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GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XVIII of 1998

THE WEST BENGAL APARTMENT OWNERSHIP (AMENDMENT) ACT, 1998.

[*Passed by the West Bengal Legislature.*]

[Assent of the President of India was first published in the *Calcutta Gazette, Extraordinary,* of the 2nd July, 1999.]

[*2nd July, 1999.*]

An Act to amend the West Bengal Apartment Ownership Act, 1972.

West Ben. Act XVI of 1972.

WHEREAS it is expedient to amend the West Bengal Apartment Ownership Act, 1972, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-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 Apartment Ownership (Amendment) Act, 1998.

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

Amendment of section 3 of West Ben. Act XVI of 1972.

2. In section 3 of the West Bengal Apartment Ownership Act, 1972 (hereinafter referred to as the principal Act),—

(1) for clause (ia), the following clause shall be substituted:—

'(ia) "owner", in relation to any property or part thereof or apartment, includes—

(i) any person owning such property or part thereof or apartment, or

(ii) any person deemed to be owning such property or part thereof or apartment, or

(iii) any promoter, or

(iv) a lessee of such property or part thereof or apartment, where the lease is for a period of thirty years or more:

Provided that any person who has executed an agreement for purchase, or for taking lease for a period of thirty years or more, of any property or part thereof or apartment or has paid the consideration or part thereof, shall be deemed to be owning such property or part thereof or apartment even though the document for purchase or lease of such property or part thereof or apartment has not been registered;';

(2) for clause (1), the following clause shall be substituted:—

'(1) "promoter" means a person who constructs, or causes to be constructed, a building on a plot of land for the purpose of transfer of such building by sale, gift or otherwise to any other person or to a company, co-operative society or association of persons, and includes—

(i) his assign, if any,

(ii) the person who constructs, and the person who transfers by sale, gift or otherwise, the building, if the two are different persons, or

(iii) any board, company, corporation, firm or other association of persons, established or under any law for the time being in force.'.

Omission of section 3A.

3. Section 3A of the principal Act shall be omitted.

Amendment of section 5.

4. Sub-section (7) of section 5 of the principal Act shall be omitted.