

**The**  
  
**Kolkata** **Gazette**  
सत्यमेव जयते  
*Extraordinary*  
Published by Authority

JYAISTHA 31]

FRIDAY, JUNE 21, 2019

[SAKA 1941

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 624-L.—21st June, 2019.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 6 of 2019**

**THE WEST BENGAL APARTMENT OWNERSHIP  
(AMENDMENT) BILL, 2019.**

**A  
BILL**

*to amend the West Bengal Apartment Ownership Act, 1972.*

WHEREAS it is expedient to amend the West Bengal Apartment Ownership Act, 1972, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
XVI of 1972.

It is hereby enacted in the Seventieth 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 West Bengal Apartment Ownership (Amendment) Act, 2019.

*The West Bengal Apartment Ownership  
(Amendment) Bill, 2019.*

(Clauses 2-4.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of West Ben. Act XVI of 1972.

2. In section 3 of the West Bengal Apartment Ownership Act, 1972 (hereinafter referred to as the principal Act), after clause (h), the following clause shall be inserted:—

‘(hh) “Federation” means the body formed by various Association of Apartment Owners for the purpose of maintaining and managing the common areas, facilities and amenities which are commonly enjoyed and availed by all the apartment owners of complexes having different types of apartments meant for selling to people of different income groups or of a large Complex containing both residential and non-residential units or of Township as defined under the West Bengal Town and Country (Planning and Development) Act, 1979, containing several types of apartments, wherein handover of possession is phase wise.’.

West Ben. Act XIII of 1979.

Insertion of new section 5A after section 5.

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

“Common areas, facilities and amenities for Federation.

5A. (1) In case of phase wise development in a large complex or townships having multiple associations, the common areas, facilities and amenities for the Federation shall be such as shall be expressly provided in the Declaration for Federation.

(2) Undivided interest of each phase in the common areas, facilities and amenities for Federation will be shared amongst the members of the particular association of respective phase. Such share will be such as is expressed in the Declaration submitted for the formation of association for the said particular phase.

(3) Common areas, facilities and amenities for Federation shall remain undivided and no association of any phase or member of such association or other person shall bring any action for partition or division of any part thereof.

(4) The work relating to the maintenance, repair and replacement of the common areas, facilities and amenities for Federation shall be carried out by the Federation in the manner as may be prescribed.”.

Amendment of section 10.

4. To clause (g) of sub-section (1) of section 10 of the principal Act, the following explanation shall be added:—

“*Explanation.*—The percentage of undivided interest in the common areas and facilities of an apartment owner shall be the proportion of the built-up area of the apartment to that of the total built-up area of the property in case of an apartment and the proportion of land area to that of the total land area in case of land of the property.”.

*The West Bengal Apartment Ownership  
(Amendment) Bill, 2019.*

**STATEMENT OF OBJECTS AND REASONS.**

The West Bengal Apartment Ownership Act, 1972 (hereinafter referred to as the said Act) came into force on 5th July, 1972. The said Act was enacted to provide for the ownership of an individual apartment and to make such apartment heritable and transferable property. The Act envisaged formation of Association of Apartment owners that will take care of maintenance and management of common areas and facilities related with every apartment within a building. At that time there was no concept of large complexes or township development consisting of large number of apartments of different user groups, different income groups and the like. There was only concept of stand-alone building consisting of few apartments for which a single association was adequate to maintain and manage the common areas and facilities related to apartments.

2. During the last four decades the Housing Industry has come a long way and the last decade has witnessed development of not only stand-alone high rises but also large complexes with multiple Residential provisions such as High Rises, Row Houses, Plotted Development, Commercial Facilities etc. The same has paved way for development of Townships or Mass Housing.

3. It is seen that there are some common facilities which enjoy all the apartment owners of a large complex for township which are not exclusive to a particular group of apartment owners. Maintenance of this type of common areas and facilities require a federation of all the associations within a project which will take care of maintenance and management of such common areas and facilities enjoyed by all the apartment owners within a project.

4. This Bill proposes to enable the Associations of a project to form a federation which will look after the maintenance and management of common areas and facilities which are enjoyed by all the apartment owners of a project.

5. The Bill has been framed with the above objects and views.

6. There is no financial implication involved in giving effect to the provisions of this Bill.

KOLKATA:  
*The 20th June, 2019.*

CHANDRIMA BHATTACHARYA,  
*Member-in-charge.*

By order of the Governor,

AKHILESH KUMAR PANDEY,  
*Secy.-in-charge to the Govt. of West Bengal,  
Law Department.*