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THURSDAY, APRIL 26, 2018

[SAKA 1940

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Urban Development & Municipal Affairs Department
(Municipal Affairs Branch)
NAGARAYAN
DF-8, Sector-I, Salt Lake, Kolkata-700 064

NOTIFICATION

No. 307/MA/O/C-4/1A-22/2017

Dated, Kolkata, the 26th day of April, 2018

In exercise of the powers conferred by sub-section (2) of section (1) of the West Bengal Municipal (Amendment) Act, 2018 (West Ben. Act IX of 2018) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint the 1st day of May, 2018 as the date on which remaining provisions of the said Act shall come into force.

By order of the Governor,

SANTANU DAS
Joint Secretary to the Government of West Bengal

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CHAITRA 27]

TUESDAY, APRIL 17, 2018

[SAKA 1940

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 627-L.—17th April, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act IX of 2018

**THE WEST BENGAL MUNICIPAL (AMENDMENT)
ACT, 2018.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 17th April, 2018.]*

An Act to amend the West Bengal Municipal Act, 1993.

WHEREAS it is expedient to amend the West Bengal Municipal Act, 1993, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXII of 1993.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Municipal (Amendment) Act, 2018.

(2) This section shall come into force at once; and the remaining sections shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal Municipal (Amendment)
Act, 2018.*

(Sections 2-5.)

Amendment of section 2 of the West Ben. Act XXII of 1993.

2. In section 2 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the principal Act),—

(1) after clause (9), the following clause shall be inserted:—

‘(9A) “Computer network” and “Computer resource” have the same meaning as explained in sub-clauses (j) and (k) of sub-section (1) respectively in section 2 of the Information Technology Act, 2000;’;

21 of 2000.

(2) after clause (59), the following clause shall be inserted:—

‘(59A) “SMS” means Short Message Service;’.

Insertion of new section 102C after section 102B.

3. After section 102B of the principal Act, the following section shall be inserted:—

“Exemption of holdings having water bodies.

102C. The Board of Councillors may exempt from payment of a portion of the property tax not exceeding ninety *per cent* of the actual gross amount of property tax on any land which is not built upon and water body in nature, either whole or a part thereof, subject to that the water body shall exist and be kept and preserved by the owner in a good manner so as to maintain ecological balance of the locality:

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

Substitution of new section for section 105.

4. For section 105 of the principal Act, the following section shall be substituted:—

“Exemption of certain holdings from property tax.

105. The Board of Councillors may exempt from property tax—

(i) any holding the annual value of which does not exceed *five* hundred rupees;

(ii) to the tune of ten percentage of the property tax on land and building owned singly or jointly by citizen who attained the age of sixty-five years or more, or owned by widow or deserted women irrespective of age, or a certified physically challenged person, as may be determined by the Municipality, irrespective of age, or jointly owned by any of these categories of persons in case such land and building is self-occupied used for residential purpose.”.

Amendment of section 149.

5. For sub-section (1) of section 149 of the principal Act, the following sub-section shall be substituted:—

“(1) When a property tax becomes due on any land or building, the Chairman shall cause to be presented or sent through computer network or in such manner as may be determined by Municipality to the owner or occupier thereof a bill or a summary of the bill for the amount due.

Explanation.—(a) A bill shall be deemed to be presented under this section, if it is sent under Speed Post or through Courier Services to the person liable for payment of the amount included in the bill and in such case, the date of dispatch shall be deemed to be the date of the presentation of the bill to such person;

(b) A bill or a summary of a bill shall be deemed to have been sent through Computer network in the form of Electronic Mail (e-mail) or Short Message Service (SMS) under this section, if it is sent using the Computer resources of the Municipality to the person liable for payment of the amount included in the bill or summary of the Bill and in such case the date of sending the bill or summary of bill through Electronic Mail (e-mail) or Short Message Service (SMS) through the Computer network shall be deemed to be the date of presentation of the Bill or summary of the Bill to such person.”.

*The West Bengal Municipal (Amendment)
Act, 2018.*

(Sections 6-8.)

Insertion of new
section 205A
after section 205.

6. After section 205 of the principal Act, the following section shall be inserted:—

“Submission of
online application
form for sanction
of building plan.

205A. (1) Notwithstanding anything contained in this Act, the Board of Councillors may make it mandatory for submission of application for sanction of building plan through online 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 online application shall commence on and from the date as may be notified by the State Government in consultation with the Municipality.

(2) Upon issuance of notification by the State Government under sub-section (1), the provisions of section 205 shall not be applicable to the categories of buildings or areas of the Municipality which have been notified by the State Government for implementation of this section.

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

(4) All the applications in this section shall be submitted in soft form along with soft copies of such documents and plans as may be prescribed or as may be required by the rules made under section 198, and the modalities for submission of online application forms together with fee under this section shall be such as may be prescribed.”:

Insertion of new
section 207A
after section 207.

7. After section 207 of the principal Act, the following section shall be inserted:—

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

207A. (1) The Municipality may integrate inter sectional clearance (such as tax clearance, title and mutation clearance etc.), and the Municipality shall also act as a Single Window authority for according sanction of the building plan.

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

(3) In cases where plans have been submitted online under section 205A, the plan shall not be deemed as sanctioned unless it is certified by the competent authority, as may be determined by the Municipality, that the said plan is duly sanctioned.

(4) Sanction or refusal of sanction of building plans submitted online under section 205A shall be communicated online within *thirty* days from the date of submission of online application in such manner as may be prescribed.

Note.—For the purpose of this section, date of submission of online application shall be such date on which complete application along with necessary documents, as required for this purpose, shall be received by the Municipality online to their satisfaction.”.

Amendment of
section 333.

8. In section 333 of the principal Act,—

(1) for clause (b) of sub-section (1), the following clause shall be substituted:—

“(b) to treat the same in such physical, chemical or biological method as may consider suitable in the circumstances, or”;

(2) after sub-section (9), the following sub-section shall be inserted:—

“(10) In addition to the penalty be imposed under sub-section (9), if any person on whom the notice under sub-section (1) is served on fails or

*The West Bengal Municipal (Amendment)
Act, 2018.*

(Section 8.)

refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Chairman himself or any officer duly authorized by him may take such measures or adopt such treatment, specified in such notice within the time specified therein, and recover the cost of doing so from the owner or the occupier of the premises, as the case may be, by way of levying charges under section 95 or special conservancy charges under section 95B in the manner specified therein.”.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
*Secy. to the Govt. of West Bengal,
Law Department.*