

The

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

PAUSA 29]

TUESDAY, JANUARY 19, 2021

[SAKA 1942

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. 45-L.— 19th January, 2021.—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. 1 of 2021

THE WEST BENGAL COURT-FEES (AMENDMENT) BILL, 2021.

A
BILL

to amend the West Bengal Court-fees Act, 1970.

WHEREAS it is expedient to amend the West Bengal Court-fees Act, 1970, for the purposes and in the manner hereinafter appearing;

West Ben. Act X
of 1970.

It is hereby enacted in the Seventy-first 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 Court-fees (Amendment) Act, 2021.

(2) It shall come into force at once.

*The West Bengal Court-fees (Amendment) Bill, 2021.**(Clauses 2-7.)*

Amendment of section 18 in West Ben. Act X of 1970.

2. In the West Bengal Court-fees Act, 1970 (hereinafter referred to as the principal Act), in section 18, for the words “from the Collector”, the words “from the Collector or through electronically in the manner as may be prescribed by rules,” shall be substituted.

Amendment of section 19.

3. In section 19 of the principal Act, for the words “from the Collector”, the words “from the Collector or through electronically in the manner as may be prescribed by rules,” shall be substituted.

Amendment of section 20.

4. In section 20 of the principal Act, for the words “from the Collector”, the words “from the Collector or through electronically in the manner as may be prescribed by rules,” shall be substituted.

Amendment of section 39.

5. In section 39 of the principal Act,—

- (1) in the heading, for the words “Collection of fees by stamps”, the words “Collection of fees by stamps or electronically” shall be substituted;
- (2) for the words “collected by stamps”, the words “collected by stamps or electronically” shall be substituted.

Amendment of section 41.

6. In section 41 of the principal Act,—

- (1) in the heading, for the words “accounts of stamps”, the words “accounts of stamps, and manner of collection, payment and refund of fees electronically” shall be substituted;
- (2) in sub-section (1),—
 - (a) in clause (c), for the words “spoiled stamps; and”, the words “spoiled stamps;” shall be substituted;
 - (b) in clause (d), for the words “used under this Act:”, the words “used under this Act; and” shall be substituted;
 - (c) after clause (d), the following clause shall be inserted:—

“(e) the manner of collection, payment and refund of fees electronically.”

Amendment of section 42.

7. In section 42 of the principal Act,—

- (1) in the heading, for the words “Stamping documents”, the words “Stamping documents or collection of fees electronically” shall be substituted;
- (2) in sub-section (1), for the words “ought to bear a stamp”, the words “ought to bear a stamp or collect fees electronically” shall be substituted;
- (3) in sub-section (2),—
 - (a) for the words “without being properly stamped”, the words “without being properly stamped or without collection of fees electronically” shall be substituted;
 - (b) for the words “document be stamped”, the words “document be stamped or attached with a copy of proof of payment of fees electronically” shall be substituted.

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(Clauses 8-10.)

Amendment of section 43.

8. In section 43 of the principal Act, for the words “to impose a fresh stamp”, the words “to impose a fresh stamp or to levy fees electronically” shall be substituted.

Amendment of section 44.

9. In section 44 of the principal Act,—

(1) in sub-section (1), for the words “requiring a stamp”, the words “requiring a stamp or collection of fees through electronically” shall be substituted;

(2) to sub-section (2), the following proviso shall be added:—

“Provided that where court-fee is paid electronically, the officer competent to cancel stamp, shall verify the genuineness of the payment and after satisfying himself as to the due payment of court-fee, make necessary entries electronically by endorsing his signature in the manner as may be prescribed.”.

Amendment of section 45.

10. In section 45 of the principal Act,—

(1) in the heading, for the words “Sale of stamps”, the words “Sale of stamps or court-fees electronically” shall be substituted;

(2) in sub-section (1), for the words “stamps to be used under this Act”, the words “stamps to be used under this Act and sale of court-fees electronically” shall be substituted;

(3) in sub-section (3),—

(a) for the words “to sell stamps”, the words “to sell stamps or court-fees electronically” shall be substituted;

(b) for the words “for sale any stamps”, the words “for sale any stamps or court-fees electronically” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Presently, all fees referred to in the West Bengal Court-fees Act, 1970 (West Ben. Act X of 1970), are collected by way of impressed and adhesive Stamps. For the purpose of implementation of Mission of the ‘Ease of Doing Business (EODB)’, steps are required to be taken for payment of Court Fees including Process Fees by e-payment mode.

2. In the present pretext, it is felt necessary and expedient to amend the West Bengal Court-fees Act, 1970, for proper and effective implementation of the said Act, by way of, *inter alia*,—

(a) substituting section 39 for making provisions relating to collection of court-fees electronically along with the existing provisions of collection of fees by adhesive stamps;

The West Bengal Court-fees (Amendment) Bill, 2021.

- (b) substituting section 41 for making provisions to enable the State Government to frame rules relating to the manner of collection, payment and refund of court-fees electronically;
 - (c) inserting a new proviso in section 44 for making provision relating to cancellation of court-fees paid electronically.
3. The Bill has been framed with the above objects in view.
 4. There is no financial implication involved in the Bill.

KOLKATA:
The 18th January, 2021.

MOLOY GHATAK,
Member-in-charge.

By order of the Governor,
SIDDHARTHA ROY CHOWDHURY,
*Secy.-in-Charge to the Govt. of West Bengal,
Law Department.*