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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

NOTIFICATION

No. 1499-L.—7th December, 2015.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

# West Bengal Act XXVII of 2015

## THE WEST BENGAL APARTMENT OWNERSHIP (AMENDMENT) ACT, 2015.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 7th December, 2015.]

*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 Sixty-sixth 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, 2015.

*The West Bengal Apartment Ownership (Amendment) Act, 2015.*

*(Sections 2-4.)*

(2) This Act shall and shall be deemed to come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

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

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

"2. Application of the Act.—This Act shall apply to every property having residential units or both residential and commercial units, and the sole owner or all the owners or majority of the owners of every such property shall submit the same, within such period as may be prescribed, to the provisions of this Act by duly executing and registering a declaration setting out the particulars referred to in section 10.".

Amendment of section 3.

**3.** In section 3 of the principal Act,—

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

"(k) 'Property' comprises the land, the building and the common areas and facilities and in case of complexes having different types of apartments meant for selling to people of different income groups, property shall mean the land, building and the common areas and facilities for that particular type of apartment.

*Explanation I.*—In case of a large complex containing both residential and non-residential (Commercial, Institutional etc.) units, property means the land, building, common areas and facilities for that particular user type of such units, as provided in the individual Agreement or Deed;

*Explanation II.*—In case of a large Complex or Townships as defined under the West Bengal Town and Country (Planning and Development) Act, 1979, containing several types of apartments, wherein handover of possession is phase wise, the property means land, building, common areas and facilities for that particular phase, provided such demarcation of land excluding the facilities and parts which are reserved by promoter clearly stated in the individual Agreement or Deed.

West Ben. Act XIII of 1979.

*Explanation III.*—In case two or more adjacent or contiguous apartment blocks intend to form a single association, property means the land, building, common areas and facilities of all such blocks combined, provided such sharing of common facilities or arrangement is clearly stated in the individual Agreement or Deed.";

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

"(1) 'Promoter' means a Promoter as defined in the West Bengal Building (Regulation of Promotion of Construction and Transfer by Promoters) Act, 1993.".

West Ben. Act XX of 1993.

Amendment of section 10.

**4.** In sub-section (1) of section 10 of the principal Act,—

(1) after the words 'in such form', the words 'accompanied by such fees' shall be inserted;

*The West Bengal Apartment Ownership (Amendment) Act, 2015.*

*(Sections 5-7.)*

(2) after clause (a), the following clause shall be inserted:—

'(aa) name of the owner';

(3) for clause (g), the following clause shall be substituted:—

"(g) built up area of the property and each apartment, and the percentage of undivided interest in the common areas and facilities appertaining to each apartment and its owner.".

Amendment of section 10A.

**5.** In section 10A of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

"(1) Any declaration referred to in section 2 or any amendment thereto or any instrument referred to in sub-section (3) of section 4, shall, in the first instance, be submitted by the sole owner or all the owners or the majority of the owners of the apartments in duplicate, within 30 days from the date of its execution, to the competent Authority along with copies of site plans, building plans and the notice of intention to submit the property to the provisions of this Act, by the majority of owners specified in section 2 to the remaining owners of the property in such form as may be prescribed when such declaration is made by majority of owners. The remaining owners shall be allowed to submit declaration subsequently, either individually or collectively, in such form as may be prescribed.";

(2) in clause (c) of sub-section (2) for the words 'fifteen days', the words 'one hundred twenty days' shall be substituted.

Ommission of section 11.

**6.** Section 11 of the principal Act shall be omitted.

Amendment of section 12.

**7.** In section 12 of the principal Act,—

(1) in sub-section (1), the words 'or the withdrawal of a property from the provisions of this Act referred to in section 11' shall be omitted;

(2) sub-section (2) shall be omitted.

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By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,*
*Law Department.*

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