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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. 194-L.—5th February, 2018.—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 which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

**Bill No. 5 of 2018**

**THE WEST BENGAL MUNICIPAL CORPORATION  
(AMENDMENT) BILL, 2018.**

**A  
BILL**

*to amend the West Bengal Municipal Corporation Act, 2006.*

WHEREAS it is expedient to amend the West Bengal Municipal Corporation Act, 2006, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
XXXIX of 2006.

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 Corporation (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 Corporation  
(Amendment) Bill, 2018.*

(Clauses 2-4.)

Amendment of section 2 of the West Ben. Act XXXIX of 2006.

2. In section 2 of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the principal Act),—

(1) after clause (16), the following clause shall be inserted:—

‘(16A) “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 (96), the following clause shall be inserted:—

‘(96A) “SMS” means Short Message Service;’.

Substitution of new section for section 115C.

3. For section 115C of the principal Act, the following section shall be substituted:—

“Exemption of certain holdings from property tax.

115C. The Mayor-in-Council may exempt from property tax to the tune of ten percentage of the property tax on any self-occupied residential land and building or portion thereof, 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, irrespective of age, or jointly owned by any of these categories of persons:

Provided that where such person owns or occupies, for residential purpose, more than one piece of land or more than one building or portion thereof, such person shall get the benefit for such exemption for one plot of land or for one building or portion thereof, as the case may be.”.

Amendment of section 158.

4. For sub-section (1) of section 158 of the principal Act, the following sub-section shall be substituted:—

“(1) When a property tax becomes due on any land or building, the Commissioner shall cause to be presented or sent through computer network or in such manner as may be determined by Corporation 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 Corporation 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 the Electronic Mail (e-mail) or Short Message Service (SMS) in 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 Corporation  
(Amendment) Bill, 2018.*

*(Clauses 5, 6.)*

Amendment of  
section 243.

5. In section 243 of the principal Act,—

(1) in sub-section (1),—

(a) for the words “the Corporation”, wherever they occur, the words “the Commissioner or any other officer duly authorised by the Commissioner” shall be substituted;

(b) for clause (b), 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) in sub-section (2), for the words “the Corporation”, the words “the Commissioner or any other officer duly authorised by the Commissioner” shall be substituted;

(3) for sub-section (9), the following sub-section shall be substituted:—

“(9) if the owner or occupier or any person having control on whom the notice under sub-section (1) is served on, fails or refuses to take the measures or to adopt the method of treatment, specified in such notice within the time specified therein or contravenes foregoing provisions of this section, the Commissioner himself or any officer duly authorised 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 or any person having control, as the case may be, by way of levying administrative charges or special cleansing charges under section 106 in the manner specified therein and shall also be liable to penalty which shall not be less than rupees one thousand but which may extend to rupees one lakh only.”.

Amendment of  
section 263A.

6. For sub-section (4) of section 263A of the principal Act, the following sub-section shall be substituted:—

“(4) Sanction or refusal of sanction of building plans submitted online under section 262A 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 Corporation online to their satisfaction.”.

*The West Bengal Municipal Corporation  
(Amendment) Bill, 2018.*

**STATEMENT OF OBJECTS AND REASONS.**

It is considered necessary and expedient to amend the West Bengal Municipal Corporation Act, 2006 (West Ben. Act XXXIX of 2006) in an effective and meticulous manner by making provisions, *inter alia*, for,—

- (i) exemption of property tax to certain extent to the senior citizens, widow or deserted women and physically challenged persons;
- (ii) presentation of demand notice for property tax through computer network or otherwise;
- (iii) levying administrative charges or special cleansing charges and imposition of penalty if steps are not taken to prevent the mosquito breedings.

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

3. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,  
*The 2nd February, 2018.*

FIRHAD HAKIM,  
*Member-in-Charge.*

By order of the Governor,  
AKHILESH KUMAR PANDEY,  
*Secy.-in-Charge to the Govt. of West Bengal,  
Law Department.*