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GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

West Bengal Act XXXV of 1973

**THE WEST BENGAL HOUSING BOARD
(AMENDMENT) ACT, 1973.**

[Passed by the West Bengal Legislature.]

*[Assent of the President was first published in the Calcutta
Gazette, Extraordinary, of the 28th August, 1973.]*

[28th August, 1973.]

An Act to amend the West Bengal Housing Board Act, 1972.

West Ben.
Act XXXII
of 1972.

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

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. This Act may be called the West Bengal Housing Board Short title.
(Amendment) Act, 1973.

2. In clause (11) of section 2 of the West Bengal Housing Board Act, 1972 (hereinafter referred to as the said Act), after the words “the Chairman”, the words “, the Vice-Chairman” shall be inserted.

Amendment
of section 2
of West Ben.
Act XXXII
of 1972.

3. In sub-section (1) of section 5 of the said Act, in clause (a),— Amendment
of section 5.

(a) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) Commissioner, Development and Planning (Town and Country Planning) Department, *ex-officio*,”;

(b) for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) Financial Commissioner and Secretary, Department of Finance, *ex-officio*,”.

(Sections 4-8.)

Insertion of
new section
12A.

4. After section 12 of the said Act, the following section shall be inserted, namely:—

“Powers and
duties of the
Housing
Commissioner
and other officers.
12A. (1) The Housing Commissioner and other officers shall perform such duties as may be assigned to them by the Board.

(2) The Board may, from time to time, by order delegate, under such restriction, if any, as it may think fit to impose, any of its powers conferred on it by this Act, to the Housing Commissioner and to other officers of the Board specified in the order.”.

Amendment
of section
14.

5. To clause (c) of section 14 of the said Act, the following proviso shall be added, namely:—

“Provided that when a meeting has been adjourned to another date for want of quorum, no quorum shall be necessary in the case of the adjourned meeting.”.

Insertion of
new section
15A.

6. After section 15 of the said Act, the following section shall be inserted, namely:—

“Exercise of
the powers of
the Board by
the Chairman.
15A. Without prejudice to the provisions of clause (b) of the proviso to sub-section (1) of section 15, the State Government may, by a notification published in the *Official Gazette*, direct that the Chairman may exercise all or any of the powers exercisable by the Board under this Act as may be specified in the notification:

Provided that when power under this section has been exercised, the Chairman shall make a report to the Board at its next meeting indicating the circumstances under which such power has been exercised.”.

Amendment
of section
17.

7. In sub-section (3) of section 17 of the said Act, the following words shall be added at the end, namely:—

“or for the residence of the members of such co-operative society”.

Amendment
of section
18.

8. In section 18 of the said Act,—

- (i) in clause (d), after the word “lighting,” the words “schools, hospitals, dispensaries, market places,” shall be inserted;
- (ii) after clause (i), the following clause shall be inserted, namely:—

“(ia) development of any urban or rural area for successful implementation of housing schemes and for purposes ancillary or incidental thereto;”.

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(Sections 9-13.)

9. In sub-section (1) of section 19 of the said Act, for the words "to be held in the month of February in each year", the following words shall be substituted, namely:—

Amend-
ment of
section 19.

"to be held within the fifteenth day of the month of February in each year".

10. In sub-section (1) of section 21 of the said Act, for the words "At any time after the receipt of the budget," the following words shall be substituted, namely:—

Amend-
ment of
section 21.

"Within such time as may be prescribed,".

11. In sub-section (3) of section 26 of the said Act,—

(a) the words "and for any particular area," shall be omitted, and

(b) for the words "with due regard to the circumstances and requirements of that particular area", the word "accordingly" shall be substituted.

Amend-
ment of
section 26.

12. After section 34 of the said Act, the following section shall be inserted, namely:—

34A. Notwithstanding anything contained in any other law for the time being in force, every debt arising out of any loan obtained by the Board from the State Government and banks and other financial institutions for carrying out the purposes of this Act—

Insertion of
new section
34A.

"Debts incurred from the State Government, banks, etc., to have priority.

- (a) shall have priority over all other debts, whether secured or unsecured, incurred by the Board, and
- (b) shall be a preferential debt within the meaning of section 530 of the Companies Act, 1956, and such debts shall rank equally amongst themselves and be paid in full out of the assets of the Board unless such assets are insufficient to meet them in which case they shall abate in equal proportions."

1 of 1956.

13. In sub-section (2) of section 42 of the said Act, after clause (c), the following clause shall be inserted, namely:—

Amend-
ment of
section 42.

"(c1) the time within which the State Government may approve or return the budget to the Board under sub-section (1) of section 21;".