GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS: KOLKATA

**NOTIFICATION**

**No. 13/MA/O/C-4/1A-8/2014(Pt. – I)** **Dated, Kolkata, the 13th day of January, 2015.**

In exercise of the powers conferred by sub-section (2) of section 1 of the Kolkata Municipal Corporation (Amendment) Act, 2014 (West Ben. Act XIX of 2014) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint the 15th day of January, 2015 as the date on which the remaining provisions of this Act shall come into force.

By order of the Governor,
Sd./- U. N. Sarkar.

***Jt.Secy. to the Govt. of West Bengal.***

**No. 13/1(50)/MA/O/C-4/1A-8/2014(Pt. – I)** **Dated, Kolkata, the 13th day of January, 2015.**

Copy, with a copy of the Kolkata Municipal Corporation (Amendment) Act, 2014, forwarded for information and necessary action to the, -

(1) Secretary to the Chief Minister, West Bengal, NABANNA, Mandirtala, Howrah-711102.
(2) The Additional Chief Secretary, _____ Department, Govt. of West Bengal.
(3) The Principal Secretary, Urban Development Department, Govt. of West Bengal.
(4) The Principal Secretary, Finance Department, Govt. of West Bengal.
(5) The Principal Secretary, _____, Govt. of West Bengal.
(6) OSD to the Chief Secretary to the Govt. of West Bengal
(7) Municipal Commissioner, Kolkata Municipal Corporation, 5, S.N. Banerjee Road, Kolkata- 700 013.
(8) Chief Engineer, Municipal Engineering Directorate, Govt. Of West Bengal,
(9) Joint Director, ILGUS, ILGUS Bhaban, HC – Block, Salt Lake, Kolkata – 106.
(10) P.S. to the Minister-in-Charge, _____ Department
(11) P.S. to the Minister-in-Charge, Municipal Affairs & Urban Development Department.
(12) Pr. S. to the Principal Secretary, Municipal Affairs Department.
(13) Guard file of Cell – 4.

13/1/15
**Joint Secretary.**

*Registered No. WB/SC-247* No. WB(Part-III)/2015/SAR-1

# The Kolkata Gazette

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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

NOTIFICATION

No. 29-L.—9th January, 2015.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

## West Bengal Act XIX of 2014

### THE KOLKATA MUNICIPAL CORPORATION (AMENDMENT) ACT, 2014.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 9th January, 2015.]

*An Act to amend the Kolkata Municipal Corporation Act, 1980.*

WHEREAS it is expedient to amend the Kolkata Municipal Corporation Act, 1980, for the purposes and in the manner hereinafter appearing; West Ben. Act LIX of 1980.

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

Short title and commencement.

**1.** (1) This Act may be called the Kolkata Municipal Corporation (Amendment) Act, 2014.

*The Kolkata Municipal Corporation (Amendment) Act, 2014.*

*(Sections 2-4.)*

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

Insertion of new clause in section 2 of the West Ben. Act LIX of 1980.

**2.** In section 2 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), after clause 81A, the following clause shall be inserted :—

"(81B) "State Government" means the Government of the State of West Bengal in the Department of Municipal Affairs.".

Amendment of section 172.

**3.** In section 172 of the principal Act,—

(1) in sub-section (1), in clause (b),—

(a) in sub-clause (iii), for the word and figures 'section 171.', the word and figures 'section 171;' shall be substituted;

(b) after sub-clause (iii), the following sub-clause shall be inserted:—

"(iv) any building, which are exclusively used for residential purpose and the manner of its maintenance or distinctive features or otherwise may likely to contribute to the beautification of the Kolkata:

Provided that the exemption under this sub-clause shall be for a period of one year only and the applicant shall get such exemption only for one time:

Provided further that the application for exemption may be made during such period as may be stipulated by the Corporation:

Provided also that the Corporation under this sub-clause shall specify the guidelines that may likely to contribute to the beautification of the Kolkata.";

(2) after sub-section (1C), the following sub-section shall be inserted:—

"(1D) The Mayor-in-Council may exempt from payment of a portion of the property tax not exceeding ninety *percent* of the actual gross amount of property tax on pond, tank or water body in nature, either whole or a part thereof, subject that the actual pond, tank or water body shall exist and be kept and preserved by the owner in such good manner so as to maintain ecological balance of the locality, as to be determined by the Corporation by regulations:

Provided that water body in the nature of swimming pool of any type shall be out of purview of this exemption.".

Amendment of section 184.

**4.** In section 184 of the principal Act, for the existing Explanation, the following Explanation shall be substituted:—

"*Explanation.*—A written notice under this section shall be deemed to be duly served, if it is sent through any mode of service of Indian Postal Service or as may be decided by the Corporation, to the owner or to any lessee, sub-lessee or occupier of any land or building and, in such case the date of sending such notice through Postal Department or through any other means shall be deemed to be the date of service of the notice to the owner or to the lessee, sub-lessee or occupier of such land or building, as the case may be.".

*The Kolkata Municipal Corporation (Amendment) Act, 2014.*

*(Sections 5-7.)*

Insertion of new sections 192A and 192B after section 192.

**5.** After section 192 of the principal Act, the following sections shall be inserted :—

"Fast Track Settlement Committee.

192A. In exercising power vested under section 192, for the cases where annual value of any land or building determined under the heading 'C. Determination of Annual Valuation' of this Chapter exceeds such amount as may be decided by the Corporation through regulations, the Municipal Commissioner may refer the same to a Committee, namely Fast Track Settlement Committee, to be constituted by the State Government for the purpose of examination and recommendation, if any, for carrying out the purposes of section 192.";

"Constitution of Fast Track Settlement Committee.

192B. The State Government may, by notification, in the *Official Gazette,* constitute a Fast Track Settlement Committee, consisting of such number of members as may be appointed by the State Government and shall function for such period as may be notified by the State Government from time to time. The Corporation shall make regulations relating to the procedures to be followed by the Fast Track Settlement Committee.".

Insertion of new section 198A after section 198.

**6.** After section 198 of the principal Act, the following section shall be inserted :—

"Continuance of certain existing provisions.

198A. (1) An owner or person liable to pay the property tax of any land or building can exercise option in the form, as may be notified by the Municipal Commissioner, to have the annual value of his property determined and consequential property tax be assessed in accordance with the provisions, contained in this Chapter, as those provisions stood prior to the final publication of the Scheme upon commencement of the Kolkata Municipal Corporation (Amendment) Act, 2006.

(2) In case an owner or person liable to pay the property tax of any land or building exercises option under sub-section (1), provisions of section 171, sub-section (1) of section 174, sections 175, 179, 180, 182A, 184, 185, 186, 189, 190, 191, 193, 197, 215, 217 and 221A, as those provisions stood prior to the final publication of the Scheme upon commencement of the Kolkata Municipal Corporation (Amendment) Act, 2006, shall continue to apply.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the provisions of section 171, sub-section (1) of section 174, sections 175, 179, 180, 182A, 184, 185, 186, 189, 190, 191, 193, 197, 215, 217 and 221A, as those provisions stood prior to the final publication of the Scheme upon commencement of the Kolkata Municipal Corporation (Amendment) Act, 2006, shall continue to apply till final publication of the Scheme.".

Amendment of section 216.

**7.** In sub-section (1) of section 216 of the principal Act, for the existing Explanations, the following Explanation shall be substituted:—

"*Explanation.*—A bill shall be deemed to be presented under this section if it is sent by post through any mode of service of Indian Postal Service or any mode as may be decided by the Corporation to the person liable for payment of the amount included in the bill, and in such cases, the date borne on such mode shall be deemed to be the date of the presentation of the bill to such person.".

*The Kolkata Municipal Corporation (Amendment) Act, 2014.*

*(Sections 8-11.)*

Amendment of section 217.

**8.** To sub-section (6) of section 217 of the principal Act, the following proviso shall be added:—

"Provided that waiver of interest on the outstanding property tax to the extent of maximum fifty *percent* of such accumulated amount may be considered by the Mayor-in-Council, if the inability of the owner or the person liable to pay the property tax, expressed in writing showing reasons therein to pay such amount, and is deemed satisfactory to the Mayor-in-council.".

Amendment of section 392.

**9.** In section 392 of the principal Act,—

(i) after the words "execution of work", the words "and on payment of such fee as may be determined by the Corporation" shall be inserted;

(ii) the following proviso shall be added:—

"Provided that in case of allowing incremental Floor Area Ratio over and above the prescribed limit of Floor Area Ratio in the prescribed manner, rate or fee or charge payable for additional Floor Area Ratio shall be decided in terms of "Circle Rates" of State Government, and the formula for this purpose shall be finalised by the State Government, and all such additional rate or fees or charges to be collected on account of granting of additional Floor Area Ratio will be payable to the State Exchequer directly, and as may be decided by the State Government, a portion of the collected rate or fees or charges shall be allotted or transferred to the Corporation for undertaking developmental schemes.".

Insertion of new section 393A after 393.

**10.** After section 393 of the principal Act, the following section shall be inserted:—

"Submission of on-line application form for sanction of building plan.

393A. (1) Notwithstanding anything contained in this Act, the Corporation may make it mandatory for submission of application for sanction of building plan through on-line either for all or any of the categories of buildings, or for construction of building in any specific area or the entire area within its jurisdiction, and the process of submission of on-line application shall commence on and from the date as may be notified by the State Government in consultation with the Corporation.

(2) Upon issuance of notification by the State Government under sub-section (1), the provision of section 393 shall not be applicable to the categories of buildings or areas of the Corporation which have been notified by the State Government for implementation of this section.

(3) For making provision of submission of on-line application under sub-section (1), the Corporation shall make wide publication in such manner, as may be prescribed.

(4) All the applications in this section shall be submitted to the Municipal Commissioner in soft form along with soft copies of such documents and plans as may be prescribed, and the modalities for submission of on-line application forms together with fee under this section shall be such as may be prescribed.".

Amendment of section 394.

**11.** In section 394 of the principal Act, after sub-section (2), the following sub-section shall be inserted:—

"(3) For additional, alteration and repair of any building, falling under the categories of buildings which shall be notified by the State Government under sub-section (1) of section 393A, the modalities, as specified in section 393A shall be followed *mutatis mutandis*.".

*The Kolkata Municipal Corporation (Amendment) Act, 2014.*

*(Sections 12-15.)*

Amendment of section 396.

**12.** In section 396 of the principal Act, after sub-section (5), the following sub-section shall be inserted:—

"(6) Notwithstanding anything contained in the foregoing provisions of this section, sanction or refusal of sanction of building plan submitted through on-line under section 393A shall be communicated through on-line in such manner and in such form as may be prescribed.".

Insertion of new section 396A after section 396.

**13.** After section 396 of the principal Act, the following section shall be inserted:—

"Manner of processing the application submitted for approval of the building plan.

396A. (1) Corporation may integrate inter-sectional clearance (such as tax clearance, title and mutation clearance etc.) in the forum of Municipal Building Committee constituted under section 391, and the Municipal Building Committee shall also act as a Single Window authority for according sanction of the building plans.

(2) After receipt of on-line application, the same shall be sent by the Corporation to all the concerned regulatory authorities, such as Fire and Emergency Services Department, Environment Department etc., wherever necessary, for parallel processing of such application.

(3) In cases where plans have been submitted on-line under section 393A, the plan shall not be deemed as sanctioned unless it is certified by the competent authority, as may be determined by the Corporation, that the said plan is duly uploaded.

(4) Sanction or refusal to sanction the building plans submitted on-line under section 393A shall be communicated on-line in such manner as may be prescribed.".

Amendment of section 400.

**14.** To sub-section (1) of section 400 of the principal Act, after the second proviso, the following proviso shall be added:—

"Provided also that the Municipal Commissioner may by order, on such terms and conditions and on payment of such fees as may be prescribed by regulation, regularize the minor unauthorized erection, or execution of any minor work without sanction under this Act, or minor deviation from the sanctioned plan or execution of any minor erection or work in contravention of any sanctioned plan under this Act or the rules or the regulations made hereunder, as the case may be.

*Explanation.*—For the purpose of this section, 'minor deviation' shall be such as may be determined by regulations.".

Insertion of new section 435A after section 435.

**15.** After section 435 of the principal Act, the following section shall be inserted:—

"Allowing Trade or Business alongside major roads.

435A. (1) In residential buildings alongside major roads, commercial or trade activities (which is non-hazardous in nature), as specified in Schedule VA of this Act, except Wine and Liquor Shops, may be allowed by issuance of Certificate of Enlistment against receipt of license fees as detailed in the budget schedule of the License Department, so passed by the Corporation, in its Budget meeting, subject to condition that the residential buildings may be allowed to use a maximum of 45% of the total floor area for such non-hazardous office or commercial purposes. No hazardous activity involving use of explosive, gas, etc. will be permitted in the residential neighbourhoods.

(2) The Corporation shall be the authority to issue permission to the owner and/or Certificate of Enlistment to the traders or businessmen intending to carry on non-hazardous trade or business or already carrying on such non-hazardous

*(Section 16.)*

trade or business in the premises in question subject to payment of requisite fees as may be fixed in the schedule of License Department, so passed by the Corporation, in its Budget meeting. However, the traders or businessmen will be liable to produce necessary proof of occupancy, as per extant norms, rules and procedure followed by the License Department to carry on such trade or business and will also produce such permission or No Objection Certificate or License from the respective authorities as may be required for this purpose.

(3) For the purpose of carrying out any of the listed permissible category of business activities of non-residential in nature in residential building as specified in Schedule VA, the existing parking space in such residential building shall not be allowed to be converted for undertaking such business activities.".

Insertion of new Schedule VA after Schedule V.

**16.** After Schedule V of the principal Act, the following Schedule shall be inserted:—

**"Schedule VA [see section 435A(1)]**

Permissible category of business activities of non-residential in nature in residential buildings:

(i) Art School;
(ii) Books/Magazines/Cards/Newspaper/Office Stationery Shop;
(iii) Boutique Shop;
(iv) Consultancy Centre;
(v) Coaching Centre;
(vi) Digital Offset Printing Centre;
(vii) Doctors Consultation Chamber;
(viii) Florist (floral) Shop;
(ix) Gift Shop;
(x) Hobby Centre;
(xi) Kids Shop (garments/books/toys);
(xii) Library Books, CDs, VCDs, DVDs Shop;
(xiii) Mobile Shop;
(xiv) Multi-gym and fitness Centre;
(xv) Photocopying Centre;
(xvi) Soft drinks Shop;
(xvii) STD/ISD Centre;
(xviii) Studio Photography;
(xix) Snack Bar (without manufacturing unit);
(xx) Tea/Coffee Shop;
(xxi) Office of Travel Agent;
(xxii) Yoga Centre;
(xxiii) ITes & Software;
(xxiv) Financial Service;
(xxv) Architecture Firms;
(xxvi) Sales Counter for Self Help Groups;
(xxvii) Sales Counter for Handicrafts products;
(xxviii) Grocery Shop;
(xxix) Bank/ATMs;

*The Kolkata Municipal Corporation (Amendment) Act, 2014.*

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(xxx) Medicine Shops;

(xxxi) Saloon;

(xxxii) Diagnostic Centre;

(xxxiii) Sweetmeat Shops;

(xxxiv) Tailoring Shops;

(xxxv) Cottage Industry Products;

(xxxvi) Hardware Shops;

(xxxvii) Garment Shops;

(xxxviii) Meat and Fish Shops;

(xxxix) Dry Food Shops;

(xl) Lawyer's Chambers;

(xli) Ice-Cream Shops.".

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By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,*
*Law Department.*

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