Regd. No. WB/SC-320 No.WB/CPS/Raj-2(Part III)/2009

The Kolkata Gazette

सत्यमेव जयते

Extraordinary
Published by Authority

PAUSA 11] THURSDAY, JANUARY 1, 2009 [SAKA 1930

PART III— Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 2-L.—1st January, 2009.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXIX of 2008

THE WEST BENGAL APARTMENT OWNERSHIP (AMENDMENT) ACT, 2008.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 1st January, 2009.]

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

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

It is hereby enacted in the Fifty-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, 2008.

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

Substitution of new section for section 2 of West Ben. Act XVI of 1972.

2. For section 2 of the West Bengal Apartment Ownership Act, 1972 (hereinafter referred to as the principal Act), the following section shall be substituted:—

"Application of the Act.

2. This Act shall apply to every building having residential units or commercial units or both residential and commercial units, and the sole owner or all the owners of every such building shall submit the same to the provisions of this Act by duly executing and registering a declaration setting out the particulars referred to in section 10:

The West Bengal Apartment Ownership (Amendment) Act, 2008.

(Sections 3,4.)

Provided that the State Government may exempt, by a general or special order, any such owner for submitting such building to the provisions of this Act :

Provided further that notwithstanding such exemption, the other provisions of this Act shall, upon the submission of such building to the provisions of this Act by the majority of the owners of such building, also apply to the owner exempted under the first proviso.".

Amendment of section 3.

3. In section 3 of the principal Act, for the *Explanation* to clause (a), the following *Explanation* shall be substituted :—

'*Explanation.*— "Flat" shall mean a separate set of premises, whether self-contained or not, used or intended to be used for residence or office or show-room or shop or godown or garage or any other commercial purposes forming part of a building or for any of the purposes referred to in sub-clauses (a) to (i) of clause (2) of section 390 of the Kolkata Municipal Corporation Act, 1980.'. West Ben. Act LIX of 1980.

Amendment of section 10A.

4. In section 10A of the principal Act, after the words "relevant title deeds", the words "or agreements for purchase or agreement for lease" shall be inserted.

By order of the Governor,

ANINDYA BHATTACHARYYA,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.

Published by the Controller of Printing & Stationary, West Bengal and printed by Asstt. Supdt. at "Secretary to the Governor's Press, Raj Bhavan, Kolkata".