WEST BENGAL
INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION

ACT, 1974 & RULES, 1978
West Bengal Industrial Infrastructure Development Corporation

Act, 1974 & Rules, 1978
West Bengal Act 25 of 1974

West Bengal Industrial Infrastructure Development Corporation ACT, 1974

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An Act to make special provision for securing development of trade, commerce and industries on well-planned basis in the State of West Bengal, and for that purpose to establish an Industrial Infrastructure Development Corporation, and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make special provision for securing development of trade, commerce and industries on well planned basis in the State of West Bengal, and for that purpose to establish an Industrial Infrastructure Development Corporation, and for matters connected therewith or incidental thereto;

It is hereby enacted as follows: -

NOTE

To develop the trade, commerce and industries in a well-planned basis in West Bengal and for that purpose all kinds of amenities have been arranged by the West Bengal Government by this Act.
CHAPTER I

Preliminary

1. Short title, extent and commencement

a. This Act may be called the West Bengal Industrial Infrastructure Development Corporation Act, 1974.
b. It extends to the whole of West Bengal.
c. This Act except the provisions of Chapter V shall come into force at once. The provisions of Chapter V shall come into force on such date as the State Government may, by notification, appoint and for this purpose different dates may be appointed for different areas to be specified in the notification.

2. Definitions

In this Act, unless the context otherwise requires, -

a. "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the State Government may, by notification, specify to be an amenity for the purposes of this Act;

b. "building" means any structure or erection, or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, where in actual use or not;

c. "Collector" means the Collector of a district, and includes any officer specially appointed by the State Government to perform the functions of a Collector under this Act;

d. "Corporation" means the West Bengal Industrial Infrastructure Development Corporation established under sub-section (1) of section 3 of this Act;

e. "Court" means a principal civil court of original jurisdiction, and includes the court of any Additional District Judge or Subordinate Judge whom the State Government may appoint, by name or by virtue of his office, to perform, concurrently with any such principal civil court, all or any of the functions of the court under this Act within any specified local limits;

f. "development", with its grammatical variations, means the carrying out of building, engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes reclamation and re-development, but does not include mining operation; and “to develop” shall be construed accordingly;

g. "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply;
West Bengal Act 25 of 1974
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[4th April, 1974.]

h. "industrial area" means any area declared to be such by the State Government by notification:

Provided that before declaring any area, falling wholly or partly within the jurisdiction of a Municipal Corporation, Municipality, Gram Panchayat, Notified Area Authority or Development Authority (constituted under any law for the time being in force including the Durgapur Development Authority), as industrial area, the State Government shall consult the concerned Municipal Corporation, Municipality, Gram Panchayat, Notified Area Authority or Development Authority, as the case may be;

i. "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen, and the word "industrial" shall be construed accordingly;

j. "industrial estate" means any site declared by the State Government by notification as such, which the Corporation develops, constructing roads, factory sheds and other buildings and providing amenities therein, to make the estate suitable for establishment and growth of industries:

Provided that before declaring any site, falling wholly or partly within the jurisdiction of a Municipal Corporation, Municipality, Gram Panchayat, Notified Area Authority or Development Authority (constituted under any law for the time being in force including the Durgapur Development Authority), as industrial estate, the State Government shall consult the concerned Municipal Corporation, Municipality, Gram Panchayat, Notified Area Authority or Development Authority, as the case may be;

k. the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894;

l. “means of access” includes any road or other means of access, whether private or public, for vehicle or for pedestrians;

m. "notification" - means a notification published in the Official Gazette;

n. "premises" means any land or building or part of a building and includes-

i. the garden, grounds and out-houses, if any, appertaining to such building or part, and

ii. any fittings affixed to such buildings or part of a building for the more beneficial enjoyment thereof;

o. "Prescribed" means prescribed by rules made under this Act.
CHAPTER II

Establishment and Constitution of the Corporation

3. Establishment and incorporation

a. With effect from such date as the State Government may, by notification, appoint, there shall be established for the purposes of this Act a Corporation under the name of the West Bengal Industrial Infrastructure Development Corporation (hereinafter referred to as the Corporation).

b. The Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract, and do all things necessary for the purposes of this Act.

4. Composition of the Corporation

a. The Corporation shall consist of thirteen members (including ex-officio member) of whom not more than five shall be non-officials.

b. The Chief Executive Officer of the Corporation shall be its ex-officio member.

c. All the members of the Corporation shall be nominated by the State Government.

d. The State Government shall appoint one of the members of the Corporation to be its Chairman. The State Government may, if it thinks fit, appoint one of the other members as Vice-Chairman.

5. Disqualifications for membership

A person shall be disqualified for being nominated as a member of the Corporation, if he

a. is an employee of the Corporation not being the Chief Executive Officer, or

b. is of unsound mind, and stands so declared by a competent court, or

c. is an undercharged insolvent, or

d. has been convicted by a court on a charge of crime involving moral turpitude.

6. Term of office of members, their salaries, fees and allowances

a. The Chairman, Vice-Chairman, if any and the members of the Corporation excepting the Chief Executive Officer shall hold office for such period as may be prescribed.

b. The non-official members of the Corporation shall draw such fees and allowances, as the State Government may prescribe, for attending the meetings of the Corporation or of any committee thereunder or for attending the work of the Corporation.
c. Any person nominated as a member of the Corporation shall, unless disqualified, be eligible for re-nomination, on the expiry of his term of office.

7. Head office and other offices, transaction of the business of the Corporation

a. The Corporation shall establish its head office at such place in the State as the State Government may specify and may, with the previous sanction of the State Government, establish offices or agencies in any other place in the State.

b. The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (3), observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

c. When any contract or loan is proposed to be entered into or taken by or on behalf of the Corporation, such proposal shall be circulated amongst the members of the Corporation, and any member who is directly or indirectly concerned or interested in any such contract or loan shall, within a week from the date of such communication, disclose in writing to the Corporation the nature, kind and extent of this aforesaid interest in such contract or loan, and such member shall not be present at the meeting or meetings of the Corporation in which any such proposal is discussed, unless his presence is required by the other members for the purpose of eliciting information in connection therewith, but no member so required to be present shall vote on any such contract or loan:

Provided that a member shall not be deemed to be concerned or interested as aforesaid by reason only of his being a shareholder of a company concerned or interested in any such contract or loan.

8. Cessation of membership and removal from office of members

a. If a member

I. becomes subject to any of the disqualifications mentioned in section 5, or

II. is absent, without the Corporation's permission, from three consecutive meetings of the Corporation, or from all meetings of the Corporation during any three consecutive months, he shall, with immediate effect, cease to be a member of the Corporation, and shall be deemed to have vacated his office from the date of such cessation.

b. The Chairman, or the Vice-Chairman, if any, or any other member of the Corporation may resign his office by giving notice in writing to the State Government and on such resignation being accepted, shall be deemed to have vacated his office.

c. The State Government may, by order, remove from office, any member of the Corporation, who, in its opinion:
I. has refused to act, or
II. has become incapable of acting, or
III. has so abused his position as member as to render his continuance on the Corporation detrimental to the interest thereof or of the general public, or
IV. is otherwise unfit to continue as a member:

Provided that a member shall not be removed from office unless he has been given reasonable opportunity to show cause against the proposed removal.

9. Filling up of casual vacancies

If a casual vacancy occurs in the membership of the Corporation due to cessation of office, resignation or otherwise, such vacancy shall be filled up by fresh nomination under section 4, and the member so nominated shall hold office for the unexpired period of the term of office of the member whose place he fills.

10. The Chairman or the person appointed to act as Chairman in his absence

a. If the Chairman or any other member of the Corporation is by infirmity or otherwise render temporarily incapable of carrying out his duties, or is granted leave of absence by the State Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his membership, the State Government may, after consultation with the Corporation, appoint another person to act for him during his absence.

b. The Vice-Chairman, if any, shall, in the absence of the Chairman, exercise the powers and perform the functions of the Chairman.

11. Proceeding presumed to be good and valid

No disqualification of, or defect in, the appointment of, any person acting as the Chairman or Vice-Chairman or a member of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

12. Officers and employees of the Corporation

a. The State Government shall appoint a Chief Executive Officer and a Chief Accounts Officer of the Corporation.

b. The Corporation may appoint advisers, and such other officers and employees subordinate to the Chief Executive Officer, as it considers necessary for the efficient performance of its duties and functions.

c. The conditions of appointment and service of the officers and employees and their scales of pay shall:
I. as regards the Chief Executive Officer and the Chief Accounts Officer, be such as may be prescribed, and

II. as regards the other officers and employees, be such as may be determined by regulations made under this Act.

d. The Chief Executive Officer shall be the executive head of the Corporation and all other officers and employees of the Corporation shall be subordinate to him.

e. The Corporation may authorize the Chief Executive Officer, subject to such conditions and limitations as it may specify, to exercise such powers and perform such duties as it may deem necessary for the efficient administration of its business.

f. The Chief Accounts Officer shall have the right to record his Views on every proposal involving expenditure from the funds of the Corporation, prior to the consideration of such proposal by the Corporation.
CHAPTER III

Functions and powers of the Corporation

13. Functions of the Corporation:

The functions of the Corporation shall be :

(1) generally to develop industrial infra-structure for expeditious and orderly establishment, growth and development of industries, trade and commerce on well-planned basis in the State; and

(2) in particular, and without prejudice to the generality of the provisions of clause (1) :

a. to develop industrial areas or part thereof, for the purposes of new growth centres and make the same available for industrial and commercial undertakings and trading concerns to enable them to establish industries and to carry on trade and commerce therein,

b. to frame any scheme to develop any industrial area and undertake any development work in respect thereof, particularly in relation to :

(i) reclamation and improvement of land,
(ii) water supply,
(iii) drainage,
(iv) captive power generation and supply,
(v) roads,
(vi) transport and communication, and
(vii) housing accommodation;

c. to develop any area comprised in any industrial estate or development scheme in all or any of the following manners, namely :

(i) by acquisition of land or other immovable property within the said area by purchase, lease or otherwise,
(ii) by laying out or relaying out of the land in the said area,
(iii) by raising, lowering or leveling of land in the said area,
(iv) by laying out and constructing (including leveling, paving, metalling, flagging and channeling) roads in the said area (including bridges, cause-ways and culverts) and planting flower bushes or trees on both sides of such roads,
(v) by sewering and draining of such roads, and making provisions, by the side of such roads, for water, lighting and other sanitary conveniences as are ordinarily provided within the Municipal areas,
(vi) by providing supply of power to such area through installation of captive generating plants,
(vii) By making provisions for housing facilities and good communications therein.
(viii) by making provisions for gardens, parks, playgrounds, lakes, athletic tracks, recreation buildings and other necessary aids to field or aquatic sports in such area and by taking special steps towards making such area attractive and beautiful,
(ix) by making specific arrangements therein for entertainment of the public,
(x) by controlling the use of land within such area, dividing the same into different zones, and reserving each of them exclusively for a specific purpose,
(xi) by taking other suitable steps and making other provisions for purposes consistent with the objects of the Corporation;

(d) to undertake execution of development schemes or works either jointly with persons, firms, companies, associations, Government or local Authorities, or as agents for furtherance of the objects of the Corporation;

(e) to organize industrial areas or industrial estates by acquiring suitable sites and providing them with roads, water supply, electricity and other amenities, to lease out plots thereof for industrial purposes and to control and manage the affairs of administrations of such areas or estates;

(f) to advance loans to industries to enable them to shift their factories into aforesaid areas and estates.

14. General Powers to the Corporation

Subject to the other provisions of this Act, the Corporation shall have power

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to purchase by agreement or to take on lease or under any form of tenancy any land and to erect thereon such buildings and to execute such other works as may be necessary for the purpose of exercising its powers and performing its functions;

(c) to provide or cause to be provided amenities and common facilities in industrial estates and industrial areas, and construct and maintain or cause to be maintained works and buildings there for;

(d) to develop or cause to be developed land in industrial estates and industrial areas;

(e) to make available buildings on hire or for sale to industrialists or persons intending to start industrial undertakings, trading units and commercial undertakings;

(f) to construct buildings for the housing of the employees of such industrial, trading and commercial concerns;
(g) (i) to construct factory sheds or buildings including residential tenements, and allot such sheds or buildings to suitable persons in the industrial estates and the industrial areas established or developed by the Corporation;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of such allotment;

(h) to constitute one or more advisory committee or committees to advise the Corporation for the efficient discharge of its functions;

(i) to engage suitable consultants of persons having special knowledge or skill to assist the Corporation in the performance of its functions;

(j) subject to the previous permission of the State Government, to delegate any of its powers generally or specially to any of its committees or officers;

(k) to enter into and perform all such contracts as it may think necessary or expedient for performing any of its functions; and

(l) To do such other things and perform such other acts as it may think necessary or expedient for the proper conduct of its functions, and for carrying into effect the purposes of this Act.

15. Authentication of orders and documents of Corporation

All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of the Chief Executive Officer of the Corporation or any other officer authorized by the Corporation in this behalf.

16. Directions by the State Government

(1) The Corporation, in discharging its functions, shall act on business principles, regard being had to the interest of industry, trade, commerce and the general public.

(2) The State Government may, from time to time, issue, in writing, to the Corporation such general or special directions in matters of policy as it may think necessary or expedient for the purpose of carrying out the purpose of this Act, and the Corporation shall be bound to follow and act upon such directions.
West Bengal Act 25 of 1974
West Bengal Industrial Infrastructure Development Corporation ACT, 1974

[4th April, 1974.]
CHAPTER IV
Finance, Accounts and Audit

17. Application of Corporation's assets

All property, fund and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions, and for the purposes, of this Act.

18. Corporation’s fund

1) The Corporation shall have and maintain its own fund, to be called the West Bengal Industrial Infrastructure Development Corporation Fund, to which shall be credited:

(a) all moneys received by the Corporation from the State Government by way of grants, subventions, loans, advances or otherwise;
(b) all moneys received by the Corporation from borrowings in the open market or from banks and other financial institutions;
(c) all fees, costs and charges received by the Corporation under this Act;
(d) all moneys received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable and other transactions;
(e) all moneys received by the Corporation by way of rents and profits or in any other manner or from any other source.

2) The Corporation may keep in current and deposit account with the State Bank of India, or any other bank approved by the State Government in this behalf, such sums of money out of its fund as may be prescribed, and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

3) Such accounts shall be operated upon by such officers of the Corporation as may be authorised by it by regulations made in this behalf.

19. Grants, subventions, loans and advances to the Corporation

The State Government may, after due appropriation made by the Legislative Assembly by law in this behalf, make such grants, subventions, loans and advances to the Corporation as it may deem necessary for the purposes of the functions of the Corporation under this Act, and all grants, subventions, loans and advances made shall be, on such terms and conditions, as the State Government may, after consulting the Corporation, determine.

20. Power of the Corporation to borrow

(1) The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market or from banks and financial institutions or otherwise with a view to providing itself with adequate resources.
(2) All money borrowed under sub-section (1) may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rates and on such conditions as the State Government may determine at the time the moneys are borrowed.


The Corporation may accept deposits, on such conditions as it deems fit, from persons, authorities or institutions, to whom allotment or sale of land, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

22. Reserve and other funds

(1) The Corporation shall make provision for such reserve and other specially denominated funds, as the State Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall, without the previous approval of the State Government, be utilized for any purpose other than that for which it was constituted.

23. Expenditure from funds

(1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorized under this Act from out of the fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 22, as the case may be.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Corporation may contribute such sums, as it thinks fit, towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance, in relation to any of its industrial estates or industrial areas, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

24. Budget and programme of work

(1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the State Government for approval an annual financial statement and programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.
(3) (a) The State Government shall, within one month of the receipt of the annual financial statement, either accord its approval to the same or return it to the Corporation with such comments and suggestions as it deems necessary.

(b) If the financial statement is returned, the Corporation shall, within one month of receiving it from the State Government:

(i) revise the financial statement in the light of the comments and suggestions made by the State Government and re-submit the same so revised to the State Government, or

(ii) if it does not think fit to revise the financial statement, resubmit it in its original form to the State Government together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the financial statement as revised by the Corporation or if the financial statement is re-submitted by the Corporation without revision, the State Government may, within one month from the date of re-submission thereof, amend the financial statement as it considers fit and proper and forward the same so amended to the Corporation and it shall be accepted by the Corporation.

(4) The Corporation shall be competent to make variations in the programme of work in the course of the year, provided that all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the State Government by a supplementary financial statement.

(5) A copy of each of the annual financial statements as made final under sub-section (3) and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly, as soon as may be, after their receipt by the State Government.

25. Accounts and audit

(1) The Corporation shall maintain books of accounts and other books in relation to its business and transactions, in such form and in such manner, as may be prescribed.

(2) (a) The accounts of the Corporation shall be audited by a person, qualified for appointment as auditor under sub-section (1) of section 226 of the Companies Act, 1956, to be appointed by the State Government.

1. Sub-sec. (2) subs. by W.B. Act 35 of 1979, which was earlier as under:

“(2) The Accounts of the Corporation shall be audited by an auditor duly qualified to act as an auditor under sub-section (1) of section 226 of the Companies Act 1956, to be appointed by the State Government in consultation with the Comptroller and Auditor General of India.”
West Bengal Act 25 of 1974
West Bengal Industrial Infrastructure Development Corporation ACT, 1974
(4th April, 1974.)

(b) Notwithstanding anything to the contrary contained in clause (a), but subject to the provisions of the
Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 and the rules
and orders made there under, the State Government may entrust the audit of the accounts of the
Corporation to the Comptroller and Auditor-General of India.

(3) The Corporation shall supply its auditor with a list of all books of accounts and other books
maintained by it and the auditor shall, at all reasonable times, have access to the books,
accounts, vouchers and other documents of the Corporation.

(4) The auditor may, in relation to the accounts of the Corporation of which he is the auditor,
examine any member or any officer or employee of the Corporation, and shall be entitled to
require from any officer of the Corporation such information or explanation, as he may think
necessary, for the performance of his duties.

(5) The auditor shall make a report to the Corporation upon the accounts examined by him, and in
every such report he shall state,

(a) in the case of books of accounts and other books maintained by the Corporation, whether in his
opinion the accounts exhibit a true and fair view of the state of affairs of the Corporation at the
end of the year, and

(b) In case he had called for an explanation or information from the Corporation, whether it has
been given and whether it is satisfactory.

(6) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy
thereof together with the copy of the report of the auditor thereon to the State Government.

(7) The State Government shall cause the accounts of the Corporation, together with the audit
report thereon forwarded to it under sub-section (6), to be laid annually before the Legislative
Assembly.

26. Concurrent and special audit of accounts

(1) Notwithstanding anything contained in section 25, the State Government may order that there
shall be concurrent audit of the accounts of the Corporation by such person as it thinks fit. The
State Government may also direct a special audit to be made, by such person as it thinks fit, of
the accounts of the Corporation relating to any particular transaction or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be
presented for audit such accounts and shall furnish to the person referred to in sub-section (1)
such information as the said person may require for the purpose of audit.

2(3) Without prejudice to anything contained in the preceding sub-sections, and in section 25 and
subject to the provisions of the Comptroller and Auditor General's (Duties, Powers and
Conditions of Service) Act, 1971 and the rules and orders made thereunder, the Comptroller
and Auditor-General of India may, if so requested by the State Government, examine, and
report upon the accounts of the Corporation and any expenditure Incurred by him in connection
with such examination and report shall be payable by the Corporation to the Comptroller and
Auditor-General of India.

2 Sub-sec. (3) Subs. by W.B. Act 14 of 1981. which was earlier as under:-
“(3) Without prejudice to anything contained in the preceding sub-sections, and in section 25, the Comptroller and Auditor-General of India may, if so requested by the State Government, examine, and report upon, the accounts of the Corporation, and any expenditure incurred by him in connection with such examination and report shall be payable by the Corporation to the Comptroller and Auditor-General of India.”.

CHAPTER V

Acquisition and disposal of land

27. Acquisition of land

(1) If at any time, in the opinion of the State Government, any land is required by it for the purpose of development by the Corporation or for any other purpose in furtherance of the objects of this Act, the State Government shall serve a notice upon the owner of the land and any other person who, in the opinion of the State Government, may be interested therein, to show cause, within such time as may be specified in the notice, why the land shall not be acquired:

Provided that nothing in this sub-section shall apply to land belonging to the Union of India.

(2) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(3) If the State Government decides to acquire the land, it shall publish in the Official Gazette a notice specifying the particular purpose for which such land is required and stating therein that the State Government has decided to acquire the land.

(4) When a notice under sub-section (3) is published in the Official Gazette, the land shall, on and from the date of such publication, vest absolutely in the State Government free from all encumbrances.

(5) Where any land is vested in the State Government under sub-section (4), the State Government may, by notice, order any person who may be in possession of the land to deliver possession thereof, within thirty days of the service of the notice, to the State Government or any person duly authorized by it in this behalf.

(6) If any person refuses or fails to comply with an order under subsection (5), the State Government may take possession of the land and may for that purpose use such force as may be necessary.

(7) Where the land has been acquired in the aforesaid manner for the purposes referred to in sub-section (1), the State Government shall, after it has taken possession of the land,
(a) where the Corporation pays the amount of compensation determined under section 28 and other charges incurred by the State Government in connection with the acquisition, transfer the land to the said Corporation for the purpose for which the land had been acquired, or

(b) Where the Corporation does not propose to pay the aforesaid compensation and charges, hand over possession of the land to the Corporation for the purpose for which it has been acquired.

28. Compensation

(1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation the amount of which shall be determined in accordance with the provisions of this section.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Collector for determination of the amount of compensation to be paid for such acquisition, as also the person or persons to whom such compensation shall be paid.

(4) Before finally determining the amount of compensation, the Collector shall give an opportunity to every person to be compensated to state his case as to be amount of compensation.

(5) In determining the amount of compensation, the Collector shall be guided by the provisions contained in section 23 and section 24 of the Land Acquisition Act, 1894.

(6) For the purpose of determining the amount of compensation:

(a) the Collector shall have power to require any person to deliver to him such return and assessments as he considers necessary;

(b) the Collector shall also have power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the name of every other person having any interest in the land as co-owner, mortgagee, tenant or otherwise, the nature of such interest and the amount of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(7) Every person required to deliver a return, assessment or statement under sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

(8) The Collector may hear expert witness if he considers it necessary to do so in any particular case.
The Collector or any officer authorized by him in this behalf shall be entitled to enter upon and inspect any land which is subject of proceedings before him.

The Collector shall dispose of every case referred to him under subsection (3) for determination of compensation as expeditiously as possible and in any case within six months from the date of receipt of the reference from the State Government.

The Collector shall determine the amount of costs incurred in any case disposed of by him under this section, and by what persons and in what proportions they are to be paid.

29. Appeal

Any person aggrieved by the decision of the Collector determining the amount of compensation may, within sixty days from the date of such decision, in so far as it affects him appeal to the Court having jurisdiction over the area in which the land is situate.

The decision of the Court on such appeal, and subject only to such decision, the decision of the Collector determining the amount of compensation, shall be final.

30. Disputes as to apportionment

When the amount of compensation has been settled under section 28, if any dispute arises as to the apportionment of the same or any part thereof, or as to persons to whom the same or any part thereof is payable, the Collector may refer such dispute for the decision of the Court, which shall be final.

31. Payment of compensation

Where the amount of compensation is determined by agreement, the State Government shall pay such amount to the person or persons entitled thereto.

Where the amount of compensation is determined by the Collector under the provisions of section 28, the State Government shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by one or more of the contingencies mentioned in subsection (3).

If the persons entitled to compensation according to the decision of the Collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any dispute as to the title to receive the compensation, the State Government shall deposit the amount of the compensation, so determined, in the Court:
Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation:

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation determined under this Chapter, to pay the same to the person lawfully entitled thereto.

32. Investment of amount deposited in Court

Where any amount of compensation has been deposited in Court under section 31, the Court may, either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other securities approved by the State Government as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit there from as they might have had from the land in respect of which such amount has been deposited or as near thereto as may be.

33. Payment of interest

When the amount of such compensation is not paid or deposited on or before taking possession of the land, the State Government shall pay the amount of compensation determined with interest thereon (in accordance with the provisions of section 34 of the Land Acquisition Act, 1894.)

3 Words and figures subs. for the words "at the rate of four percent per annum from the time of so taking possession until it shall have been so paid or deposited." by W.B. Act 22 of 1996.
34. Disposal of land by the Corporation

(1) Subject to any directions given by the State Government under this Act, the Corporation may dispose of

(a) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon;

Or

(b) Any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such terms and conditions, as it considers expedient for securing the purposes of this Act.

(2) The powers of the Corporation with respect to the disposal of land under sub-section (1) shall be so exercised as to secure, so far as practicable, that:

(a) where the Corporation proposes to dispose of by sale any such land without any development having been undertaken or carried out thereon, the Corporation shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it, subject to such conditions as to its development and use as the Corporation may think fit to impose;

(b) persons who are residing or carrying on business or other activities on any such land shall, if they desire to obtain accommodation on land belonging to the Corporation and are willing to comply with any requirements of the Corporation as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(3) Nothing in this Act shall be construed as enabling the Corporation to dispose of land by way of gift, mortgage or charge, but subject as aforesaid, reference in this Act to the disposal of land shall be construed as reference to the disposal in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

35. Government lands

(1) For the furtherance of the objects of this Act, the State Government may, upon such conditions as may be agreed upon between that Government and the Corporation, place at the disposal of the Corporation any lands vested in the State Government.

(2) After any such land has been developed by, or under the control and supervision of, the Corporation, it shall be dealt with by the Corporation in accordance with the regulations made, and directions given by the State Government in this behalf.
(3) If any land placed at the disposal of the Corporation under sub-section (1) is required at any time thereafter by the State Government shall replace it at the disposal of the State Government upon such terms and conditions as may be mutually agreed upon.

36. Right of land owner to compel Corporation to acquire his interest

Where any land within any area is not acquired within a period of ten years from the date on which Chapter V takes effect in such area, owner of such land may by notice in writing served on the State Government require it to purchase his interest therein; and thereupon the State Government shall proceed to acquire that land under this Chapter.

37. Delegation of powers of the State Government

The State Government may, if it thinks, fit, delegate, by notification, any of its powers under this Chapter to any of its officers.
CHAPTER VI

Powers of the Corporation in case of certain defaults by
Owner of land in industrial area

38. Control of development of land and building operation

(1) No person shall

(a) erect any new building, or
(b) alter any existing building, or
(c) undertake any specific development of land,

In any industrial estate entrusted to the Corporation (hereinafter in this Chapter referred to as the industrial estate) except with permission from, and in accordance with the terms and conditions settled by, such Corporation.

(2) On receipt of any application from a person submitted in the prescribed form and manner, for permission referred to in sub-section (1), the Corporation may, after such inquiry as it may deem fit, grant such permission subject to such terms and conditions as may be settled by it.

39. Powers of the Corporation in case of certain defaults by owner of land in industrial area

(1) If the Corporation, upon report from any of its officers or from other information in its possession or after holding a local inquiry, is satisfied that the owner of any land in any industrial estate has failed:

(a) to provide any amenity in relation to such land which, in the opinion of the Corporation, is required to be provided in the interest of development of industry, trade and commerce within such area, or
(b) to carry out any specific development of the land for which permission has been obtained from the Corporation under subsection (1) of section 38, the Corporation may serve upon such owner a notice requiring him to provide such amenity or carry out such development, as the case may be, within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Corporation may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any acting under this sub-section, the Corporation shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Corporation or the agency employed by it, in providing such amenity or carrying out such development, together with interest at such rate not exceeding six
and a quarter per centum per annum as the State Government may, by order, fix, from the date when a demand for the expenses is made until payment, shall be recoverable by the Corporation from the owner.

### 40. Order of the demolition of building

(1) Where the erection of any building in an industrial estate has been commenced or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms and conditions settled by the Corporation, any officer of the Corporation empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing the owner to demolish such erection or to so alter the same as to conform to the said terms and conditions within a period of three months from the date of the order:

Provided that no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal against that order, within thirty days from the date thereof, to a Committee of the Corporation set up for the purpose by regulations made in this behalf. Such Committee may, following the procedure provided by regulations made in this behalf, confirm, modify or set aside the order.

(3) The decision of the Committee on such appeal and, subject to such decision, the order made by the officer under sub-section (1) shall be final.

(4) On the failure of the owner

(a) to comply with the order made under sub-section (1) within the period specified therein, or

(b) where an appeal has been preferred against such order under sub-section (2) and the order has not been set aside on such appeal, to comply with the order of the Committee on appeal, confirming or modifying the order appealed against, within such longer period, if any, as may be allowed by the Committee on appeal, the officer empowered under sub-section (1) may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable by the Corporation from the owner.

### 41. Power to stop building operations

(1) Where the erection of any building in an industrial estate has been commenced, or is being carried on, or has been completed, or any existing building is altered, in contravention of the terms and conditions settled by the Corporation, any officer of the Corporation empowered in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of service of the order.
(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Corporation or the officer empowered as aforesaid may require any police officer not below the rank of Inspector to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Corporation or the officer empowered as aforesaid may depute, by a written order, a police officer or an officer or employee of the Corporation to keep a watch upon the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order made under sub-section (1) shall, on conviction, be punishable with fine which may extend to two hundred rupees for every day during which such noncompliance continues after the service of the order.

(5) No compensation shall be claimed by any person for any damage or loss which he may sustain in consequence of any order made under this section.

42. Penalty for construction or use of land and buildings Contrary to terms and conditions

(1) Any person, who, whether at his own instance or at the instance of any other person, undertakes or carries out construction of, or alterations to, any building in an industrial estate, contrary to the terms and conditions settled by the Corporation, shall, on conviction, be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing contravention, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person, who uses any land or building in an industrial estate or industrial area in contravention of the provisions of any regulations made by the Corporation in this behalf, shall on conviction, be punishable with fine which may extend to five thousand rupees.

43. Power of Corporation to lay down pipes, conduits, etc., in area taken up for development

(1) Any officer of the Corporation empowered by it in his behalf (hereinafter in this section referred to as "the empowered officer"), may, within any area taken up for development under section 13 and section 14, and

(a) carrying gas, water or electricity from a source of supply to the area referred to in clause (a), or

(b) constructing any sewers or drains necessary for carrying off the working and waste liquids of an industrial process through any intervening area, lay down, place, maintain, alter, remove or repair.
any pipe lines, conduits, supply or service lines, posts or other appliances or apparatus in, on, under, over, along or across any land in such areas.

(2) The empowered officer or the authorized person may at any time enter upon any land in any such area, and in such even the provisions of section 44 shall mutatis mutandis apply.

(3) While exercising the power conferred by sub-section (1), the empowered officer or the authorized person shall, where the land affected is a street, bridge, sewer, drain or tunnel, cause as little damage as possible to such property.

(4) Full compensation to all persons, to whom damage has been caused in consequence of the exercise of the power conferred under sub-section (1) shall be paid:

(i) where such power is exercised by the empowered officer, by the Corporation, or
(ii) Where such power is exercised by the authorized person, by the State Government.

(5) Nothing in this section shall authorize or empower any officer or person referred to in subsection (2) to lay down or place any pipe or other works into, through or against any building or any land, not dedicated to public use, without the consent of the owners and occupiers thereof, except that such officer or person may, at any time, enter upon and lay or place any new pipe in the place of an existing pipe in any land in which any pipe been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down:

Provided that nothing in the aforesaid provision shall be construed to mean that the Corporation or the authorized person is debarred from having the said land acquired at any time by the State Government in the normal course.
CHAPTER VII

Supplementary and miscellaneous provisions

44. Power of entry

Any officer of the State Government, any member of the Corporation, and any person either generally or specially authorized by the Corporation in this behalf, may enter into or upon any land or building with or without assistants or workmen in any industrial estate or industrial area for the purpose of

(a) Making any inspection, survey, measurement, valuation or enquiry or taking levels of such land or building;
(b) examining works under construction and ascertaining the course of sewers and drains;
(c) digging or boring into the sub-soil;
(d) setting out boundaries and intended lines of work;
(e) marking such levels, boundaries and lines by placing marks and cutting trenches;
(f) doing any other thing necessary for the efficient administration of this Act:

Provided that:

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier or, if there be no occupier, to the owner of the land or building;
(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;
(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages and customs of the occupants of the land or building entered.

45. Officers of the Corporation may be vested with other powers

The State Government may, by notification, nominate any officer of the corporation., be a controller or licensing authority under any law for the time being in force, relating to the procurement or distribution of any commodity in respect of the industrial undertakings established or to be established in the industrial estates or industrial areas entrusted to or developed by the Corporation, and such nomination shall not be called into question merely on the ground that such officer is not an officer of the State Government.

46. Overriding powers of State Government to issue directions to local authorities

Notwithstanding anything contained in any other law, or in any licence or permit, if the State Government is satisfied, either on a recommendation made in this behalf by the Corporation or otherwise, that the setting up of an industrial undertaking (whether within an industrial area or outside) is impeded by a local authority's refusal to grant, or by such authority's insistence on conditions which
the State Government considers unreasonable for the grant of, any amenity, the State Government may direct the local authority to grant the said amenity, on such conditions as it may consider fit and thereupon the amenity shall be granted:

Provided that no such direction shall be issued by the State Government without giving the local authority a reasonable opportunity to show cause against the proposed direction:

Provided further that the charge for granting or continuing such amenity (which. Shall not be less than the cost incurred by the local authority or the licensee concerned for providing such amenity) shall be paid to such local authority.

47. Recovery of sums due to the Corporation as arrears of land revenue

All sums payable by any person to the Corporation or recoverable by it or under this Act shall, without prejudice to any other mode of recovery, be recoverable, on the application of the Corporation, as an arrear of land revenue.

48. Service of notices, etc.

(1) All notices, orders and other documents required by this Act or any rule or regulation made there under to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served.

(a) where the person to be served is a company, the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956;
(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, indentifying it by the name or style under which its business is carried on, and is either-
   (i) sent under a certificate of posting or by registered post, or
   (ii) left at the said place of business;
(c) where the person to be served is a statutory public body or a Corporation or a Society or other body, if the document is addressed to the secretary, treasurer or other principal officer of that body, Corporation or Society at its principal office, and is either
   (i) sent under a certificate of posting or by registered post, or
   (ii) left at the office;
(d) in any other case, if the documents is addressed to the person to be served and-
   (i) is given or tendered to him, or
   (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
   (iii) Is sent under a certificate of posting or by registered post to that person.
(2) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed to "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served

(a) if the document so addressed is sent or delivered in accordance with clause (d) of subsection (1); or
(b) if the document so addressed or a copy thereof so addressed is given or tendered to some person on the land or building to whom it can be delivered, or if such person cannot be found, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the State Government or the Corporation, as the case may be, to state the name and address of the owner thereof.

49. Public Notices how to be made known:

Every public notice given under this Act or any rule or regulation made there under shall be in writing over the signature of the officer concerned and shall be widely made known in the locality to the affected thereby, affixing copies thereof in conspicuous public places, within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, or by any two or more of these means, and by any other means that the officer may think fit.

50. Notices, etc., to fix reasonable time

Where any notice, order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable period of time for doing the same or complying therewith.

51. Furnishing of returns, etc.

(1) The Corporation shall furnish to the State Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the State Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to in section 25, furnished to the State Government an annual report on its working, as soon as may be after the end of each financial year, in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislative Assembly, as soon as may be, after it is received by the State Government.
52. Withdrawal of an area or estate or part thereof

Where the State Government is satisfied that in respect of any particular industrial estate or industrial area, or any part thereof, the purpose for which the Corporation was established under this Act has been substantially achieved so as to render the continued existence of such estate or area or part thereof under the Corporation unnecessary, the State Government may, by notification, declare that such industrial estate or industrial area or part thereof has been removed from the jurisdiction of the Corporation. The State Government may also make such other incidental arrangements for the administration of such estate or area or part thereof as the circumstances necessitate.

53. Defaults in performance of duty

(1) If the State Government is satisfied that the Corporation has made a default in performing any duty or obligation imposed on it by or under this Act, the State Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, in opinion of the State Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the State Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is reconstituted in the manner laid down in Chapter II, the powers, duties and function of the Corporation under this Act, shall be exercised, performed and discharged by the State Government or by such officer or officers as the State Government may appoint for this purpose from time to time.

(4) All properties vested in the Corporation shall, during the period of supersession, vest in the State Government.

54. Dissolution of Corporation

(1) Where the State Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation unnecessary, it may, by notification, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation shall be deemed to be dissolved accordingly.

(2) From the said date

(a) all properties, funds and dues which are vested in, or realizable by, the Corporation shall vest in, or be realizable by, the State Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the State Government.
55. Authority for prosecution

Unless otherwise expressly provided, no Court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act in, the Corporation, punishable under this Act, except on the complaint of, or upon information received from, the Corporation or any person authorized by the Corporation by general or special order in this behalf.

56. Composition of offences by Corporation

(1) The Corporation or any person authorized by the Corporation by general or special order in this behalf may, either before or after the institution of the proceedings, compound any offence punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

57. Offences by companies

(1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purposes of this section

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.
58. Penalty for obstruction

Any person who obstructs the entry of a person authorized under section 44 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

59. Power to make rules

(1) The State Government, after consultation with the Corporation in regard to matters concerning it, may, by notification, make rules to carry out the purposes of this Act:
Provided that consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section but the State Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the allowances and honoraria of the non-official members of the Corporation referred to in section 6;
(b) the conditions of appointment and service and the scales of pay of the Chief Executive Officer and the Chief Accounts Officer of the Corporation referred to in section 12;
(c) the sums of money to be kept by the Corporation in current and deposit accounts under sub-section (2) of section 18;
(d) the conditions subject to which the Corporation may borrow money under sub-section (1) of section 20;
(e) the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the State Government and the form and detail of such statement referred to in section 24;
(f) the form and the manner of maintaining books of accounts and other books under section 25;
(g) the form and detail of the annual report to be furnished to the State Government under section 51;
(h) the fees which may be charged by the Corporation;
(i) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the Legislative Assembly as soon as possible after they are and shall be subject to such modification, if any, whether by way of repeal or amendment, as the Legislative Assembly may make during the
session in which they are so laid, or the session immediately following and if the Legislative Assembly makes any modification in the rule by way of amendment or repeal, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or repeal shall be without prejudice to the validity of anything previously done under that rule.

60. Power of the Corporation to make regulations

The Corporation may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made there under, to carry out the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for

(a) the time and places of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings to be provided under sub-section (2) of section 7;

(b) the conditions of appointment and service and the scales of pay of officers and employees of the Corporation, other than the Chief Executive Officer and the Chief Accounts Officer, to be determined under sub-section (3) of section 12;

(c) the officers of the Corporation who may operate its accounts, referred to in sub-section (3) of section 18;

(d) the manner in which Government lands shall be dealt with by the Corporation after development, under sub-section (2) of section 35;

(e) the Committee of the Corporation and the procedure to be followed by it, to hear appeals under sub-section (2) of section 40;

(f) the additional terms and conditions referred to in sub-section (2) of section 42, subject to which lands and buildings in industrial estates and industrial areas may be held or used;

(g) any other matter which has to be, or may be provided by regulations;

61. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

62. Members, officers and employees of Corporation to be public servants

All members, officers and employees of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
63. Effect of provisions inconsistent with other laws

The provisions or this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any custom, usage, decree or order of the Court or any agreement incorporated in any other instrument having effect by virtue of any law.

64. Power to remove doubts and difficulties

If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by order within a period not exceeding two years from the date of commencement of this Act, make such provisions or give such directions not inconsistent with the expressed provisions of this Act, as may appear to It to be necessary or expedient for the removal of the doubt or difficulty, and the order of the State Government in such cases shall be final.

65. Repeal and savings

(1) The West Bengal Industrial Infrastructure Development Corporation Ordinance, 1973, is hereby repealed.

(2) Anything done or any action taken under the West Bengal Industrial Infrastructure Development Corporation Ordinance, 1973, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 16th day of November, 1973.
No. 1989-Ind./PI-11th March 1978 — In exercise of the power conferred by section 59 of the West Bengal Industrial Infrastructure Development Corporation Act, 1974 (West Ben. Act XXV of 1974), read with the provision thereto, the Governor is pleased hereby to make the following rules:

RULES

CHAPTER-I

PRELIMINARY

1. Short title

These rules may be called the West Bengal Industrial Infrastructure Development Corporation Rules. 1978.

2. Definitions

In these rules, unless the context otherwise requires:

(a) "Chief Executive Officer" means the officer appointed by the State Government as the Chief Executive Officer of the Corporation under sub-section (1) of section 12;

(b) "Chief Accounts Officer" means the officer appointed by the State Government as the Chief Accounts Officer of the Corporation under sub-section (1) of section 12;

(c) "Form" means a form appended to these rules;

(d) "member" means a member of the Corporation nominated under sub-section (3) of section 4;

(e) "the Act" means West Bengal Industrial Infrastructure Development Corporation, Act, 1974;

(f) "regulations" means the regulations made by the Corporation under section 60;

(g) "section" means a section of the Act.
CHAPTER-II

Term of office, and remuneration, of members of the Corporation

3. Term of office
   The Chairman, Vice-Chairman, if any, and the member of the Corporation excepting the Chief Executive Officer shall ordinarily hold office for a period of three years from the respective date of their nomination or for such shorter period as the State Government may direct.

4. Salary, allowance and honorarium of members
   (1) A non-official member shall be entitled to an allowance of rupees fifty for every day he attends a meeting of the Corporation or any of its Committees.
   (2) An official member nominated under sub-section (3) of section 4, if he is a whole time member, shall be entitled to draw such salary and allowances as may be fixed in each case by the State Government. If such official member is a part-time member, he shall not be entitled to draw any salary or allowances for being such member, except as provided in rule 5.

5. Travelling allowances
   (1) The non-official members shall be entitled to travelling allowances admissible to a Government Officer of the first grade under the West Bengal Services Rule:
      Provided that for special reasons to be recorded in writing, the Chairman, and with the permission of the Chairman, a non-official member, may, in the discharge of his duty, travel:
      (i) by the highest class of accommodation available, including air-conditioned accommodation, or
      (ii) by air.
   (2) For attending the meetings of the Corporation or of any Committee thereunder or for attending the work of the Corporation, the official members shall be eligible to draw such travelling and daily allowances as may be admissible to them under the rules governing such members:
      Provided that an official member shall not draw travelling or daily allowance from the Corporation, if for the same journey or for the same halt he has drawn travelling or daily allowance, as THE case may be, from the Government treasury in another capacity.
   (3) A bill for travelling allowance, daily allowance or conveyance allowance as the case may be, claimed under this rule shall be countersigned, when such allowance is claimed by
      (a) the Chairman, by the Chairman himself,
      (b) the Vice-Chairman, by the Chairman,
      (c) a non-official member, by the Chairman or the Vice-Chairman,
      (d) An official member, by the official member himself, before such bill is submitted for audit and payment.
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CHAPTER III

Conditions of appointment and service including scales of pay of the
Chief Executive Officer and the Chief Accounts Officer

6. Pay and allowances

The Chief Executive Officer and the Chief Accounts Officer shall draw:

(a) Such pay as may be fixed by the State Government in the Scale of pay of Rs. 2,100-125-2,350 and in the scale of pay of Rs. 1,600-60-1900 respectively, and

(b) Such dearness and other allowances as such rates as may be admissible to officers of the State Government in the corresponding scales of pay.

7. Travelling allowances

(1) The Chief Executive Officer and the Chief Accounts Officer shall be entitled to travelling allowances for the journeys performed in the service of the Corporation on the scale provided for Grade I Officers of the State Government.

(2) Notwithstanding anything contained in sub-rule (1), the Chief Executive Officer shall, whether he is a Government servant deputed on foreign service conditions or not, and irrespective of the pay drawn by him, in the case of journeys on tour including various types of journeys for which travelling allowance is admissible as for the journey on tour, be entitled, for special reasons to be recorded in writing, to travel by air:

Provided that, such concession shall not be admissible to him for journeys on transfer and similar types of journeys and, in the case of any type of journeys, to the members of his family.

(3) A bill for travelling allowance, daily allowance or conveyance allowance, as the case may be, claimed by the Chief Executive Officer shall be countersigned by the Chairman, while such a bill claimed by the Chief Accounts Officer shall be countersigned by the Chief Executive Officer.

8. Leave ad leave salary

The Chief Executive Officer or the Chief Accounts Officer who-

(a) is a Government servant deputed on foreign service conditions to the Corporation shall, so long as he remains in Government service, be entitled to leave and leave salary under the rules applicable to him as such Government servant; and

(b) is not a Government servant, or being in Government service has subsequently ceased to be in such service, shall be entitled to leave salary which may be admissible to other officers of the Corporation under the Regulations.
9. **Provident Fund**

The Chief Executive Officer or the Chief Accounts Officer who:

(a) is a Government servant deputed on foreign service conditions to the Corporation and who has been admitted to the provident fund maintained by the Government shall, so long as he is in Government service, be entitled to continue to subscribe to the said fund upon the same terms and conditions, and subject to the same rules, as apply to Government servants; and

(b) is not a Government servant, or being in Government service has ceased to be in Government service, shall be entitled to the benefit of the provident fund of the Corporation maintained under the Regulations.

10. **Termination of service**

Except as otherwise expressly provided in the terms of a contract in any individual case, the State Government may terminate the services of the Chief Executive Officer or the Chief Accounts Officer, who is not a Government servant deputed on Foreign Service conditions to the Corporation or being a Government servant has ceased to be in Government service, by giving him three months' notice or in lieu of such notice an amount equal to three month's pay.

11. **Resignation**

Except as otherwise expressly provided by the terms of contract in any individual case, the Chief Executive Officer or the Chief Accounts Officer, who is not a Government servant deputed on foreign service conditions to the Corporation, or being a Government servant has ceased to be in Government service, may resign his office by giving three month’s notice in writing to the State Government:

Provided that, if the State Government so directs before the expiry of the aforesaid period of three months, the Chief Executive Officer or the Chief Accounts Officer, as the case may be, giving such notice, shall not vacate his office after the period of three months until such time as he is relieved thereof.

12. **Disciplinary action**

The Chief Executive Officer or the Chief Accounts Office, who:

(a) is a Government servant deputed on foreign service conditions to the Corporation, so long as he is in Government service, shall, on the recommendation of the Corporation, be subject to disciplinary action by the Government according to the rules applicable to its officers; and

(b) is not a Government servant, or being a Government servant has ceased to be in Government service, shall, with the approval of the Government, be subject to disciplinary action by the Corporation according to the Regulations applicable to other officers of the Corporation.
13. Other conditions of service

All other matters relating to the conditions of service of the Chief Executive Officer or the Chief Accounts Officer, who:

(a) is a Government servant deputed on foreign service conditions to the Corporation, shall be regulated in accordance with the provisions of the West Bengal Services Rules; and
(b) is not a Government servant, or being a Government servant has ceased to be Government service, shall be, with the approval of Government regulated in accordance with the provisions of the Regulations applicable to other officers of the Corporation.

14. Money to be kept by the Corporation in a current or deposit account

Out of its funds, the Corporation may keep such sum not exceeding ten thousand rupees in its current or deposit account with the State Bank of India.
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15. Temporary borrowing by the Corporation

The Corporation may, for the purpose of meeting any current expenditure properly chargeable to revenue, borrow by way of temporary loan or overdraft from any bank or otherwise, such sums as it may require, on such terms and conditions as the Corporation thinks fit. The amount so borrowed, together with the interest thereon, shall be repaid from current revenues within a period of twelve months from the date of temporary borrowing or within such extended period as the State Government may allow.

16. Limit of borrowing without previous consent of the Government

The Corporation may mortgage or charge its undertaking and property (including revenues) or any part thereof and borrow money or issue debentures, debenture stock, notes and other securities whether outright or as security for any debt, liability or obligation of the Corporation or of any third party:

Provided that the aggregate amount for the time being remaining un-discharged of money borrowed or secured as aforesaid by the Corporation exclusive of the temporary loans as aforesaid shall not, at any time, without the previous consent of the State Government, exceed the sum of Rs. 25,00,000.

[Nothing herein contained shall require a bona fide lender to the Corporation to ascertain if the limits herein prescribed have been or are about to be exceeded.]

17. Manner of issuing securities

Every bond, obligation, debenture or other security issued by the Corporation for raising money or for securing money borrowed by or due from the Corporation shall be by a deed under the common seal of the Corporation and signed autographically by the Chief Executive Officer or any other officer authorized by the Corporation in that behalf.

18. Register of securities to be kept

A register of bonds, debentures and other securities shall be kept by the Corporation in which shall be entered the number and date of every such bond, debenture or other security and the sum secured thereby and the names of the parties thereto (if any) with their addresses and all other necessary particulars thereof.
19. Instructions which may be issued for Transfer of Securities

The Corporation may from time to time issue instructions for controlling the transfer of any bond, debenture or other security as it may deem expedient, provided that such instruction shall not affect the holder or transferee of any bond, debenture or other security unless distinct notice of such instruction shall appear thereon.

20. Assigning or conveying property of Corporation for certain purposes

The Corporation may, for the purpose of securing the payment of any such bonds, debentures or other securities as aforesaid, or the payment with interest of any money so borrowed as aforesaid or payable under any contract or otherwise, make and carry into effect any arrangement which the Corporation may deem expedient by assigning or conveying any property of the Corporation, including its revenues, to trustees.

21. Debentures ordinarily payable to bearer

Unless, otherwise resolved by the Corporation in a general meeting, any debenture which may be issued by the Corporation may be so framed that the principal money and interest thereby secured shall be payable to the bearer and free from any equities between the Corporation and the persons to whom the same may be issued.

22. Particulars of borrowing on guarantee to be furnished

Where the Corporation proposes to borrow money on the guarantee of the State Government as provided in subsection (2) of section 20, the Corporation shall furnish to the State Government all such particulars of the amount, purpose, nature and circumstances of the proposed borrowing and the amount of outstanding loans and such other Information as the State Government may require.

23. Saving for Government

No security shall be issued or granted as a security in respect of which the payment of the principal and interest is guaranteed by the State Government, until the amount, price, rate of interest, date and method of issue of such security, the arrangements for the application of the proceeds of the issue and for the repayment of the proceeds have been previously approved by the State Government and no variation of any such arrangements shall be made without the like approval of the State Government.
Annual Financial Statement and other statements and reports to be furnished by the Corporation and manner of maintaining accounts

24. Budget and programme of work

(1) The Corporation shall submit to the State Government for approval before the 1st day of February of each year the annual financial statement and programme of work for the succeeding financial year.

(2) The annual financial statement and the supplementary financial statement, if any, shall be in Form A, and the programme of work in Form B.

(3) The Corporation shall also forward to the State Government with its programme of work, a note giving history and description of each scheme including inter alia the progress made, expenditure incurred and receipts accrued in the previous years in respect of continuing schemes. The note shall, in particular, bring out the financial implications of each scheme.

25. Maintaining of accounts

(1) The accounts of the Corporation shall be prepared and maintained in accordance with the Commercial System.

(2) The statement of accounts to be submitted to the State Government under sub-section (6) of section 25 shall be in Form C.

(3) The Corporation shall cause regular accounts to be kept of all its money and properties in respect of its affairs.

26. Annual report and other returns

(1) The Corporation shall, within three months of the date of closing of each financial year, submit to the State Government an annual report.

(2) The report shall contain inter alia particulars regarding the

(a) Industrial areas/estates entrusted to the Corporation by the State Government.

(b) programme of work for the year under report;

(c) progress of work during the year with particular reference to the

   (i) land acquired,
   (ii) development carried out,
(iii) Amenities provided
(iv) industries established in the industrial areas/estates, and
(v) details of any other activities entrusted to and undertaken by the corporation under and in accordance with the Act;

(d) finance for Corporation;

(e) changes, if any, in the constitution of the Corporation;

(f) establishment under the Corporation and administration of its business;

(g) directions given by the State Government to the Corporation and their compliance;

(3) The Corporation shall also submit to the State Government in April, July, October and January of each year, a progress report based on its working and accounts up to the end of the quarter immediately preceding the months aforesaid.
"FORM "B"

See Rule
Annual Programme of Work

I. Budget Estimates of the West Bengal Industrial Infrastructure Development Corporation for the year
(Revenue Receipts)

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Name of Scheme</th>
<th>Estimated cost of the work</th>
<th>Estimated expenditure in the year for which programme is proposed</th>
<th>Estimated receipts</th>
<th>Salient features, Amenities and facilities to industries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>
**FORM "A"**

See Rule

Annual Financial Statement

I. Budget Estimates of the West Bengal Industrial Infrastructure Development Corporation for the year
(Revenue Receipts)

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Sub-head</th>
<th>Actuals for Previous year</th>
<th>Budget Estimates for current year</th>
<th>Revised Estimates for the current year</th>
<th>Budget Estimates 201_</th>
<th>Actuals for Previous year</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Annual rent of land leased</td>
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<td>2</td>
<td>Annual rent of buildings</td>
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<td>3</td>
<td>Water supply and electric Supply charges.</td>
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<td>4</td>
<td>Hire charges for Tools and Plants</td>
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<td>5</td>
<td>Recovery of fines from contractors</td>
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<td>6</td>
<td>Forfeiture of deposits</td>
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<td>7</td>
<td>Interest</td>
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<td>8</td>
<td>Miscellaneous</td>
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<tr>
<td>9</td>
<td>Subventions from State Governments</td>
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Total
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<tr>
<th>Serial No</th>
<th>Sub-head</th>
<th>Actuals for Previous year</th>
<th>Budget Estimates for current year</th>
<th>Revised Estimates for the current year</th>
<th>Budget Estimates</th>
<th>Remarks (Explanation for increase/Decrease)</th>
</tr>
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<tbody>
<tr>
<td>i</td>
<td>Administrative Expenses</td>
<td></td>
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<tr>
<td>a</td>
<td>Establishment and other charges</td>
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<tr>
<td>b</td>
<td>Contingencies</td>
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<td></td>
<td>Total I</td>
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<td>Deduct percent transferred to development expenditure in capital account.</td>
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<td></td>
<td>Net</td>
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<tr>
<td>ii</td>
<td>Executive Expenses</td>
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<tr>
<td>a</td>
<td>Establishment and other charges</td>
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<tr>
<td>b</td>
<td>Contingencies</td>
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<td></td>
<td>Total II</td>
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<td>Deduct percent transferred to development expenditure in capital account.</td>
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<td></td>
<td>Net</td>
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<td>iii</td>
<td>Water Supply and Electricity Supply Charges</td>
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<tr>
<td>iv</td>
<td>Maintenance and repairs</td>
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<td></td>
<td>Deduct percent transferred to development expenditure in capital account.</td>
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<td>v</td>
<td>Depreciation</td>
<td></td>
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<tr>
<td>vi</td>
<td>Expenditure in connection with issue of loans</td>
<td></td>
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<tr>
<td>vii</td>
<td>Interest of loans</td>
<td></td>
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<tr>
<td>viii</td>
<td>Sinking Fund Transfers</td>
<td></td>
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<tr>
<td>ix</td>
<td>miscellaneous</td>
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<td></td>
<td>Total</td>
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<td></td>
<td>Surplus</td>
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</tbody>
</table>
### III. Budget Estimates of the West Bengal Industrial Infrastructure Development Corporation for the year
(Capital Receipts)

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Sub-head</th>
<th>Actuals for Previous year</th>
<th>Budget Estimates for the current year</th>
<th>Revised Estimates for the current year</th>
<th>Budget Estimates</th>
<th>Remarks (Explanation for increase/Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Loan Received</strong></td>
<td></td>
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<tr>
<td></td>
<td>a From Government</td>
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<tr>
<td></td>
<td>b Other loans (public or private)</td>
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<tr>
<td>2</td>
<td><strong>Deposits</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>a For lease of plots and buildings</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>b Other deposits</td>
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<tr>
<td>3</td>
<td><strong>Miscellaneous</strong></td>
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<tr>
<td>4</td>
<td><strong>Sinking Fund transfers from Revenue</strong></td>
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<tr>
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<td>Deduct — Investments</td>
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<td>Total</td>
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<td>Capital Deficit</td>
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</tbody>
</table>
### IV. Budget Estimates of the West Bengal Industrial Infrastructure Development Corporation for the year
(Capital Expenditure)

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Sub-head</th>
<th>Actuals for Previous year</th>
<th>Budget Estimates for the current year</th>
<th>Revised Estimates for the current year</th>
<th>Budget Estimates</th>
<th>Remarks (Explanation for increase/ Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Fixed Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Development of Industrial Areas and Estates</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>III</td>
<td>Development of other Schemes</td>
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<tr>
<td>IV</td>
<td>Development of Schemes undertaken for and on behalf of Government</td>
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<tr>
<td></td>
<td>Less — Deposits from Govt.</td>
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<tr>
<td>V</td>
<td>Development of Schemes undertaken on behalf of bodies other than Government</td>
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<td></td>
<td>Less — Deposits</td>
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<tr>
<td>VI</td>
<td>Stock</td>
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<tr>
<td>VII</td>
<td>Advances</td>
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<tr>
<td>VIII</td>
<td>Sundry Creditors (-)</td>
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<td></td>
<td>Total</td>
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<td></td>
<td>Capital Surplus</td>
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</table>
### V. Budget Estimates of the West Bengal Industrial Infrastructure Development Corporation for the year (Details of Schemes)

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Name of Scheme</th>
<th>Total Estimated Cost</th>
<th>Expenditure upto 31st March, 201_</th>
<th>Actuals for Previous Year</th>
<th>Budget Estimates for the Current Year</th>
<th>Revised Estimates for the Current Year</th>
<th>Budget Estimate 201_</th>
<th>Remarks (Explanation for increase / decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Survey &amp; Planning</td>
<td></td>
<td></td>
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<td>2</td>
<td>Roads</td>
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<tr>
<td>3</td>
<td>Water Works, Drainage Works and Electrical Works</td>
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<td>4</td>
<td>Buildings</td>
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<td>5</td>
<td>Railway Sidings</td>
<td></td>
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<tr>
<td>6</td>
<td>Miscellaneous including Contingencies</td>
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<td>Total</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### VI. Ways and means

- Revenue Surplus : 
- Revenue Deficit :
- Capital Surplus : 
- Capital Deficit :
- Explanatory Note :
### Balance Sheet as on 31st March

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Liabilities</th>
<th>Rs.</th>
<th>Rs.</th>
<th>Rs.</th>
<th>Serial No</th>
<th>Assets</th>
<th>Rs</th>
<th>Rs.</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Amounts repayable to the State Government</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>Fixed Assets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>Deposits received from Government for schemes undertaken for and/or on behalf of Government</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>Development of Industrial Areas and Estates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less - Expenditure</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>Development of other schemes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>Deposits received from other than Government for other schemes of development</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>Stock In hand</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less - Expenditure</td>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td>Cash</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td>Loan from Public</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(a) Short Term Deposits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E.</td>
<td>Deposits</td>
<td></td>
<td></td>
<td></td>
<td>(b) Remittences In Transit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) For Lease of plots and buildings</td>
<td></td>
<td></td>
<td></td>
<td>(c) Cash &amp; Bank</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) other Deposits</td>
<td></td>
<td></td>
<td></td>
<td>(d) Cash in Hand</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F.</td>
<td>Sundry Creditors</td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td>Amounts due from State Government</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G.</td>
<td>net Surplus</td>
<td></td>
<td></td>
<td></td>
<td>7</td>
<td>Advance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) Due from State Government</td>
<td></td>
<td></td>
<td></td>
<td>(ii) Miscellaneous Advances</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(iii) Amounts recoverable</td>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>Net deficit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serial No</td>
<td>Class of Asset</td>
<td>Balance as on 31st March</td>
<td>Addition during the Year</td>
<td>Cost to 31st March</td>
<td>Depreciation</td>
<td>Balance as on 31st March</td>
<td>Remarks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
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<td>-------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Tools &amp; Plants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
"FORM "C"

See Rule

West Bengal Industrial Infrastructure Development Corporation

(iii) Statement showing development of industrial areas and estates on 31st March [Item 2 - Assets]

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Industrial Area or Estate</th>
<th>Upto 31st March</th>
<th>Upto 31st March</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Development Expenditure</td>
<td>Administrative Charges</td>
<td>Total Expenditure</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serial No</td>
<td>Name of the Scheme</td>
<td>Upto 31st March</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------</td>
<td>----------------</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Development Expenditure</td>
<td>Administrative Charges</td>
<td>Total Expenditure</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serial No</td>
<td>Expenditure</td>
<td>Income</td>
<td>Rs.</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------------------------</td>
<td>---------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>1</td>
<td>Executive Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) Establishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(ii) Contingencies(including miscellaneous)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less : 100 percent transferred to development expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Administrative Expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Establishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contingencies(including miscellaneous)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less : 25 percent transferred to development expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Water Supply &amp; Electricity Charges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Maintenance &amp; Repairs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less : transferred to development expenditure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Depreciation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Expenditure In connection with the issue of loans including Guarantee fund, if any.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Interest on loans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Miscellaneous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Surplus for the year</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

By order and in the Name of the Governor of West Bengal

Deputy Secretary to Government
GOVERNMENT OF WEST BENGAL
Commerce and Industries Department

NOTIFICATION

No. 886-C1 / H

In exercise of the power conferred by section 59 of the West Bengal Industrial Infra-structure Development Corporation Act, 1974 (West Bengal Act XXV of 1974), the Governor is pleased hereby to make the following rules:

RULES

(1) Short Title — these rules may be called the West Bengal Industrial Infra-structure Development Corporation (Land acquisition) Rules, 1996.

(2) Definition — in these rules, unless the context otherwise requires

(a) "Collector" has the same meaning as in the Act
(b) "Corporation" means the West Bengal Industrial Infra-structure Development Corporation established under sub-section (1) at section 3;
(c) “Court” has the same meaning as in the act.
(d) the expression "land" and the expression “person interested” shall have the meanings respectively assigned to them in clause (a) and clause (b), of section 3 of the Land acquisition Act, 1894 (1 of 1894);
(e) 'Section' means a section of' the Act:
(f) “the Act” means the West Bengal Industrial infrastructure Development Corporation Act, 1974 (West Ben. Act XXV of 1974);

(3) Form & manner of Service of Notice :

1. The notice under sub-section (1), sub-section (2), sub-section (3) and sub-section (5) of section 27 shall respectively be, as nearly as possible, in Forms 1, 2, 3 and 4 appended to these rules.

2. The notice under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (5), of section 27 shall be served on the owner of the land and, where the order relates to land in occupation of an occupier not being the owner of the land, also on such occupier, in the following manner :-

(a) by delivering or tendering a copy thereof, endorsed either by the person authorised by the Act to issue the notice or by the Collector, to the person on whom the notice is to be served or his authorised agent, or
(b) by fixing a copy thereof on the outer door of some conspicuous part of the house in which the person to whom the notice is to be served, ordinarily resides or carries on business or personally works for gain, or

(c) by sending the same to the person on whom the notice is to be served, by registered post with acknowledgement due, or

(d) By fixing a copy thereof in some conspicuous part of the land to which the notice relates and also in some suitably conspicuous place of the office of the Collector.

(4) Publicity to notice given under the Act or the rules or the regulations made thereunder

Every notice given under the Act or the rule or the regulations made thereunder, shall be in writing, over the signature of the officer concerned and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper, and by such other appropriate means as the said officer may consider necessary.

(5) Notice to show cause to specify time

The notice to show cause under sub-section (1) of section 27 shall specify a period of fifteen days for the purpose with effect from the date of its receipt by the owner/person interested.

(6) Hearing of causes

(1) The Collector on receiving the causes under sub-section (1) of section 27 shall within seven days of receipt of this cause as aforesaid issue notice for hearing in Form 2 and fix a date, time and place for hearing. In the case of any cause or causes shown jointly by the owner and any other person, the notice shall be served on the first or the principal person showing the cause. The Collector shall hear the cause or causes which have been received within the period specified in the notice under rule 5 and the cause or causes received after the period as aforesaid shall be rejected.

(2) The procedure to be followed in the matter of hearing this cause or causes shall be as follows:

(a) The owner or any other person showing the cause must be a person entitled to claim an interest in the compensation if the land is acquired;
(b) the causes must be shown in writing;
(c) The owner or any other person must address the collector;
(d) the party may be heard in person or through any person authorised by him on his behalf or by a pleader;
(e) The Collector may make such other enquiries as he deems fit for the purpose.
(7) **Determination and award of compensation**

(1) In the case of determination of compensation under sub-section (2) of section 28, the Collector, if satisfied that all the persons interested in the land, who appeared before him, have agreed in writing on the matters to be included in the award, make an award according to the terms of such agreement.

(2) The determination of compensation for any land under sub-rules (1) shall not be construed in any way to prejudicially affect the determination of compensation in respect of other lands in the same locality or elsewhere.

(3) Notwithstanding anything contained in the Registration Act, 1908 (16 of 1908), no agreement made under sub-rule (1) shall be liable to registration under that Act.

(4) In making any award the Collector shall be guided by the instructions contained in chapter VI of the West Bengal Land Acquisition Manual 1991.

(8) **Procedure of acquisition of land**

Where the Collector, after holding a preliminary investigation in an area in respect of which a notification in Form (1) has been published, decides not to proceed with the acquisition of any land within such area, the notification in Form (1) shall be cancelled, unless it has automatically lapsed When the Collector decides to acquire only a portion of land within the area notified in Form (1), the relevant notification in Form (1) shall be cancelled partially so as to exclude the land not to be required. The cancellation of the notification in full or in part, as the case may be, has to be done by publishing a fresh notification cancelling the same.

(9) **Payment of Compensation**

For payment of compensation under section 28, the Collector shall follow the procedure laid down in Chapter X of the West Bengal Land Acquisition Manual, 1991.

(10) **Reference to court**

Any reference to the court under section 30 shall be made in Form 5 or Form 6, as may be relevant to the case. The Collector shall record therein all requisite particulars. The statement of the grounds on which the amount of compensation has been determined need not be elaborate, but shall give sufficient information to justify a reasonable presumption that the award has been made with good care and caution.
FORM 1
(SEE RULE 3(1) AND RULE 8)

WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
(Land Acquisition Case No .......... of 20___)

Notice under sub-section (1) of section 27 of the
West Bengal Industrial Infra-structure Development Corporation Act, 1974
(West Bengal Act XXV of 1974)

WHEREAS by notification No -CI/H/6LA-I/95, dated the ........, 1995, of the Department of Commerce
and Industries, Government of West Bengal (hereinafter referred to as the said notification), the powers
of the State Government under chapter V of the West Bengal Industrial Infrastructure Development
Corporation Act, 1974 (West Ben. Act XXV of 1974) (hereinafter referred to as the said Act), have been
delegated to me for the purpose of acquisition and disposal of land, so far as such powers relate to the
acquisition and disposal of land in accordance with the provisions of chapter V of the said Act;

AND WHEREAS in my opinion, the land described in the Schedule below is required for the purpose of
securing development of trade, commerce and industries on well-planned basis in furtherance of the
objects of the said Act;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of section 27 of the said Act,
read with the said notification, notice is hereby served upon (name) Shri/Shrimati
………………………………………………………………………………………………………………………………………………………………....
…………………………………………………………………………………………………………………………………………………………………
(address)……………………………………………………………………………………………………………………………………………………
…………………………………………………………………………………………………………………………………………………………………
being the owner of/person interested in/the land as aforesaid, to show cause within fifteen days from
the date of receipt of this notice, why the land as aforesaid shall not be acquired.

SCHEDULE
[Here take the description and details of the land]

Date ............................
Seal.............................

District Magistrate/Sub Divisional Officer
FORM 2
[See rule 3(1) and rule 6(1)]

[WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
(Land Acquisition Case No …… of 20__)]

Notice under sub-section (2) of section 27 of the
West Bengal Industrial Infrastructure Development Corporation Act, 1974
(West Bengal Act XXV of 1974)

WHEREAS under sub-section (1) of section 27 of the West Bengal Industrial Infrastructure Development Corporation Act, 1974 (West Bengal Act XXV of 1974) (hereinafter referred to as the said Act), read with Notification No.......-CI/H/6LA-5)/95, dated the.................1995, of the Department & Commerce and Industries. Government of West Bengal (hereinafter referred to as the said notification), a notice was served on (name) Shri / Shrimati ..........................................................address ..............................................................................................................................................on the (date) ........................................to show cause, within fifteen days from the date of receipt of the said notice, why the land described in the Schedule below the said notice, should not be acquired;

*AND WHEREAS the cause shown by (name) Shri / Shrimati ...................................................... has been received on the (date) ...........................................................

*AND WHEREAS the period of showing the cause as aforesaid has expired on the (date) ....................... and no cause has been shown by (name) Shri / Shrimati ..............................................................

AND WHEREAS sub-section (2) of section 27 of the said Act requires that Shri / Shrimati ........................................shall be given an opportunity of being heard;

NOW THEREFORE in pursuance of the provisions of the sub-section (2) of section 27 of the said Act, read with the said notification, Shri / Shrimati .............................................................. is hereby directed to appear before me for hearing on the ......................day of ............, 20...., at ............. hours with all relevant papers and documents pertaining to his / her case.

District magistrate / Sub Divisional Officer

*Strike out whichever is not applicable.
FORM 3
[See rule 3(1)]

[WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
(Land Acquisition Case No ........ of 20__)]

Notice under sub-section (3) of section 27 of the
West Bengal Industrial Infra-structure Development Corporation Act, 1974
(West Bengal Act XXV of 1974)

WHEREAS upon service of the show-cause notice under sub-section (1) of section 27 of the West Bengal Industrial Infra-structure Development Corporation Act, 1974 (West Ben. Act XXV of 1974) to the owner/owners of the land as full) described in the Schedule hereunder and the person or persons interested therein and after hearing the reply to the said show, Cause notice and after considering the cause shown by the owner/owners of the land and by other person/persons interested therein under sub-section (2) of section 27 of the said Act in order to acquire the Land for the purpose of development of trade, commerce and industries on well-planned basis in the State of West Bengal and for matters connected therewith or incidental thereto in the public interest through and by the Industrial Infra-structure Development Corporation established under sub-section (l) of section 3 of the said Act;

NOW THEREFORE, notice is hereby given to all whom it may concern that in pursuance of sub-section (3) of section 27 of the said Act, I, in exercise of the power conferred on me by notification No............., dated ..............., issued by the Commerce and Industries Department. Government of West Bengal, by virtue of section 37 of the said Act, have decided to acquire such land being required for a public purpose as aforesaid and, on and from the date of publication of this notification such land vests absolutely in the State Government free from all encumbrances under the provisions of sub-section (4) of section 27 of the said Act.

THE SCHEDULE
[Here take the description and details of the land]

District magistrate / Sub Divisional Officer
FORM 4
[See rule 3(1)]

[WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION
(Land Acquisition Case No. ....... of 20__)]

Notice under sub-section (5) of section 27 of the
West Bengal Industrial Infrastructure Development Corporation Act, 1974
(West Bengal Act XXV of 1974)

WHEREAS the land described in the Schedule below has vested absolutely in the State Government free
from all encumbrances under sub-section (4) of section 27 of the West Bengal Industrial Infrastructure
Development Corporation Act, 1974 (West Bengal Act XXV of 1974) (hereinafter referred to as the said
Act);

NOW, THEREFORE in exercise of the power conferred by sub-section (5) of section 27 of the said Act, read
with notification No.-CI/H/6LA-5/95, dated the.... 1995. of the Department of Commerce and
Industries, Government of West Bengal, I hereby order (name) Shri / Shrimati .........................
being the person in possession of the said land, to deliver possession thereof, within thirty days of the
service of this notice, to the Collector, .................................., or the person duly authorised by the
collector / Sub Divisional Officer .....................

THE SCHEDULE
[Here take the description aid details of the land]

District magistrate / Sub Divisional Officer
**FORM 6**  
[See rule 10]

**[WEST BENGAL INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION**  
(Land Acquisition Case No ……… of 19__)  

Reference to the Court under section 30 of the  
West Bengal Industrial Infra-structure Development Corporation Act, 1974

Whereas a dispute exists between the parties interested (or between A and B) as to the apportionment of compensation (or of a portion of the compensation) settled by me in the award made under section 28 a West Bengal Industrial Infra-structure Development Corporation Act 1974, of which a copy is hereto annexed, I hereby refer such dispute for decision to the Court of ……………………… under section 30 of the Act. The Particulars related to the dispute are given below.

<table>
<thead>
<tr>
<th></th>
<th>Name of Project</th>
</tr>
</thead>
</table>
| 2 | Declaration No………………………………..  
dated……………………..published at page ………….  
Part …………………of the Gazette of the  
………..(date) |
| 3 | The Situation and extent of the Land in acres  
and decimals, the No. of field plots on the  
map the name of Mouza with J.L. No. and P.S.  
and the No. of Km. plan, if any. |
| 4 | Names & addresses of the persons interested  
in the land and the nature of their respective  
interests |
| 5 | The amount of compensation awarded wider  
section 28 of the Act |
| 6 | Particulars of the dispute |

Dated ……………………………..20……… Collector

Enclosure :-

(i) Exteact copy of the relevant portion of award  
Statement …………… sheets.

By order of the Governor

S.N. Roy  
Principal Secretary to the  
Govt. of West Bengal