

GOVERNMENT OF WEST BENGAL
DEVELOPMENT AND PLANNING (T&CP) DEPARTMENT
18, RABINDRA SARANI, CALCUTTA-700 001

No. 2354-T&CP/1R-6/80

Dated, the 2nd April, 1980.

NOTIFICATION

In exercise of the power conferred by section 138 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), the Governor is pleased hereby to make the following rules:—

Rules

1. Short title.—These rules may be called the Planning Authority and Development Authority (Levy of Development Charges) Rules, 1980.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) “the Act” means the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979);
- (b) “Authority” means Planning Authority or Development Authority;
- (c) “section” means a section of the Act.

3. Assessment of development charges.—Development charge shall be assessed and levied separately on the institution of use, change of use and carrying out development by erection or re-erection of any building or works.

4. Determination of the rates of development charges.—The Authority shall, by notification published in the *Official Gazette*, levy a development charge on the carrying out of any development or change of use of land, for which permission is required under Chapter VII of the Act, in the whole or any part of the planning area at rates not exceeding those specification of section 108 of the Act:

Provided that the rates may be different for different parts of the planning area and the Authority in assessing the development charges shall take into account the land value or the building value generally, as the case may be, in the local area before arriving at the rate of development charge for such area.

5. Mode of application for permission.—Any person who intends to carry out any development or change of use of land shall apply to the Authority for permission in Form 1 for the assessment of development charge payable in respect thereof before 30 days of the commencement of the proposed development or change of use of any land or building.

6. Determination of development charges.—The Authority shall, on such application being made or if no such application is made, after serving a notice in writing on the person liable to such payment, determine whether or not and if so, what development charge is leviable in respect of the development or institution of use or change of use of land or building and issue a provisional notice of demand for the payment of development charge to the owner or occupier in Form 2.

7. Final assessment of development charges.—The Authority after taking into consideration the objection, if any, filed by such person in respect of the provisional notice served, shall finally assess the amount of development charge payable by such person and issue a notice in writing of such assessment in Form 3.

8. Payment of development charges.—A person on receipt of the final assessment order under rule 7 shall be liable to pay to the Authority the development charge assessed within 30 days from the date of communication of the assessment order.

FORM 1

(See rule 5)

Application for Assessment of Development Charges

To

The Planning Authority/Development Authority.

Sir,

I intend to develop/institute/change the use of land/building as per details furnished in the statement below for which permission is required under this Act. I hereby request that you will be pleased to declare the liability of land and / or building for the levy of development charge and to determine the development charges payable and communicate the same to me.

Yours faithfully,

1. (a) Name of the owner/occupier :
 (b) Full address :
 (c) Name of applicant :
 (d) Date of application for permission :
2. Description of land or building for which development has to be assessed :
3. **Land**
 - (i) Total area of land in square metre :
 - (ii) Present use : Residential/Industrial/Commercial/Agricultural.
 - (iii) Use proposed : Residential/Industrial/Commercial/Agricultural.**Building**
 - (i) Plinth area of building and cubic metre of the content of such building of works :
 of such building of works :
 - (ii) Present use : Residential/Industrial/Commercial.
 - (iii) Use proposed : Residential/Industrial/Commercial.
4. Any other particulars supporting the application :

Date :

Place :

*Signature of the Applicant.***FORM 2**

(See rule 6)

Provisional Notice of Assessment of Development Charges

To

Please take notice that the development charge for the development/institution ofuse/ change of use to use in the land and/or building within an extent of square metre of land/ cubic metre of building has been provisionally assessed at Rs. (here enter the particulars of assessment) you may lodge before the Planning Authority within 15 days from the date of receipt of this notice a statement in writing of your objections, if any, to the assessment. The objections, if any, received will be enquired into on at when you may appear in person or through an authorised agent and present any oral or documentary evidence in support of your objection.

Date :

Place :

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(15)

FORM 3

(See rule 7)

Notice of Demand of Development Charge

To

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Please take notice that the land/building with an extent ofmetres/
cubic metres has been assessed/for the payment of a development charge of Rs. You are required to pay
the above sum within 30 days from the date of service of this notice to the Planning Authority/Development Authority.
Please take notice that if the payment is not made within the time specified above interest at the rate of 6% per annum on the
amount outstanding shall also be payable.

Date :

Place :

By order of the Governor,

Sd/- A. CHOUDHURY,
Secy. to the Govt. of West Bengal.