determine different base unit value for different areas;
- (d) the Property Valuation Committee shall also recommend to the Development Authority the multiplicative factors for increasing or decreasing, or for not increasing or decreasing, the base unit area values for covered space or land comprising building or any vacant land within New Town, taking into consideration the parameters of type of location, use, age, structure and occupancy status and such other relevant factors of such land, land including any building or buildings, as the case may be, as the Property Valuation Committee considers necessary along with a point scale, assigned for each parameter to be determined by the Property Valuation Committee, subject to a lower limit of 0.5 and upper limit of 8.0 in the said point scale for the purpose of deriving at the final base unit area value of such land, land including any building or buildings;
- (e) on receipt of the recommendations of the Property Valuation Committee under clause (d), a draft scheme, for the purpose of specifying the base unit area value and the values pertaining to the multiplicative factors, shall be published by the Development Authority in the *Official Gazette* and

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also in two leading newspapers, of which one shall be in the vernacular intelligible to the residents of the area concerned, and also on *website* of the Development Authority and a copy of the said notification shall also be placed in the conspicuous places in the offices of the Development Authority;

- (f) any person may, whose interest is likely to be affected thereby, within thirty days from the date of publication of draft scheme under clause (e), submit his objection or suggestion, if any, in such manner as may be specified in the said scheme, to the Chairman of the Development Authority, which shall be considered by the Property Valuation Committee and thereafter, the Development Authority shall cause the final publication of the said scheme;
- (g) the base unit area value of land comprising building or any vacant lands and multiplicative factors with values thereof, and the base unit area value and multiplicative factors with values thereof of covered space of building, as determined under this section, shall be final;
- (h) the final value of any covered space or building in any area, shall be the amount arrived at by multiplying the total area of such covered space of building by the final base unit area value of such covered space of building;
- (i) the Development Authority may require the total area of the covered space of building to be certified by an Architect or any Licensed Civil Engineer or Structural Engineer or Building Surveyor enrolled with the Development Authority or by a Valuer holding a diploma from the Institute of Surveyors and enrolled with the Development Authority;
- (j) the annual value of any land comprising building or any vacant land in any area, shall be the amount arrived at by multiplying the total area of such land by the final base unit area value of such land;
- (k) in case of any land comprising building or any vacant land or covered space of building, or any portion thereof is subject to different final base unit area value, the annual value of each such portion shall be computed separately and the sum of such annual value shall be the annual value for such land comprising building or any vacant land or covered space of building, or any portion thereof, as the case may be;
- (l) the final base unit area value of land comprising building or any vacant land and the final base unit area value of covered space of building, shall remain in force for a period of five years from the date of final publication of the scheme if not otherwise directed by the State Government:

Provided that until the revision of such final base unit area value is completed, the existing final base unit area values shall continue to be in force and whenever be revised, such revised value shall take effect from the beginning of the quarter from which it ought to have been enforced;

- (m) if, for any reason, the final base unit area value of any land comprising building or any vacant land, or final base unit area value of any covered space of building, has not been revised on the completion of a period of five years from the date on which such final base unit area values were last determined, it shall be lawful for the Development Authority to increase or decrease the final base unit area values of such land comprising building or any vacant land or any covered space of building with the prior approval of the State Government.

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(Amendment) Act, 2016.*

(Section 5.)

(2) The annual value as determined under this Chapter shall be rounded off to the nearest ten rupees.

Explanation.—For the purpose of this Act, the expression ‘base unit area value’ means the uniform rate *per* square feet of any land comprising any building and any vacant land or covered space of building, or portion thereof, as the case may be, to be determined under this section.

Annual valuation of land or building belonging to various statutory bodies. 36I. The annual value of any lands or buildings belonging to the State Government or any of the statutory bodies mentioned in clause (a) of sub-section (9) of section 36D, shall be deemed to be five *per centum* of the cost of acquisition thereof, subject to any revision made in this behalf by the State Government on an application by any such body or by the Development Authority.

Explanation.—For the purpose of this section, the cost of acquisition shall mean,—

- (i) in the case of any land or building acquired under the Land Acquisition Act, 1894, or any other law enacted for acquisition of land, the value of such land or building as determined under the Land Acquisition Act, 1894, or any other law enacted for acquisition of land;
- (ii) in the case of any land or building acquired by private treaty, the purchase price of such land or building;
- (iii) in the case of any land or building belonging to the State Government or any of the statutory bodies mentioned in clause (a) of sub-section (9) of section 36D, such amount as may be determined under the provisions of the Act governing such body or of any other law in force for the time being and applicable to such body.

1 of 1894.

Determination of annual valuation of building where land is exempted from property tax. 36J. Where any land is exempted from the property tax under any law in force for the time being, the annual value of any building, erected on such land, which is in existence for more than one year and is not entitled to any exemption from the property tax under this Act or any other law in force for the time being, shall be determined separately from the land in accordance with the provisions of this Chapter.

Development Authority Assessment Code. 36K. (1) The Development Authority may, by the regulations, provide for the detailed procedure for determination of the annual value of lands or buildings.

(2) Without prejudice to the generality of the foregoing provisions,—

- (a) every building together with the site and the land appurtenant thereto shall be assessed as a single unit:

Provided that where portions of any building together with the site and the land appurtenant thereto are vertically divisible and are separately owned so as to be entirely independent and capable of separate enjoyment, notwithstanding the fact that access to such separate portions is made through a common passage or a common staircase, such separately owned portions may be assessed separately:

Provided further that the right of such access is protected by a registered deed of agreement;

- (b) all lands or buildings, to the extent these are contiguous or are within the

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same curtilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act:

Provided that if such land or building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Chairman may, on application from the owner or co-owners, apportion the valuation and assessment among the co-owners according to the value of their respective shares treating the entire land or building as a single unit:

Provided further that where portions of any building together with the site and the land appurtenant thereto are vertically divisible and are separately owned so as to be entirely independent and capable of separate enjoyment, notwithstanding the fact that access to such separate portions is made through a common passage or a common staircase, such separately owned portions may be assessed separately:

Provided also that the right of such access is protected by a registered deed of agreement;

- (c) all land or buildings, to the extent these are contiguous or are within the same curtilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act:

Provided that if such land or building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Chairman may, on application from the owner or co-owners, apportion the valuation and assessment among the co-owners according to the value of their respective shares treating the entire land or building as a single unit;

- (d) each residential unit with its percentage of the undivided interest in the common areas and facilities constructed or purchased and owned by or under the control of any housing co-operative society registered under the West Bengal Co-operative Societies Act, 2006, shall be assessed separately;
- (e) each apartment and its percentage of the undivided interest in the common areas and the facilities in a building within the meaning of the West Bengal Apartment Ownership Act, 1972, a declaration in respect of which has been duly executed and registered under the provisions of that Act, shall be assessed separately.

West Ben. Act
XL of 2006.

West Ben. Act
XVI of 1972.

(3) If the ownership of any land or building or a portion thereof is sub-divided into separate shares or if more than one land or building or portions thereof by amalgamation come under one ownership, the Chairman may, on an application from the owners or co-owners, separate or amalgamate, as the case may be, such land and building or portions thereof so as to ensure conformity with the provisions of this section.

(4) A newly constructed building shall become assessable from the quarter following the date of issue of the occupancy certificate under the provision of this Act:

Provided that if such building is occupied before the issue of the occupancy certificate in contravention of the provisions of this Act, such building shall be liable for assessment from the quarter following the date of its occupation and notwithstanding any other action that may be taken under this Act, such building shall not get the benefit of the rebate in the property tax under sub-section (5) of section 36D.

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(5) The Chairman shall, upon an application made in this behalf by an owner, lessee or sub-lessee or occupier of any land or building and upon payment of such fees as may be determined by the Development Authority by the regulations, furnish information to such person regarding the apportionment of the property tax of such land or building among the several occupiers within such land or building for the current period or the period immediately preceeding:

Provided that nothing in this sub-section shall prevent the Development Authority from recovering the dues from any such person.

D. Assessment

Periodic
assessment.

36L. (1) The annual value of any land or building situated within any area of the New Town, shall remain in force, and shall be deemed to be the annual value for the purpose of assessment of property tax on such land or building under this Act, until a fresh annual valuation is enforced under this Act after final publication of the scheme.

(2) The annual valuation under this Chapter—

- (a) shall be made by the Development Authority immediately after the final publication of the scheme under this Act for the entire area under jurisdiction of the Development Authority or if felt necessary, any part thereof, and shall be enforced throughout the area of the Development Authority or if felt necessary, in any part thereof for the first time;
- (b) shall be made by the Development Authority or if the State Government so directs, by the Central Valuation Board established under the West Bengal Central Valuation Board Act, 1978;
- (c) shall have effect from the beginning of the quarter of a year ending on the 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which a notice under sub-section (2) of section 36Q is issued;
- (d) shall, subject to the other provisions of this Chapter, remain in force in respect of any area of the Development Authority for a period of five years from the date of publication of scheme, irrespective of any alteration during such period in the numbers or boundaries of such area; and
- (e) may be revised on the expiration of each such period.

West Ben. Act
LVII of 1978.

Revision of
assessment.

36 M. (1) Notwithstanding anything contained in section 36L, the Development Authority, subject to the prior approval of the State Government may, by resolution, direct a general revaluation of lands and buildings in any area of the Development Authority or part thereof during the occurrence of any period specified under this Chapter. Such general revaluation shall have effect from the beginning of the quarter following that in which a notice under sub-section (2) of section 36Q is issued and shall remain in force in respect of each area or portion thereof, as the case may be, for the unexpired portion of the period during which, but for such revaluation, the annual valuation would have remained in force.

(2) The Chairman may cause any revision to be made in the annual valuation of any land or building in the following cases:—

- (a) when the nature of occupancy changes; or
- (b) when the nature of its use changes; or
- (c) when a new building is erected or an existing building is redeveloped or substantially altered or improved during the period, the annual valuation remains in force; or

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- (d) when, on an application made in writing by the owner or the person liable to pay its property tax, it is established that during the period of the annual valuation remaining in force its values has been reduced by reason of any substantial demolition or has suffered depreciation from any accident or any calamity proved to the satisfaction of the Chairman to have been beyond the control of such owner or such person; or
- (e) when any land or building or portion thereof, is acquired by purchase or otherwise by the State Government or the Development Authority or any statutory body mentioned in clause (a) of sub-section (9) of section 36D during the period of the annual valuation remaining in force; or
- (f) when any land or building or portion thereof, is sold or otherwise transferred by the State Government or the Development Authority or any statutory body mentioned in clause (a) of sub-section (9) of section 36D:
Provided that all land for roads and other public purposes shall be excluded from such revaluation; or
- (g) when, upon the acquisition or transfer of any land or building in part, a residual portion remains; or
- (h) when it becomes necessary so to do for any other reason to be recorded in writing.

(3) Any revision in the annual valuation of any land or building or portion thereof under this section, shall come into force from the beginning of the quarter of a year ending on the 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which such revision becomes applicable and shall remain in force for the unexpired portion of the period during which but for such revision such annual valuation would have remained in force.

(4) Notwithstanding anything contained in the sub-section (1) or sub-section (2) or sub-section (3), any land or building,—

- (a) which for any reason has no annual value assigned to it under this Act, may be valued by the Chairman at any time during the currency of the period specified in respect of such land or building under section 36L or sub-section (3) of section 36M, or
- (b) the valuation which has been cancelled on the ground of irregularity, may be valued by the Chairman at any time after such cancellation, and such valuation shall remain in force until a fresh valuation or revision is made and shall take effect from the beginning of the quarter from which the previous valuation which has been cancelled would have taken effect:

Provided that the valuation made under clause (a) or clause (b), shall remain in force for the unexpired portion of the period specified under this Chapter.

Submission of returns and inspection of land and building for purpose of assessment.

36N. (1) The Chairman may, with a view to enabling him to determine the annual value of any land or building in any area or part thereof and the person primarily liable for the payment of any property tax on such land or building, by a public notice, require the owner or the occupier of the land or building or portion thereof to furnish a return in such form, within such period, and in accordance with such procedure, as may be specified by the Development Authority.

(2) The Chairman may, by a public notice, require the owner or the occupier of the land or building or portion thereof in any area used for public cinema shows or theatrical performances or as a place of similar public recreation, amusement or entertainment to furnish the return in such form, within such period, and in accordance with such procedure, as may be specified by the Development Authority.

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(3) Every owner or occupier of any land or building referred to in the public notice under sub-section (1) or sub-section (2), shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of his knowledge and belief.

(4) The Chairman or any person subordinate to him and authorized by him in writing in this behalf may, without giving any previous notice to the owner or occupier of any land or building, enter upon, and make an inspection or survey and take measurement of such land or building and verify the statements made in any return for such land or building submitted under this Chapter.

Submission of returns for purpose of revision in the annual valuation of land and building

36O. To enable the Chairman to revise the annual value of any land or building governed by any circumstances specified in sub-section (2) of section 36M, except in respect of a case under clause (d) thereof, the owner or the person liable to pay the property tax for such land or building shall furnish to the Chairman, not later than the 31st day of March of the year immediately following, a return in such form as may be specified by the Development Authority.

Self-assessment and submission of return.

36P. (1) The manner of filing self-assessment and submission of return shall be such as may be specified by the Development Authority.

(2) Such owner or person shall furnish to the Chairman a return of self-assessment in such form, and in such manner, as may be specified by the Development Authority. Every such return shall be accompanied by proof of payment of such property tax and interest, if any.

(3) The payment of such property tax and interest up to the current quarter, if any, shall be made, and such return shall be furnished, within sixty days of the date of final publication of the scheme under section 36H.

(4) In case of any new building for which an occupancy certificate has been granted or which has been taken possession of after the commencement of this Chapter, such payment shall be made, and such return shall be furnished, within thirty days of the expiry of the quarter in which such occupancy certificate is granted or such possession is taken, whichever is earlier.

Explanation.—Occupancy Certificate may be provisional or final and may be for the whole or any part of the building; possession may be of the whole or any part of a building.

(5) Such payment shall continue to be made for each subsequent quarter and the last date of such payment shall be thirty days after the expiry of each such quarter.

(6) After the assessment under section 36L or revision of assessment under section 36M has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of the assessment under section 36L or section 36M, as the case may be.

(7) If any owner or other person, liable to pay the property tax under this Act, fails to pay the same together with interest, if any, in accordance with the provisions of this section, he shall, without prejudice to any other consequence to which he may be subjected, be deemed to be a defaulter in respect of the property tax or the interest or both remaining unpaid and all the provisions of this Act applicable to such defaulter shall apply to him accordingly.

(8) After the assessment is finally made under this Act, if the payment on self-assessment is found to be less than that of the amount payable by the assessee, in such case the assessee shall pay up the difference within two months from the date of

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final assessment, failing which recovery shall be made in accordance with the provisions of this Act but, after the final assessment, if it is found that the assessee has paid excess amount, in such case such excess amount shall be adjusted against the actual tax payable by the assessee:

Provided that in any case where the amount of property tax determined in the final assessment is more than the amount of the property tax paid under self-assessment, and the difference in the amount of property tax is, in the opinion of the Development Authority, the result of wilful suppression of facts, the Chairman may levy a penalty not exceeding thirty *per centum* of such difference in the property tax besides the interest thereon:

Provided further that the levy of such penalty shall be in addition to any other punishment provided under this Act:

Provided also that the certifying Architect or Building Surveyor or Civil Engineer or Structural Engineer or Valuer in such cases shall also be liable for same amount of penalty as determined under the second proviso, after giving the person an opportunity of being heard.

Public notice and inspection of assessment list.

36 Q. (1) When a general revaluation under sub-section (1) of section 36M in any area of the Development Authority or part thereof, as the case may be, has been completed, the Development Authority shall cause the respective valuation to be entered in an assessment list in such form, and containing such particulars with respect of each land or building, as may be specified.

(2) When the assessment list has been prepared, the Development Authority shall give public notice thereof and the place where the list or a copy thereof may be inspected and every person claiming to be the owner, lessee, sub-lessee or occupier of any land or building included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to take extracts therefrom free of charge.

(3) The Development Authority shall give public notice of the place, time and date, not less than one month after the preparation of the assessment list as aforesaid, when it will proceed to consider the annual valuations of lands and buildings entered in the assessment list, and in all cases in which any land or building is for the first time assessed, or the annual value of any land or building is increased, it shall also give written notice thereof to the owner or to any lessee, sub-lessee or occupier of such land or building and shall also specify in the notice the place, time and date, not less than one month thereafter, when it will proceed to consider such valuation.

(4) Before making any revision of annual value under sub-section (2) of section 36M and clause (a), clause (b), and clause (c), of section 36R, the Development Authority shall give the owner, lessee, sub-lessee or occupier of any land or building, notice of not less than thirty days that it proposes to make the revisions and consider any objection which may be made by such owner, lessee, sub-lessee or occupier.

Explanation.—A written notice under this section shall be deemed to be duly served if it is sent by post under certificate of posting to the owner or to any lessee, sub-lessee or occupier of any land or building and in such case, the date of the certificate of posting shall be deemed to be the date of service of the notice to the owner or to any lessee, sub-lessee or occupier of any land or building.

Amendment of assessment.

36R. The Development Authority may, at any time,—

- (a) make, *suo motu*, an assessment in any case where a return on the basis of self-assessment has not been filed;
- (b) revise any assessment where the information furnished in the return of self-assessment is found to be incorrect;

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- (c) re-open any assessment at any time where it has been detected that there is wilful suppression of information;
- (d) impose a penalty not exceeding thirty percent of property tax arising from non-filing of a return in time or thirty percent of the difference in property tax arising from giving wrong information or wilful suppression of facts:

Provided that in the case of such determination of valuation, a notice stating the proposed valuation shall be issued to the owner or to any lessee, sub-lessee or occupier of the land or the land comprising building or the buildings, or the portion thereof and such notice shall specify the place, time and date, not less than one month thereafter, when the Development Authority, or the representative will proceed to consider such valuation:

Provided further that no public notice need to be given in such case.

E. Objections

Objections against valuation of assessment.

36S. Any objection to the annual value determined by the Development Authority under sub-section (1) or sub-section (2) of section 36M or clause (a), clause (b) and clause (c) of section 36R, shall be made by the owner or the person liable to pay the property tax, in writing, to the Development Authority and shall state in what respect the annual value is disputed.

Appointment of an officer to hear objections.

36T. (1) The Development Authority shall, with the approval of State Government, appoint an officer on such terms and conditions as the State Government may determine to hear and determine the objections to the annual valuation of lands or buildings entered in the assessment list.

(2) The officer appointed under sub-section (1), shall be paid from the Development Fund such honorarium as the State Government may determine.

(3) The officer, as aforesaid, may make such queries and observations in relation to any entry in the assessment list and call for such records, returns and explanations as he thinks fit.

(4) Every such query and observation shall be promptly taken into consideration by the officer of the Development Authority to whom it may be addressed and shall be returned by him with the necessary records, returns and explanations.

Hearing of objections.

36U. (1) Objections filed under section 36S, shall be entered in a register maintained for the purpose in such manner as may be specified.

(2) On the date, time and place specified under sub-section (3), or sub-section (4), of section 36Q and after giving the person filing the objections an opportunity of being heard, either in person or through an authorized agent, the officer appointed under section 36T, shall determine the objections.

(3) When an objection has been determined, the order in this behalf shall be recorded in the register maintained under sub-section (1) with the date, and a copy of the order shall be supplied within thirty days thereof to the person filing the objection in such form and manner as may be specified.

(4) The procedure of hearing and disposal of objections shall be such as may be specified.

(5) The valuation fixed after determination of objection under this section, shall take effect from the quarter in which such valuation would have taken effect and shall continue to remain in force during the period such valuation would have remained in force, had no objection been filed.

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Appeal before Appellate Authority. 36V. (1) There shall be an Appellate Authority for hearing and disposal of an appeal against an order passed under section 36U.

(2) The Appellate Authority shall consist of a Chairman and such number of other members not exceeding two as the State Government may determine.

(3) The Chairman and the other members shall be appointed by the State Government on such terms and conditions as it may determine and shall be paid from the Development Fund.

(4) The Chairman and the other members shall have such qualifications and experience as the State Government may determine by notification.

(5) Any owner or person liable to the payment of property tax may, if dissatisfied with the determination of objection under section 36U, appeal to the Chairman of the Appellate Authority:

Provided that such appeal shall be presented to the Appellate Authority within forty-five days from the date of service of a copy of the order under section 36U and shall be accompanied by a copy of the said order.

(6) No appeal under this section shall be entertained unless the property tax, including penalty, together with interest on such property tax, if any, in respect of any land or building for the period ending on the date of presentation of the appeal on the valuation determined under section 36H or section 36U has been deposited in the office of the Development Authority and the appeal shall abate unless such property tax, together with interest on such property tax, if any, is continued to be deposited regularly till the appeal is finally disposed of:

Provided that if the provision of this section is not complied with due to misrepresentation or otherwise, any proceedings in the Appellate Authority shall stand *ipso facto void*.

(7) The provision of Part II and Part III of the Limitation Act, 1963, relating to appeal shall apply to every appeal preferred under this section. 36 of 1963.

(8) The procedure for hearing and disposal of appeals as well as realization of fees in connection with appeals shall be such as may be specified.

(9) The decision of the Appellate Authority with regard to valuation or assessment shall be final.

(10) The valuation fixed after disposal of the appeal under this section shall take effect from the quarter in which such valuation would have taken effect and shall continue to remain in force during the period such valuation would have remained in force, had no appeal been filed.

(11) The Development Authority may, within ninety days from the date of passing the order by the Appellate Authority by giving reason in writing, prefer an application before the Appellate Authority under this section, for review of the order passed by the said Appellate Authority.

Final valuation. 36W. Every valuation determined under this Chapter, shall be final.

F. Assessment Book

Assessment Book. 36 X. The Development Authority shall maintain an Assessment Book in such form, and in such manner, as may be specified by the regulations and shall make it available for inspection, free of charge, through electronic media or otherwise:

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Provided that Assessment Book shall not be kept pending for any case for which any objection or appeal has been filed.

Amendment of Assessment Book. 36 Y. (1) Notwithstanding anything contained in section 36W, the Chairman may, at any time, amend the Assessment Book—

- (a) by inserting therein the name of any person whose name ought to be inserted; or
- (b) by inserting therein any land or building previously omitted together with valuation thereof; or
- (c) by striking out the name of any person or any land or building not liable for the payment of property tax thereupon; or
- (d) by increasing or decreasing for adequate reasons the amount of any annual value and of the property tax thereupon; or
- (e) by making or cancelling any entry exempting any land or building from liability to property tax; or
- (f) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or accident, in which case such alteration shall take effect from the date of such erroneous valuation or assessment took effect; or
- (g) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the Assessment Book, in which case such insertion or alteration shall take effect from the date of such erection, re-erection, alteration or addition was made.

(2) A notice of not less than fifteen days shall be given to the owner or to the lessee, sub-lessee or occupier of the land or building of the place, time and date on which any amendment of the assessment book is intended to be made under this section.

(3) Any person on whom a notice of amendment is served under sub-section (3) may file an objection in writing to the Chairman at least three days before the date fixed in the notice and the provisions of sections 36S to 36W, shall *mutatis mutandis* apply, to such objections.

G. Incidence and payment of property tax on land and building

Incidence and payment of property tax on land and building. 36 Z. (1) The property tax on land and building shall be primarily leviable—

- (a) if the land or building is let, upon the lessor;
- (b) if the land or building is sublet, upon the superior lessor;
- (c) if the land or building is unlet, upon the person to whom the right to let such land or building vests.

(2) The property tax on any land or building, which is the property of the Development Authority and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licensee, as the case may be.

(3) The liability of the several owners of any land or building constituting a single unit of assessment, which is or purports to be severally owned in parts or flats or rooms, for payment of property tax or any installment thereof payable during the period of such ownership, shall be joint and several:

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Provided that the Chairmen may apportion the amount of property tax on such land or building among the co-owners:

Provided further that in any case where the Chairman is, for reasons to be recorded in writing, satisfied that the owner is not traceable, the occupier of such land or building for the time being, shall be liable for payment of property tax so long as the owner remains untraced and shall be entitled to the rebate, if admissible.

(4) In the case of any land or building or portion thereof which is not self-occupied and where the owner is refrained, by any law, order of the Government or order of a Court, from recovering the property tax due from the occupier or occupiers, such tax shall be recovered from the occupier or occupiers, as the case may be.

Apportionment of liability for property tax on land or building when the premises assessed are let or sublet.

36ZA. (1) If the annual valuation of any land or building exceeds the amount calculated on the basis of the rent of such land or building payable to the person on whom the property tax on such land or building is leviable under section 36Z, such person shall be entitled to receive from his tenant the difference between the amount of the property tax on such land or building and the amount which would be leviable if the property tax on such land or building were calculated on the basis of the rent payable to him.

(2) If the annual valuation of any land or building which is sublet exceeds the amount calculated on the basis of rent of such land or building payable to the tenant by his sub-tenant or to the sub-tenant by the person holding under him, the tenant or the sub-tenant shall be entitled to receive from his sub-tenant or the person holding under him, as the case may be, the difference between any sum recovered under this Act from such tenant or the sub-tenant and the amount of property tax on such land or building which would be leviable if the annual valuation of such land or building were calculated on the basis of rent payable to the tenant by his sub-tenant or the person holding under him.

Recovery of property tax on land and building.

36ZB. (1) On the failure to recover any sum due on account of property tax on any land or building from the person primarily liable therefore under section 36Z, the Chairman shall, notwithstanding anything contained in the West Bengal Premises Tenancy Act, 1997 or any other law for the time being in force, recover from every occupier of such land or building, by attachment of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable in respect of the whole of such land or building.

West Ben. Act
XXXVII of 1997.

(2) An occupier from whom any sum is recovered under sub-section (1), shall be entitled to be reimbursed by the person primarily liable for the payment of such sum, and may, in addition to have recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent becoming due from time to time from him to such person.

Payment of property tax on land and building.

36ZC. (1) Save as otherwise provided in this Act, the property tax on any land or building under this Chapter, shall be paid by the person liable for the payment thereof in quarterly installments and for the purposes of this section, each quarter shall be deemed to commence on the first day of April, first day of July, first day of October and first day of January, of a year.

(2) The Chairman shall cause to be presented to the person liable for payment of the property tax, a comprehensive bill in respect of such rate to be paid in quarterly installments, showing separately the amount of the property tax due against each quarter and the date on which the property tax for each quarter is due. Such bill shall be sent by post or by courier agency to the person liable for payment of the property tax, not later than the 31st of May.

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(Section 6.)

Explanation.—The expression ‘courier agency’ shall mean a commercial concern engaged in door to door transportation of time-sensitive documents, utilizing the service of a person, either directly or indirectly, to carry such documents.

Payment of
property tax in
case of objection
or appeal.

36ZD. If after the disposal of any appeal under section 36V, the valuation decided under section 36H or section 36U is altered, then—

- (a) any sum paid or deposited under section 36V in excess shall be refunded or allowed to be set-off against any present or future demand of the Development Authority under this Act; and
- (b) any deficiency shall be deemed to be an arrear of the property tax and shall be payable and recoverable as such:

Provided that—

- (i) if any premises have, for the purposes of valuation under section 36I or section 36J, been for the first time valued or sub-divided or amalgamated with any other premises and an objection to the valuation thereof has been made under section 36S, the property tax shall, pending the final determination of the objection, be paid on such valuation;
- (ii) if, when such objection has been finally determined, such valuation is reduced, and if the property tax has already been paid thereon, the sum paid in excess shall be refunded or allowed to be set off against any present or future demand of the Development Authority under this Act; and
- (iii) in case of refund, if any, is to be made by the Development Authority to the assesses, such refund amount shall not accrue any interest thereon.

Penalty for not
paying property
tax.

36ZE. When the person liable for payment of property tax fails to pay the amount of quarterly installment of such property tax as is shown in the comprehensive bill presented under sub-section (2) of section 36ZC, such sum, not exceeding fifteen *per centum* of the property tax, as may be determined by the Development Authority by the regulations, shall be recovered from him by way of penalty, in addition to the amount of the property tax.”

Amendment of
section 183.

6. After section 183 of the principal Act, the following section shall be inserted:—

“Recovery of
taxes.

183A. Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with any of the following procedures and in such manner as may be specified:—

- (a) by presenting a bill, or
- (b) by serving a notice demand in such form as may be determined by regulation by the Development Authority, or
- (c) in case of property tax on land and buildings, by the attachment of rent due in respect of the land and buildings, or
- (d) by a certificate under the Bengal Public Demands Recovery Act, 1913.”

Ben. Act III of
1913.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*

The

Kolkata **Gazette**
सत्यमेव जयते
Extraordinary
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CHAITRA 15]

THURSDAY, APRIL 5, 2018

[SAKA 1940

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 574-L.—5th April, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VIII of 2018

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(AMENDMENT) ACT, 2018.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 5th April, 2018.]*

An Act to amend the New Town, Kolkata Development Authority Act, 2007.

WHEREAS it is expedient to amend the New Town, Kolkata Development Authority Act, 2007, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXX of 2007.

It is hereby enacted in the Sixty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the New Town, Kolkata Development Authority (Amendment) Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2018.*

(Section 2.)

Insertion of new Chapter after Chapter XIV of West Ben. Act. XXX of 2007.

2. After Chapter XIV of the New Town, Kolkata Development Authority Act, 2007 (hereinafter referred to as the principal Act), the following Chapter shall be inserted:—

“CHAPTER XIVA

Animals and Birds

Premises not to be used for keeping animals, birds, etc., without licence. 130A. No person shall use, or permit to be used, any land or premises for keeping horse, cattle, pig, dog or other quadruped animals or any kind of bird, for any purpose whatsoever without, or otherwise than in conformity with, the terms of a licence granted by the Chairman on payment of such fees as may be determined by the Development Authority by regulations:

Provided that the Development Authority may, by a written order, exempt any class of animal or bird from such licence or from any purpose for which such class of animal or bird may be kept.

Seizure of certain animals or birds. 130B. (1) If any cattle, horse, pig, dog, or any other four-footed animal or bird is kept on any land or premises in contravention of the provisions of this Chapter or is found roaming or straying or tethered on any street or public place or is found causing nuisance or danger to the public, the Chairman may direct any officer or employee of the Development Authority to seize such cattle, horse, pig, dog or any other four-footed animal or bird and may cause it to be impounded or removed to and maintained in such place as may be appointed by the Development Authority for this purpose; and the cost of such seizure and impounding or removing and maintenance shall be recoverable by sale of such animal or bird, as the case may be, by auction:

Provided that any person claiming such animal or bird may, within seven days of such seizure, get it released on his paying all the expenses incurred by the Development Authority in seizing, impounding or removing, or maintaining such animal or bird and on his producing such evidence in support of his claim as the Chairman may think sufficient.

(2) The proceeds of sale of any such animal or bird by auction under sub-section (1), shall be applied in meeting the expenses incurred on account of seizure, impounding or removal and maintenance of such animal or bird and of holding such sale; and the surplus, if any, shall be held in deposit by the Chairman and shall, if not claimed by the owner of such animal or bird within a period of ninety days from the date of sale, be credited to a fund maintained by the Development Authority.

Power to deal with infected dogs or animals.

130C. The Chairman may—

- (a) causes to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;
- (b) by public notice, direct that after such date as may be specified in the notice, dogs which are without a licence distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be confined and cause them to be otherwise dealt with or destroyed, if necessary.

*The New Town, Kolkata Development Authority
(Amendment) Act, 2018.*

(Section 2.)

Power to stop
nuisances from
animals within
premises.

130D. (1) Whenever the Chairman is of opinion that user of any premises for keeping any animal or bird, even if licensed, is causing a nuisance and that such nuisance should immediately be stopped, the Chairman may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Chairman or any other officer authorised by him in this behalf, may cause such use of such premises to be stopped forthwith by such means as he thinks fit and direct such owner or occupier to show cause why the licence for keeping the animal or the bird, as the case may be, shall not be cancelled.

(3) If such owner or occupier does not show cause to the satisfaction of the Chairman or if the nuisance is not abated, the nuisance shall be stopped by the seizure and auction of the animal or the bird found in the premises after cancellation of the licence thereof.

Control and
removal of
Khatals.

130E. Subject to the provisions of any other law for the time being in force for removal of *Khatals*, the Development Authority may make regulations specifically for control of *khatals* within the area of Development Authority or removal of *khatals* therefrom.”

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
*Secy. to the Govt. of West Bengal,
Law Department.*

The

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THURSDAY, SEPTEMBER 13, 2018

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1793-L.—13th September, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIII of 2018

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(SECOND AMENDMENT) ACT, 2018.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 13th September, 2018.]*

An Act to amend the New Town, Kolkata Development Authority Act, 2007.

WHEREAS it is expedient to amend the New Town, Kolkata Development Authority Act, 2007, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXX of 2007.

It is hereby enacted in the Sixty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the New Town, Kolkata Development Authority (Second Amendment) Act, 2018.

(2) It shall be deemed to have come into force with effect from the 3rd day of June, 2018.

*The New Town, Kolkata Development Authority
(Second Amendment) Act, 2018.*

(Sections 2, 3.)

Amendment of
section 36P of
West Ben. Act
XXX of 2007.

2. In Chapter VIIA of the New Town, Kolkata Development Authority Act, 2007 (hereinafter referred to as the principal Act), in section 36P,—

(1) to sub-section (3), the following proviso shall be added:—

“Provided that the Development Authority may extend the period of self-assessment, payment of property tax and interest, if any, upto the current quarter, and submission of return, for reasons to be recorded in writing.”;

(2) in sub-section (4), for the words “after the commencement of this Chapter”, the words, figures and letter “after the date of final publication of the scheme under section 36H” shall be substituted;

(3) to sub-section (4), the following proviso shall be inserted:—

“Provided that the Development Authority may extend the period of self-assessment, payment of property tax and interest, if any, upto the relevant quarter, and submission of return, for reasons to be recorded in writing.”.

Savings.

3. Anything done or any action taken, or any notification or order issued, under the principal Act before coming into force of this Act, shall be deemed to have been validly done or taken or issued under the principal Act, as amended by this Act, as if this Act was in force at all material point of time.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
*Secy. to the Govt. of West Bengal,
Law Department.*