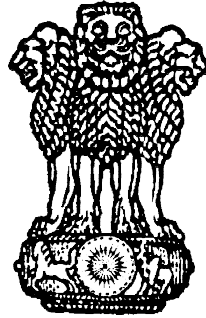


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WEDNESDAY, AUGUST 3, 2022

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Urban Development & Municipal Affairs
NAGARAYAN,
DF-8, Sector-I, Salt Lake, Kolkata-700064

No. 1339-UDMA-22012(99)/6/2022-ESTT-TCP SEC

Dated, Kolkata, the 28th June, 2022

MEMORANDUM

Sub: Levy of development charges for granting sanction of Right of Way (RoW) to lay the underground utility services like water supply, electricity, telecommunication, drainage, sewerage, gas / oil supply etc. along the roads within the jurisdiction of Urban Local Bodies and Development Authorities in the State of West Bengal.

WHEREAS, for some time past this has been reported to the State Government by a number of authorised service providers/government owned companies/agencies/ licensees/permit holders that for laying of the underground utility services like water supply, electricity, telecommunication, drainage, sewerage, gas / oil supply etc. through the utility corridor of existing roads within the jurisdiction of Urban Local Bodies and Development Authorities in the State of West Bengal, concerned Urban Local Bodies and Development Authorities are charging fees as road restoration charges or development charges simultaneously for the same stretch of road in connection with the work as mentioned above.

WHEREAS, in terms of Section 252 of the West Bengal Municipal Corporation Act, 2006 (as amended), the Municipal Corporations have the legal authority for claiming such levy of any fees or charges for giving sanction of specific rights of way in the sub-soil of public and private streets in the Corporation area for different public utilities including electric supply, telephone and other telecommunication facilities, gas-pipes, water-supply, sewerage and drainage etc.

WHEREAS, in terms of Section 169 of the West Bengal Municipal Act, 1993 (as amended), the Municipalities have the legal authority for claiming such levy of any fees or charges for giving sanction of specific rights of way in the sub-soil of public and private streets in the Municipality area for different public utilities including electric supply, telephone and other telecommunication facilities, gas-pipes, water-supply, sewerage and drainage etc.

WHEREAS, in terms of Rule 4 & 6 of Planning Authority and Development Authority (Levy of Development Charges) Rules 1980, the Development Authorities have the legal authority to realize Development Charges for the purpose of granting Development Permission in terms of Chapter VII of the West Bengal Town and Country (Planning and Development) Act, 1979.

WHEREAS, where the public interest is involved in the projects like laying of the underground utility services such as water supply, electricity, telecommunication, drainage, sewerage, gas / oil supply etc. through the utility corridor of existing roads, it is not desirable that the Planning Authorities or Development Authorities to levy considerable amount of development charges for granting development permission for the same stretch of road simultaneously where road restoration charges is being charged by concerned Urban Local Bodies as per respective legal provision.

NOW THEREFORE, after careful consideration of the above matter and in exercise of power conferred by sub-section 2 of section 135 of West Bengal Town and Country (Planning and Development) Act, 1979 to resolve the dispute, this has been decided that,

- a. The State Government upon receipt of proposal from concerned Development Authorities may consider exemption of the Development Charges in terms of Rule 3 of 'Exemption of Development Charges Rules, 2015' only for carrying out the above-mentioned development projects in public interest, in the whole or any part of the planning area, on case-to-case basis, if the concerned road is vested with and maintained by the Local Authority i.e. Urban Local Body concerned.
- b. If the Development Authority is having sole ownership of the land through which the road is passing and the road has been constructed and is maintained by that Development Authority, then the Local Authority i.e. Urban Local Body shall not give permission of "Right of Way" (RoW) for that stretch of road and the concerned Development Authority shall grant Development Permission for the project with an intimation to the concerned Local Authority, which will be deemed to be the sanction for Right of Way. Development Authority shall levy only the road restoration cost as Development Charges for that particular stretch of road as per PWD Schedule.

All concerned Development Authorities are requested to act accordingly.

By order of the Governor,

Sd/-
KHALIL AHMED
Principal Secretary to the Government of West Bengal

