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PART III-Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1271-L.—6th August, 2002.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIV of 2002

THE WEST BENGAL PREMISES TENANCY (AMENDMENT) ACT, 2002.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 6th August, 2002.]

An Act 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 Fifty-third 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, 2002.

(2) It shall be deemed to have come into force on and from the 10th day of July, 2001.

The West Bengal Premises Tenancy (Amendment) Act, 2002.

(Sections 2-5.)

Amendment of section 2 of West Ben. Act XXXVII of 1997. (1) in clouds (a) for the words "in respect of promises let out for new (b) for the words "in respect of promises let out for new (c)

(1) in clause (g), for the words "in respect of premises let out for non-residential purpose his spouse, son, daughter and parent who were ordinarily living with the tenant up to the date of his death as members of his family and were dependent on him", the following words shall be substituted:—

"in respect of premises let out for non-residential purpose his spouse, son, daughter and parent who were ordinarily living with the tenant up to the date of his death as members of his family and were dependant on him or a person authorised by the tenant who is in possession of such premises,";

(2) in the second proviso to clause (g), after the words "a fresh agreement in respect of such premises", the words "on condition of payment of fair rent" shall be inserted.

3. In section 3 of the principal Act,-

- (1) for clause (c), the following clause shall be substituted:----
 - "(c) any tenancy where the lease with due consent of the tenant has been registered under the Registration Act, 1908, after the commencement of this Act, and the fact of such consent has been recorded in the instrument so registered;";

16 of 1908.

West Ben. Act LIX of 1980.

West Ben. Act XXII of 1993.

- (2) in clause (e),-
 - (a) in sub-clause (i), for the words "two thousand rupees", the words "six thousand and five hundred rupees" shall be substituted, and
 - (b) in sub-clause (ii), for the words "one thousand rupees", the words "three thousand rupees" shall be subsituted;
- (3) in clause (f),---
 - (a) in sub-clause (i), for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted, and
 - (b) in sub-clause (ii), for the words "one thousand and five hundred rupees", the words "five thousand rupees" shall be substituted.

4. In section 5 of the principal Act, after sub-section (7), the following subsection shall be inserted:—

"(8) Every tenant shall pay his share of municipal tax as an occupier of the premises in accordance with the provisions of the Kolkata Municipal Corporation Act, 1980 or the West Bengal Municipal Act, 1993.

Explanation.—For the purpose of this sub-section, the term 'occupier' means an occupier as defined in clause (60) of section 2 of the Kolkata Municipal Corporation Act, 1980 or clause (43) of section 2 of the West Bengal Municipal Act, 1993.".

Amendment of section 6.

Amendment of

section 5.

- 5. In sub-section (1) of section 6 of the principal Act,---
 - (1) for clause (d), the following clause shall be substituted:----
 - "(d) where the landlord or any person, for whose benefit the premises is held, reasonably requires the premises for his own occupation and the landlord or such person is not in possession of any suitable accommodation within the same Municipal Corporation or Municipality or in any other area within ten kilometres from such premises where this Act extends;";

Amendment of section 3.

Amendment of section 9.

Amendment of

section 17.

3

The West Bengal Premises Tenancy (Amendment) Act, 2002.

(Sections 6-9.)

- (2) for clause (f), the following clause shall be substituted:----
 - "(f) where the tenant or any person residing in the premises let out to the tenant has done any act contrary to the provisions of clause (m), clause (o) or clause (p) of section 108 of the Transfer of Property Act, 1882;";

4 of 1882.

- (3) in clause (j), the following *Explanation* shall be inserted:—
 "Explanation.—This clause shall not apply to premises let out for non-residential purpose and used for commercial purpose;";
- (4) in clause (*l*), for the words "for the most part of a year", the words "ten months" shall be substituted.

6. In section 9 of the principal Act, for clause (d) of sub-section (1), the following clause shall be substituted:—

"(d) has resonable requirement of the premises for his own occupation.".

7. In section 17 of the principal Act,-

- (1) in sub-section (2), for the words "on the basis of ten *per cent* of cost of construction of the premises and the market value of the land at the time of commencement of the construction.", the words "on the basis of annual payment of an amount equal to six and three-fourth *per cent per annum* of the aggregate amount of the actual cost of construction and the market price of the land on the date of commencement of construction." shall be substituted;
- (2) after sub-section (4), the following sub-sections shall be inserted:----

"(4A) Where a tenancy subsists for twenty years or more in respect of the premises constructed in or before the year 1984 and used for commercial purpose, the fair rent shall be determined by adding to the rent as on 1.7.1976 five times or by accepting the existing rent if such rent is more than the increased rent determined under this sub-section.

(4B) Where a tenancy subsists for ten years or more but less than twenty years in respect of the premises constructed in or before the year 1984 and used for commercial purpose, the fair rent shall be determined by adding to the rent as on 1.7.1986 three times or by accepting the existing rent if such rent is more than the increased rent determined under this sub-section.".

Amendment of section 26.

six months of the commencement of this Act", the words "within two years of the commencement of this Act" shall be substituted.

8. In sub-section (2) of section 26 of the principal Act, for the words "within

Amendment of SCHEDULE II.

9. In SCHEDULE II of the principal Act, for column (1), the following column shall be substituted:—

square	metres					
square	metres	up (to 3	0	square	metres
,,	,,	,,	3	5	,,	,,
,,	,,	,,	4	0	,,	,,
"	,,	,,			,,	,,
,,	,,	,,			,,	,,
,,	,,	••			,,	,,
,,	,,	,,			,,	,,
,,	,,	,,	6	5	,,	,,
••	••	,,	7	0	,,	••
,,	,,	,,	7	5	,,	,,
square	metres					
	square ,, ,, ,, ,, ,, ,, ,, ,, ,,	27 37 27 32 27 32 27 37 27 37 27 37 27 37 27 37 27 37 27 37 27 37 27 37 27 37 27 37 27 37	square metres up " "	square metres up to 3 " " " 3 " " " 4 " " " 4 " " " 4 " " " 5 " " " 5 " " " 5 " " " 5 " " " 5 " " " 5 " " " 5 " " " 5 " " " 5 " " " 6 " " " 7 " " " 7	square metres up to 30 "," "," 35 "," "," 40 "," "," 45 "," "," 50 "," "," 55 "," "," 60 "," "," 60 "," "," 65 "," "," 70 "," "," "," "," "," 75	square metres up to 30 square ,, ,, 35 ,, ,, ,, ,35 ,, ,, ,, ,40 ,, ,, ,, ,45 ,, ,, ,, ,50 ,, ,, ,, ,55 ,, ,, ,, ,60 ,, ,, ,, ,70 ,, ,, ,, ,70 ,,

The West Bengal Premises Tenancy (Amendment) Act, 2002.

(Section 10.)

Amendment of SCHEDULE III.

10. In SCHEDULE III of the principal Act, for column (1), the following column shall be substituted:----

"	(1)						
Up to	25	square	metres				
Above	25	square	metres	up to	30	square	metres
,,	30	,,	,,	,,	35	,,	,,
,,	35	,,	,,	,,	40	,,	,,
,,	40	,,	,,	,,	45	,,	,,
,,	45	,,	,,	••	50	,,	,,
,,	50	,,	,,	,,	55	,,	,,
,,	55	,,	••	"	60	,,	,,
,,	60	,,	,,	••	65	••	,,
,,	65	,,	••	••	70	,,	••
,,	70	,,	,,	••	75	,,	,,

Above 75 square metres".

By order of the Governor,

A. K. BHATTACHARYA, Secy. to the Govt. of West Bengal.