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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1139-L.—27th July, 2010.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 30 of 2010

**THE WEST BENGAL PREMISES TENANCY
(AMENDMENT) BILL, 2010.**

**A
BILL**

to amend the West Bengal Premises Tenancy Act, 1997.

WHEREAS it is expedient to amend the West Bengal Premises Tenancy Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXVII of 1997.

It is hereby enacted in the Sixty-first 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 Premises Tenancy (Amendment) Act, 2010.

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

*The West Bengal Premises Tenancy
(Amendment) Bill, 2010.*

(Clauses 2-4.)

Amendment of section 39 of West Ben. Act XXXVII of 1997.

2. To section 39 of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the principal Act), the following *Explanation* shall be added:—

“*Explanation.*—For the removal of doubt, it is hereby declared that the proceeding under this section means a proceeding which relates to fixation of fair rent in relation to any premises to which this Act applies and includes an application for execution and any other proceeding whatsoever which the Controller is empowered to decide under section 35, section 36, section 37 or other sections of the Act but does not include a suit or proceeding under section 6, section 7, section 9 or section 11 of the Act.”.

Insertion of new section 43A.

3. After section 43 of the principal Act, the following section shall be inserted:—

“Appeal, revision and review against decree or final order of Civil Judge.

43A. The procedure for filing an appeal against decree or final order of Civil Judge, and the powers to be exercised and the procedure to be followed in admitting and dealing with such appeal, shall be the same as in case of appeals under the Code of Civil Procedure, 1908. In case of revision and review against any decree or final order of Civil Judge, the provisions of the Code of Civil Procedure, 1908, shall, *mutatis mutandis*, apply.”.

5 of 1908.

Validation.

4. The amendments made in the principal Act by section 2 and section 3 shall be deemed to have been made with effect from the 10th day of July, 2001 and accordingly anything done or any action taken or purported to have been taken or done under the principal Act on or after the said date and before the commencement of this Act, shall, notwithstanding anything contrary contained in any judgment, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material time.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to make amendments in the West Bengal Premises Tenancy Act, 1997 (West Ben. Act XXXVII of 1997) (hereinafter referred to as the said Act), in order to ensure effective implementation of the said Act by way of—

- (a) explaining the powers of the Controller as specified under section 39 of the said Act;
- (b) making provisions for application of the Code of Civil Procedure, 1908, in respect of an appeal preferred, or revision and review made, against decree or final order of the Civil Judge in any suit or proceeding under section 6, section 7, section 9 or section 11 of the said Act and the powers to be exercised and the procedure to be followed in admitting and dealing with such appeal, review or revision.

2. The Bill has been framed with the above objects in view.

KOLKATA,
The 26th July, 2010.

ABDUR RAZZAK MOLLA,
Member-in-charge.

*The West Bengal Premises Tenancy
(Amendment) Bill, 2010.*

FINANCIAL MEMORANDUM.

There is no financial implication involved in the Bill.

KOLKATA,
The 26th July, 2010.

ABDUR RAZZAK MOLLA,
Member-in-charge.

By order of the Governor,

MITA BASU ROY,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*