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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1313-L.—6th December, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVIII of 2019

THE WEST BENGAL APARTMENT OWNERSHIP (AMENDMENT) ACT, 2019.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 6th December, 2019.]

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 Seventieth 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, 2019.

The West Bengal Apartment Ownership (Amendment) Act, 2019.

(Sections 2-4.)

(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 Owenership Act, 1972 (hereinafter referred to as the principal Act), after clause (h), the following clause shall be inserted:—

'(hh) "Federation" means the body formed by various Association of Apartment Owners for the purpose of maintaining and managing the common areas, facilities and amenities which are commonly enjoyed and availed by all the apartment owners of complexes having different types of apartments meant for selling to people of different income groups or of a large Complex containing both residential and non-residential units or of Township 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.'. West Ben. Act XIII of 1979.

Insertion of new section 5A after section 5.

3. After section 5 of the principal Act, the following section shall be inserted:—

"Common areas, facilities and amenities for Federation.

5A. (1) In case of phase wise development in a large complex or townships having multiple associations, the common areas, facilities and amenities for the Federation shall be such as shall be expressly provided in the Declaration for Federation.

(2) Undivided interest of each phase in the common areas, facilities and amenities for Federation will be shared amongst the members of the particular association of respective phase. Such share will be such as is expressed in the Declaration submitted for the formation of association for the said particular phase.

(3) Common areas, facilities and amenities for Federation shall remain undivided and no association of any phase or member of such association or other person shall bring any action for partition or division of any part thereof.

(4) The work relating to the maintenance, repair and replacement of the common areas, facilities and amenities for Federation shall be carried out by the Federation in the manner as may be prescribed.".

Amendment of section 10.

4. To clause (g) of sub-section (1) of section 10 of the principal Act, the following explanation shall be added:—

"*Explanation.*—The percentage of undivided interest in the common areas and facilities of an apartment owner shall be the proportion of the built-up area of the apartment to that of the total built-up area of the property in case of an apartment and the proportion of land area to that of the total land area in case of land of the property.".

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
Secy. to the Govt. of West Bengal,
Law Department.

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