

**THE NEW TOWN, KOLKATA DEVELOPMENT  
AUTHORITY ACT, 2007.**

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GOVERNMENT OF WEST BENGAL LAW DEPARTMENT

Legislative  
Notification

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# THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY ACT, 2007.

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;

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

## PART I

### CHAPTER 1

#### Preliminary

1. (1) This Act may be called the New Town, Kolkata Development Authority (Amendment) Act 2018.

Short title and commencement

It extends to the whole of New Town, Kolkata having the areas described in Schedule 1.

Definitions

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

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 Mand other utilities and such other facilities 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:

(ca) "Government" means the Government of West Bengal in the Urban Development Department;

(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.

(Part II - Development Authority - Sections 3-7)

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

Constitution of  
Development  
Authority.

**PART II**  
**CHAPTER II**  
**Development Authority**

(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.

Development  
Authority shall be a  
body corporate

**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

Chairman to be the  
executive head

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

Powers and  
functions of the  
Chairman

(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.

( Part II - Chapter I - Development Authority - Sections & 9 - Chapter III. -  
Estabilshment of Development Authority - Sections - 10, 11)

- (2) When—
- (i) the office of the Chairman falls vacant by cause 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) Chief 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, Chief 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,

( Part II - Chapter III - Establishment of Development Authority Sections 12- 15 - Chapter IV - Powers and Functions - Section 16)

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

**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.

**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.

**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

**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 :

- (2) 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, sub-ways, 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;

( Part II - Chapter - Powers and Functions - Sections 17, 18)

- (3) 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;  
Avon
  - (k) measures for beautification of the township by setting up fountains and statues, providing recreational areas, improving canal banks, landscaping and the like.

**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.

**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 organization including a Government Organization, 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 organization 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 Organization"* shall mean an organization main maintained or managed by the State Government or any other company owned by the Government.

(Part II - Finance - Chapter Y - 4 . Development Fund - Sections 19-22 11. Budget - Section 23.)

### **PART III**

### **FINANCE**

### **Chapter V**

#### **A. Development Fund**

- 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 realized or realizable 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.
- 20.** (1) The Development Authority shall open accounts with such Nationalized Banks and with such Scheduled Banks, as may be prescribed.
- (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 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.

**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.

**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.

### **B. Budget**

**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.

( Part III - Finance - Chapter 12 - Accounts and Audit - Sections 24-26 )

### **Chapter VI**

#### **Accounts and Audit**

**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

**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)

(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 authorizing it, and charge against any person responsible there for 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.
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,

( Part III .-- Finance - Chapter VI - Account and Audit - Sections 27-31)

- (d) any other material impropriety or irregularity which may be served in the accounts
27. (1) The Chairman shall, in consultation with the other members of the Development Authority, forthwith remedy any defect or irregularity pointed out by the Auditor in his audit report and shall report 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 pent thinks fit for compliance by the Development Authority.

**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 with thinks fit to secure the compliance of the order and direct that all expenses between shall be defrayed from the Development Fund

**29.** In addition to the audit mentioned hereinabove, the Sate 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

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

- 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 these 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 Cham and for reasons to be recorded in writing , extend the period as aforesaid by suit period not exceeding thirty days as the State Government may thinks 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 convener
- (5) The members of the Accounts Committee of the Development Suboty shall hold office until a new Committee is constituted
- (6) Subject to the provisions of this Act and the rules and be by mad 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 scrutinize the report on the accounts of the Development Authority by the Auditor appointed under this Chapter

( 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 able to recover 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.

( Part IV - Development Cheeventy Chapter F - Fees and charges - Section 33, 38 - Cher F - Property of Development Section 37, 38)

## **PART IV**

### **DEVELOPMENT CHARGE AND PROPERTY OF DEVELOPMENT AUTHORITY**

#### **CHAPTER VII**

##### **Fees and charges**

**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 fuge, 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 of the occiper 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-reverse 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.

**36.** (1) The Development Authority may, with the previous sanction of the State Government, levy a charge to be called ametity 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

**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 licence 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 Two Hundred 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 later 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.

## **CHAPTER VIIIA**

### **TAXATION**

#### **Power of Taxation and Property Taxes**

##### **A. Levy of Taxes**

**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***

**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 instalments, 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 instalment, 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 :

Provided that the Development Authority may levy service charger on 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

(ii) the West Bengal Infrastructure Development Corporation established under the West Bengal Infrastructure Development Corporation Act . 1974, or

(iii) the West Bengal Housing Board constituted under the West Beng Housing Board Act, 1972, or

(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 of economically weaker 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.

**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.

(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 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 the thousand rupees and owned singly or jointly by citizen who attained the age of sixty - the 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 used exclusively 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 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 Enables Services.

*Explanation*– for the purpose of getting exemption under clause (c) the applicant shall, with the application, submit a certificate in based 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 of 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.

**36F.** Notwithstanding anything contained in the foregoing provision of this Chapter, the property tax shall be exempted in the following manner and cases :-

- i. 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 ;
- ii. 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 looser 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 ;
- iii. 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 :
- iv. 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 :

- v. 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 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 :
- vi. 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;
- vii. 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.

**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 installments

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***

**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 years, 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 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 the 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.
- (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.

**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 requisition of land, the value of such land or building as determined under the Land Acquisition Act, 1894, 1er 194 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.

**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 Suen 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.

**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 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 common staircase, such 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.

(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 ; West Ben. Act XVI of 1972 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 .

(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 lessee as may be determined by the Development Authority by the regulations, furnished 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 c period or the period immediately proceeding

Provided that nothing in this sub-section shall prevent the Development Authority from recovering the dues from any such person

#### ***D. Assessment***

**36L.** (1) The annual value of any land or building site 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 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 are 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 are and
- (e) may be revised on the expiration of each such period

**36M.** (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 360 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
- (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 361 or sub-section (3) of section 36M, or
- (b) the valuation which has been canceled 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 canceled 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.

**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.

(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.

**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,

**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 36I 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 final assessment, failing which recovery shall be made in accordance with the provision 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 coal 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 willful 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.

**36Q.** (1) When a general revaluations under subsection (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 the 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.

**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 ;
- (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 willful 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 the 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***

**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 .

**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.

**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 360 and after giving the person filing the objections an opportunity of being heard, either in person or through the 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.

**36V** (1) There shall be an Appellate Authority for bearing 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 36 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.

(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 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.

**36W.** Every valuation determined under this Chapter, shall be final.

## ***E Assessment Book***

**36X.** 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 :

Provided that Assessment Book shall not be kept pending for any case for which any objection or appeal has been filed.

**36Y.** (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 canceling 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 of 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***

**36Z.** (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 :

Provided that the Chairman may apportion 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 working 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 usor sing or portion thereof which is not self-occupied and where the owner is read by any look of the Government or order of a Cove Bon recovering the property tax due to the occupier or occupiers, such as shall be receivered them the per or opiers, as the case may be

**36ZA.** (1) the annual valuation of any land or building exceeds the amount calculated on the basis of the rent of such land or building able to the person on whom the property tax on such land building is leviabie 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 at the amount which would be leviabie if the property tax on such land or building on the basis of the rent payable to him

(2) If the annual valuation of any band 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 leviabie 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.

**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 of building

(2) An occupier from whom any sum is recovered under sab-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,

**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 instalments 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 instalments, 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

(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.

**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,
- (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, have 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.

**36ZE.** When the person liable for payment of property tax fails to pay the amount of quarterly instalment 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

## CHAPTER VIII

### Property of Development Authority

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

**37.** Notwithstanding anything contained in any other law for the time being in force ; the movable and innovative 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 an notification in the *Official Gazettes* :-

- (a) all vested public landsmen belonging wary 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, shoes and other materials, and also trees on susch public streets or pavements not belonging to any private individual;

( 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.

**38.** (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.

**39.** 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 authorize, 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.

- 40.** (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,

( Part V - Regulatory Jurisdiction Chapter LC - Streets and public places Sections 42-45 )

**PART V**  
**REGULATORY JURISDICTION**

**CHAPTER IX**  
**Streets and public places**

**41.** 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,

**42.** (1) All public streets, bus, taxi or rickshaw stand or other parking of 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)

**43.** (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, channeled 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, street 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 permanently close any public square or garden :

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

**44.** 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 :

(Part V - Regulatory Jurisdiction - Chapter LX - 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.

**45.** The Chairman shall cause to be main 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.

**46.** (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 it's 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.

**47.** (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 owner of the building executing an merely add to the height of, and rest upon, an existing building or wall, upon the 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 (Part V – Regulatory Jurisdiction – Chapter IX – Streets and public places – Sections 49-51) interest, by a notice, in willing 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 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).

**48.** (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, amber 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

**49.** (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.

**50.** (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,

(Part V-Regulatory Jurisdiction-Chapter IX-Streets and public place Sections 52-54)

above or upon any house- gully or any public water, 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 subsection (1) shall be recovered as an item of land revenue from the person who erects or sets up such projection, obstruction or encroachment.

(3) If the person, who erects or sets up any of the projections, obstructions or encroachment, referred to in sub-section (1), is not known or cannot be found, 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, 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 incurred in moving 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 on 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, wafer-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 item 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

(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 there of shall be recoverable from the owner or the occupier as an arrear of land-revenue.

**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**

**56.** (1) The Development Authority may require any owner or owners of land or building within the arca 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.

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

**58.** (1) If any private street has been upgraded under section S6 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 DA street,

(3) Upon private street being declared by the Development Authority under subsection (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.

**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—

(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, channeling, draining or lighting of the street; and
- (e) such other particulars as may be required by regulations, if any, made on 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 haying 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 utilizing, 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;  
(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 leveling, paving, metalling, flagging, channeling, 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 plans not so designed as to connect it at one end with a street which is already open.

(4) No person shall utilize, 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 utilize, 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 considered 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

(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 Governance 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 electrical power, subject to such rules DE may be made on 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 willfully 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, poll, 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 dwelling house any building or any part of a building not originally constructed for human habitation, subsequently appropriated for any other purpose;  
(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 sub-division 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 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 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

(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 like 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 hall, museums, skating rinks, restaurants, catering 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 merchandised as in warehouses, Such building shall include cold storage, freight depots, transit sets, store houses, public garages, hungers, 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 fuel 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, handing, manufacturing or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other

(Part V-Regulatory Jurisdiction.-Chapter X-Building-Section 65)

liquids, or chemical or radioactive elements producing flames, fumes, explosions or mixtures of dust or anyother 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 the 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 or of the rules made under this section

(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 ta such Part of the arca 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 clavation 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 allowed the 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 prescribed manner, 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.

(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,

(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 meter 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.

**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.

**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.

**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 of 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

(Part – V Regulatory Jurisdictions 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 life hazard, shall be punishable with imprisonment of either description for 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, mortgagee, consultant, promoter or financier or a servant or agent of an, owner, occupier, lessee, mortgagee, 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 offense under sub-section (1) shall be cognizable and non-bailable, within the meaning of the Code of Criminal Procedure, 1973.

(3) Where an offense 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 offense 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 offense 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 building shall specify the purpose for which such building is intended to be used.

(2) The ‘Development Authority may require that’ 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.

(Part V-Regulatory Jurisdiction.-Chapter X-Building-Sections 74-7)

**74.** Not less than seven days before any person commences to erect or erect a building, the owner of the building shall send to the Chairman a notice 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 follow grounds

- (a) that the approval of the building site has not been obtained asrequired under the provision of this Actand therules and the regulations there under;
- (b) that the ground plan, elevation, section or specification contravene any of the provisions, of this Act or the rules or regulations made there under or of any other law for the time being force;
- (c) that the application with building plan does not contain the necessary particulars und has not been prepared in the manner as required under the rules and the regulations made in this behaviour;
- (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, Nested in the Development Authority;
- (f) that for the use of the building for non-residential purposes, if an license 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 force:

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

**76.** The Development Authority shall, when granting permission conditionally or un-conditionally to execute the work, specify a reasonable period with 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 on this behalf, allows an extension of such period:

Provided that the- Development Authority-may, if it considers necessity require a modification of the building plan, for reasons to be recorded in writes in the case of in ordinate delay in completion of the work,

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

(2) No person shall occupy or permit to be occupied any such building of 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 the Development Authority fails, within a period of thirtydaysof receipt of the notice of completion, to communicate its refusal to grant such permission, such person may make representation in writing to the Chairman.

(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, large 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 shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the permission, in writing, of the Chairman, nor 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 there under,

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 take the alterations specified in the notice as aforesaid.

(4) If the owner appears and does not show 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 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. foregoing provisions of this Act and the regulations made.

**80.** The provisions of this Chapter and the rules and the regulations made thereunder 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 if such addition or alteration –

- (a) increase or decrease the height of the area covered by, or affect the cubical contents of, the building or any part thereof, or

(Pari V “Regulatory Jurisdiction Chapter X-Billing - Sections 81-83.)

- (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 anytime, 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 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 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 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 could having Jurisdiction.

(4) Notwithstanding anything contained in the foregoing provisions of the 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 reason to be recorded in writing cause such building or work to be demolished forthwith.

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

(Part V-Regulatory Jurisdiction—Chapter X-Building-Sections 84-36)

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 employment 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 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 on 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 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

(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 herd 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:

- i. necessary repairs;
- ii. structural alterations;
- iii. provisions of light points and water taps;
- iv. construction of drains, open or covered,
- v. provisions of latrines and urinals;
- vi. provisions of additional or improved fixtures or fittings;

- vii. opening up or paving of courtyard;
- viii. removal of rubbish, filth and other polluted and obnoxious matters;
- ix. 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).

## **Chapter XA Registration**

**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 Authority upon payment of such fees as may be determined by regulations by the Development Authority.

(2) A person shall, on going right site and possession of land, building, dwelling unit, shops, embellishment or any other at, 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 Development Authority.

**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 being 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 as 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.

## **PART VI AMENITIES CHAPTER XI Water Supply**

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

(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 scale 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 the 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) appearances 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 operate, manage and maintain such water-works to surveyed the inhabitant of the New Town, Kolkata. ab-soil test in water-

(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 it 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.

(Part VI-Amenities .– Chapter.XI-Water Supply- Sections 91-94.)

**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.

**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 e-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.

**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 herd of the land-revenue.

**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.

(Part VI.-Amenities.-Chapter XI.-Water Supply Sections 95-99.)

(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 prescribed manner.

(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 and 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, thereby causing waste of water.

(2) No person shall unlawfully flood, draw off, or divert, or any water-works, belonging to, or under the control of, the 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 any turn off such supply, in any of the following cases, namely.

(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 highlight 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.

( Part VI - Amenities Chapter XI - Water Supply - Sections 101, 102.)

**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 of 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 appoint in on this behalf, such time and place, and to such person or persons, as the State Government may appoint in this behalf.

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

- (a) the preparation of plans and estimates for water-works or for the 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 1 y of water in respect of which this Act or any other law for the time being in force, makes no Wyposa provision or makes insufficient provision and, in the opinion of the State Government, further provision is necessary.

**(Part 17 Amenities Sections 101-109)**

**Chapter XII,**

**Drainage and Sewerage**

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

**104.** (1) All public drains, and all drains in, alongside, of 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 Authority, situated within the area of New Town, Kolkata, shall vest in the Development.

(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 draft 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

**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 accordingly.

**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.

**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.

**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.

**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 whatever, situated within the

limits of area of New Town, Kolkata, and, for the purpose of this outfall of or for drainage outfall without such limits, and may, all times, do all things which may be necessary expedient for repairing or maintaining any such drain, sewer or channel, 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 & 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 of 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 of 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 of 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, re-made 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 of block of buildings, the Development Authority may cause such group or block of buildings to be so drained, and the expenses caused 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, wallfence or any structure or any private street over any drain, culvert or gutter of the Development Authority; or bed, bark, or embankment of any sewerage works or strom-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.

( Part VI - Amenities Chapter XI - 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 of structure or any encroachment whatever, 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, 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.

**115.** The State Government may take 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, to 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**

**116.** For the purpose of 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.

(Part V - Amenities Chapter XIII - Solid wastes - Functions in relation to Solid - Wastes- Sections 117-121)

**117.** (1) The Development Authority shall provide or appoint in proper and convenient situations in 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 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)

**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 receptacles, depots of Chairman may, by public notice, specify, in public 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.

**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, carcass of dead animals and excrementitious and usually matters;
- (c) the removal of special wastes and hazardous wastes and other solid wastes from permises.

(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.

**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.

**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) .

(Part VI - Amenities Chapter XIII - Solid wastes - Functions in relation to Solid wastes - Sections 122-125)

**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 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 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.

**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.

**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.

**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

( 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 except in accordance with the provisions of this Act, 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 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 offenses.

**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 facilities for the use of persons carrying on trade or business in, or frequenting, such markets, slaughter houses or stockyards.

## **Chapter XIVA**

### **Animals and Birds**

**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 license 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 license or from any purpose for which such class of animal or bird may be kept.

**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. 130C .

**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 license 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.

( Section 2 )

**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 authorized 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 license 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 license thereof.

**130E.** Subject to the provisions of any other law for the time being in force for removal of Khatala, the Development Authority may make regulations specifically for control of Khatala within the area of Development Authority or removal of Khatala therefrom.

## 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 authorized 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.

*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 .

( 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

**132.** The Chairman or any member of the Development Authority or any officer or other employee of the Development Authority authorized 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 the 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 authorized 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 authorized 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 authorized 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.

**133.** (1) the Development Authority or any person authorized by it or empowered by or under this Act in this behalf may enter upon any land within one hundred meters of any work authorized 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 granted 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.

**134.** (1) It shall be lawful for the Chairman or any member of the Development Authority or any person authorized 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.

(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 using to be opened any such door, gate or other barrier, the Chairman or any member of the Development Authority of the person authorized or empowered in this behalf shall call upon two or more respectable residents of the locality in which the any one of them so to do, 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 anyone 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 authorized by or under this Act shall be 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 the 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 authorized in this behalf by the Development Authority, and shall be widely 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.

- 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 1 of the Act, without the written permission of the Development Authority:

Prohibition of advertisements without 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 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 license for 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 :

- (i) Provided further that no non-commercial advertisement, other than the advertisement related to public interest, shall be erected, exhibited, fixed or retained on 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 part 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 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 program, or
  - iii. setting up any marketing chain or network, or
  - iv. admission in any tutorial, academy, training center, 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-organization' 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
- (5) Whoever contravenes the provisions of sub-section (4) shall be guilty of an offense 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 organization, 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 organization or independent candidate, shall also be deemed to be guilty of the offense 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 organization or independent candidate liable to any punishment under this sub-section, if he proves that the offense was committed without his knowledge or that he had exercised due diligence during the commission of such offence .

**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 license or renewal of a license, 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 license, as the case may be, on payment of such fees as may be determined by the Development Authority by regulations.
- (4) The Chairman may, if in his opinion the proposed site for any advertisement is able from the consideration of public safety, traffic hazards, aesthetic design. or obstruction of the view of, or harmony with, any heritage building, refuse a licensee refuse to renew any existing license.
- (5) Every license shall be for a period of one year except in case of sites used for temporary fairs, exhibitions, sports events or cultural or social programs,
- (6) The Chairman shall cause to be maintained a register wherein the licenses sed 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, theaters, or other places of public resort.

**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 programs.

- (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 salo 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. Permission of Development Authority to become void in certain cases
- (3) The tax on any advertisement leviabale under this section shall be payable in advance in such number of installations and in such manner as the Development Authority may by regulations determine.
- (4) The Development Authority may determine the procedure for collection of tax.

**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.

**137E.** The license granted under section 137B shall become void –

- (a) if the licensee contravenes any terms and conditions of license 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.

**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.

**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.

**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.

**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.

### **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.

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

### **D. Notices, etc.**

- 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 .
- 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 check drawn upon the Development Fund
- 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 authorized by the Chairman in that behalf.
- 142.** (1) every notice, bill, summons, requisition or other document required or authorized 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 in 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 as 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
  - (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 which it relates, or
  - (iii) is sent under certificate of post of posting to such person.
- (2) Any notice, bill, summons, requisition or other document required or authorized 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.** 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,

**144.** (1) Any person who has been served with a written notice under sub-section 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 modification of such notice.

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

#### **F. Recovery of expenses**

**145.** When the owner of any land or building fails to execute 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**

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

**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**

**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,
- (e) institute or prosecute any suit, proceeding or claim, or withdraw from, or compromise any suit, proceeding or claim, instituted Authority of the Chairman; 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, 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 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,

**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.** 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 offense 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.
- (3) Any officer or other employee of the Development Authority may, when empowered by a general or special order the Director General and Inspector as may be specified in such order.

**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 made thereunder.

### **J. General Provisions**

**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 .

**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 authorized 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 able to prove such matter and transactions.

**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 saved by order of the court.

**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 authorized by this Act or the rules or the regulations made thereunder.

- 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.
- 158.** (1) No person shall, without any authority in that behalf, remove earth, sand or other material form 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.

( 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 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 it 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 .

(Part VII . - Powers, Precedures, Penalties and Savings – Chapter XVII- Rules and Regulations - Sections 162-166)

- 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 .
- 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 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 regulations, either wholly or in part 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.
- 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.

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

## **CHAPTER 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 program 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, 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 receiving 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 granted 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 Development 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 of 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 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 any thing 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 neglect in the performance of the gross 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 such 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, granted 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.

**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 .

**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 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 imposed 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 .

**Chapter XIX**  
**Miscellaneous**

**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.

**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.

**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.

**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,

**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.

**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 realizing properties, funds and dues referred to in clause (a) the functions of Development Authority shall be discharged by the State Government.

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

### SCHEDULE I

[See section 1 (2)]

#### PART A

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

### 1.0 Location :

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

### 1.1 Description in detail :

Sheet No. 4. The following Revisional Settlement plots encircling the bounded areas starting from 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-Paraganas

### 2.1 Description in detail :

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from 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-Paraganas

### 3.1 Description in detail :

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from 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.

Sheet No. 2. The following Revisional Settlement plots encircling the bounded areas starting from 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-Paraganas

#### 4.1 Description in detail :

One Sheet. The following Revisional Settlement plots encircling the bounded areas starting from 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-Paraganas

#### 5.1 Description in detail :

Sheet No. 1. The following Revisional Settlement plots encircling the bounded areas starting from 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.

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, 2534, 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 – Jatragachi (Part)  
Jurisdiction List No. – 28  
Police Station – Rajarhat  
District – North 24-Paraganas

## 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.

7.0 Location :

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

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-Paraganas

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, 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 — Mahisgot (Part)  
Jurisdiction List No. — 20  
Police Station — Rajarhat  
District — North 24-Paraganas

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, 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.

#### 10.0 Location :

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

#### 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-Paraganas

#### 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 (part), 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. bounded areas starting from the North-West corner of Plot No. 1101 reading the following Revisional Settlement plots encircling the 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-Paraganas

#### 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 :

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, 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-Paraganas

#### 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-Paraganas

#### 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, 468, 467, 466, 465, 463, 462, 461, 460, 461, 459 (Road), 453, 456, 451, 450, 449.

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-Paraganas

#### 15.1 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 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. 901 reading clockwise :

Plot Nos. – 901, 903, 918, 927, 928, 929, 930, 931, 932, 933, 934, 935, 944, 943, 958, 957, 956, 955, 953, 1509(part), 1513, 1512, 1523, 1545, 1546, 1547, 1541, 1540, 1573(part), 1751, 1752, 1765, 1767, 1772, 2882, 1771, 1770, 1536, 1537, 1538, 1530, 1528, 1527, 1511(part), 1509(part), 954, 955, 959, 978, 977, 975, 969, 970, 1183(part), 1182(part), 986, 990, 1180, 1179, 1178, 1171(part), 1091(part), 1092(part), 1093, 1094, 1095, 1071(part), 1072(part), 1015(part), 1020(part), 1021(part), 1022(part), 1026(part), 1025, 918, 917, 916, 915, 914, 913, 912, 911, 910, 908, 907, 906, 905, 902, 901.

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, 3174, 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, 2549, 2950, 2953.

The following Revisional Settlement plus 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, 3341, 3596, 3597, 3702, 3693, 3692, 3706, 3707, 3708,

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, 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. 4301 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.

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 — Chapna (Part)  
Jurisdiction List No. — 35  
Police Station — Rajarhat  
District — North 24-Paraganas

#### 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, 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, 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-Paraganas

#### 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.

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-Paraganas

#### 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, 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-Paraganas

### 19.1 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 :

1(part), 24, 84, 24, 1(part)

### 20.0 Location :

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

### 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-Paraganas

### 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, 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, 1030, 1012, 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, 1301, 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.

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-Paraganas

## 22.1 Description 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, 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 Nos. – 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 following Revisional Settlement plots encircling the bounded areas starting from the North-West corner of Plot No. 650 reading clockwise :

Plot Nos. – 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 Nos. – 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, 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-Paraganas

### 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 clock wise :

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.

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, 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, 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 — Raigachi (Part)  
Jurisdiction List No. — 12  
Police Station — Rajarhat  
District — North 24-Paraganas

#### 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.

## 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-section (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 authorized 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 unauthorized intermeddling with the property of the Development Authority.	One thousand rupees	One hundred rupees

By order of the Governor,

Secy-in-charge to the Govt. of West Bengal  
Law Department.

**GOVERNMENT OF WEST BENGAL**  
**HOUSING DEPARTMENT**  
**New Secretariat Buildings**  
**1, Kiran Sankar Roy Road, Kolkata - 700 001**

*NOTIFICATION*

No :

Dated :

In exercise of the power conferred by section 159 read with section 65 of the New Town Kolkata Development Authority Act, 2007 (West Ben. Act XXX of 2007) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required under sub-section (1) of section 159 of the said Act, the following rules namely :—

**Rules**

**Chapter I**

- 1. Short title, application and commencement :—** (1) These rules may be called The New Town Kolkata (Building) Rules, 2009.  
(2) They shall come into force on the date of their publication in the *Official Gazette*.
- 2. Definitions :—** (1) In these rules, unless the context otherwise requires,—
  - (a) "**the Act**" means the New Town Kolkata Development Authority Act, 2007 (West Ben. Act XXX of 2007);
  - (b) "**apartment**" means an independent dwelling unit with a kitchen or kitchenette or Pantry, sanitary toilet, ablution and washing spaces or part of a property having a direct exit to a street or a passage or to a common area leading to such street or passage which together with its undivided interest in the common areas and facilities forms an independent unit;
  - (c) "**applicant**" means Owner of the land and includes authorized representative of the owner or anybody having construction right in accordance with law and shall also include the transferee;
  - (d) "**architect**" means a person registered as such under the provisions of the Architects Act, 1972;
  - (e) "**basement**" means the lower storey of a building, partly or wholly below the ground level;
  - (f) "**building**" means a structure constructed for whatsoever purpose and of whatsoever materials, and includes the foundation, plinth, wall, floor, roof, chimney, fixed platform, veranda, balcony, chajja, cornice or projection or a part thereof or anything affixed thereto or any wall (other than boundary wall) enclosing or intended to enclose any land but does not include a tent, samiana or tarpaulin shelter erected for temporary use with the permission of the Development Authority;
  - (g) "**Central business district and sub-central business districts**" are the areas delineated by the planning authority as such;

- (h) "**chajja**" or "**cornice**" or "**weather shade**" means a sloping or horizontal structural overhang usually provided over openings on external walls to provide protection from sun and rain or provided at any other level;
- (i) "**civil engineer**" means a civil engineer having the qualifications and experience prescribed in sub-rule 2(ii) of rule 17;
- (j) "**clear height**" shall be the vertical distance measured from the surface of the floor to the lowest point of the ceiling of the under side of any slab;
- (k) "**community parking**" means the parking places for cars in residential areas for the use of the visitors, service peoples, doctors;
- (ka) "**construction and demolition waste**" means the waste comprising of building materials, debris and rubble resulting from construction, re-modeling, repair and demolition of any civil structure.
- (l) "**covered area**" means the horizontal area covered by a building at any floor subject to the exemption of the spaces as may be specified in these rules made under the Act;
- (m) "**courtyard**" shall mean an area permanently open to sky enclosed partly or fully by one or more building and/or by walls;
- (n) "**cul-de-sac**" means a public or private road closed at one end for vehicular traffic, with provision for turning;
- (o) "**Development Authority**" means the New Town Kolkata Development Authority constituted under the Act;
- (p) "**dome**" means a curve roof structure spanning an area; often spherical in shape and includes a square fabricated pan form; used in two ways joist concrete floor construction, a vault substantially hemispherical in shape, but sometime slightly pointed or bulbous; a ceiling of similar form;
- (q) "**electrical engineer**" means an electrical engineer having qualifications and experience prescribed in rule 17;
- (r) "**electrical supervisor**" means an electrical supervisor having qualifications and experience prescribed in rule 17;
- (s) "**floor area ratio**" means the quotient obtained by dividing the total covered area on all floors, excluding areas stipulated in these rules, by the plot-area, viz.,

$$\text{"Floor Area Ratio (F.A.R.)"} = \frac{\text{Total covered area on all floors}}{\text{Plot area}}$$

- (t) "**geo-technical engineer**" means a geo-technical engineer having qualifications and experience as prescribed in rule 17;
- (u) "**ground coverage**" means the quotient obtained by dividing the area of the plot covered by the building at the ground level by the total area of the plot, expressed as a percentage as follows :

$$\text{"Ground coverage"} = \frac{\text{The area of the plot covered by building when vertically projected on the ground level}}{\text{Total area of the plot}} \times 100$$

- (v) **"ground level of a plot"** shall be the average level of the center line of that portion of the means of access on which the plot abuts;
- (w) **"height of building"** means the vertical distance measured from the average level of the center line of the means of access to which the plot abuts, to the highest point of the building whether with flat roof or sloped roof excluding appurtenant structures on the roof ;
- (x) **"inner courtyard"** is a courtyard enclosed on all sides.
- (y) **"interpolation"** means a method of calculating a new point between two or more existing data points;
- (z) **"IT/ITES business"** that is to say, any plot containing building/s used principally for transaction of Information Technology/Information Technology Enabled System business;
- (za) **"kitchenette"** means a cooking space or a cooking alcove;
- (zb) **"kiosk"** means a small pavilion, usually open, built in gardens or parks. A similar structure, often enclosed, for the sale of merchandise such as newspaper or magazines;
- (zc) **"lift-well"** means a vertical space for movement of lift-cage;
- (zd) **"means of access"** means a road, giving access to the plot;
- (ze) **"minaret"** means a tall tower in or contiguous to a mosque with stairs leading up to one or more balconies from which the faithful are called to prayer;
- (zf) **"online sanction"** means communications that provide a real-time connection;

*Explanation*—For the purpose of this clause 'real-time' means the actual time during which something occurs relating to or denoting a system in which input data is available virtually immediately as feed back to the process for which it is coming.

- (zg) **"open space"** means an area, forming an integral part of the plot at ground level and shall be open to the sky without any projection or overhang excepting cornices, chajjas or weather shades of not more than 0.075 mm width, which may be designated in different manner as follows :—
  - (i) **"marginal open space of a building"** means an open space at ground level forming an integral part of the plot between the extreme face of the building and the nearest boundary line of the plot. Marginal open space along the entire front face or rear face or the side faces of the building shall be designated as front open space, rear open space and side open spaces respectively. For this purpose, the front of the building shall be that face of the building which faces the means of access of the building and the rear of a building shall be deemed to be that face of the building, which is the farthest from the means of access;
  - (ii) **"inter open space"** means an open space in a plot measured between closest points of the two buildings when vertically projected on ground level;
  - (iii) **"public open space"** means any open space which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not and whether the entry is regulated by charge or not;

(iv) "**green open space**" means an area open to sky and left uncovered so that greenery can grow as well as surface water can percolate underground;

(zh) "**Outer courtyard**" is a courtyard where one of the sides is not enclosed;

(zi) "**parking**" means an area provided to keep standing a vehicle. It may be covered, semi-covered or open. It may be private or public. It excludes parking space for repair generally called a garage;

(zj) "**planning authority**" means the planning authority declared under the West Bengal Town and Country (Planning and Development) Authority Act, 1979;

(zk) "**plumber**" means a plumber having qualifications and experience prescribed in sub-rule 2(x) of rule 17;

(zl) "**Public Health Engineer**" means a Public Health Engineer having qualifications and experience prescribed in sub-rule 2(vi) of rule 17;

(zm) "**rule**" means a rule of these rules;

(zn) "**Sanctioning Authority**" for the purposes of the rules, means the Chairman of the Development Authority or such other officer of the Development Authority who may be empowered as such by Chairman of the Development Authority, by order;

(zo) "**schedule**" means a schedule appended to these rules;

(zp) "**section**" means section of the Act;

(zq) "**stair-well**" means a vertical space encircled by the flights of stair;

(zr) "**Structural Engineer**" means a structural engineer having qualifications and experience prescribed in rule 17;

(zs) "**Town Planner**" means a Town Planner having qualifications and experience prescribed in rule 17;

(zt) "**toilet**" means a room which is used both for bathing and water closet;

(zu) "**Urban Designer**" means an Urban Designer having qualifications and experience prescribed in rule 17;

(zv) "**W.C.**" or "**water closet**" means a privy with arrangement for flushing the pan with water but does not include a bathroom;

(zw) "**width of a road**" means the whole width of space, including the service road (if any), footpath, open side drain and other features within the boundaries of the street, i.e., right of way.

(2) Words and expressions used and not defined in these rules, shall have the same meaning as respectively assigned to them in the Act.

**3. Prohibition to erect building :—** (1) No person shall erect any building until he takes over the possession of the land.

(2) The Development Authority shall give notice, in writing, if erection of any building is taken place in contravention of the provision of the Act and these rules and to stop such erection of building, and to remove unauthorized building or development :

Provided that the cost to be incurred on such removal shall be recovered in accordance with the provisions of the Bengal Public Demand Recovery Act, 1913 (Ben. Act III of 1913)

**4. Application for permission to erect building.—** An application for permission to erect building shall consist of the following—

- a) an applicant shall apply in the form specified in Schedule I, Schedule II, Schedule V and Schedule VI within three years from the date of possession of the land from the planning authority to the Sanctioning Authority to erect building, failing which additional fees for giving permission to erect building, may be levied;
- b) forms and drawings as specified in Schedule I and Schedule II, shall be signed by the architect, civil engineer, structural engineer, town planner and urban designer as the case may be;
- c) an applicant intending to avail himself of the on-line system may apply directly through website in the specified format uploaded thereof:

Provided that an applicant intending to avail himself of on-line system except uploading of drawings for building height below 15.1 metre and plot area upto 1500 square metre may apply directly through website in the specified format uploaded thereof. However, the applicant applied through website in the aforesaid partial on-line system will furnish the hard copies of the application mentioned in Schedules above.

*Note :* The Development Authority may, by order, specify the website for the purpose.

- d) copies of other relevant documents, if any;
- e) no objection certificate from the West Bengal Fire and Emergency Services, if applicable, along with original drawings containing the recommendation;
- f) no objection certificate from the Airports Authority of India, wherever applicable;
- g) Scrutiny fees as mentioned in sub-rule (5) of rule 5.
- h) A certificate of the Architect to the effect that all the measures as prescribed in National Building Code (NBC) or as may be notified by the State Government or the Development Authority, from time to time regarding barrier free and accessibility features, incorporated in the building plan.

**4A. Provision of Re-Sanctioning of existing building plan :** (1) Notwithstanding anything contained in these rules —

- (a) Where commencement of work has not been done on the basis of any building plan sanctioned under the rules in force before coming into force of these rules, no revalidation shall be allowed and the applicant may be asked to submit new proposal under these rules; and
- (b) Where construction has been done partially and the previous sanctions has been obtained in conformity with these rules, re-sanction may be allowed on payment of requisite fees and charges.

- (2) where construction has been commenced and the previous sanction of the building plan has been obtained in violation of the provisos of these rules, the re-sanction of the building plan shall be made under the provision of this rule on the request of the applicant:

Provided that if the building is already constructed, in part or in full, on the basis of such building plan which has been obtained in violation of the any provisions of these rules, shall be seized to exist unless the contradiction is removed and if the contradiction has not been removed, the re-sanction may be processed as per the provisions of respective rule under which the original plan has been sanctioned unless the applicant opts for sanction of building plan under these rules.

- (3) The re-sanction of the existing building plan as mentioned in sub-rule (1) and (2), shall be valid only for 5 (five) years from the date of issuing re-sanction without provision of further revalidation.

**5. Levy of fees for sanction of building plan :—** (1) The Development Authority shall levy,—

- (a) building sanction fees as specified in sub-rule (2).
- (b) fees for occupancy certificate and partial occupancy certificate may be charged as specified in sub-rule (3) and sub-rule (4) respectively;
- (c) stacking fees to be levied as specified in sub-rule (6);
- (d) The Development Authority may allow the proposal for re-sanction of building plan, if it considers fit, on payment of such fees applicable under these rules, and plan sanction fee paid earlier shall be deducted subject to condition that there will be no refund of fee in any case;

*Explanation.*— Stacking fee for the purpose of this rule means a stacking fee payable in respect of stacking of building materials including building rubbish.

*Note :* Fifty percent of the building sanction fees shall have to be deposited for obtaining the sanction for the pile-work. if any.

**(2) Building sanction fees payable for per square meter of covered area :—**

**(a) Residential use :**

(i) Plots measuring up to <b>330</b> square meter;	(a) <b>Rs. 75</b> per square meter if FAR is up to 1.5;
	(b) Rs.100 per square meter for FAR above 1.5 and upto allowable limit <i>for the total FAR availed.</i>
(ii) Plots measuring above <b>330</b> square meter and up to <b>4000</b> square meter;	(a) <b>Rs. 125</b> per square meter if FAR is upto 1.5;
	(b) Rs. 175 per square meter for FAR above 1.5 and upto allowable limit <i>for the total FAR availed.</i>
(iii) Plots measuring above <b>4000</b> square meter;	(a) <b>Rs. 200</b> per square meter if FAR is upto 1.5;
	(b) <b>Rs. 300</b> per square meter for FAR above 1.5 and upto allowable limit <i>for the total FAR availed.</i>

**(b) Educational use or Institutional use :** Rs. 250 per square meter;

**(c) Buildings other than Residential use, Educational use and Institutional use**

(i) Rs. 400 per square meter if FAR is up to 1.5;

(ii) Rs. 600 per square meter for FAR above 1.5 and up to allowable limit *for the total FAR availed.*

**(3) Fees for occupancy certificate :—** The owner shall have to give notice of completion in the form specified in Schedule VII together with the fees prescribed below for obtaining occupancy certificate in the form specified in Schedule VIII by the Development Authority:-

**(A) Buildings of residential use or educational use or institutional use :**

**(a) For floors below 15.1 meters in height :**

(i) building in plot area upto 330 square meter Rs. 2000/- per building;

(ii) building in plot area above 330 square meter and upto 500 square meter Rs. 5000/- per building;

(iii) building in plot area above 500 square meter and upto 1500 square meter Rs. 7000/- per building;

(iv) building in plot area above 1500 square meter and upto 5650 square meter Rs. 9000/- per building;

(v) building in plot area above 5650 square meter Rs. 12000/- per building;

**(b) For each additional floor of 15.1 meters and above in height or part thereof :**

(i) building in plot area upto 330 square meter Rs. 300/- per floor;

(ii) building in plot area above 330 square meter and upto 500 square meter Rs. 500/- per floor;

(iii) building in plot area above 500 square meter and upto 1500 square meter Rs. 700/- per floor;

(iv) building in plot area above 1500 square meter and upto 5650 square meter Rs. 900/- per floor;

(v) building in plot area above 5650 square meter Rs. 1200/- per floor;

**(B) Buildings other than residential use or educational use or institutional use :**

(i) buildings in plot area upto 500 square meter Rs. 20000/- per building;

(ii) buildings in plot area above 500 square meter Rs. 22000/- per building;

**(4) Fees for partial occupancy certificate :—** The owner shall have to give notice of partial completion in the form specified in Schedule IX together with the fees prescribed below for obtaining partial occupancy certificate in the form specified in Schedule X by the Development Authority :—

**A. Buildings of residential use, educational use or institutional use**

**(a) For floors below 15.1 meters in height**

(i) building in plot area upto 330 square meter Rs. 1000/- per building;

- (ii) building in plot area above 330 square meter and upto 500 square meter Rs. 2500/- per building;
- (iii) building in plot area above 500 square meter and upto 1500 square meter Rs. 3500/- per building;
- (iv) building in plot area above 1500 square meter and upto 5650 square meter Rs. 4500/- per building;
- (v) Building in plot area above 5650 square meter Rs. 6000/- per building;

**(b) For each additional floor of 15.1 meters and above in height or part thereof**

- (i) building in plot area upto 330 square meter Rs. 150/- per floor;
- (ii) building in plot area above 330 square meter and upto 500 square meter Rs. 250/- per floor;
- (iii) building in plot area above 500 square meter and upto 1500 square meter Rs. 350/- per floor;
- (iv) building in plot area above 1500 square meter and upto 5650 square meter Rs. 450/- per floor;
- (v) building in plot area above 5650 square meter Rs. 600/- per floor;

**B. Buildings other than residential use, educational use or institutional use:**

- (i) buildings in plot area upto 500 square meter Rs. 10000/- per building;
- (ii) buildings in plot area above 500 square meter Rs. 11000/- per building;

**(5) Scrutiny fee**

- (i) building in plot area upto 200 square meter Rs. 250/-;
- (ii) building in plot area above 200 square meter and upto 500 square meter Rs. 350/-;
- (iii) building in plot area above 500 square meter and upto 5650 square meter Rs. 1000/-;
- (iv) building in plot area above 5650 square meter Rs. 3000/-;

**(6) Stacking fees**

- (i) Width of Road or Means of access upto 18 meter Rupees 10/- per square meter of total covered area;
- (ii) Width of Road or Means of access above 18 meter and upto 36 meter Rupees 15/- per square meter of total covered area;
- (iii) Width of Road or Means of access above 36 meter Rupees 20/- per square meter of total Covered area;

**(7) Fire Service Charge :**

	Building height	Fees
(i)	Upto 20 meters	Nil
(ii)	From 20 meters to 30 meters	2% of the building sanction fees
(iii)	Above 30 meters	5% of the building sanction fees

- (8) All payments under these rules shall be made through account payee bank draft or account payee bankers cheque or account payee pay order drawn in favour of the New Town Kolkata Development Authority.
- (9) Provided that re-sanction fees shall be restricted to 20% of the sanction fees calculated, subject to condition that, such re-sanction fees along with sanction fees paid earlier should not be less than plan sanction fees that would have been charged for fresh sanction. Scrutiny fee, increase of stacking fees and Fire Service charge if any shall be charged for each re-sanction of building plan.
- 6. Additional fee on building sanction fee:—** Additional fee on building sanction fee will be levied if the application is submitted after the expiry of three years from the date of possession of the plot given by the Planning Authority Rate of such additional fee will be computed at rupees fifteen per square meter of the covered area per year counted from the date of expiry of three years from the date of taking over possession of the plot.
- 6A.** As there is no provision of further re-validation of sanction after 10 years from the date of issuance of sanction even if no occupancy certificate / partial occupancy certificate issued earlier ; occupancy certificate / partial occupancy certificate shall be issued if the building is completed even after 10 years from the date of sanction, making additional payment of 15% of the original sanction fees.
- 7. Connection charges:—** The Development Authority shall levy the following amenity charges:—

**Table-I**

Type	Size of Plot (in square meters)	Charges per connection ( in Rupees)		
		Residential use	Plot of other than residential use or educational use or institutional use	Plot of educational use or institutional use
Water Supply connection	Up to 500	Rs. 5000.00	Rs. 7500.00	Rs. 6000.00
	Above 500 up to 1500	Rs. 10000.00	Rs. 15000. 00	Rs. 12000.00
	Above 1500 up to 5000	Rs. 15000.00	Rs. 22500.00	Rs. 18000.00
	Above 5000 up to 10000	Rs. 20000. 00	Rs. 30000.00	Rs. 24000.00
	Above 10000 up to 20000	Rs. 25000.00	Rs. 37500.00	Rs. 30000.00
	Above 20000	Rs. 25000.00 plus Rs. 2500.00 per 10000 square meter or part thereof	Rs. 37500.00 plus Rs. 3750.00 per 10000 square meter or part thereof	Rs. 30000.00 plus Rs. 3000.00 per 10000 square meter or part thereof
Sewerage connection	Up to 500	Rs. 4000.00	Rs. 6000.00	Rs. 4800.00
	Above 500 up to 1500	Rs. 8000.00	Rs. 12000. 00	Rs. 9600.00

Type	Size of Plot (in square meters)	Charges per connection ( in Rupees)		
		Residential use	Plot of other than residential use or educational use institutional use	Plot of educational use or institutional use
Sewerage connection	Above 1500 up to 5000	Rs. 12000.00	Rs. 18000.00	Rs. 14400.00
	Above 5000 up to 10000	Rs. 15000. 00	Rs. 22500.00	Rs. 18000.00
	Above 10000 up to 20000	Rs. 20000.00	Rs. 30000.00	Rs. 24000.00
	Above 20000	Rs. 20000.00 plus Rs. 2000.00 per 10000 square meter or part thereof	Rs. 30000.00 plus Rs. 3000.00 per 10000 square meter or part thereof	Rs. 24000.00 plus Rs. 2400.00 per 10000 square meter or part thereof
Drainage connection	Up to 500	Rs. 2000.00	Rs. 3000.00	Rs. 2400.00
	Above 500 up to 1500	Rs. 4000.00	Rs. 6000. 00	Rs. 4800.00
	Above 1500 up to 5000	Rs. 6000.00	Rs. 9000.00	Rs. 7200.00
	Above 5000 up to 10000	Rs. 8000. 00	Rs. 12000.00	Rs. 9600.00
	Above 10000 up to 20000	Rs. 10000.00	Rs. 15000.00	Rs. 12000.00
	Above 20000	Rs. 10000.00 plus Rs. 1000.00 per 10000 square meter or part thereof	Rs. 15000.00 plus Rs. 1500.00 per 10000 square meter or part thereof	Rs. 12000.00 plus Rs. 1200.00 per 10000 square meter or part thereof

Note : The above water supply connection charges are exclusive of ferrule and water meter charges.

**8. Particulars of Drawings and Statements to be submitted :—** (1) The hard copy drawings shall be ammonia prints and blue prints. One set out of total four sets of such drawings shall be blue printed. Prints of drawings shall be on only one side of the paper. One additional set of drawings and area statement shall be in the form of soft copy and to be submitted in Compact Disc duly signed by the Architect.

(2) The drawings shall be coloured as specified in Table below :—

Sl. No.	Item	Site Plan	Building Plan, Sections etc.
1.	Plot Lines	Thick Black	Thick Black

Sl. No.	Item	Site Plan	Building Plan, Sections etc.
2.	Existing Road	Dark Green	-
3.	Future Road, if any	Green dotted	-
4.	Permissible building lines	Thick dotted Black	-
5.	Open spaces	-	-
6.	Existing work	Yellow	Yellow
7.	Work proposed to be demolished	Yellow Hatched	Yellow Hatched
8.	Proposed work	Red filled in	Red
9.	Drainage and Sewerage work	Red dotted	Red dotted
10.	Water supply work	Black dotted thin	Black dotted thin
11.	Greenery	Green wash	-
12.	Deviation	Red Hatch	Red Hatch
13.	Facilities	Violet	-

(3) An applicant intending to submit the proposal for sanction of building plan in the on-line system shall follow the colour code of drawings as per format uploaded in the website of the Development Authority.

**9. Prohibition of sub-division and amalgamation of plots of land likely to affect the building operations:—**

Amalgamation and sub-division of plots shall not be allowed.

**10. Grant of sanction for erection of building:—**Within a period of 60 (sixty) days from the date of receipt of the application under rule 4, completed in all respect, the Sanctioning Authority shall—

- (a) accord sanction, for erection of building as specified in Schedule III ; or
- (b) reject the application if it is not in accordance with the provisions of the Act and these rules:

Provided that rejection of an application to erect building shall not debar any applicant to make fresh application under rule 4.

**11. Duration and expiry of a sanction:—**(1) A sanction to erect building under these rules shall be valid for five years from the date on which it is sanctioned and may be renewed thereafter for a further period of five years on payment of fee at the rate of fifteen percent of the building sanction fee and on production of the previous sanction for erection of building.

(2) The sanction for erection of building may be revalidated further for a period of five years only, if the building operation has been partly completed and partial occupancy certificate has been issued, on production of the renewed previous sanction for building operation, the partial occupancy certificate and on receipt of 15% building sanction fees of the remaining portion.

**12. Execution of erection of building:—**(1) Not less than seven days before any person commences to erect building, the owner of the plot shall send to the Sanctioning Authority a written notice, in the form as specified in Schedule IV specifying the date on which he proposes to commence erection of building.

(2) From the date of commencement of erection of building till the date of issue of occupancy certificates, the applicant shall keep one set of the approved drawings at the work -site for checking by the Development Authority.

(3) An Officer of the Development Authority duly authorised shall inspect the work-site and issue necessary direction, if any, and also submit reports to the Development Authority for their information and further necessary action, if any.

(4) Within one month after the completion of erection of any building, the applicant shall inform the Sanctioning Authority of such completion of work by a Completion Notice in the form as specified in Schedule VII duly countersigned by the Architect, Civil Engineer or Structural Engineer, as the case may be. The notice shall be accompanied by four sets of hard copies and one soft copy of drawings with all the revisions and modifications duly signed by the applicant and Architect, Civil Engineer or Structural Engineer, as the case may be in the form of hard copy and marked as "Completion Plan". A Structural Stability certificate shall accompany the notice and other certificates or documents as stated in the Schedules.

**12A. Provision for construction material management & proper disposal of construction and demolition waste:**

a) **Storage of construction material:** construction material should be stacked in an orderly manner as may be notified by the Development Authority from time to time.

b) **Disposal of construction and demolition waste, slurries etc.**

i. It shall be the responsibility of concerned owner, builder/ developer/ interested persons etc. that construction and demolition waste/ slurries are kept within the respective site till disposal. No construction & demolition wastes, slurries etc. shall be placed into the sewage, drainage and water supply pipelines. The construction & demolition waste, slurries shall not be stored or dumped in common public spaces (Viz, parks, play-grounds, footpath, service roads etc.) or in any vacant plot.

ii. The Development Authority may provide a paid service for disposal of construction and demolition waste subject to request in prescribed format by fixing a fee per ton payable by the owner, builder/ developer; interested person etc.

c) **Transportation of the construction material:**

To prevent air pollution and for safety, construction material shall be transported in the manner as may be notified by the development authority by time to time.

d) If any person, the owner, builder/ developer/ interested person etc. violates the provision of rule 12A(a) & (b), a fine of Rs. 50,000 (rupees fifty thousand) only shall be levied and collected by the Development Authority in addition to the cost of proper disposal of the construction and demolition waste. In case of failure to pay the fine within the stipulated

time as may be notified by Development Authority, additional fine @ Rs. 10,000 (rupees ten thousand) only per day of delay shall be imposed.

- e) If any person, the owner, builder/ developer/ interested person etc. violates the provision of rule 12A (c), a fine of Rs.5,000 (rupees five thousand) only shall be levied and collected by the Development Authority. In case of failure to pay the fine within the stipulated time as may be notified by Development Authority, additional fine @ Rs. 1,000 (rupees one thousand) only per day of delay shall be imposed.

**13. Deviations during erection of building:—**(1) No deviation from the sanction shall be made while erecting building.

(2) Notwithstanding anything contained in sub-rule (1),—

- (a) if during execution of work with regard to erection of building, any internal alteration within the sanctioned covered space which does not violate the provisions of these rules made under the Act, is intended to be made, the applicant shall inform the Sanctioning Authority by notice in writing along with a certificate from the Architect and the Civil Engineer or Structural Engineer, together with drawings incorporating the deviations and structural drawings and calculations in case of structural deviations, stating the nature and purpose of such deviations at least fifteen days prior to carrying out such work, and may proceed with the execution of such work subject to the condition that such deviations shall be incorporated in the “Completion Plan” under sub-rule (4) of rule 12;

- (b) if during execution of work with regard to erection of building any external deviation beyond the sanctioned covered space is intended to be made and which does not violate the provisions of these rules made under the Act, the applicant shall prior to carrying out such works, submit, in accordance with the provisions of these rules, a notice in writing along with a certificate from the Architect and the Civil Engineer or the Structural Engineer together with the drawings incorporating the deviations and structural drawings and calculations, and shall be accompanied with a fee not exceeding rupees five hundred per square meters of external deviation beyond the sanctioned covered space incorporating the deviations intended to be carried out, for necessary sanction thereof.

(3) If no notice is served under clause (a) of sub-rule (2) above, or execution of any work is undertaken without the sanction referred to in clause (b) of sub-rule (2) above, such execution of work shall be deemed to be in contravention to the provisions of the Act and these rules and shall be dealt with the provisions of the Act and the rules.

**14. Occupancy certificate:—**(1) Within fifteen days of the receipt of the completion notice, under sub-rule (4) of rule 12, the Sanctioning Authority after inspection will issue within one month of the said inspection, an Occupancy Certificate in the form as specified in Schedule VIII

(2) If the Occupancy Certificate under sub-rule (1) is refused, the Sanctioning Authority shall communicate in writing within one month, to the applicant stating therein the grounds of such refusal.

**15. Partial Occupancy certificate:—**(1) Whenever a request is made by the applicant to the Sanctioning Authority to occupy a part of a building or a building within a complex, which is under construction, Sanctioning Authority may allow partial occupancy and issue partial occupancy certificate as specified in Schedule X.

(2) A written request for the partial occupancy under these rules shall be accompanied by—

- (a) a notice for partial completion in the form as specified in Schedule IX for the portion of the building or a building within a complex, which is proposed to be occupied;
- (b) the structural stability certificate for the occupation of the portion of building or a building within a complex, which is proposed to be occupied.

(3) If the partial occupancy is refused under sub-rule (2), the Sanctioning Authority shall communicate the reasons thereof in writing to the applicant.

**16. Validity of plan and notices:—**Save as otherwise provided under these rules, no drawings submitted by an applicant shall be valid unless it is signed by the applicant and the concerned registered Architect and the Structural Engineer or Civil Engineer as specified in rule 17.

**17. Engagement of technical persons for sanction of building plan and erection of building; and their qualifications, duties etc.:—**(1) Every person who intends to undertake building operation shall have to engage technical persons as follows:—

Activity	Plot size	Technical Persons
<b>Sanction of building plan</b>	plot size upto 1500 square meters and height below 15.1 meters	(i) Architect (ii) Civil Engineer
	plot size exceeding 1500 square meters and upto 2 hectares and / or buildings of height of 15.1 meters and above	(i) Architect (ii) Structural Engineer
	plot size above 2 hectares	(i) Architect (ii) Town Planner or Urban Designer (iii) Structural Engineer (iv) Geo-technical Engineer
<b>Erection of Building</b>	plot size up to 1500 square meters and height below 15.1 meters	(i) Architect (ii) Civil Engineer (iii) Electrical Supervisor (iv) Plumber
	plot size exceeding 1500 square meters and upto	(i) Architect (ii) Structural Engineer

Activity	Plot size	Technical Persons
	2 hectares and / or buildings of height of 15.1 meters and above	(iii) Geo-technical Engineer (iv) Public Health Engineer or Environment Engineer (v) Electrical Engineer( only for buildings having height above 18 meters)
	plot size above 2 hectares	(i) Architect (ii) Town Planner or Urban Designer (iii) Structural Engineer (iv) Geo-technical Engineer (v) Public Health Engineer to Environment Engineer (vi) Electrical Engineer

Note -Technical person engaged for a particular project may be changed by the owner with prior intimation to the Development Authority as well as the concerned Technical person.

**(2) The qualification, experience, duties and responsibilities of Technical persons**

**(i) Architect**

**(a) Minimum Qualification:—**

A person must have registered under the provisions of the Architect's Act, 1972 (20 of 1972).

**(b) The following shall be the duties and responsibilities of the Architect,—**

- (i) preparation and planning of all types of lay-outs and sub-mission of drawings and details including sub-mission of the proposal and notice of commencement and notice of completion and declaration as per the Schedules. He/She shall have to give undertakings as per the schedules and as required by the Sanctioning Authority. He/She shall also have to certify the drawings as may be required by the Sanctioning Authority.
- (ii) he shall supervise the architectural design, execution and construction works as per specification and drawings approved by the Sanctioning Authority. He shall also be responsible to ensure that the work is executed and arrangements have been made as per the approved plans and also is in conformity with the stipulations of the National Building Code and the Bureau of Indian Standards for safe and sound construction and non-hazardous functioning of the services incorporated in the building and for making adequate provisions for services and equipment for protection from fire hazards as per the stipulations of the West Bengal Fire and Emergency Services, West Bengal Pollution Control Board and Civil Aviation Authority, as the case may be.
- (iii) he shall be conversant with the provisions of the Act and rules made thereunder so that

all the submitted drawings, designs and lay-out etc. so prepared be in conformity with these rules.

- (iv) he shall prepare the revised plan and drawings in case of any revision with reference to earlier submission of plan and drawings if the same is warranted. He shall submit partial completion and completion drawings.
- (v) he shall be responsible for all the works executed by the contractors including legal matters relating to contractor along with the other professional(s) of the project;

**(ii) Civil Engineer**

**(a) Minimum Qualifications and Experience:—**

A degree in Civil Engineering from any recognized University or Institute or any equivalent civil engineering qualification recognized by the Government and shall have at least two years experience in planning, design, and execution of building works including sanitary and plumbing works related to buildings;

**(b) The following shall be duties and responsibilities of the Civil Engineer:—**

- (i) supervision and execution of construction works as per drawings approved by the sanctioning authority and as per the submitted structural designs. He has also to submit declarations or undertakings as per the schedules and as required by Sanctioning Authority. He shall also have to certify the drawings as may be required by the Sanctioning Authority;
- (ii) he shall prepare and submit structural details and design of buildings of height below 15.1 metres and must submit certificate of structural stability of such buildings as per sub-rule (b) or (c) of rule 4, as the case may be,
- (iii) he shall prepare and submit plan and drawings for sanitary and plumbing arrangements for all buildings;
- (iv) he shall be responsible for making adequate arrangements to ensure not only that the work is executed as per the approved plans but also is in conformity with the stipulations of the National Building Code and the BIS standards for safe and sound construction and non-hazardous functioning of the services incorporated in the building and for making adequate provisions for services and equipment for protection from fire hazards as per National Building Code and as per the recommendations of the West Bengal Fire and Emergency Services, if any. Civil Engineer shall also be responsible to ensure that the work is executed following the observations of the West Bengal Pollution Control Board and Civil Aviation Authority, as the case may be;
- (v) he shall be responsible to ensure full quality control of all the works related to the construction, making suitable at-site test or laboratory tests of construction materials, concretes and maintain proper records of those;
- (vi) he shall prepare the revised calculations and drawings in case of any revision with reference to the earlier submission of drawing and design as the case may be, if the same is warranted;

(vii) he shall be responsible for all the works executed by the contractors including legal matters relating to contracts or contractors along with the concerned Architect and other concerned professional(s) of the project.

**(iii) Structural Engineer**

**(a) Minimum Qualifications and Experience:—**

A Master's degree in Civil Engineering with specialization in Structural Engineering from a recognized University or Institute or its equivalent and at least two years experience in Structural design works. He must have proven track record for design of multi-storied buildings including design of deep foundations or basements;

Or

A degree in Civil Engineering from any recognized University or Institute or its equivalent with at least seven years experience of structural design of buildings of height 15 metres above. He must have proven track record for design of multi-storied buildings including designs of deep foundations or basement.

**(b) The following shall be duties and responsibilities of the Structural Engineer:—**

- (i) preparation and submission of structural drawings, design and calculation details for all types of buildings as per National Building Code and Bureau of Indian Standards;
- (ii) he shall submit certificate of structural stability of such building as per these rules;
- (iii) supervision and execution of structural construction works, the structural stability and overall structural soundness of the building;
- (iv) he shall be responsible to ensure full quality control of all the works at site and arrange the insite test or laboratory tests of the building materials and the test and reports for soil and maintain proper records of those for his evaluation and design consideration;
- (v) he shall prepare the revised calculations and drawings in case of any revision with reference to the earlier submission of drawing and design;
- (vi) he shall be responsible for all the works executed by the contractors including legal matters relating to contracts or contractors along with the concerned Architect and other concerned professional(s) of the project;
- (vii) he shall be responsible for making adequate arrangements to ensure not only that the work is executed as per the approved plans but also is in conformity with the stipulations of the National Building Code and the Bureau of Indian Standards for safe and sound construction and non-hazardous functioning of the services incorporated in the building and for making adequate provisions for services and equipment for protection from fire hazards as per the recommendations of the West Bengal Fire and Emergency Services, if any. Structural Engineer shall also be responsible to ensure that the work is executed following the observations of the West Bengal Pollution Control Board and Civil Aviation Authority, as the case may be.

**(iv) Geo-technical Engineer**

**(a) Minimum Qualifications and Experience:—**

A Master's degree in Civil Engineering with specialization in Geo-technical or Foundation Engineering from a recognized University or Institute or its equivalent and at least two years experience in the field of design and construction of deep foundation and underground basement of buildings of different types;

Or

A degree in Civil Engineering from any recognized University or Institute or its equivalent with at least seven years experience in the field of design and construction of deep foundation and underground basement of buildings of different types.

**(b) the following shall be duties and responsibilities of the Geo-technical Engineer:—**

- (i) soil investigation for design of structures exceeding 15 meters in height and / or all buildings on plots and exceeding 1500 square meters and other buildings with deep foundation including pilings and/or underground basements;
- (ii) preparation of a comprehensive report on soil investigation for submission to appropriate authority by analyzing the soil samples for estimating the bearing capacity of the soil on which foundation of the structure will be constructed;
- (iii) he shall suggest such type of foundation that would be suitable or economical for the type of soil where construction has been proposed and shall be responsible for supervision of excavation of trenches, filling, piling works and certification of width and depth of foundation requirements;
- (iv) he shall check at site the nature of soil after excavation so that foundation is extended upto appropriate depth that has been proposed in the Geo-technical report.

**(v) Town Planner**

**(a) Minimum Qualifications and Experience:—**

A degree in Architecture or Civil Engineering or Planning from a recognized University or Institute and a Post-graduate degree or Post-graduate diploma in Town Planning or City Planning or Regional Planning from recognized University or Institute and experience in the field of Town Planning or City Planning or Regional Planning at least for a period of two years after receiving the Post graduate degree or diploma.

Or

A degree in Architecture or Civil Engineering or Planning from a recognized University or Institute and a graduate degree or diploma in Town Planning or City Planning or Regional Planning from any recognized University or Institute and experience in the field of Town Planning at least for a period of seven years after receiving the graduate degree.

**(b) The following shall be duties and responsibilities of the Town Planner: —**

- (i) detailed layout of plot of land with regard to building operation having area more than two hectares;
- (ii) he shall also provide details of building positions along with infrastructure proposals that would include internal roads, open areas and other utility services subject to the rules made under the Act;

- (iii) he shall also provide inter connectivity of underground utility services of the plot with infrastructure of the Planning area in his layout plan and get the approval of the same from the Sanctioning Authority as and when necessary;

**(vi) Public Health Engineer or Environment Engineer**

**(a) Qualifications and Experience:—**

A degree in Civil Engineering from a recognized University or Institute or its equivalent and a Post-graduate degree or Post-graduate diploma in Public Health Engineering or Environmental Engineering from any recognized University or Institute and experience in the field of Public Health Engineering or Environmental Engineering at least for a period of two years after receiving the Post-graduate degree or Post-graduate diploma;

Or

A degree in Civil Engineering from a recognized University or Institute and has experience in the field of Public Health Engineering or Environmental Engineering at least for a period of seven years after receiving the graduate degree;

**(b) The following shall be duties and responsibilities of the Public Health Engineer or Environment Engineer:—**

- (i) detailed layout of plot in connection with building 15 meters in height or more and / or having plot area more than 1500 square meters planning and supervision of water supply, sewerage and plumbing arrangements;
- (ii) he shall be responsible for all water supply, sewerage, drainage and plumbing works of the building in conformity with National Building Code of India and Bureau of Indian Standards for safe and sound construction and operational hazard of non-functioning services incorporated in or under the buildings;
- (iii) he shall be responsible to ensure full quality control of all the works relating to his work including laboratory test, if any, and shall also maintain proper records of them;
- (iv) he shall prepare and submit plan and drawings for sanitary and plumbing arrangements for all buildings;

**(vii) Electrical Engineer**

**(a) Qualifications and Experience:—**

A degree in Electrical Engineering from a recognized University or equivalent degree recognized by the Government and shall have minimum two years experience in electrical installations arrangement, air-conditioning of buildings;

**(b) The following shall be duties and responsibilities of the Electrical Engineer:—**

- (i) detail layout of plot in connection with building of more than 18 meters in height and/or having plot area more than 1500 square meters and planning of electrical installation arrangements air-conditioning;
- (ii) he shall be responsible for all electrical works including works relating to supply connection, substation, if any, lifts, escalators and other installation including wiring of the building and related matters. The work shall be carried out as per stipulation of National Building

Code of India and Bureau of Indian Standards for safe and sound erection of electrical installation;

(iii) he shall also be responsible for the safety of labours engaged for the electrical work;

**(viii) Electrical Supervisor**

**(a) Qualifications and Experience:—**

Electrical Supervisor must hold a license from Directorate of Electricity, Government of West Bengal or having passed National Certificate of Competency for Supervisorship (Electrical), Government of West Bengal. He shall be engaged for day-to-day execution of electrical works and shall have minimum five years of experience;

**(b) The following shall be duties and responsibilities of the Electrical Supervisor:—**

- (i) supervision of electrical installation both external and internal, necessary wirings and air conditioning, installations of lifts, escalators;
- (ii) he shall be responsible for execution as well as materials used for construction of all electrical works, which would include supply connection, substation (if any), lifts, escalators, other installations including electrical wiring;
- (iii) he shall be responsible for any defect in the works under him;
- (iv) he shall also be responsible for the safety of labours engaged for the work;

**(ix) Urban Designer**

**(a) Minimum Qualifications and Experience**

A degree in architecture from a recognized University or Institute and a Post-graduate degree or Post-graduate diploma in architecture (urban design) / urban design from recognized University or Institute, having membership of the Institute of urban designer, India and experience in the field of urban design at least for a period of two years after receiving the Post-graduate degree or diploma;

**(b) The following shall be duties and responsibilities of the Urban Designer:—**

- (i) detailed layout of plot of land with regard to building operation having area more than two hectares;
- (ii) he shall also provide details of building positions along with infrastructure proposals that would include internal roads, open areas and other utility services subject to the rules made under the Act;
- (iii) he shall also provide inter connectivity of underground utility services of the plot with infrastructure of the Planning area in his layout plan and get the approval of the same from the Sanctioning Authority as and when necessary;

**(x) Plumber**

- (a) Minimum qualification and experience: A plumber must hold license under any Municipality or any Statutory Authority for five years or more;
- (b) The duties and responsibilities of the plumber is execution and supervision of internal and external plumbing (water supply sewerage and drainage) works for buildings.

## CHAPTER – II

**18. Mixing of uses or occupancies.** –(1) Every plot on which erection of building will be undertaken shall be provided with a principal use or joint principal use by the Development Authority.

*Note:* A joint principal use in this context shall be a combination of any two permissible principal uses which together shall be covering at least eighty percent of the total use and each of them shall be covering at least thirty percent of the total floor area of the building in a plot.

(2) The mixing of the other uses or occupancies with the joint principal use(s) or occupancy shall be allowed as mentioned in Table – I below:

**Table – I**

<b>Principal/Joint Principal Use and occupancy.</b>	<b>Uses not permissible for mixing.</b>	<b>Maximum extent of permissible mixing.</b>
Residential	Mercantile (Wholesale), Storage, Industrial, Hazardous	10% of the total covered area of all floors,
Educational	Business, Information Technology, business, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Institutional	Assembly, Business, Information Technology business, Mercantile (Retail), Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Assembly	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Business	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Mercantile (Retail)	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Mercantile (Wholesale)/ Storage	Residential, Educational, Institutional, Assembly, Mercantile (Retail), Industrial, Hazardous	25% of the total covered area of all floors,
Business-Assembly	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Business- Mercantile (retail)	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Mercantile (retail)- Assembly	Educational, Institutional, Mercantile (Wholesale), Storage, Industrial, Hazardous	25% of the total covered area of all floors,
Industrial	Residential, Educational, Institutional Assembly, Mercantile (Retail), Mercantile (wholesale), Hazardous	25% of the total covered area of all floors,
Information Technology and Information Technology Enabled Services Business	Educational, Institutional, Mercantile (Wholesale), storage, Industrial, Hazardous	25% of the total covered area of all floors,
Hazardous	All other uses	Not Applicable

*Note:* Hazardous use cannot be mixed with any other uses in a building. In plots with industrial as the principal use, exclusive hazardous use may be permitted with prior specific approval of the Planning Authority.

**19. Means of access.**—Means of access shall be in the following manner:—

- (a) every plot shall about a means of access;
- (b) entry from plots to the adjacent public open spaces shall not be allowed without specific written permission from the Development Authority;
- (c) building(s) in a plot not abutting on a means of access shall abut on an internal road.
- (d) in plots above 10 ha organized park(s) provided within the plot, shall abut on an internal road.
- (e) the minimum width of internal road for different size of plots shall be as given in Table- II below:

**Table – II**

**Minimum Width of Internal Roads for different size of plot:**

<b>Plot size</b>	<b>Minimum width of Internal Roads;</b>
Upto 1500 square meters	3.50 meters;
Above 1500 square meters upto 1 hectares	4.50 meters;
Above 1 hectare upto 2 hectares	5.50 meters;
Above 2 hectares upto 10 hectares	7.00 meters;
Above 10 hectares	10.00 meters;

**20. Height of buildings.**—(1) The following appurtenant structures shall not be included in the height of the building :—

- (a) stair cover not exceeding 2.6 metres in height from the surface of the roof;
- (b) lift machine rooms as per the latest edition of the National Building Code.;
- (c) roof tanks and their supports, the height of support not exceeding 0.75 meter and the top of the tank not exceeding 3 meters from the surface of the roof or highest point of the building;
- (d) parapet walls or railings not exceeding 1.2 meters in height;
- (e) ventilating, air-conditioning and other service equipment;
- (f) dome, minaret, kiosk and other non-usable feature not exceeding 3.5 meters in height;

*Note:*

- (a) There shall be provision for lift in buildings having height more than 15.1 m.
- (b) No appurtenant structure shall be constructed on another appurtenant structure to be exempted only for Over Head Water Tank;

(2) The maximum permissible height of the building excluding the appurtenant structure specified sub rule (1) for different width of Means of Access shall be as follows :-

**Table – III**

Width of Means of Access	Maximum Permissible Height excluding the appurtenant structures
Upto 10 meter	15.1 meter
Above 10 meter Upto 20 meter	2.00 × (Width of means of access)
Above 20 meter upto 40 meter	2.00 × (Width of means of access)
Above 40 meter	No restriction

Note: Clearance for microwave system for Tele-communication purpose in accordance with such rules or direction issued by or on behalf of Government of India. No Objection Certificate from the Civil Aviation Authority shall have to be submitted for construction of building.

(3) The minimum clear height of a floor shall be 2.7 meter provided that for service floor, this shall not be more than 1.8 m and for Mezzanine Floor, this shall be minimum 2.2 meter.

**21. Floor area ratio (F.A.R.) and ground coverage. –**

The Floor Area Ratio and Ground Coverage shall be as given below in Table IV

**Table – IV**

Plot size (square meter/ hectare)	Residential building, Educational building and Institutional building.		Industrial building, Storage building, mercantile (wholesale) building and Hazardous building.		Business building, Mercantile (retail) building, Assembly building, Business- Assembly, Business-Mercantile (retail) and Mercantile (retail)-Assembly.		Information Technology and Information Technology Enabled Services.	
	Maximum permissible F.A.R.	Maximum permissible Ground Coverage	Maximum permissible F.A.R.	Maximum permissible Ground Coverage	Maximum permissible F.A.R.	Maximum permissible Ground Coverage	Maximum permissible F.A.R.	Maximum permissible Ground Coverage
Below 1500 square meter	2.5	55%	1.5	40%	2.0	45%	2.5	45%
4000 square meter	2.35	50%	1.5	40%	2.0	40%	2.5	40%
2 hectare	2.25	45%	1.5	40%	2.0	40%	2.5	40%
10 hectare	2.0	40%	1.5	40%	2.0	35%	2.0	40%
20 hectare	1.75	35%	1.5	40%	2.0	35%	2.0	40%
Above 20 hectare	1.5	35%	1.5	40%	2.0	35%	2.0	40%
Sub-Central Business District	—	—	—	—	2.25	35%	2.0	40%
Central Business District	—	—	—	—	2.5	35%	2.5	40%

Provided that some **incremental FAR** to buildings may be allowed over and above the FAR ordinarily available under existing rules in the following manner:

- A) 10% additional FAR** is to be allowed in case of green buildings and granting of this 10% additional FAR shall be given as per provisions of the notification from Urban Development Department, Govt. of West Bengal, Vide No. 2052 – UD/O/M/HID/5M – 28/2016, dated 11th July, 2016.

**[Explanation:** For the definition of ‘Green Building’ specification of the incremental fees/charges, on the additional FAR, the guideline for the certification and grant of additional FAR and designated agencies for certification of ‘Green Building’ within New Town, Kolkata, the following clauses as notified from Urban Development Department, Govt. of West Bengal, Vide No. 2052 – UD/O/M/HID/5M – 28/2016, dated 11th July 2016. Shall be referred:

- i. Definition: ‘Green Building’ inter alia means a structure created by using processes that are environmentally responsible and resource efficient throughout the building’s life cycle i.e. from design, construction, operation, maintenance, renovation and demolition.
- ii. 10% additional FAR for ‘Green Building’ shall be allowed only for buildings which have been granted ‘Gold’ rating or higher under Indian Green Building Council (IGBC) rating system or at least ‘Four Star’ rating or higher under GRIHA rating system.
- iii. Sanction of building plan for construction of ‘Green Building’ and grant of additional FAR shall be allowed on the basis of pre-certification by the designated agencies that are following GRIHA/ IGBC rating system as mentioned hereinafter.
- iv. The projects which are under construction/ implementation and Pre-certified under the rating system will also be eligible for additional FAR subject to observation of the other conditions mentioned in the relevant Notification issued by Municipal Affairs Department.
- v. Periodic inspection during the construction in regard to compliance of ‘Green Building’ norms shall be done by the rating agencies who has issued the pre-certification.
- vi. Grant of additional FAR should not be in contravention of any building rules of any regulatory/statutory authorities.
- vii. Plan sanctioning authority i.e. New Town Kolkata Development Authority may issue partial completion certificate on the basis of inspection report from the rating agency. However, final completion certificate shall be issued by the Authority only after receipt of the ‘FINAL CERTIFICATION’ from the rating agency.
- viii. In case of non-compliance of the guidelines and upon failure to obtain the rating as mentioned above, penalty equivalent to one hundred fifty percent of the value of the floor area sanctioned for availing the additional FAR as per IGR value of the said building, shall be imposed by the Plan Sanctioning Authority i.e. New Town Kolkata Development Authority.
- ix. Agencies designated for certification: the agencies to be notified, which follow the rating programme given below will be the designated agencies for certification (Pre-certification or Provisional certification and Final-certification of ‘Green Building’)
  - Green Rating Integrated Habitat Assessment (GRIHA) India and
  - Indian Green Building Council (IGBC)]

- B) 15% additional FAR** is to be granted in case of mass housing projects, hospitals, IT buildings, mega commercial projects etc., if there are adequate urban infrastructure and facilities available in the locality to cater to the enhanced civic demands.

Provided that in case of IT/ITES developers, 15% additional FAR shall be allowed in respect of plot of land abutting minimum 12 Mt. wide roads.

- C)** In areas within 500 mtrs. On either sides of the under construction Metro Corridor where construction work has actually begun a maximum of 15% additional FAR is to be allowed over the prescribed amount for properties abutting 15 meter to 24 meter wide roads and a maximum of 20% additional FAR is to be allowed over the prescribed amount for properties abutting more than 24 meter wide roads.

- D)** To ensure equitable and inclusive growth, housing society for Low Income group people and economically weaker section and to encourage 'Affordable Housing' projects for these categories, **10% additional FAR** may be allowed only in case of exclusively affordable housing projects having plot area 5000 sq.mt. or more.

**[Explanation: Affordable Housing Project** means the residential complex consisting of LIG/EWS or any combination of the above two category only. for definition of LIG and EWS category, the following criteria as notified by Govt. of West Bengal, Urban Development Department Vide No. 1448/T & CP/C-2/3A-2/2011, dated 20th July 2011 shall have to be followed:

1	2	3	4	5	6
Sl. Nos.	Beneficiary Category	Beneficiary Monthly Income	Carpet area in case of walk up apartment per family unit	Plot size in case of plotted development per family unit	Minimum project (Housing/ sub-division of plot or land) area
1.	EWS	Up to Rs. 6000.00	Not less than 20 Sq.m.	Not less than 30 Sq.m.	5000 Sq.m.
2.	LIG	Rs. 6000.00 to Rs. 10,000.00	Not less than 34 Sq.m.	35 Sq.m. to 65 Sq.m.	5000 Sq.m.

- E)** The benefits as mentioned above in sub-rules (A) to (D) may be simultaneously availed provided that, during calculation of the additional F.A.R (in each case) basic allowable F.A.R shall be considered as detailed in Rule 21, Table IV and Rule 25A.

In case of CBD and Sub-CBD, the facilities of additional F.A.R due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub-rule (C) above or as per sub-rule (f) of Rule 25A of this Rules.

● Illustration – 1:

Say, Basic F.A.R as per existing Rules (Rule 21, Table IV)	= 2
Say, Additional F.A.R for Green Building	= 10% of 2 = 0.2
Say, Additional F.A.R for Mega Commercial project	= 15% of 2 = 0.3
Say, Additional F.A.R for metro alignment	= 20% of 2 = 0.4
Say, Additional F.A.R for Affordable Housing	= 10% of 2 = 0.2
Hence, final permissible F.A.R	= 2 + 0.2 + 0.3 + 0.4 + 0.2 = <b>3.1</b>

- Illustration – 2 (For Sub-CBD plots within 250 mt. of proposed metro rail corridor/ LRT corridor)

Say, Basic F.A.R as per existing Rules (Rule 21, Table IV) = 2.25

Maximum allowable FAR for location within 250 mt.

of proposed metro rail corridor as per sub-rule (f)

of Rule 25A of this Rules = 4

Say, Additional F.A.R for Green Building = 10% of 2.25 = 0.2250

Say, Additional F.A.R for Mega Commercial project = 15% of 2.25 = 0.3375

Say, Additional F.A.R for Affordable Housing = 10% of 2.25 = 0.2250

Hence, final permissible F.A.R =  $2.25 + 0.225 + 0.3375 + 0.225 = 3.0675$

Or

=  $4 + 0.225 + 0.3375 + 0.225 = 4.7875$

Or

=  $(3.0675 + \text{additional FAR for metro alignment as per provision of sub-rule (C) of rule 21 i.e. 20% of 2.25})$

= **3.4875**

*The facilities of additional FAR due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub-rule (C) of rule 21 above or as per sub-rule (f) of rule 25A of these rules)*

- Illustration – 3 (For Sub-CBD plots beyond 250 mt. of proposed metro rail corridor/ LRT corridor)

Say, Basic F.A.R as per existing Rules (Rule 21, Table IV) = 2.25

Say, Additional F.A.R for Green Building = 10% of 2.25 = 0.2250

Say, Additional F.A.R for Mega Commercial project = 15% of 2.25 = 0.3375

Say, Additional F.A.R for metro alignment = 20% of 2.25 = 0.4500

Say, Additional F.A.R for Affordable Housing = 10% of 2.25 = 0.2250

Hence, final permissible F.A.R =  $2.25 + 0.225 + 0.3375 + 0.4500 + 0.225 = 3.4875$

*Additional FAR for metro alignment sub-rule (f) of Rule 25A of these rules is not applicable in this case.*

- Illustration – 4 (For CBD plots within 250 mt. of proposed metro rail corridor/LRT corridor)

Say, Basic F.A.R as per existing Rules (Rule 21, Table IV) = 3.5

Maximum allowable FAR for location within 250 mt.

of proposed metro rail corridor as per sub-rule (f)

of Rule 25A of this Rules = 6

Say, Additional F.A.R for Green Building = 10% of 3.5 = 0.350

Say, Additional F.A.R for Mega Commercial project = 15% of 3.5 = 0.525

Say, Additional F.A.R for Affordable Housing = 10% of 3.5 = 0.350

Hence, final permissible F.A.R =  $3.5 + 0.350 + 0.525 + 0.350 = 4.725$

Or

$$= 6 + 0.350 + 0.525 + 0.350 = \mathbf{7.225}$$

Or

= (4.725 + additional FAR for metro alignment as per provision of sub-rule (C) of rule 21 i.e. 20% of 3.5 )

$$= \mathbf{5.425}$$

*The facilities of additional FAR due to proximity to metro corridor can be availed only once (i.e. either as per provision of sub-rule (C) of rule 21 above or as per sub-rule (f) of rule 25A of these rules)*

- Illustration – 5 (For CBD plots within 250 mt. of proposed metro rail corridor/LRT corridor)

Say, Basic F.A.R as per existing Rules (Rule 21, Table IV) = 3.5

Say, Additional F.A.R for Green Building = 10% of 3.5 = 0.350

Say, Additional F.A.R for Mega Commercial project = 15% of 3.5 = 0.525

Say, Additional F.A.R for metro alignment = 20% of 3.5 = 0.700

Say, Additional F.A.R for Affordable Housing = 10% of 3.5 = 0.350

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Hence, final permissible F.A.R = 3.5 + 0.350 + 0.525 + 0.700 + 0.350 = **5.425**

*Additional FAR for metro alignment sub-rule (f) of Rule 25A of these rules is not applicable in this case.*

Provided further that:

- i. The grant of additional FAR must be in conformity with the LUDCP and must not contravene the norm for structural stability and or any norm of other regulatory authorities (e.g. environmental department, Pollution Control Board, Fire & Emergency Services authority, Airport Authority etc.)
  - ii. The rate / fee / charge payable for the additional FAR as detailed in sub-rule (A) – (C) shall be decided in terms of “Land price / Lease Premium rates” of WBHIDCO Ltd. For availing additional F.A.R as per sub-rule (D) for “Affordable Housing” no such rate/fee / charge shall be payable. All incremental fees / charges collected on account of grant of additional FAR will be payable to WBHIDCO Ltd directly.
- F)** As per Notification Vide No. 36 – TW/5T – 06/2015; dated 6th January 2015, published by Tourism Department, Govt. of West Bengal, an approved mega project of an eligible unit shall be entitled to additional Floor Area Ratio (FAR) of 0.25 over and above the existing maximum permissible FAR under this rule.
- a. The rate/ fee/ charge payable for the additional FAR should be decided in terms of “Lease” Premium rates of WBHIDCO Ltd.
  - b. All incremental fees/charges collected on account of grant of additional FAR will be payable to WBHIDCO Ltd. Directly.

Note:

- (1) The Floor Area Ratio and Ground Coverage in between two consecutive slabs of the “Plot size” table shall be calculated on interpolation basis.
- (2) The total covered area for calculation of Floor Area Ratio shall consist of the areas of all the floors with the circulation spaces, spaces for sanitary facilities and other ancillary

areas within the building including the area of basement or cellar, area of the mezzanine floors, area of walls, pillars and other structural members, the area of all the projections, but shall not include the following:—

- (a) Stair well area, the stair case with landing up to the extent of the width of the stairway in each floor;
- (b) stair cover not exceeding 2.6 meters in height;
- (c) projection for cornice, weather shade, chajja; (up to 500 mm). The length of chajja in such cases should be restricted to the width of the opening plus 100 mm. on either side of the opening. Projection of Architectural features like vertical-fringe are allowed up to 500 mm which will not be counted in covered area/F.A.R. No such projection shall be allowed in the ground floor, below the lintel level for any building(s);
- (d) lift machine rooms as per the National Building Code;
- (e) roof tanks and their supports, the height of support not exceeding 0.75 metre;
- (f) ventilating, air-conditioning and service equipment attached to the building:

Provided that the aggregate area of these structures mentioned at clauses (a) to (f) shall not exceed one-third the area of the roof upon which these are erected;

- (g) area of loft;
  - (h) the covered area used for car, bus and truck parking spaces as may have been provided for the required number of cars, buses or trucks in accordance with the provision of rule 23;
  - (i) the area of covered car parking spaces as may have been provided for the community car parking required in accordance with the rule 23;
  - (j) for building above four storied in height, areas for a servants room and toilet (maximum 15 square meter), darwans/quarters for caretakers (maximum 15 square meter); generator room with all services provided, for the project, in ground and basement;
  - (k) rain water harvesting tanks and other accessories, if any;
  - (l) fire refuge area of 15 square meter or an area equivalent to 0.3 square meter per person;
  - (m) area of service floor having maximum clear height of 1800 mm. may be allowed between any two floors for plumbing, electrical and other utility services in case of all hotel buildings under assembly use and hospital buildings under institutional use other than residential use;
  - (o) full area of the terrace, open to sky.
- (3) The essential utilities within a plot shall be water supply, sewerage, drainage, solid waste management and power supply services. The structures and appurtenant to be used exclusively for these five categories of essential utilities shall be exempt from the provision of ground coverage and Floor Area Ratio for the particular plot.
- (4) Where a land is gifted to WBHIDCO (i.e. the Planning Authority) for road construction as per alignment in finally published LUDCP under the West Bengal Town and Country (Planning and development) Act, 1979 (West Ben. Act XIII of 1979) or approved Master Land Use Plan (MLUP), the amount of built up area allowed shall be the same as it would have been before the gifting of such plot of land.

**22. Open space.**— (1) Open Space means an area forming an integral part of the plot, open to the sky and no chajja or cornice or weather shade more than 75 mm. widths shall overhang or project thereon. The total area of open spaces in a plot shall be as follows :—

The area of Open Space in a Plot = (Total area of the Plot) – (Area of the plot covered by Building when vertically projected on the ground level)

(2) Every building shall have marginal open spaces comprising front open space, rear open space and side open spaces. The minimum width prescribed for front open space, rear open space and side open spaces shall be provided along the entire front face, rear face and side faces of the building respectively. For this purpose, the front face of the building shall be that face of the building that faces the means of access and the rear face of a building shall be deemed to be that face of the building, which is farthest from the means of access.

(3) In the marginal open space one or more “Gate Goomti” for security purpose may be allowed. The covered area of each “Goomti” shall not exceed 3.00 square meters and the height of such “Goomti” shall not exceed 3.00 meters, Provided that in case of land area of two hectares or more, such area of gate goomti may be increased upto twelve square meters.

(4) **The minimum front open space shall be as follows :—**

**Table – V**

Type of building	Minimum front open space for building height in meter	
	Up to 15.1 m.	Above 15.1 m.
Residential	1.2 meter	15% of building height or 3.5 meter which ever is more;
Educational, Institutional, Mercantile (Retail), Business including IT and ITES, Assembly,	3.0 meter	
Industrial, Mercantile (Wholesale), Storage, Hazardous,	Minimum 15% of building height or 5 meter whichever is more.	

**22. Open space.**—

(5) **The minimum rear open space shall be as follows :—**

**Table – VI**

Type of building		Minimum rear open space for building height in meter	
		Up to 15.1 m.	Above 15.1 m.
Residential	Plot area upto 330 sq m	2.0 metres	25% of building height or 4 meter whichever is more
	Plot area above 330 sq m	3.5 metres	
Educational, Institutional, Mercantile (Retail), Business including IT/ ITES, Assembly,		25% of building height or 4 meter whichever is more	
Industrial, Mercantile (Wholesale), Storage, Hazardous,		25% of building height or 5 meter whichever is more	

“Joint Principal use (a) Business-Mercantile (Retail), Mercantile (Retail)-Assembly and (b) Business-Assembly in two rows are to be incorporated in table X.

(6) **The minimum side open space shall be as follows :—**

**Table – VII**

Type of building		Minimum side open spaces for building height in meter			
		Side 1 Open Space		Side 2 Open Space	
		Upto 15.1 m.	Above 15.1 m.	Upto 15.1 m.	Above 15.1 m.
Residential	Plot area upto 330 sq m	0.8 metres	15% of building height or 3.5 meters which ever is more,	2.4 meters,	15% of building height or 3.5 meters which ever is more,
Other building		15% of building height or 3.5 meters which ever is more,		15% of building height or 3.5 meters which ever is more,	

(7) Inter Open Space between two buildings, within a plot, shall be 20% of the height of the lower building subject to a minimum of 3.2 meter and maximum of 12m.

*Note:*

- (a) Side 1 of any plot shall always be adjacent to narrower side 2 of adjoining plot. No two narrow sides shall be adjacent;
- (b) Facing a plot from the means of access, the left hand side of the plot shall be treated as side 1 and the right hand side of the plot shall be treated as side 2.

(7)A. Minimum open space for residential plots with plot area up to 3 Cottah or 200 sq.mt. shall be as follows:

- a) Maximum allowable ground coverage – 65%
- b) Minimum front open space required – 0.75 Mt.
- c) Minimum rear open space required – 3.0 Mt.
- d) Minimum side 1 open space required – 0.9 Mt.
- e) Minimum side 2 open space required – 1.2 Mt.

**(8) Inner Courtyard and Outer Courtyard and Ventilation Shaft**

Every room intended for human habitation or kitchen shall abut an inner courtyard or outer courtyard or marginal open space or an open verandah which is open along its length into the courtyard or marginal open space.

**(a) For Inner Courtyard**

In case any room, excepting bath, water-closets and store-room, is not abutting any marginal open spaces, it shall abut on inner courtyard whose minimum width shall be 30% of the height of the building or 3.20 meters, whichever is more, If an inner courtyard is formed by a composite block of higher and lower blocks, the minimum width of courtyard shall be determined by the maximum height of lower block;

**(b) For Outer Courtyard**

- (i) the minimum width of such courtyard shall not be less than 20% of the height of the lower building or 3.2 meter whichever is more, upto a maximum limit of 10.0 m.

- (ii) the maximum depth of that courtyard shall not be more than 1.5 times the width;
- (iii) outer courtyard having depth upto 1.2 metres shall be treated as a “Recess” not a courtyard.

**(c) For ventilation shaft**

- (i) the width and size shall not be less than as given in Table -VIII of this clause;
- (ii) no projection shall be allowed in the ventilation shaft. For all buildings suitable arrangements for access into the ventilation shaft shall have to be provided for maintenance of service lines;

**Table – VIII**

**Ventilation shaft for toilet**

Height of the building	Minimum size of ventilation shaft	Minimum width of the shaft
Upto 11.5 meters	3.0 square meter	1.5 meter
Above 11.5 meter and upto 15.1 meter	6.5 square meter	2.5 meter
Above 15.1 meter and upto 20.0 meter	8.0 square meter	2.75 meter
Above 20 meter	9.0 square meter	3.0 meter

**(9) Green Open Space within a plot**

A part of the total Open Space in a plot shall be maintained as Green Open Space as specified in the table below.

**Table – IX**

Plot size	Minimum area of green open space
Upto 1500 sq m.	4% of plot area,
1 hectare	5% of plot area,
10 hectares	8% of plot area,
20 hectares	10% of plot area,
above 20 hectares	12% of plot area.

*Note :*

- (a) The minimum area of green open space in between two consecutive slabs of the “Plot Area” shall be calculated on interpolation basis.
- (b) The Green Open Space shall not be paved and shall be so maintained that rain water can percolate underground providing a suitable base vegetation/plantation.
- (c) The provisions contained in West Bengal Trees (Protection and conservation in non-forest areas) Act, 2006 shall be taken into consideration.
- (d) One tree cover shall be provided for each 80 sq.mt. of plot area as per provisions at Table-IX, However, at least one tree shall be planted in every plot irrespective of use-group and plot size.

**23. Parking space within a plot.**– (1) (a) the minimum size of a car parking space shall be 2.50 m. × 5.00 m. and that for a L.C.V. shall be 3 m. × 7.5 m. and that for a truck or bus parking shall be 3.75 m. × 10.00 m. These sizes do not include the circulation spaces. The minimum width of circulation driveway with single side parking shall be 3.50 m. for cars and 5.00 m. for L.C.V. or trucks or buses if parking spaces are provided on both sides of the circulation driveway. The minimum width of such driveway shall be 5.0 m. for cars and 7 m. for L.C.V. or bus or truck.

- (b) For calculating the number of parking as per norms laid down in sub-rule 2, the covered area shall be the same as the area for calculating of Floor Area Ratio ;
- (c) the parking layout plan shall be so prepared that the parking as mentioned in sub-clause (a) of sub-rule 1 for each vehicle becomes directly accessible from the circulation driveway having minimum width as mentioned in clause (a) of sub-rule 1. However for residential buildings below 15.1 meters in height., back to back parking may be allowed;
- (d) the open spaces within the plot may be allowed to be utilized for parking open to the sky, provided that minimum front open space, rear open space and side open spaces prescribed in rule 22 or 3.5 meters whichever is less are kept free from parking from the building line for plots having area more than 300 square meter.
- (e) in case of a plot containing more than one building parking requirement shall be calculated for total covered area, on the basis of use of different uses.

(2) **Provision for Car Parking Spaces shall be as follows :—**

- (a) parking provisions for different types of buildings are given in terms of car parking space in Table – X of these sub-rule.
- (b) the space standards given below will be considered for calculation of exemption from permissible maximum floor area as mentioned in rule 21
  - (i) for ground floor parking–25 square meter per Car Parking space and 40 square meters. per L.C.V. parking bay and 60 square meter per Bus or Truck Parking space inclusive of circulation spaces.
  - (ii) for Basement and Upper floor/roof parking–30 square meter per Car Parking space and 50 square meter per L.C.V. parking space and 70 sq m. per Bus or Truck Parking space inclusive of circulation spaces.
- (c) for the covered parking spaces, which do not have any covered space for circulation and have a direct access from the roads / internal roads, the exemption for car parking shall be 12.5 square meter per space and for L.C.V. parking shall be 22.5 square meter per bay and for bus or truck parking 37.5 square meters per bus or truck parking space. This is not applicable for residential buildings not exceeding 15.1 meter in height.

*Note:* Actual area used for the covered parking shall be considered for exemption for vehicles, which are at least fifty percent under cover. The minimum headroom (soffit of the beam) to be provided for cars shall be 2.5 meter and for truck or bus shall be 4.75 meters if parked in a covered area.

(3) The Development Authority may change ratio of usage pattern of car, LCV and Buses keeping the total area of parking spaces as mentioned in column 2 of Table – X of sub-rule (2);

(4) There may be provisions of mechanized multilayer parking facility in plots where there is difficulty in arranging parking space, even after constructing basement for car parking;

## 23. Parking space within a plot. –

(A)

**Table – X**

Type of building		Number of Car Parking spaces and minimum extent of parking spaces to be provided for cars, L.C.V. or truck or bus
Residential	Plot size Upto 330 square meters	1 car parking space/150 square meters floor area
	Above 330 square meters	1 car parking space/100 square meters floor area
Educational	Upto school level,	If residential, 1 parking space/1000 square meters floor area. Bus: Car = 60:40
		If not residential, 1 parking space/5000 square meters floor area. Bus: Car = 40:60
	Above school level,	1 parking space/500 square meters floor area Car: Bus = 95:5
Mercantile (Retail), Business-Mercantile (Retail), Mercantile (Retail)-Assembly		1 parking space/100 square meters floor area Car: LCV: Truck = 80:15:5
Mercantile (Wholesale),		1 parking space/500 square meters floor area Car: LCV : Truck = 20:30:50
Institutional,		1 parking space/100 square meters floor area Car: LCV:Bus = 88:10:2
Assembly,		1.2 parking space/100 square meters floor area Car: Bus = 98:2
Business, Business-Assembly,		1.5 parking space/100 square meters floor area Car: Bus = 98:2
Industrial,		1 parking space/500 square meters floor area Truck: LCV:Car = 80:15:5
Storage,		1 parking space/500 square meters floor area Truck: LCV:Car = 40:40:20
It / ITES		1.5 parking space/100 square meters floor area

Provided that in case of LIG & EWS residential apartments, 3(three) two wheeler parking may be considered equivalent to each required car parking space.

(B) Space standards given below will be considered for calculation of exemption from permissible maximum floor area as mentioned in rule 21;–

- (i) for ground floor parking up to a maximum extent of 25 sq m per car parking space and 40 sqm per L.C.V. parking bay and 60 square meters per Bus or Truck Parking space inclusive of circulation spaces;
- (ii) for Basement and Upper floor or roof parking up to a maximum extent of 30 square meters per Car Parking space and 70 sqm per bus or truck parking space inclusive of circulation spaces;
- (iii) for the covered parking spaces, which have uncovered spaces for circulation, the actual area used for covered parking shall be considered for exemption.
- (iv) actual area used for the covered parking shall be considered for exemption for vehicles, which are at least fifty percent under cover.

- (C) Minimum headroom (soffit of the beam) to be provided for cars shall be 2.5 meters and for truck/bus shall be 4.75 meters if parked in a covered area.
- (D) Where additional parking is provided in excess of parking space provided in accordance with the provisions of Table – X of sub-rule (A), in case of Big residential complexes, old residential high-rise buildings, Mega commercial project, hospitals and educational buildings etc. The additionally provided parking space shall not be counted as consumption of Floor Area Ratio (FAR)
- (E) 2% of the car parking space shall have to be provided for electric vehicle charging facilities. At least one car parking space shall be equipped with electric vehicle charging facilities for all plots irrespective of use-group and plot size.
- (F) For plot size above 10 hectare, 20% of the parking space shall have to be allotted for electric vehicle charging facilities. The said allotted space for electric vehicle charging facilities will be exempted from Floor Area Ratio (FAR) and Ground Coverage calculation provided that, the required mandatory parking space has to be provided as described in Rule 23 of the said Rule.

*Note:* For fractional car parking space, it will be rounded upto next whole number, if it is 0.5 or more.

- (a) for plot size above 10 hectare Community Car Parking shall be provided at the rate of 20% of the car parking required for this plot under this rule;
- (b) loading unloading space and embarking and disembarking spaces for L.C.V. and buses and trucks, if any, shall be provided within the plot. If parked in a covered space, minimum headroom of 4.75 meters shall have to be provided.

**24. Provision for facilities and utilities.—** (1) For all plots above 1 hectare and above in area, facilities and utilities shall be provided for the minimum requirements of which are indicated in the table below :—

**Table – XI**

Plot Area	Minimum Floor Area for facilities and utilities	
	Residential Building	Other Uses
Below 1 hectare	Nil	Nil
1 hectare	3% of total floor area in the plot	2.5% of total floor area in the plot,
2 hectares	4% of total floor area in the plot	3% of total floor area in the plot,
10 hectares	6% of total floor area in the plot	4% of total floor area in the plot,
50 hectares	7% of total floor area in the plot	6% of total floor area in the plot,
Above 50 hectares	8% of total floor area in the plot	7% of total floor area in the plot.

*Note :*

- (a) the minimum floor area between two consecutive slabs of the plot area shall be calculated on interpolation basis;
- (b) the Facilities for the purpose of this rule will comprise health, education and shopping facility and community spaces.
- (2) Provision of Water body and forestry will be made for plot area above 10 hectare.

## 25. Fire protection of building. –

(1) Every building shall be provided with adequate means of exit as well as all arrangements and measures as per the provisions of the prevailing National Building Code for protection in case of fire. This should be duly certified by the Architect.

(2) Notwithstanding anything contained in these regulations in respect of following buildings, no permission for carrying out building operation shall be granted unless a No Objection Certificate from Directorate of Fire and Emergency Services, Government of West Bengal is given for,—

- (a) Buildings on plot size exceeding 0.5 hectare;
- (b) All residential buildings exceeding 15.1 meters in height;
- (c) All buildings other than residential buildings.

(3) In case of buildings for which 'No Objection Certificate' will be required from Directorate of Fire and Emergency Services, Government of West Bengal, the Architect shall certify that the plans and drawings submitted by the Architect, incorporate the provisions recommended by the Directorate of Fire and Emergency Services, Government of West Bengal while issuing the No Objection Certificate.

[The certificate of Architect in Schedule–II as stated above will incorporate these provisions in case of such buildings.]

(4) One dedicated Fire Fighting Kiosk measuring 200 sq.ft. area, preferably located at ground floor for the following type of buildings:

1. All stand-alone Residential Buildings above 45 Mtr. Height.
2. All Residential Complex having floor area more than 2.0 Lac. Sq.ft.
3. All educational occupancy having provision of air conditioning, basement parking, laboratory, auditorium of 500 persons capacity and market complexes.
4. Other High Risk Buildings as specified in this Department's Notification No. 279/DS/FS/O/C-1/FIA-3/96, dated 08.07.2003 depending upon Building's vulnerability to Fire.

Such kiosks shall contain the following equipment:

- i. 4 nos. 4.5 kg. CO2 extinguisher.
- ii. 4 nos. 4.5 kg. ABC type extinguisher.
- iii. 2 nos. ceiling hook.
- iv. 4 nos. Fire Bucket.
- v. 1 no. Lock Cutter.
- vi. 2 nos. 14 lb. Hammer.
- vii. 2 nos. Crowbar.
- viii. 1 no. Insulated Axe.
- ix. 2 nos. Stretcher.
- x. 2 nos. Smoke Hood.
- xi. 2 nos. Torch Light.

(5) Lightning Arrester on all tall buildings/structures (more than 15.1 Mt. height) in New Town, Kolkata shall be installed mandatorily.

## CHAPTER – IIA

### 25A. Special provision Central Business District

Notwithstanding anything contained in the aforesaid rule the following rules are applicable for the Central Business District as stated below:–

- (a) The Principal Uses as well as the 'Uses Not Permissible for Mixing' and; Uses Permissible for Mixing shall be as given in the following Table – 1

Permissible Principal Uses	Uses not permissible for mixing
Assembly, Business & Mercantile (Retail)	Mercantile (Wholesale), Storage, Industrial & Hazardous.

- (b) Any one, or a combination of any two, or of all the three permissible principal uses mentioned above shall be applicable to all the plots in CBD excepting plots under 'Specific Uses'. The principal use or a combination of principal use altogether shall cover at least 51% of the total floor area of the building in a plot. Mixing with other permissible uses (Residential, Educational, Institutional and IT / ITES) shall be allowed provided that together they shall not be more than 49% of the total floor area of the building in a plot.
- (c) In Central Business District for the plots abutting the main north-south street corridors, as well as the Central Green Pedestrian Plaza, the ground and first floor levels of all buildings will be uses exclusively for Mercantile (Retail) purpose including circulation areas as necessary, provided that the two corner plots earmarked for Hotel will not be required to fulfil this condition.
- (d) In Central Business District, the main north-south street corridors, as well as Central Green & of the plot along these streets/facilities, will be treated as the front of the plot, provided that the two corner plots earmarked for hotel will not be required to fulfil this condition.
- (e) In Central Business District, the buildings on the plots abutting the main north-south street corridors, as well as the Central Green & pedestrian Plaza, arcade will have to be provided within the front open space along the entire frontage of all these plots. The arcade at ground level shall be kept free for movement of pedestrians at footpath level. The arcade at the first floor level shall remain open to sky and shall not be covered by any permanent structure. The area covered by arcade at the ground level shall be exempted for calculation of Floor Area Ratio and ground coverage, the minimum width (depth) of the arcade shall be 6 m. the spacing of the columns in the arcade shall be 6m. centre to centre.
- (f) FAR for the plots located within 250 Mtrs. From the proposed Metro Rail/ LRT Corridor in the CBD area shall be considered to the maximum as 6 and the same in the Sub-CBD area shall be considered to the maximum as 4 for all category of uses as enumerated in Table 0I other that 'Residential'. However, plots located beyond 250 Mtrs. From the proposed Metro Rail/LRT Corridor FAR for all plots except 'Residential' shall remain as 3.50 for CBD area and 2.25 for Sub-CBD area. This is subject to payment of upfront fees as may be determined by the Planning Authority and compliance of the restrictions imposed by different other authorities already applicable under this rules.

The proposed Metro Rail/LRT Corridor and the distance of the plot therefrom shall be defined by the Planning Authority of the township.

- (g) For plots with any Specific Use the maximum permissible FAR shall be as given in the Table – 2 below :—

**Table – 2**

<b>Specific Use</b>	<b>Maximum Permissible FAR</b>
Hotel	3.5
Bus Terminus	1.5
Police Station	2.5
Fire Station	2.0
Communication Tower	3.5
Petrol Pump	1.0
Para transit Terminus	1.0

- (h) For community garage there will be no restriction of FAR, provided that at least 70% of the constructed total area of the building shall be used for car parking purpose and the remaining may be put to permissible uses.
- (i) The maximum permissible Ground Coverage of CBD Plots shall be 35%
- (j) Subject to the Special Provisions mentioned under clauses (a) to (i) all other rules of the New Town Kolkata (Building) Rules, 2009 shall be applicable to the CBD Plots. In applying such rules, the Specific Uses mentioned in clause (g) shall all be considered to be under Assembly Use”

### **CHAPTER – III**

#### **26. Structural design. –**

(2) The structural design shall be in accordance with IS: 1893 – 1984, IS: 13920 – 1993, IS: 13828 – 1993, IS: 13827 – 1993, IS: 13935 – 1993, IS 4326: 1993 and IS 1893 (Part – I) 2002 given in Annexure – A including the Indian Standards for earthquake protection of buildings.

*Note:* Whenever an Indian Standard or National Building Code is referred to, the latest provision in the Standard should be adhered to.

(3) All materials and workmanship shall be of good quality conforming to the accepted standards of the Public Works Department of the Government of West Bengal or Indian Standard Specifications as included in the National Building Code of India.

#### **27. Building and plumbing services. –**

(1) Building Services :—

- (a) The planning design and installation of electrical fittings, air-conditioning and heating work, installation of lifts and escalators shall be carried out in accordance with the provisions of the National Building Code of India. For electrical aspects of building services, the provisions of the National Electrical Code shall apply.
- (b) The number of type of lifts to be provided in different buildings shall be as specified in the National Building Code of India.

(2) Plumbing Services :-

- (a) Only the domestic water from Bath, Water Closet and Kitchen shall be led to the sewerage system;
- (b) Rain and storm water from roof – top and Yard washing shall be connected to the drainage system or waste water recycling system or water harvesting system where provided;
- (c) The house connection pipes projecting from adjoining sewer manhole are the properties of the Development Authority and shall not be interfered with or connected to the internal sewerage line of the plot without the written permission of the Development Authority;
- (d) The internal sewer system shall be connected to the house connection pipe of the main sewer line only through a master trap of approved design and quality;

(3) The planning design, construction and installation of water supply, drainage and sanitation and gas supply system shall be in accordance with the provisions of Water Supply, Drainage and sanitation, Gas Supply on Plumbing Services, of the National Building Code of India.

(4) The Development Authority or any officer authorised by it may, at all reasonable time, normally between sunrise and sunset, enter into or upon any premises for inspection of sewer lines, manholes and allied connections and cleaning or maintenance of the same, as necessary.

(5) Construction of dug-well or tube-well while erection of building is taking place is not permitted without written approval of the Development Authority.

(6) Septic Tank or any other form of on-spot Sanitation is not normally allowed. The Development Authority may, however, give permission in special cases for such facilities to be implemented as per the specific design of the facility prepared by the Development Authority.

**28. Environmental consideration during erection of building. –**

(1) In order to keep safe and sustainable environment, all owners of the plots have to maintain the smooth functioning of building and plumbing services, smooth drainage system etc. Moreover, they are also encouraged to accommodate innovative environmental arrangements as stated below to keep environment more ecologically friendly.

(2) Building sanction fees shall be reduced by 2% for each of the four arrangements mentioned below. These shall be reimbursed after three years, from the date of occupancy, of successful running of the arrangements. The audit report for each of the four items will be submitted by the owner duly prepared and signed by concerned experts as mentioned;–

- (a) rain water harvesting, consisting storing, treating and use of rain water accumulated in roof, pathway, garden, which amounts not less than 10% of the total water consumption of the users annually of the said plot to be vetted by concern expert;
- (b) alternative sources of energy like solar energy and other which reduces not less than 30% of the average energy consumption (vetted by energy expert) by the users of the plot;
- (c) solar passive Architecture, which reduces the load on conventional energy consumption(vetted by energy expert) as well as increases the building efficiency in lighting, ventilation;

- (d) use of Fly ash bricks , aggregates (at least 50 % of total quantity of brick used for the project) etc to be vetted by the development authority.

(3) In order to keep safe and sustainable environment, all owners of the plots having an area of more than 2 acres will have to provide Rain Water Harvesting as stated in sub-rule (2)(a) their projects;

(4) **Rain Water Harvesting :-**

- (a) Roof top RWH system shall form a part of the building and shall have to be included in the building plan, either for direct use of the rain water or for ground water recharging, or both, applicable in case of new building or any new housing complex or expansion of any existing building or housing complex.
- (b) If RWH system is proposed in any existing building or housing complex not covered under above provision, an incentive to the tune 15% reduction in the building plan sanction fee may be allowed.

(5) **Waste water recycling:**

Waste water recycling system shall be established in all buildings including group housing having minimum discharge of 25,000 litre and above per day for flushing of toilets/gardening/car washing etc.

(6) Reflecting paint or roof top solar panel shall be applied over roof area to minimize the heat absorption for all plots irrespective of use-group and plot size.

(7) **Maximum permissible limit of portable water:**

- (a) For residential population maximum permissible limit of portable water shall be 120 Lt. per Capita per day.
- (b) For floating population (Non-residential population) maximum permissible limit of portable water shall be 40 Lt. per Capita per day."

(8) **Roof Top Gardening:**

- (a) In order to promote eco-friendly measures, all plot owners are encouraged to include roof top garden with solar sheds in the building (shed to be provided as and where applicable). For plot area above 300 sq mt., roof top garden shall be mandatory. For plot area less than 300 sqm building sanction fees shall be reduced by 2%. This shall be reimbursed after three years, from the date of occupancy, of successful running of the arrangement. The audit report for the item will be submitted by the owner duly prepared and signed by concerned expert.
- (b) If roof top garden with solar shed (shed to be provided as and where applicable), is included in an existing building(s), an annual reduction of 2% property tax for the said building for three years, may be allowed. On completion of the work, the same needs to be intimated to NKDA and subsequently approved by the Authority. The reduction in property tax shall be reimbursed after three years of successful running of the arrangement, from the date of approval by the Authority, the audit report for the item will be submitted by the owner duly prepared and signed by concerned expert.

(c) Area to be covered by roof garden, as per uses and plot sizes are given below:

Building Type	Roof Area to be covered by Roof Top Garden	
Residential	Single dwelling units with Plot size up to 300 sqm	40% of roof area
	Single dwelling units with Plot Size above 300 sqm	40% of roof area
	Multiple dwelling units with Plot size above 300 sqm	25% of roof area
Educational	Plot size up to 1 acre	30% of roof area
	Plot size more than 1 acre	25% of roof area
Other Uses	Plot size up to 1 acre	30% of roof area
	Plot size more than 1 acre	25% of roof area
Storage & Industrial	Any Plot Size	Not required

(d) Design requirement for the roof top garden are:

- i. Sheds to be provided for the garden as and where applicable. Use of solar panels in the shed is preferable.
- ii. Building Structure need to be designed appropriately to sustain the load of soil to be used for roof garden.
- iii. Proper water proofing to be done so that there is no problem of seepage / leakage.
- iv. In case Garden is proposed on roof level with adequate waterproofing, the same should be raised from the terrace level by a maximum of 600mm.
- v. In places the roof garden is happening, the parapet height allowable will be 1.25m from the soil fill of 600mm.
- vi. A room of area maximum 5sqm will be allowed free of FSI at roof level for keeping garden equipment.

**28A. Exemption of Sanction fees:** Building sanction fee may be exempted up to the extent of 5% of sanction fee for any philanthropic institution, whose activities are concerned with research and development or erecting building exclusively for welfare or charitable purpose only and no profit is incurred. The amount will be reimbursed after three years from the date of occupancy on satisfactory operation of work. The audit report to that effect shall be submitted by the owner of land;

## 29. Basement. –

The condition of basement shall be as follows :–

- (a) no portion of the basement shall be allowed to encroach upon the mandatory open spaces;
- (b) the portion of the basement beyond the building profile shall flush with the ground level if the same is not taken in the ground coverage. The structure of such basement should be so designed that it should be capable of taking the load of heavy vehicles like fire engines etc.;
- (c) every basement shall be in every part at least 2.5 meters in height from the floor to underside of the roof slab or beam or ceiling and with maximum height not more than 4.75 meter;

- (d) adequate ventilation shall be provided for the basement. The standard of ventilation shall be of acceptable limit. Any deficiency may be met by providing adequate mechanical ventilation in the form of blowers, exhaust fans [one exhaust fan (300 mm dia, 1400 rpm, heavy duty) for 50 square meters basement area], air conditioning system, etc.;
- (e) the minimum height of the ceiling of any basement shall be 0.9 meter and maximum of 1.2 meter above the average road level on the front side of the building, if not flushed with the ground level;
- (f) adequate arrangement shall be made such that surface water does not enter the basement;
- (g) the walls and floors of the basement shall be watertight and be so designed that the effect of the surrounding soil and moisture, if any, are taken into account in design and adequate damp proofing treatment is given;
- (h) all the staircases from the basement shall be segregated on the ground floor level.
- (i) In case the Development Authority allows the partitions in the basements, no compartment shall be less than 50.0 square meters in area and each compartment shall have ventilation standards as laid down in subclause (d) above separately and independently. The basement partition shall however, conform to the norms laid down by West Bengal Fire and Emergency Services.
- (j) The other provisions of prevailing National Building Code shall be used for guidance.

### **30. Miscellaneous.–**

(1) The construction of advertising signs and outdoor display structures shall be in accordance with the provisions of Signs and Outdoor Display Structure of the provisions of the National Building Code of India, and orders issued by the Development Authority from to time.

(2) Every building shall display, in a prominent place on the front side, the premises number and the road or street name or number as assigned to it by the planning authority, so as to be conveniently visible from the road or street as per the specifications laid down by the Development Authority.

(3) All construction materials shall be stored within the plot. As soon as the construction of any building is completed, all rubbish, refuse or debris of any description shall be removed to the satisfaction of the Development Authority by the Owner from the site or sites on which erection of building have taken place or from any adjoining land which may have been used for deposition of materials or debris.

(4) All buildings in plot sizes of 1 acres or more, shall have close circuit television facilities along with security alarm for safety and security reasons. Such installations whether provided will be checked before issuance of occupancy/partial occupancy certificate.

### **31. Boundary wall or compound wall and compound gate.–**

(1) Except with the special permission of the Development Authority, the maximum height of the compound wall shall not be 1.5 meter above the centre line of the Means of access. Compound wall up to 2.4 meter height may be permitted if the top 0.9 meter is of open type constructions.

Provided that the provisions of this sub-rule are not applicable to boundary walls of jails, electric sub-stations, transformer stations, institutional buildings like sanatorium, hospitals, industrial buildings like workshops, factories, storage buildings, educational buildings like schools, colleges,

including hostels, and other uses of public-utility undertakings. Provided further that the height of the compound wall of the buildings mentioned hereinabove provision may be permitted up to 2.4 meters.

(2) Provided further that the height of compound walls for jails, electric sub-stations, transformer stations, sanatorium, hospitals, workshops, factories, storage buildings, army institutions etc. shall be as per their own norms or subject to approval of the Development Authority;

### **32. Master plan of plots –**

- (a) In case of plots above 1 hectare in area Master Plan for the entire plot shall be submitted for approval by the Planning Authority or Development Authority. Building plans for the entire plot or a part of it will be submitted for sanction on approval of the Master plan.
- (b) Master plan shall contain:
  - (i) Layout of the plot showing –
    - (a) building outline (b) basement boundary (c) internal roads and their connectivity with means of access (d) marginal open spaces (e) green open spaces
  - (ii) water supply, sewerage and drainage connection points to the plot.
  - (iii) written statement indicating height of each building, total floor area, FAR and ground coverage.

### **33. Special Provisions for Rehabilitation and Resettlement Schemes.**

(1) The owner of Rehabilitation and Resettlement Plots shall apply in plain paper to the sanctioning authority along with the Architectural drawing signed by him, as per the rules set under the guidelines for the Rehabilitation and Resettlement Plots.

(2) Notwithstanding anything contained in any other provisions of these rules, the concerned technical person shall have at least a Diploma in Architecture for Rehabilitation and Resettlement Plots;

(3) A sum of Rs. 200.00 per floor shall be levied from the owner of the Rehabilitation and Resettlement Plots as building sanction fees.

(4) Maximum size of R.R. Plot is 67 square meters.

(5) Minimum width of means of access to the Rehabilitation and Resettlement Plots shall not be less than 3.5 meters.

(6) Plinth height shall not be less than 450 mm.

(7) Open spaces for the building :–

(a) minimum front open space is 0.8 meter;

(b) minimum rear open space is 1.2 meter;

(c) minimum side open spaces are –

(i) side 1 - 0.8 meter,

(ii) side 2 - 1.2 meter

(8) Maximum height of the building is 7 meters.

- (9) Stair cover or mummy room shall not exceed 2.6 meters in height.
- (10) Support of roof tank shall not exceed 1 meter in height.
- (11) Parapet shall not exceed 1 meter in height.

**EXPLANATION:**

- (i) Rehabilitation and Resettlement Plot means the plot earmarked for the beneficiary whose land with residential structure has fallen within the areas described in Schedule I of the Act.
- (ii) Facing a plot from the means of access, the left hand side of the plot shall be treated as side – 1 and right hand side of the plot shall be treated as side – 2.

**NOTE:**

In absence of any sewerage system, septic tank along with soak pit shall have to be provided for this type of plot. The effluent from the septic tank should not be discharged into the open drains under any circumstances.

**34. Relaxation of rules:** Notwithstanding anything contained in these rules, the State Government may, in appropriate cases, relax, by order, any provision of these rules.

**SCHEDULE I**  
**APPLICATION FORM FOR UNDERTAKING ERECTION OF BUILDING**

[see rule 4]

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,

Subject : Application for erection of building at Premises No. \_\_\_\_\_ Street/ Road No. \_\_\_\_\_  
\_\_\_\_\_ Use group \_\_\_\_\_

Sir,

I / We intend to undertake erection of building on the land specified hereinafter and request that permission for erection of such building may kindly be granted.

In support of the application, I / we wish to make the following statement:-

(A) **Particular of the proposed erection of building** \_\_\_\_\_  
\_\_\_\_\_ (Use and total covered area to be written)

(B) **Particulars of the plot**

(a) Location :-

Complete address : \_\_\_\_\_  
\_\_\_\_\_

Police Station : \_\_\_\_\_  
\_\_\_\_\_

b) Area (square meters) of the plot :-

As per document : \_\_\_\_\_

(c) Boundary :-

North : \_\_\_\_\_

West : \_\_\_\_\_

South : \_\_\_\_\_

East : \_\_\_\_\_

(d) Existing and proposed use :-

Existing Use : \_\_\_\_\_  
Total Covered Area : \_\_\_\_\_  
Proposed Use : \_\_\_\_\_  
Total Covered Area : \_\_\_\_\_

(e) Ownership particulars :-

(i) Free Hold Name of the Owner(s) : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Address of Owner(s) : \_\_\_\_\_  
Registration Particulars : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(C) The building proposal :**

(a) Means of Access

Land abuts the Street/ Road	
Name and No. of Street/Road	
Width of the Street/ Road	

(b) Ground Coverage

Total Area of the Plot : \_\_\_\_\_  
Permissible ground coverage (square meters) : \_\_\_\_\_  
Proposed ground coverage (square meters) : \_\_\_\_\_  
Proposed percentage of ground coverage : \_\_\_\_\_

(d) Floor Area Ratio

Permissible Floor Area Ratio : \_\_\_\_\_  
Proposed Floor Area Ratio : \_\_\_\_\_

(e) Extent of Mixing :

For single building or all the buildings within complex —

Serial No.	Allowable percentage of mixing.	Principal Occupancy.	Mixing of other occupancies.			
			Other Occupancy (percentage)	Other Occupancy (percentage)	Other Occupancy (percentage)	Other Occupancy (percentage)

(f) Height of the Building (meters) as per New Town Kolkata (Building) Rules 2009 :

Permissible.	Proposed.

(g) Parking Statement :

Total covered area in square meters	Required Nos. of parking	Proposed Nos. of Covered parking	Proposed Nos. of Open Parking.	Total Nos. of Parking Proposed.

Open Space (in meters) :

Front Open Space.		Rear Open Space.		Side1 Open Space.		Side2 Open Space.	
Required	Provided	Required	Provided	Required	Provided	Required	Provided

(i) Inter Space of Buildings :

Serial No. of buildings.	Required.	Provided.

(j) Outer courtyard :

Serial No. of buildings.	Serial No. of courtyard.	Required.	Provided.

(k) Inner Courtyard :

Serial No. of buildings.	Serial No. of courtyard.	Required.	Provided.

(l) Ventilation Shaft :

Serial No. of buildings.	Serial No. of ventilation shaft	Required.	Provided.

(m) Abutting Road Width :

Serial No. of buildings.	Required.	Provided.

(n) Width and length of Internal Access Roads (format to be changed.) :

Serial No.	Maximum Width of Internal Roads.	Maximum length of Internal Roads			
		Required		Provided.	
		Closed at one end.	Open at both end.	Closed at one end.	Open at both end.

(o) Internal Water Supply :-

- (i) The source of filtered water supply as identified and marked on the plan including the Internal layout of distribution : \_\_\_\_\_
- (ii) Nos. of occupants : \_\_\_\_\_
- (iii) Capacity of semi-underground reservoir in litres : \_\_\_\_\_
- (iv) Capacity of overhead reservoir in litres : \_\_\_\_\_
- (v) Ferrule size : \_\_\_\_\_

(p) Sanitary and Drainage arrangement :-

- (i) The connection points for Sewer and Drain as identified and marked on the plan, including the internal layout : \_\_\_\_\_
- (ii) Nos. of occupants : \_\_\_\_\_
- (iii) Area of plot in square meters : \_\_\_\_\_
- (iv) Size of internal sewer in millimeters : \_\_\_\_\_
- (v) Size of storm drain in millimetres : \_\_\_\_\_

Note.—Access to the plot shall not be allowed with driveway over the street inlet.

(q) Distribution of area for Public Open Space, Land for Facilities and Land for Utilities :

Total area of plot (in square meters) :

Use.	Public Open Space.		Land for Facilities.		Land for Utilities.	
	No.	Percentage.	No.	Percentage.	No.	Percentage.
Residential						
Other than Residential						

(D) **Engagement of Technical Persons :**

I/We certify that I/we have employed the following technical persons, as per qualifications and experience mentioned in these rules, for the purpose of preparation of plan, design and drawings as well as supervision of construction works, whose particulars are given below:

(a) Architect :

- Name : \_\_\_\_\_
- Address including e-mail, if any : \_\_\_\_\_
- Telephone no. including Fax no. (if any) : \_\_\_\_\_
- Registration no. of Council of Architecture : \_\_\_\_\_
- Valid up to : \_\_\_\_\_
- Enrolment No. issued : \_\_\_\_\_
- Signature : \_\_\_\_\_

(b) Civil Engineer :

- Name : \_\_\_\_\_
- Address including e-mail, if any : \_\_\_\_\_
- Telephone no. including Fax no. (if any) : \_\_\_\_\_

Enrolment No. issued : \_\_\_\_\_

(c) Structural Engineer :

Name : \_\_\_\_\_

Address including e-mail, if any : \_\_\_\_\_

Telephone no. including Fax no. (if any) : \_\_\_\_\_

Enrolment No. issued : \_\_\_\_\_

(d) Town Planner/Urban Designer :

Name : \_\_\_\_\_

Address including e-mail, if any : \_\_\_\_\_

Telephone no. including Fax no. (if any) : \_\_\_\_\_

Enrolment No. issued : \_\_\_\_\_

(e) Public Health Engineer :

Name : \_\_\_\_\_

Address including e-mail, if any : \_\_\_\_\_

Telephone no. including Fax no. (if any) : \_\_\_\_\_

Enrolment No. issued : \_\_\_\_\_

(f) Geo Technical Engineer :

Name : \_\_\_\_\_

Address including e-mail, if any : \_\_\_\_\_

Telephone no. including Fax no. (if any) : \_\_\_\_\_

Enrolment No. issued : \_\_\_\_\_

(g) Electrical Engineer :

Name : \_\_\_\_\_

Address including e-mail, if any : \_\_\_\_\_

Telephone no. including Fax no. (if any) : \_\_\_\_\_

Qualification and Experience : \_\_\_\_\_

(E) (a) Gift / transfer of land whether required before commencement / during erection / after completion of erection of building.

(b) Dimensions of building.

**(F) Undertakings**

1. I/We confirm that the erection of building to be undertaken shall be strictly in accordance with the Act and the rules made thereunder.
2. I/We confirm that no building materials shall be deposited in any street except with the written permission of the Sanctioning Authority.
3. I/We confirm that I / we shall not transfer the open space or any part thereof, shown in building plan, as land appurtenance to the proposed building.

**(G) Enclosures**

- (a) Copy of the document showing the exclusive right to develop the land;
- (b) Four sets of hard copies of the drawings and soft copy in compact disc including the areas in polyline. Out of Four sets of hard copies, three sets of Ammonia prints and one set of Blue Print with signature of Applicant(s), Architect and other concerned technical persons of the project as per the rules made under the Act;

*Note :* All drawings should contain necessary certification and signature of Architect, Civil Engineer /Structural Engineer, Town Planner / Urban Designer (as the case may be), and signature of the applicant;

- (c) Key (location) Plan, scale not less than 1:1000;
- (d) Site Plan, scale not less than 1:600;
- (e) Building plans, elevations, sections scale 1:100;
- (f) Details drawings, if any, scales 1:50, 1:25, if any;
- (g) Major Specifications;
- (h) FAR calculation sheet and car parking statement signed by the Architect and Applicant(s);
- (i) Services, plumbing and sanitary layouts showing the plumbing installations, signed by the Civil Engineer or Public Health Engineer and the Architect;
- (j) Plan showing the location of substation, captive genset signed by Electrical Engineer or Electrical Supervisor and the Architect, as the case may be;
- (k) Soil investigation report by Geo-technical Engineer, as the case may be;
- (l) Structural drawings and detail design calculations including piling drawings and calculations, if any and Certificate of Structural Stability of the building signed by the Structural Engineer or Civil Engineer (as the case may be);
- (m) No Objection Certificate as the case may be, from: - (i) West Bengal Fire and Emergency Services, (ii) Civil Aviation Authority,

A note stating that all the recommendations or the "No Objection Certificates" of West Bengal Fire and Emergency Services, Civil Aviation Authority, if any, will be adhered to the project shall be incorporated in all the drawings;

- (n) Indemnity Bond for construction to be undertaken;
- (o) Undertaking from the professionals engaged for the project;

- (p) Undertaking for starting of pile work, if any;
- (q) NOC from Planning Authority and other competent authority regarding source of water supply, discharging of sewage, drainage and disposal of solid waste.
- (r) Mutation / Conversion Certificate along with ULC clearance wherever applicable.
- (s) copy of deed regarding transfer / gift of land, if applicable.

Note : All enclosures shall be authenticated by the applicant.

**(H) Declaration**

I/We hereby declare that the information given above (as well as in the enclosures and annexure including drawings, plans) is true and correct to the best of my knowledge and belief.

Date & Place :

Yours faithfully,

---

*Signature of the applicant(s)*

**INDEMNITY BOND FOR CONSTRUCTIONS TO BE UNDERTAKEN**

(To be made on a non-judicial stamp paper of Rs. 10) [see schedule I (F)(n)]

BY THE PRESENT INDEMNITY BOND EXECUTED by us on this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

I/We, \_\_\_\_\_ having registered office / residing at \_\_\_\_\_ (hereinafter) called

the 'OBLIGOR/'OBLIGORS' which expression shall mean and include my/our successors, and legal representatives and assigns do hereby bind myself/ourselves with the promise and undertaking in favour of the ..... (hereinafter called the 'OBLIGEE', which expression shall mean and include its successor, legal representatives, administrators and assigns).

WHEREAS the OBLIGOR/OBLIGORS has /have started / shall start construction of the proposed building at ..... morefully, described in the schedule given hereunder as per Sanctioned Building Plan more particularly the Structural design formulated in the National Building Code of India (hereinafter referred to as the 'NBCI') and has maintained / shall maintain all necessary safety measures during as well as after such construction as per the provisions spelt out in the NBCI, and with regard to natural hazards say by way of earthquake etc. the OBLIGOR/OBLIGORS has/have followed / shall follow all the provisions as per the provisions contained in the .....

AND WHEREAS all materials already in use or to be used and workmanship already adopted or to be adopted in such construction work are as far as possible of good quality as referred to in the NBCI, and any alternative materials or workmanship, if uses, must be in conformity with the standards recommended by NBCI.

NOW THIS INDENTURE WITNESSESS that in view of such averments I/we do hereby undertake :-

1. That the OBLIGEE shall not be held responsible for any type of negligence or non-compliance of or deviation from rules in respect of the faulty specification of materials/alternative materials used or faulty workmanship / alternative workmanship adopted by the OBLIGOR, at any stage during construction or thereafter.
2. The OBLIGOR/OBLIGORS undertakes/undertake to indemnify and keep harmless the OBLIGEE from all claims actions and proceedings and against all risks, danger or damager to any person whether an occupier or other than occupier and any other persons not belonging to the OBLIGOR/OBLIGORS.
3. "FURTHER MORE THE OBLIGOR/OBLIGORS" undertakes/undertake to indemnify the OBLIGEE against any damage to the said structure due to faulty design, defective construction technique or using substandard materials or any other reasons whatsoever.
4. If at any time, during the period of construction it is found that the construction is not in accordance with the plan and design on which construction work was allowed, or if it is subsequently detected that any paper/document submitted by the OBLIGOR/OBLIGORS is/ are false or has/have not been issued by the concerned competent authority, or, construction

work is at variance with the guidelines and instructions issued thereof, the OBLIGEE shall have the right to suspend construction and direct the OBLIGOR/OBLIGORS to remedy the defects falling which money deposited towards the fees for sanction of building plan shall be forfeited and legal action will initiated by the OBLIGEE.

SIGNED AND DELIVERED BY THE OBLIGOR : \_\_\_\_\_

In presence of witness :

SCHEDULE :

Plot No. : \_\_\_\_\_

Premises No. : \_\_\_\_\_

Area in square meter. : \_\_\_\_\_

Street No. : \_\_\_\_\_

Action Area : \_\_\_\_\_

New Town Kolkata

## SCHEDULE II

[see rule 4]

### FORM OF DECLARATION

(For preparation of Proposal)

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

Subject : Declaration in respect of Premises No. .... and Building Particulars:

Street/Road .....

Use Group .....

Sir,

1. I / We hereby declare that the proposals of erection, re-erection or alteration in the above premises shall be prepared by Shri ..... , an Architect and by Shri ..... , as Structural Engineer/ Civil Engineer.
2. As the plot area is more than 2 Hectare, I hereby appoint Shri ..... as Town Planner/Urban Designer.
3. As this building is 15.1 meter and/or more in height and/or having plot area more than 1500 square meters, I hereby appoint Shri ..... , as Public Health Engineer.
4. As this building is more than 18 meter in height and/or having plot area more than 1500 square meters., I hereby appoint Shri ..... as Electrical Engineer.
5. As this building is 15.1 meter and/or more in height and/or having plot area more than 1500 square meters, and/or having deep foundation/ piling and or basement I hereby appoint Shri ..... as Geo Technical Engineer.

Yours faithfully,

Signature of the applicant(s)

Name of the Town Planner .....  
 Signature of the Town Planner .....  
 Name of the Public Health Engineer .....  
 Signature of the Public Health Engineer .....  
 Name of the Geo Technical Engineer .....  
 Signature of the Geo Technical Engineer .....  
 Name of the Electrical Engineer .....  
 Signature of the Electrical Engineer .....  
 Name of the Urban Designer .....  
 Signature of the Urban Designer .....

Certificate of the Architect

I certify that all the Architectural Drawings of the project at Premises No. .... have been prepared by me complying with the ..... I also certify that the plans and drawings prepared by me comply with all Provisions regarding the Fire Protection as per the prevailing National Building Code. I shall be held responsible if any incorrect information is furnished by me or any violation of provisions of these rules or the prevailing National Building Code is found in any of the drawings and documents, signed by me and submitted to the Sanctioning Authority for obtaining sanction.

Certificate of the Structural Engineer/ Civil Engineer

Certified that the structural drawing and design of both the foundation and superstructure of the building / buildings has been made considering the Soil Test Report, as per the rules and regulations made under the Act and also considering all possible loads, seismic load and the moments generated by the proposed structure as per the Bureau of Indian Standard and National Building Code of India and certified that it is safe and stable in all respect and these provisions shall be adhered to during the construction.

\_\_\_\_\_  
Signature of the applicant

\_\_\_\_\_  
Signature of the Architect  
Council Registration no.

\_\_\_\_\_  
Signature of the Structural  
Engineer/Civil Engineer

## SCHEDULE III

[see rule 10]

### Form of sanction of building plan

From:

The Sanctioning Authority,  
New Town Kolkata Development Authority.

To:

Name and address of the applicant

*Sub:* Issue of sanction/provisional sanction of erection/re-erection/addition to/alteration of the building(s) sanctioned or Building Particulars Premises No. ....

Sir,

With reference to your application No. ....

The building plan(s) for erection/re-erection/addition to/alteration of the building(s) is provisionally sanctioned subject to the conditions stipulated by the Development Authority as hereunder:

1. ..
2. ..
3. ..

\*\*\*                      \*\*\*                      \*\*\*

(Stipulations and conditions as applicable)

Yours faithfully

*Signature of the Sanctioning Authority*

## SCHEDULE IV

[see rule 12(1)]

### Form of Notice of Commencement

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

*Subject* : Notice of commencement as per Building Sanction.....  
dated ..... in respect of Premises No. ....

Building Particulars :

Premises No. : .....  
Street/Road : .....  
Use Group : .....

Sir,

I / We hereby give notice that the erection of building on plot .....  
will be commenced on ..... as per Building sanction .....  
dated ..... granted by you, under the supervision of Shri/Smt. ....  
..... as Architect and Shri/Smt. ....  
as Structural Engineer or Civil Engineer and in accordance with the plans sanctioned.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Countersigned :

(i) Signature of the Architect : \_\_\_\_\_  
Name of the Architect : \_\_\_\_\_  
Address of the Architect : \_\_\_\_\_  
Registration No. of the Architect : \_\_\_\_\_

(ii) Signature of the Structural Engineer/Civil Engineer : \_\_\_\_\_  
Name of the Structural Engineer/Civil Engineer : \_\_\_\_\_  
Address of the Structural Engineer/Civil Engineer : \_\_\_\_\_  
Authenticated by the applicant : \_\_\_\_\_

## SCHEDULE V

[see rule 4]

### Form of Declaration

(For Supervision by Plumber)

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

*Subject* : Declaration in respect of Premises No. .... and

Building Particulars :

Street/Road : .....  
Use Group : .....

Sir,

I / We hereby declare that the works relating to water supply, drainage and sewerage shall be supervised by Shri/Smt. ...., as Plumber.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Countersigned :

Signature of the Plumber : \_\_\_\_\_  
Name of the Plumber : \_\_\_\_\_  
Address of the Plumber Engineer : \_\_\_\_\_  
Authenticated by the applicant : \_\_\_\_\_

## SCHEDULE VI

[see rule 4]

### Form of Declaration

(For Supervision by Electrical Supervisor)

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

*Subject* : Declaration in respect of Premises No. .... and

Building Particulars :

Street/Road : .....

Use Group : .....

Sir,

I / We hereby declare that the works relating to House wiring and electrical installations shall be supervised by Shri/Smt. ...., as Electrical Supervisor.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Countersigned :

Signature of the Electrical Supervisor : \_\_\_\_\_

Name of the Electrical Supervisor : \_\_\_\_\_

Address of the Electrical Supervisor : \_\_\_\_\_

Authenticated by the applicant : \_\_\_\_\_

## SCHEDULE VII

[see rule 12]

### Form of Notice of Completion

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

*Subject* : Notice of completion of work as per Building Sanction .....  
dated ..... in respect of Premises No. ....

Building Particulars :

Premises No. : .....  
Street/Road : .....  
Use Group : .....

Sir,

I / We hereby give notice that the building operation on plot ..... has been completed according to the plans sanctioned.

I/We have to request you to arrange for the inspection and for the issue of an Occupancy Certificate.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Countersigned :

(i) Signature of the Architect : \_\_\_\_\_  
Name of the Architect : \_\_\_\_\_  
Address of the Architect : \_\_\_\_\_  
Registration No. of the Architect : \_\_\_\_\_

- (ii) Signature of the Structural Engineer/Civil Engineer : \_\_\_\_\_
- Name of the Structural Engineer/Civil Engineer : \_\_\_\_\_
- Address of the Structural Engineer/Civil Engineer : \_\_\_\_\_
- Authenticated by the applicant : \_\_\_\_\_

**Enclosures :**

- (1) Four hard copy and a soft copy of drawings marked as completion plan with all revisions and modifications signed by the applicant and the technical persons as required;
- (2) Structural Stability Certificate signed by Structural Engineer or Civil Engineer;
- (3) Structural Stability Certificate for underground reservoir from Structural Engineer or Civil Engineer;
- (4) Fire Safety Certificate towards occupancy of building issued under the West Bengal Fire Services Act, 1950;
- (5) Completion Certificate for internal drainage, water supply, sewerage and plumbing works from Public Health Engineer;
- (6) Completion Certificate from Electrical Engineer or Licensed Electrical Supervisor for house wiring and all electrical installations;
- (7) Certificate from Directorate of Electricity Undertaking regarding provision to its satisfaction, of transformer, sub-station and ancillary power supply;
- (8) A certificate pertaining to lift installation and operation.

**Form of the Structural Stability Certificate**

I / We hereby declare that the operation of building on Premises No. \_\_\_\_\_, Street \_\_\_\_\_, has been supervised by me and has been completed dated \_\_\_\_\_, according to the plans sanctioned vide Building sanction dated \_\_\_\_\_. The work has been completed in accordance with the sanctioned plan and to our best satisfaction. The workmanship and all the materials (type and grade) have been used strictly in accordance with general and detailed specification. The design and drawing of both foundation and superstructure of the building have been made by me, considering the Soil Test Report and as per the \_\_\_\_\_ and also considering all the possible loads including the seismic load, and the moments generated by the proposed structure as per Bureau of Indian Standard and National Building Code of India.

I hereby declare that the building is safe and fit for use for which it has been erected/re-erected/ altered/added to.

- Signature of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Name of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Address of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Authenticated by the applicant : \_\_\_\_\_

## SCHEDULE VIII

[see rule 14(1)]

### Form of Occupancy Certificate

Reference :  
Date :  
From :  
The Sanctioning Authority,  
The New Town Kolkata Development Authority  
To  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

*Subject* : Grant of Occupancy Certificate as per Building Sanction .....  
dated ..... in respect of Premises No. ....

Reference : Notice of completion, dated ..... Building Particulars :

Premises No. : .....  
Street/Road : .....  
Use Group : .....

Sir/Madam,

With reference to your notice of completion dated ..... all necessary documents in respect of the building at premises No. .... have been received. On inspection of the premises it is certified that the building is fit for occupation ..... (use group).

One set of Building Plans with endorsement "Approved Completion Plan" under the signature of an authorized officer of the Sanctioning Authority is returned herewith.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Office No. : \_\_\_\_\_  
Office Stamp : \_\_\_\_\_  
Dated : \_\_\_\_\_

## SCHEDULE IX

[see rule 15]

### Form of Notice of Partial Completion

Reference :  
Date :  
From :  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :

To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

*Subject* : Notice of partial completion as per Building Sanction .....  
dated ..... in respect of Premises No. ....

Premises No. : .....  
Street/Road : .....  
Use Group : .....

Sir,

I / We hereby give notice that the crection of building on plot ..... has been completed according to the plans sanctioned.

I/We have to request you to arrange for the inspection and for the issue of an Partial Occupancy Certificate.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Countersigned :

(i) Signature of the Architect : \_\_\_\_\_  
Name of the Architect : \_\_\_\_\_  
Address of the Architect : \_\_\_\_\_  
Registration No. of the Architect : \_\_\_\_\_

- (ii) Signature of the Structural Engineer/Civil Engineer : \_\_\_\_\_
- Name of the Structural Engineer/Civil Engineer : \_\_\_\_\_
- Address of the Structural Engineer/Civil Engineer : \_\_\_\_\_

**Enclosures :**

- (1) Four sets of the building drawings showing the portion of the building which is proposed to be occupied marked as "Partial Completion Plan" with all the revisions and modifications duly signed by the applicant, Architect and the Structural Engineer or Civil Engineer;
- (2) Structural Stability Certificate for the portion of the building which is proposed to be occupied signed by Structural Engineer or Civil Engineer;
- (3) An Indemnity Bond undertaking to indemnify the Sanctioning Authority against any risk, danger or damage to any person, whether an occupier or not, and an undertaking to ensure, in such manner as the Sanctioning Authority may specify, Public safety;
- (4) An undertaking that no person shall occupy or shall be allowed to occupy any other portion of the building for which Occupancy Certificate has not been issued.

Note: Enclose items which are necessary.

**Form of the Structural Stability Certificate**

I / We hereby certify that the erection/re-erection/addition to/alteration of the portion of the building which is proposed to be occupied on Plot No. \_\_\_\_\_, Street \_\_\_\_\_, has been supervised by me and has been completed partially dated \_\_\_\_\_, according to the plans sanctioned vide Building Sanction/Permission Certificate \_\_\_\_\_ dated \_\_\_\_\_.

The work has been partially completed in accordance with the sanctioned plan and to our best satisfaction. The workmanship and all the materials (type and grade) have been used strictly in accordance with general and detailed specification. The design and drawing of both foundation and superstructure of the building has been made by me, considering the Soil Test Report and as per the provisions contained under the \_\_\_\_\_ and also considering all the possible loads including the seismic load, and the moments generated by the proposed structure as per Bureau of Indian Standard and National Building Code of India.

I hereby declare that the building is safe and fit for use for which it has been erected/re-erected/ altered/added to.

- Signature of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Name of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Address of the Structural Engineer or Civil Engineer : \_\_\_\_\_
- Authenticated by the applicant : \_\_\_\_\_

## SCHEDULE X

[see rule 15]

### Form of Partial Occupancy Certificate

Reference :  
Date :  
From :  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

To  
Name :  
Address of correspondence :  
Telephone no. :  
Fax no. (if any) :  
E-mail address (if any) :  
To  
The Sanctioning Authority,  
The New Town Kolkata Development Authority

*Subject* : Grant of Partial Occupancy Certificate as per Building Sanction .....  
dated ..... in respect of Premises No. ....

Building Particulars :

Premises No. : .....  
Street/Road : .....  
Use Group : .....

Sir,

With reference to your notice of completion dated ..... all necessary documents in respect of the building at premises No. .... have been received.

On inspection of the premises by the it is certified that the portion of the building is fit for occupation as ..... (use group).

The partial Occupancy Certificate is issued subject to that when erection of the building is completed you will have to apply for Occupancy Certificate. The partial occupancy certificate is valid for .....

One set of Building Plan with endorsement "Approved Partial Completion Plan" under the signature of the Sanctioning Authority is returned herewith.

Yours faithfully,

\_\_\_\_\_  
*Signature of the applicant(s)*

Office No. : \_\_\_\_\_  
Office Stamp : \_\_\_\_\_  
Dated : \_\_\_\_\_

## ANNEXURE A

[see rule 26]

### List of Indian Standards/Guidelines for Hazard Safety

For earthquake protection:

1. IS: 1893-1984/2002(part I) "Criteria for Earthquake Resistant Design of Structures (Fourth Revisions)" June, 1986.
2. IS: 13920-1993 "Ductile Detailing of Reinforced Concrete Structures subject to Seismic Forces-Code of Practice" November, 1993.
3. IS: 13828-1993 "Criteria for Earthquake Resistant design and Construction of Building-Code of Practice (Second Revision)" October, 1993.
4. IS: 13828-1993 "Improving Earthquake Resistance of Low Strength Masonry Buildings-Guidelines" August, 1993.
5. IS: 13827-1993 "Improving Earthquake Resistance of Earthen Buildings-Guidelines" October, 1993.
6. IS: 13935-1993 "Repair and Seismic Strengthening of Buildings-Guidelines" November, 1993.

By order of the Governor,

*Principal Secretary to the Government of  
West Bengal, Housing Department*