

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF URBAN DEVELOPMENT AND MUNICIPAL AFFAIRS
(MUNICIPAL AFFAIRS BRANCH)
DF-8, SECTOR-1, SALT LAKE, KOLKATA-700 064

ORDER

No. 605/MA/O/C-4/3R-4/2015

Dated, Kolkata, the 2nd day of July, 2020

WHEREAS for the purposes of urgent implementation of the Ease of Doing Business (hereinafter referred to as EODB) and in the wake of COVID-19 pandemic due to spread of Novel Coronavirus and in view of various orders issued from time to time, under the Epidemic Diseases Act, 1897 (3 of 1897) and the Disaster Management Act, 2005 (53 of 2005), the Governor has been pleased to issue the following directions in the form of Guidelines:—

Guidelines

1. Short title, commencement and application.— (1) These guidelines may be called the Kolkata Municipal Corporation (Enlistment of Profession, Trade and Calling) Guidelines 2020.

(2) They shall come into force at once.

2. Definitions.— (1) In these guidelines,—

(a) “Act” means the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980);

(b) “Certificate” means a Certificate of Enlistment under section 199 of the Act;

(c) “clause” means a clause of these guidelines;

(d) “Corporation” means the Kolkata Municipal Corporation;

(e) “Schedule” means the Schedule in the Act;

(f) “section” means a section of the Act;

(g) Financial Year means the 12 (twelve) months from 1st day of April of a particular calendar year to 31st day of March of the subsequent calendar year.

(2) Words and expressions used in these guidelines, but not defined, shall have the same meaning as in the Act.

3. Submission of application for the Certificate of Enlistment.— Every person engaged or intending to be engaged in any profession, trade or calling, in Kolkata, as categorized in Schedule IV read with Budget Schedule of Licence Department so passed by the Corporation in its Budget Meeting on each financial year, either by himself or by any authorised agent or representative, shall apply, for a Certificate of Enlistment for a period of one financial year or for the period of 3(three) or 5(five) or 15(fifteen) financial years on payment of consolidated fees paid for such multiple years to the Municipal Commissioner of the Kolkata Municipal Corporation or in his absence to the official authorised in this behalf along with the documents mentioned in clause 4 and also with such fees as specified in Budget Schedule of Licence Department so passed by Corporation in its Budget Meeting under sub-section (3) of section 131.

4. Documents required for submission of application for the Certificate of Enlistment.— For submission of an application under clause 3, the following documents shall be submitted for all professions, trades & callings:—

(1) Documents required for Certificate of Enlistment:—

(to be posted in the Corporation's website <https://www.kmc.gov.in>)

(2) General Documents (All copies shall be self-attested):—

- (A) Application form duly filled up (Annexure I);
- (B) Self declaration in the format as annexed in the schedule to these guidelines solemnly affirmed before either Judicial Magistrate/Executive Magistrate/ Notary Public in Non-Judicial Stamp Paper of minimum Rs.10/-.
- (C) **Any one of the following documents as occupancy proof of business address:—**
Property tax bill/ property tax receipt/ Rent receipt/ Deed of Conveyance/ lease deed/ sub-lease deeds/ leave and licence agreement/ electricity bill/ telephone bill/ EPIC/ AADHAAR/ DRIVING LICENCE issued in favour of CE applicant as applicable and any other documents showing the possession of establishment of the applicant.
- (D) **In case of Partnership Firms:—** Partnership Deed/ a self declaration in firm letter head of commencement of business signed by all partners.
- (E) **In case of Company/ LLP:—** ROC Master data and Incorporation certificate in case of Company/Limited Liability Partnership (LLP).
- (F) **Proof of residence:** (EPIC/ AADHAAR/ DRIVING LICENCE /PASSPORT etc.) as ID proof and as documents showing proof of residence.

Note I.— For trades where statutory certificates, licenses, permissions, permits are required to be obtained by traders, production of such certificates, licences, permissions, permits are not required prior to and/or at the time of issuance/renewal of Certificates of Enlistment:

Note II.— However, such enlistment or renewal thereof shall not absolve such person from any liability to take out any license under any other law like Fire license / Fire No objection Certificate/ Pollution Control Board Certificate/ Clinical or Health Certificates/ Excise(liquor)/ RBI/ SEBI/ Customs/ Police/ Import Export etc. and alike for the time being in force.

5. Provision for registered companies etc.— Companies registered under the law will have to obtain registered office CE first as office of accounts and Administration and are thereafter liable to take separate CEs for separate trades, callings and professions carried out upon payment of fees as mentioned in Budget schedule of fees and charges of Licence department.

6. No Certificate of Enlistment against any profession, trade and calling shall be issued and/ or renewed in dangerous, ruinous, hazardous buildings as notified by Building Department, KMC and wherein the said notice has been communicated to the Licence department, KMC, such Certificate of Enlistment shall be kept withheld until building is declared safe and such notification is withdrawn and communicated to Licence Department by Building department, KMC.

7. No new Certificate of Enlistment against any hazardous profession, trade and calling involving use of explosive, gas etc. and wine/ liquor shops shall be issued in residential buildings as per section 435A of the Kolkata Municipal Corporation Act, 1980.

8. Issue of Certificate.– (1) The Municipal Commissioner of the Corporation, or in his absence, the official/ employee of the Corporation authorised in this behalf, after examining the application, shall within 07 (seven) working days from the date of receipt of the application, issue a Certificate of Enlistment, as the case may be, to the applicant concerned or reject the application, if it is not in order.

Time for processing (Issuance/ rejection) of new applications for issuance of Certificate of Enlistment where Assessee/ (Property tax) Number and holder matches with Certificate of Enlistment applicant in such cases to be Real time.

(2) In case of rejection of any application, the Municipal Commissioner or employee/ official authorised by Municipal Commissioner in his behalf shall communicate the applicant the reason of such rejection within 07 days of such rejection.

(3) Certificate of Enlistment may be issued/ renewed on profession, trade and calling specific manner as per Budget Schedule of Licence Department for a period of one financial year on payment of full requisite fees as per Budget Schedule of Licence Department, or for the period of 3(three)/ 5(five)/ 15 (fifteen) financial years on payment of consolidated fees paid for such multiple years and shall be further renewable after the expiry of such period of 1 (one) / 3(three)/ 5(five)/ 15 (fifteen) years for which the CE was issued or renewed. Even if the business is closed much earlier than the expiry of such period the CE fees shall not be refunded.

(4) If not renewed, in due time, the Certificate of Enlistment shall be deemed to be lapsed/ expired and may be renewed upon application under section 199.

(5) New demands of Certificate of Enlistment lying unpaid for 30(thirty) days shall be marked expired automatically in system upon expiry of 30 (thirty) days from date of generation of such demand of Certificate of Enlistment. Such expired demands cannot be renewed or paid any further and fresh application has to be made and a fresh CE number will be generated.

(6) Certificate of Enlistment to be issued for letting out of Ceremonial Houses will be guided by the provisions stated in the Kolkata Municipal Corporation (Control, Restraint and Levy of fees and Charges upon premises permitted to let out for holding Ceremonial Functions) Regulations, 2003.

9. Validity and renewal of the certificate.– (1) The Certificate of enlistment issued under clause 8 shall remain valid for a period of one financial year or for the period of 3(three)/ 5(five)/ 15 (fifteen) years on payment of consolidated fees paid for such multiple years.

(2) Within 3 (three) months after expiry of the validity, the Certificate shall be renewed by the holder of the Certificate, and the fees and procedure as specified in clauses 3 to 7 shall be followed, *mutatis mutandis*, for this purpose.

10. Modalities for making online applications for enlistment of Profession, Trade and Calling.– Notwithstanding anything contained in these guidelines, the issue relates to applying for enlistment and modalities for issuance of Certificate of Enlistment may also be guided by the following provisions:–

(a) Applications for Certificate of Enlistment may be made online through www.myenterprisewb.in for Micro, Small and Medium Enterprises and Textile industries and www.wbidc.com (Silpa Sathi) for large industries.

All other categories of trades/business not falling under the category of MSME, Textile and large Industries may directly apply to KMC website: <https://www.kmc.gov.in> on usual manner.

(b) Within 15(fifteen) days from the date of receipt of any application, received through the web portals (online), mentioned in para (a) from Micro, Small and Medium Enterprises Facilitation Centre (MFC) or Silpa Sathi, the Corporation shall issue Certificate of Enlistment, as the case may be, except for trades/ businesses specifically prohibited like hazardous industries etc. as notified by the Government from time to time and shall communicate their approval to the respective Micro, Small and Medium Enterprises Facilitation Centre (MFC) or Silpa Sathi, as the case may be and the Certificate of enlistment, shall be physically collected by the applicant from the Corporation after depositing the requisite fees.

11. Inspection.— KMC Authority, if deems fit and proper, may conduct an inspection after issuance of Certificate of Enlistment for carrying out the purposes of the Act.

12. Closure, Change and correction of the Certificates of Enlistment.— Certificate of Enlistment holders should be able to apply online through KMC portal for Closure, Change and correction of the Certificates of Enlistment of businesses. Such cases should be processed upon submission of online application, a photo identity card issued by the Government and proof of up to date payment of Certificate of Enlistment till the year in which such application is submitted and one supporting document of change/ correction/ closure required.

Schedule to the Guidelines

[See clause 4(2)(B)]

SELF DECLARATION FORMAT

(Affirmed either before Judicial Magistrate/Executive Magistrate/ Notary Public in Non-Judicial Stamp Paper of Rs.10)

I/We/Shri/Smt..... Son/Daughter/Wife of
aged about.....years, residing at..... Photo Id No being
..... ID type..... (Epic/AADHAR/Passport/Driving License etc.) do
hereby solemnly affirm and undertake as follows:

That I am /We are the proprietor/Partner(s)/ Director(s) /Manager(s)/Karta of M/s -
..... at premises no..... - Kolkara 700..... under Ward no.
.....

That the above referred Establishment is being used as
..... only (Nature of trade, calling and profession).

I/We hereby solemnly affirm and state that the business which I/We have started isn't restrained or banned or prohibited by any Act, rules, Law or Order of any Court of Law or any competent authority and the premises where I am/We are carrying out the said profession, trade and calling is free from any encumbrances and in terms of law.

I/We hereby declare that the information provided above is true and correct to the best of my/our personal knowledge, information and belief.

I/We have obtained the necessary statutory Certificates, licenses, permissions, permit for carrying out of this trade, calling and profession and the place of business from the appropriate authority in accordance with law.

I/We shall be responsible or liable if the profession, trade, calling is carried out without Certificate of Enlistment or any of the certificates as per law from the appropriate authority.

I/We undertake to comply the provision of the West Bengal Shops and Establishment Act, 1963 and the Kolkata Municipal Corporation Act, 1980, and other laws, if any and the rules and orders passed there under by any authority.

I/We undertake that the profession, trade, calling is being carried out in a residential/non-residential building (strike out the inappropriate) and such profession, trade, calling does not violate any provisions of Sec 435/ 435A of the Kolkata Municipal Corporation Act, 1980.

I/We carry on trade, calling and profession, against which C.E. is applied for, which is located within the jurisdiction of Kolkata Municipal Corporation.

I am/We are fully aware about the consequences of giving false information. If the information is found to be false, I/We shall be liable for prosecution and punishment under the Indian Penal Code.1860 and/or any other law applicable there to in addition to the cancellation of Certificate of Enlistment.

Name of the applicant (in capital letters):

Signature of the applicant:

ANNEXURE-I

THE KOLKATA MUNICIPAL CORPORATION
 LICENCE DEPARTMENT
 APPLICATION FOR REGISTRATION OF QUALITY CONTROL POINTS FOR INDUSTRIAL AND COMMERCIAL
 ESTABLISHMENTS FOR SUPPLYING WATER TO CONSUMERS

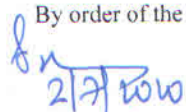
Please tick (✓) in the appropriate box in the following columns.

1. Applicant's name	2. Nature of business	3. Name of the premises and location	4. Nature of water supply	5. Whether the premises are used for the purpose of the business	6. Whether the premises are used for the purpose of the business
7. Name of the business	8. Address of the business	9. Address of the premises	10. Whether the premises are used for the purpose of the business	11. Whether the premises are used for the purpose of the business	12. Whether the premises are used for the purpose of the business
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91. Name of the business	92. Address of the business	93. Address of the premises	94. Whether the premises are used for the purpose of the business	95. Whether the premises are used for the purpose of the business	96. Whether the premises are used for the purpose of the business
97. Name of the business	98. Address of the business	99. Address of the premises	100. Whether the premises are used for the purpose of the business	101. Whether the premises are used for the purpose of the business	102. Whether the premises are used for the purpose of the business

Declaration:-
 I hereby declare that the information furnished in this form is true and correct to the best of my knowledge and belief and that I am not aware of any facts which, if true, would render the information furnished in this form misleading, incomplete or otherwise inaccurate. I further declare that I am not aware of any facts which, if true, would render the information furnished in this form misleading, incomplete or otherwise inaccurate. I further declare that I am not aware of any facts which, if true, would render the information furnished in this form misleading, incomplete or otherwise inaccurate.

Signature of Applicant	Signature of K.M.C. Officer	Signature of K.M.C. Officer
Signature of Applicant	Signature of K.M.C. Officer	Signature of K.M.C. Officer
Signature of Applicant	Signature of K.M.C. Officer	Signature of K.M.C. Officer

K.M.C. Form No. 1/1989-90-1000

By order of the Governor,

 Jt. Secy. to the Govt. of West Bengal