



**The West Bengal Industrial Infra-Structure Development Corporation Act,
1974**

Act 25 of 1974

Keyword(s):

Amenity, Building, Collector, Corporation, Court, Development, Engineering Operations, Industrial Area, Industry, Industrial Estate, Land, Mean of Access, Premises

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THE WEST BENGAL INDUSTRIAL INFRA- STRUCTURE DEVELOPMENT CORPORATION ACT, 1974.

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West Bengal Act XXV of 1974¹

THE WEST BENGAL INDUSTRIAL INFRA- STRUCTURE DEVELOPMENT CORPORATION ACT, 1974.

AMENDED

[West Ben. Act XXXV of 1979.
West Ben. Act XIV of 1981.
West Ben. Act XXII of 1996.

[4th April, 1974.]

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 Infra-structure 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 Infra-structure Development Corporation, and for matters connected therewith or incidental thereto;

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

CHAPTER I

Preliminary.

1. (1) This Act may be called the West Bengal Industrial Infra-structure Development Corporation Act, 1974.

(2) It extends to the whole of West Bengal.

(3) 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. In this Act, unless the context otherwise requires,—

(1) "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;

Short title,
extent and
commence-
ment.

Definitions.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV, of the 20th February, 1974, page 381.

(Chapter I.—Preliminary.—Section 2.)

- (2) "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, whether in actual use or not;
- (3) "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;
- (4) "Corporation" means the West Bengal Industrial Infra-structure Development Corporation established under sub-section (1) of section 3 of this Act;
- (5) "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;
- (6) "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;
- (7) "engineering operations" include the formation or laying out of means of access to a road or the laying out of means of water supply;
- (8) "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;

- (9) "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;

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(Chapter II.—Establishment and Constitution of the Corporation.—Section 3.)

- (10) "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;

- (11) 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;
- (12) "means of access" includes any road or other means of access, whether private or public, for vehicles or for pedestrians;
- (13) "notification" means a notification published in the *Official Gazette*;
- (14) "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 building or part of a building for the more beneficial enjoyment thereof;
- (15) "prescribed" means prescribed by rules made under this Act.

1 of 1894.

CHAPTER II

Establishment and Constitution of the Corporation.

3. (1) 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 Infra-structure Development Corporation (hereinafter referred to as the Corporation).

Establishment and incorporation.

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Corporation Act, 1974.*

[West Ben. Act

(Chapter II.—Establishment and Constitution of the
Corporation.—Section 4-7.)

2. (2) 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.
- Composition of the Corporation. 4. (1) The Corporation shall consist of thirteen members (including *ex-officio* member) of whom not more than five shall be non-officials.
- (2) The Chief Executive Officer of the Corporation shall be its *ex-officio* member.
- (3) All the members of the Corporation shall be nominated by the State Government.
- (4) 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.
- Disqualifications for membership. 5. 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 undischarged insolvent, or
- (d) has been convicted by a court on a charge of crime involving moral turpitude.
- Term of office of members, their salaries, fees and allowances. 6. (1) 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.
- (2) 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.
- (3) 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.
- Head office and other offices, transaction of the business of the Corporation. 7. (1) 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.

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(Chapter II.—Establishment and Constitution of the Corporation.—Section 8.)

(2) 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.

(3) 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 his 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. (1) If a member—

- (a) becomes subject to any of the disqualifications mentioned in section 5, or
- (b) 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.

(2) 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.

(3) The State Government may, by order, remove from office, any member of the Corporation, who, in its opinion,—

- (a) has refused to act, or
- (b) has become incapable of acting, or
- (c) 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

Cessation of membership and removal from office of members.

*(Chapter II.—Establishment and Constitution of the
Corporation.—Sections 9-12.)*

(d) 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.

Filling up of casual vacancies.

9. 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.

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

10. (1) If the Chairman or any other member of the Corporation is by infirmity or otherwise rendered 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.

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

Proceeding presumed to be good and valid.

11. 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.

Officers and employees of the Corporation.

12. (1) The State Government shall appoint a Chief Executive Officer and a Chief Accounts Officer of the Corporation.

(2) 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.

(3) The conditions of appointment and service of the officers and employees and their scales of pay shall,—

- (a) as regards the Chief Executive Officer and the Chief Accounts Officer, be such as may be prescribed, and
- (b) as regards the other officers and employees, be such as may be determined by regulations made under this Act.

(4) 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.

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*(Chapter III.—Functions and powers of the Corporation.—
Section 13.)*

(5) The Corporation may authorise 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.

(6) 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. The functions of the Corporation shall be—

Functions of
the
Corporation.

- (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

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*(Chapter III.—Functions and powers of the Corporation.—
Section 13.)*

- (ii) by laying out or relaying out of the land in the said area,
 - (iii) by raising, lowering or levelling of land in the said area,
 - (iv) by laying out and constructing (including levelling, paving, metalling, flagging and channelling) 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 sewerage 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;

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*(Chapter III.—Functions and powers of the Corporation.—
Section 14.)*

- (e) to organise 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. Subject to the other provisions of this Act, the Corporation shall have power—

General powers to the Corporation.

- (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 therefor;
- (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

(Chapter III.—*Functions and powers of the Corporation.*—Sections 15, 16.—
Chapter IV.—*Finance, Accounts and Audit.*—Section 17.)

- (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 or 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.

Authentica-
tion of
orders and
documents
of
Corporation.

15. 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 authorised by the Corporation in this behalf.

Directions
by the State
Government.

16. (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 purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

CHAPTER IV

Finance, Accounts and Audit.

Application
of
Corporation's
assets

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

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(Chapter IV.—Finance, Accounts and Audit.—Sections 18-20.)

18. (1) The Corporation shall have and maintain its own fund, to be called the West Bengal Industrial Infra-structure Development Corporation Fund, to which shall be credited—

Corporation's fund.

- (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. 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.

Grants, subventions, loans and advances to the Corporation.

20. (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.

Power of the Corporation to borrow.

(2) All moneys 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.

(Chapter IV.—Finance, Accounts and Audit.—Sections 21-24.)

Deposits. **21.** 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.

Reserve and other funds. **22.** (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 utilised for any purpose other than that for which it was constituted.

Expenditure from funds. **23.** (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised 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 sub-section (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.

Budget and programme of work. **24.** (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-

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(Chapter IV.—Finance, Accounts and Audit.—Section 25.)

(ii) if it does not think fit to revise the financial statement, re-submit 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 reappropriations 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. (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.

Accounts
and audit.

1 of 1956.

¹(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.

56 of 1971.

(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 thereunder, 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.

¹Sub-section (2) was substituted for original sub-section by s. 2 of the West Bengal Industrial Infra-structure Development Corporation (Amendment) Act, 1979 (West Ben. Act XXXV of 1979).

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(Chapter IV.—Finance, Accounts and Audit.—Section 26.)

(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.

Concurrent
and special
audit of
accounts.

26. (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.

(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.

56 of 1971.

¹Sub-section (3) was substituted for original sub-section by s. 2 of the West Bengal Industrial Infra-structure Development Corporation (Amendment) Act, 1981 (West Ben. Act XIV of 1981).

XXV of 1974.]

(Chapter V.—Acquisition and disposal of land.—Section 27.)

CHAPTER V

Acquisition and disposal of land.

27. (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:

Acquisition
of land.

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 authorised by it in this behalf.

(6) If any person refuses or fails to comply with an order under sub-section (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 has 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

(Chapter V.—Acquisition and disposal of land.—Section 28.)

Compensa-
tion.

28. (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 the 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.

1 of 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 believe 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.

45 of 1860.

(8) The Collector may hear expert witness if he considers it necessary to do so in any particular case.

(9) The Collector or any officer authorised by him in this behalf shall be entitled to enter upon and inspect any land which is subject of proceedings before him.

(10) The Collector shall dispose of every case referred to him under sub-section (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.

XXV of 1974.]

(Chapter V.—Acquisition and disposal of land.—Sections 29-31.)

(11) 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. (1) 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.

Appeal.

(2) 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. 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.

Disputes as to apportionment.

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

Payment of compensation.

(2) 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 sub-section (3).

(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.

(Chapter V.—Acquisition and disposal of land.—Sections 32-34.)

Investment of amount deposited in Court.

32. 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 therefrom as they might have had from the land in respect of which such amount has been deposited or as near thereto as may be.

Payment of interest.

33. 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 ¹[in accordance with the provisions of section 34 of the Land Acquisition Act, 1894.]

1 of 1894.

Disposal of land by the Corporation.

34. (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;

¹The words and figures within the square brackets were substituted for the words "at the rate of four *per cent. per annum* from the time of so taking possession until it shall have been so paid or deposited." by s. 2 of the West Bengal Industrial Infra-structure Development Corporation (Amendment) Act, 1996 (West Ben. Act XXII of 1996).

XXV of 1974.]

(Chapter V.—Acquisition and disposal of land.—Sections 35-37.)

- (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 thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

35. (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.

Government lands.

(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. 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.

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

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

Delegation of powers of the State Government.

*(Chapter VI.—Powers of the Corporation in case of certain defaults
by owner of land in industrial area.—Sections 38, 39.)*

CHAPTER VI

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

Control of
development
of land and
building
operation.

38. (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.

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

39. (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 sub-section (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 action 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.

XXV of 1974.]

(Chapter VI.—Powers of the Corporation in case of certain defaults by owner of land in industrial area.—Section 40.)

(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. (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:

Order of the demolition of building.

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.

*(Chapter VI.—Powers of the Corporation in case of certain defaults
by owner of land in industrial area.—Sections 41, 42.)*

Power to
stop building
operations.

41. (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 non-compliance 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.

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

42. (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.

XXV of 1974.]

(Chapter VI.—Powers of the Corporation in case of certain defaults by owner of land in industrial area.—Section 43.)

43. (1) (a) 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

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

(b) any person empowered in this behalf by the State Government by notification (hereinafter in this section referred to as "the authorised person"), may, for the purposes of—

- (i) carrying gas, water or electricity from a source of supply to the area referred to in clause (a), or
- (ii) 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 authorised 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 authorised 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 exercise by the empowered officer, by the Corporation, or
- (ii) where such power is exercised by the authorised person, by the State Government.

(5) Nothing in this section shall authorise or empower any officer or person referred to in sub-section (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 has 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 authorised 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.—Sections 44, 45.)

CHAPTER VII

Supplementary and miscellaneous provisions

Power of entry.

44. Any officer of the State Government, any member of the Corporation, and any person either generally or specially authorised 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.

Officers of the Corporation may be vested with other powers.

45. This State Government may, by notification, nominate any officer of the Corporation to 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.

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(Chapter VII.—Supplementary and miscellaneous provisions.—Sections 46-48.)

46. 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:

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

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. All sums payable by any person to the Corporation or recoverable by it by 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.

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

48. (1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder 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—

Service of notices, etc.

- (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, identifying 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;

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(Chapter VII.—Supplementary and miscellaneous provisions.—Section 48.)

- (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 that office;
- (d) in any other case, if the document 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 authorised 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 sub-section (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 of the

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(Chapter VII.—Supplementary and miscellaneous provisions.—Sections 49-53.)

49. Every public notice, given under this Act or any rule or regulation 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, 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.

Public notices how to be made known.

50. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder 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.

Notices, etc., to fix reasonable time.

51. (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.

Furnishing of returns, etc.

(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. 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.

Withdrawal of an area or estate or part thereof.

53. (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.

Defaults in performance of duty.

*(Chapter VII.—Supplementary and miscellaneous
provisions.—Sections 54-56.)*

(2) If, in the 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 functions 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.

Dissolution
of
Corporation.

54. (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 realisable by, the Corporation shall vest in, or be realisable by, the State Government;

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

Authority
for
prosecution.

55. 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 authorised by the Corporation by general or special order in this behalf.

Composition
of offences
by
Corporation.

56. (1) The Corporation or any person authorised 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 proceeding shall be taken against him in respect of the offence compounded.

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(Chapter VII.—Supplementary and miscellaneous
provisions.—Sections 57-59.)

57. (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:

Offences by
companies.

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 any body 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. Any person who obstructs the entry of a person authorised 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.

Penalty for
obstruction.

59. (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:

Power to
make rules.

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

*(Chapter VII.—Supplementary and miscellaneous
provisions.—Section 60.)*

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

- (a) the times 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

Power of the Corporation to make regulations.

XXV of 1974.]

(Chapter VII.—Supplementary and miscellaneous provisions.—Sections 61-64.)

- (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. 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.

Protection of action taken in good faith.

62. 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.

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

63. The provisions of 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.

Effect of provisions inconsistent with other laws.

64. 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

Power to remove doubts and difficulties.

*The West Bengal Industrial Infra-structure Development
Corporation Act, 1974.*

[West Ben. Act XXV of 1974.]

*(Chapter VII.—Supplementary and miscellaneous
provisions.—Section 65.)*

Repeal and
savings.

65. (1) The West Bengal Industrial Infra-structure Development Corporation Ordinance, 1973, is hereby repealed.

West Ben.
Ord. IX of
1973.

(2) Anything done or any action taken under the West Bengal Industrial Infra-structure 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.
