

Calcutta Metropolitan Development Authority Act, 1972

11 of 1972

[04 May 1972]

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SCHEDULE 1 :- THE SCHEDULE

Calcutta Metropolitan Development Authority Act, 1972

11 of 1972

[04 May 1972]

PREAMBLE

An Act to provide for the establishment of an Authority for the formulation and execution of plans for the development of the Calcutta Metropolitan Area, for the co-ordination and supervision of the execution of such plans and for matters connected therewith or incidental thereto ;

WHEREAS it is expedient to provide for the establishment of an Authority for the formulation and execution of plans for the development of the Calcutta Metropolitan Area, for the co-ordination and supervision of the execution of such plans and for matters connected therewith or incidental thereto ;

It is hereby enacted as follows:-

1. Short title :-

This Act may be called the Calcutta Metropolitan Development Authority Act. 1972.

2. Definitions :-

In this Act unless the context otherwise requires,-

(a) "Calcutta Metropolitan Area" means the areas within the Calcutta Metropolitan District;

(b) "Calcutta Metropolitan District" means the area described as such in the Schedule to the Calcutta Metropolitan Planning Area (Use and Development of Land) Control Act, 1965;

¹(bb) "Chief Executive Officer" means the officer appointed by the State Government under section 11 A;

(c) "prescribed" means prescribed by rules made under this Act by the State Government.

1. Clause (bb) inserted by W.B. Act 24 of 1977.

3. Establishment of the Calcutta Metropolitan Development Authority :-

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette,

constitute, for the purposes of this Act, and authority to be called the Calcutta Metropolitan Development Authority (hereinafter referred to as the Metropolitan Authority).

(2) The Metropolitan Authority shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue and be sued in its name.

4. Composition of the Metropolitan Authority :-

(1) The Metropolitan Authority shall consist of the following members, namely:-

(a) the Chief Minister of the State of West Bengal or any person nominated by him, who shall be the Chairman thereof;

¹(aa) a Minister of the State of West Bengal to be nominated by the Chief Minister who shall be the Vice-Chairman :

²Provided that when there is no Council of Ministers functioning in the State of West Bengal, the State Government may nominate such persons, as it may think fit, to be the two members and the Chairman and Vice-Chairman respectively of the Metropolitan Authority;

³(aaa) the Chief Executive Officer of the Metropolitan Authority, ex officio;

(b) the Commissioner, Development and Planning Department of the Government of West Bengal, ex-officio;

⁴(c) the Secretary to the Government of West Bengal Public Works (Metropolitan Development) Department, ex-officio;

(d) the Financial Commissioner to the Government of West Bengal, ex-officio; and

(e) not more than three other persons, to be nominated by the State Government, of whom-

(i) one shall be a Councillor of the Corporation of Calcutta, and

(ii) the other two shall be persons who have been elected as commissioners of any municipality within the Calcutta Metropolitan Area:

Provided that when an order of supersession of the Corporation of Calcutta has been made and is in force, it shall be competent for the State Government to nominate such person having experience or knowledge in the administration of local self-government to be a member of the Metropolitan Authority as the State Government thinks fit.

⁵ XXX XXX XXX.

(3) XXX XXX XXX.

⁶(a) XXX XXX XXX.

(b) The Vice-Chairman shall discharge such functions and exercise such powers as may be delegated to him by the Chairman and shall, during the absence of the Chairman, perform the functions and exercise the powers of the Chairman.

(4) The members referred to in clause (e) of sub-section (1) shall hold office for a term of three years, computed from the date of their nomination by the State Government, and shall receive such allowances for attending the meetings of the Metropolitan Authority or any committee thereof, as may be prescribed:

Provided that every such member, on ceasing to be a Councillor of the Corporation of Calcutta or the commissioner of any municipality within the Calcutta Metropolitan Area, as the case may be, shall cease to hold office as such member notwithstanding that the said term of three years has not expired and the vacancy caused by such cesser shall be filled by the State Government by making a fresh nomination.

(5) No act or proceeding of the Metropolitan Authority shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, that Authority.

1. Clause (aa) substituted for pro. by W.B. Act. 24 of 1977.

2. Pro. inserted by W.B. Act 24 of 1977.

3. Clause (aaa) inserted by W.B. Act 24 of 1977.

4. Clause (c) substituted by W.B. Act 24 of 1977.

5. Sub-section (2) omitted by W.B. Act 24 of 1977.

6. Clause (a) omitted by W.B. Act 24 of 1977.

5. Meetings of the Metropolitan Authority :-

(1) The Metropolitan Authority shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum at its meetings) as may be prescribed.

(2) The Chairman of the Metropolitan Authority, or, if for any reason he is unable to attend any meeting, the Vice-Chairman, or, if for any reason both the Chairman and the Vice-Chairman are unable to attend any meeting, any other member of the

Metropolitan Authority, elected by the members thereof present at the meeting, shall preside at the meeting.

6. Power of Metropolitan Authority to borrow :-

The Metropolitan Authority may, with the previous approval of the State Government, borrow any money for carrying out the purposes of this Act or for servicing any loan obtained by it.

7. Funds of the Metropolitan Authority :-

There shall be a Fund for the Metropolitan Authority to which shall be credited-

- (a) such monies as may be paid to it by the State Government under the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972,
- (b) all monies borrowed by the Metropolitan Authority,
- (c) such other monies as may be paid to the Metropolitan Authority by the State Government or any other authority or agency.

8. [Omitted] :-

¹ XXX XXX XXX.

1. Section 8 omitted by W.B. Act 24 of 1977.

9. Accounts :-

The Metropolitan Authority shall keep accounts in such form as may be prescribed and shall close such accounts at such time as the State Government may specify in this behalf.

10. Budget :-

The Metropolitan Authority shall prepare, every year, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Metropolitan Authority and shall forward to the State Government such number of copies thereof as may be specified in the rules made under this Act.

11. Audit :-

(1) The audit of the accounts of the Metropolitan Authority shall be

made by such person as may be appointed by the State Government.

(2) The audit shall be made in such manner as may be prescribed.

(3) The Auditor shall submit his Audit Report to the Metropolitan Authority and shall forward a copy thereof to the State Government.

11A. Appointment of Chief Executive Officer :-

¹[(1) The State Government shall appoint a Chief Executive Officer who shall be a whole-time Officer of the Metropolitan Authority.

(2) The Chief Executive Officer shall discharge such functions and exercise such powers as may be prescribed.

(3) The expenditure on account of the salary and allowances of the Chief Executive Officer shall be defrayed out of the Funds of the Metropolitan Authority.]

1. Section 11A inserted by W.B. Act 24 of 1977.

12. Power to appoint staff :-

(1) The Metropolitan Authority may appoint a whole-time Secretary and such other staff as it may think fit for the exercise of its powers and discharge of its functions under this Act.

(2) Every expenditure incurred by the Metropolitan Authority, including the expenditure incurred by it for meeting the salaries and allowances of the staff employed by it, shall be defrayed out of the Funds of the Metropolitan Authority.

13. Advisory Council :-

(1) The Metropolitan Authority shall, as soon as may be, constitute an Advisory Council, for the purpose of advising it on the formulation and co-ordination of plans for the development of the Calcutta Metropolitan Area.

(2) The Advisory Council shall consist of the following members, namely:-

(a) the Chairman of the Metropolitan Authority, ex-officio, who shall be the President thereof;

(b) the Vice-Chairman of the Metropolitan Authority, ex-officio;

(c) the Chairman of the Board of Trustees for the Improvement of Calcutta;

(d) the Chairman of the Board of Trustees for the Improvement of

Howrah;

- (e) one person holding office, for the time being, as the Commissioner of the Corporation of Calcutta;
- (f) two persons with knowledge of town planning and architecture, to be nominated by the State Government;
- (g) one representative of the Department of Health of the State Government;
- (h) three representatives of the municipal corporations and other municipal authorities, other than the Corporation of Calcutta, within the Calcutta Metropolitan Area, to be nominated by the State Government;
- (i) one representative of the Calcutta Electricity Supply Corporation Limited, to be nominated by the State Government;
- (j) one person representing the interests of the Calcutta Tramways Company Limited, to be nominated by the State Government;
- (k) a member of the Board of Directors of the Calcutta Metropolitan Water and Sanitation Authority, to be nominated by that Board;
- (l) a representative of the Calcutta Metropolitan Planning Organisation, to be nominated by the State Government;
- (m) two Members of the West Bengal Legislative Assembly, to be nominated by the Speaker of that Assembly;
- (n) the Chief Administrative Officer, Metropolitan Transport Project (Railways), Calcutta; and
- (o) four other persons to be nominated by the State Government.

(3) If, for any reason, the Chairman of the Metropolitan Authority is unable to attend any meeting of the Advisory Council, such meeting shall be presided over by such person as may be nominated by the Chairman of the Metropolitan Authority.

(4) The Advisory Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(5) The members of the Advisory Council shall hold office for such term, and shall receive such allowances for attending the meetings of the Advisory Council, as may be prescribed.

14. Constitution of committees :-

(1) The Metropolitan Authority may constitute as many committees, consisting wholly of members of such Authority or wholly of other persons or partly of members of such Authority and partly of other persons and for such purpose or purposes, as it may think fit.

(2) The committee constituted under this section shall meet at such place and at such time, and shall observe such rules of procedure in

regard to the transaction of business at its meetings as may be determined by the regulations made in this behalf.

(3) The members of the committee, other than the members of the Metropolitan Authority, shall be paid such fees and allowances for attending its meetings and for attending to any other work of the Metropolitan Authority as may be determined by the regulations made in this behalf.

15. Functions of the Metropolitan Authority :-

(1) Subject to such rules as may be made by the State Government in this behalf, the Metropolitan Authority shall be responsible for-

(a) the formulation, subject to the approval of the State Government, of plans for the development of the Calcutta Metropolitan Area or such part thereof as it may think fit;

(b) the co-ordination of the execution of plans, approved by the State Government, for the development of any area within the Calcutta Metropolitan Area;

(c) the supervision of the execution of any project for the development of any area within the Calcutta Metropolitan Area, the expenses of the whole or any part of which are met from its funds; and

(d) the financing and execution of any project in any plan for the development of the Calcutta Metropolitan area or any part thereof.

(2) In particular, and without prejudice to the generality of the foregoing functions, the Metropolitan Authority shall also discharge the following functions, namely:-

(a) to receive the money paid to it by the State Government under the provisions of the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972, and to apply such money for the purposes specified in sub-section (3) of section 12 of that Act;

(b) to specify the development projects for the implementation of which any money referred to in clause (a) of this sub-section shall, subject to such conditions and restrictions as the Metropolitan Authority may impose, be applied by-

(i) any municipal or other authority within the Calcutta Metropolitan Area, or

(ii) such other authority, not being a local authority or any authority specified in sub-clause (i), as the State Government may, by notification in the Official Gazette, specify in this behalf, or

(iii) any Department of the State Government:

Provided that the execution of such development project is approved by the State Government;

(c) to receive any money borrowed by it and any money which may be paid to it by any authority other than the State Government;

(d) to apply any money referred to in clause (c) of this sub-section for financing ¹[, by way of loan, grant or otherwise,] any project for the development of the Calcutta Metropolitan Area or any part thereof; and

(e) to perform such other functions as may be prescribed.

1. Words inserted by W.B. Act 21 of 1974.

16. Power of Metropolitan Authority to give directions :-

(1) Notwithstanding anything contained in any other law for the time being in force, the Metropolitan Authority may give such directions with regard to the implementation of any development project, as it may think fit, to an authority to which ¹[payment, by way of loan, grant or otherwise, of any money has been made under section 15 and such directions shall be binding on such authority].

(2) The Metropolitan Authority shall so exercise the powers of supervision referred to in clause (c) of sub-section (1) of section 15 as may be necessary to ensure that each development project is executed in the interest of the over-all development of the Calcutta Metropolitan Area and in accordance with the approved plan.

1. Words substituted by W.B. Act 21 of 1974.

17. Power of Metropolitan Authority to execute any plan :-

(1) Where the Metropolitan Authority is satisfied that any direction given by it under sub-section (1) of section 16 with regard to any development project has not been carried out by the authority referred to therein or that any such authority is unable to fully implement any scheme undertaken by it for the development of any part of the Calcutta Metropolitan Area, the Metropolitan Authority may itself undertake any works and incur any expenditure for the execution of such development projects or implementation of such schemes, as the case may be.

(2) The Metropolitan Authority may also undertake any works in the Calcutta Metropolitan Area as may be directed by the State

Government and may incur such expenditure as may be necessary for the execution of such work.

(3) Where any work is undertaken by the Metropolitan Authority under sub-section (1), it shall be deemed to have, for the purposes of the execution of such work, all the powers which may be exercised under any law for the time being in force by the authority referred to in sub-section (1) of section 16.

(4) The Metropolitan Authority may, for the purpose of carrying out the powers conferred by sub-sections (1) and (2), undertake survey of any area within the Calcutta Metropolitan Area and for that purpose it shall be lawful for any officer of the Metropolitan Authority-

(a) to enter in or upon any land and to take level of such land;

(b) to dig or bore into the sub-soil;

(c) to mark levels and boundaries by placing marks and cutting trenches;

(d) where otherwise the survey cannot be completed and levels taken and boundaries marked to cut down and clear away any part of any standing crop, fence or jungle:

Provided that before entering upon any land the Metropolitan Authority shall give notice of its intention to do so in such manner as may be specified in the regulations made under this Act.

Section 17A - Power of Metropolitan Authority to require local authority to assume responsibilities in certain cases

¹[Where any area has been developed by the Metropolitan Authority, the Metropolitan Authority may assume responsibility for the maintenance of the amenities which have been provided by it or may require the local authority within whose local limits the area so developed is situated, to assume such responsibility for the maintenance of the amenities and for the provision of such other amenities which have not been provided by the Metropolitan Authority but which in its opinion should be provided in the area, on terms and, conditions agreed upon between the Metropolitan Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the State Government in consultation with the local authority on a reference of the matter to the State Government by the Metropolitan Authority.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974.

17B. Power of Metropolitan Authority to levy betterment

charges :-

¹[(1) Where, in the opinion of the Metropolitan Authority, as a consequence of any development project having been executed by the Metropolitan Authority in any area, the value of any land in that area has increased or will increase, the Metropolitan Authority shall be entitled to levy upon the owner of the land or any person having an interest therein, a betterment charge in respect of the increase in value of the land resulting from the execution of the development project.

(2) Such betterment charge shall be an amount not exceeding one-half of the amount by which the value of the land on the completion of the execution of the development project estimated as if the land were clear of buildings exceeds the value of the land prior to such execution estimated in like manner:

Provided that in levying betterment charge on any land the Metropolitan Authority shall have regard to the extent and nature of benefit accruing to the land from the development project and such other factors as may be laid down by rules made in this behalf.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974.

17C. Assessment of betterment charge by Metropolitan Authority :-

¹[(1) When it appears to the Metropolitan Authority that any particular development project is sufficiently advanced to enable the amount of the betterment charge to be determined, the Metropolitan Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the development project shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the land or any person having an interest therein that the Metropolitan Authority proposes to assess the amount of the betterment charge in respect of the land under section 17B.

(2) The Metropolitan Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Metropolitan Authority, inform the Metropolitan Authority by a declaration in writing that he accepts

the assessment or dissents from it.

(3) When the assessment proposed by the Metropolitan Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Metropolitan Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 17D.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974

17D. Settlement of betterment charge by arbitrators :-

¹[(1) For the determination of the matter referred to in sub-section (4) of section 17C, the State Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land.

(2) The arbitrators shall follow such procedure as may be prescribed.

(3) The arbitrators shall, for the purpose of determining any matter referred to them, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) administering to any party to the arbitration such interrogatories as may, in the opinion of the arbitrators, be necessary.

(4) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(5) If the arbitrator dies, resigns, or is removed under sub-section (6), or refuses, or neglects in the opinion of the State Government, to perform his duties, or becomes incapable of performing the same then the State Government shall forthwith appoint another fit person to take the place of such arbitrator.

(6) If the State Government is satisfied after such inquiry as it thinks fit-

(a) that an arbitrator has misconducted himself, the State Government may remove him from his office;

(b) that the award of the arbitrators has been improperly procured

or that any arbitrator has misconducted himself in connection with such award, the State Government may set aside the award.

(7) An award which has not been set aside by the State Government under clause (6) of sub-section (6) shall be final and shall not be questioned in any court.

(8) The provisions of the Arbitration Act, 1940, shall not apply to arbitration under this section.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974.

17E. Payment of betterment charge :-

¹[(1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by rules made in this behalf.

(2) Any arrear of betterment charge shall bear interest at the rate of six per cent. per annum and shall be recoverable as an arrear of land revenue.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974.

17F. Betterment charge a first charge on land :-

¹[(1) Any person liable to the payment of betterment charge may, at his option, instead of making a payment thereof to the Metropolitan Authority, execute an agreement with the said Authority to leave the said payment outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest at the rate of six per cent, per annum, the first annual payment of such interest being made at such time and in such manner as may be fixed by rules made in this behalf.

(2) Every payment due from any person in respect of a betterment charge and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other law, be the first charge upon the interest of such person in such land.]

1. Sections 17A to 17F inserted by W.B. Act 21 of 1974.

18. Compulsory acquisition of land for Metropolitan Authority :-

Any land required by the Metropolitan Authority for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land may be acquired by the State Government in accordance with any law for the time being in force.

19. Officers and other employees of the Metropolitan Authority to be public servants :-

Every officer and other employee of the Metropolitan Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

20. Indemnity :-

No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Metropolitan Authority for anything done in good faith under this Act.

21. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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) place and time of meetings of the Metropolitan Authority and the procedure to be followed at such meetings;

¹(aa) functions to be discharged and powers to be exercised by the Chief Executive Officer;

(b) such other matters as are required to be, or may be, prescribed.

1. Clause (aa) inserted by W.B. Act 24 of 1977.

22. Power to make regulations :-

The Metropolitan Authority may make such regulations as it may think fit for the exercise of its powers and discharge of its functions under this Act.

22A. Delegation :-

¹[The Metropolitan Authority may, by order in writing and subject to such conditions as it may think fit to impose, delegate any of its

powers, duties and functions under this or any other Act or any rule or regulation made thereunder to the Chairman, Vice-Chairman²[Chief Executive Officer,] Secretary or any other officer appointed under this Act.]

1. Sections 22A and 22B inserted by W.B. Act 21 of 1974.

2. Words inserted by W.B. Act 24 of 1977.

22B. Amendment of the Calcutta Improvement Act, 1911, the Howrah Improvement Act, 1956, and the Calcutta Metropolitan Water and Sanitation Authority Act, 1966 :-

¹[The Calcutta Improvement Act, 1911, the Howrah Improvement Act, 1956 and the Calcutta Metropolitan Water and Sanitation Authority Act, 1966, shall stand amended to the extent and in the manner specified in the Schedule.]

1. Sections 22A and 22B inserted by W.B. Act 21 of 1974.

23. Repeal and savings :-

(1) The Calcutta Metropolitan Development Authority Ordinance, 1972, is hereby repealed.

(2) Anything done or any action taken under the Calcutta Metropolitan Development Authority Ordinance, 1972, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 21st day of August, 1970.

SCHEDULE 1

THE SCHEDULE

1 THE SCHEDULE

(See section 22B)

A. Amendments to the Calcutta Improvement Act, 1911

(Ben. Act V of 1911)

1. In sub-section (2) of section 17, for clause (a), the following clause shall be substituted, namely:-

"(a) the Chairman such period not exceeding three years as may be fixed by the State Government:

Provided that the State Government may, if it thinks fit, extend or reduce the

period from time to time."

2. For section 177, the following sections shall be substituted, namely:-

"177. Power of State Government to supersede the Board.-

(1) If in the opinion of the State Government it is necessary so to do with a view to better co-ordination and speedier execution of development work and maintenance thereof the State Government may, by an order published in the Official Gazette and mentioning therein the reason for the order, supersede the Board for such period as may be specified in the order.

(2) For the removal of doubts it is hereby declared that no notice whatsoever is required to be given to the Board for submission under sub section (1).

(3) The State Government may, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession.

177A. Consequences of operation.-

(1) When an order of supersession has been made under section 177, then with effect from the date of the order-

(a) all Trustees of the Board and all members or other persons constituting committees shall vacate their respective offices;

(b) all properties, funds and dues which are vested in or realisable in the Board and the Chairman, respectively shall vest in and be realisable by the Calcutta Metropolitan Development Authority constituted under section 3 of the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Metropolitan Authority);

(c) all contracts and liabilities which are enforceable by or against the Board shall be enforceable by or against the Metropolitan Authority;

(d) all the powers and duties which may, under the provisions of this or any other Act or any rule, regulation, bye-law, order or notification made thereunder be exercised or performed by the Board, committee or the Chairman shall be exercised or performed by the Metropolitan Authority;

(e) all legal proceedings instituted by or against the Board may be continued or enforced by or against the Metropolitan Authority;

(f) all officers and other employees of the Board continuing in office immediately before the date of the order shall be deemed to be employed by the Metropolitan Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date.

(2) The State Government shall, before the expiration of the period of supersession, reconstitute the Board in accordance with the provisions of this Act.

(3) The State Government may make such incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (1) or (3) of section 177 or under sub-section (2) of this section."

B. Amendment to the Howrah Improvement Act, 1956

(West Ben. Act XIV of 1956)

For section 184, the following sections shall be substituted, namely :-

"184. Power of State Government to supersede the Board.-

(1) If in the opinion of the State Government it is necessary so to do with a view to better co-ordination and speedier execution of development work and maintenance thereof of the State Government may, by an order published in the Official Gazette and mentioning therein the reason for the order, supersede the Board for such period as may be specified in the order.

(2) For the removal of doubts it is hereby declared that no notice whatsoever is required to be given to the Board for submission of any representation before making any such order of supersession under sub section (1).

(3) The State Government may, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession.

184A. Consequences of supersession.-

(1) When an order of supersession has been made under section 184, then with effect from the date of the order-

(a) all Trustees of the Board and all members of other persons constituting committees shall vacate their respective offices;

(b) all properties, funds and dues which are vested in or realisable by the Board

and the Chairman, respectively, shall vest in and be realisable by the Calcutta Metropolitan Development Authority constituted under section 3 of the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Metropolitan Authority);

(c) all contracts and liabilities which are enforceable by or against the Board shall be enforceable by or against the Metropolitan Authority;

(d) all the powers and duties which may, under the provisions of this or any other Act or any rule, regulation, bye-law, order or notification made thereunder, be exercised or performed by the Board, committee or the Chairman shall be exercised or performed by the Metropolitan Authority;

(e) all legal proceedings instituted by or against the Board may be continued or enforced by or against the Metropolitan Authority;

(f) all officers and other employees of the Board continuing in office immediately before the date of the order shall be deemed to be employed by the Metropolitan Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date.

(2) The State Government shall, before the expiration of the period of supersession, reconstitute the Board in accordance with the provisions of this Act.

(3) The State Government may make such incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (1) or (3) of section 184 or under sub-section (2) of this section."

C. Amendment to the Calcutta Metropolitan Water and Sanitation Authority Act, 1966

(West Ben. Act XIII of 1966)

After section 90, the following sections shall be inserted, namely:-

"90A. Power of State Government to supersede the Authority.-

(1) If in the opinion of the State Government it is necessary so to do with a view to better co-ordination and speedier execution of development work and maintenance thereof the State Government may, by an order published in the Official Gazette and mentioning therein the reason for the order, supersede the Authority for such period as may be specified in the order.

(2) For the removal of doubts it is hereby declared that no notice whatsoever is required to be given to the Authority for submission of any representation before making any such order of supersession under sub-section (1).

(3) The State Government may, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession.

90B. Consequences of supersessions.-

(1) When an order of supersession has been made under section 90A, then with effect from the date of the order-

(a) all Directors and members of the Authority shall vacate their offices;

(b) all properties, funds and dues which are vested in or realisable by the Authority shall vest in and be realisable by the Calcutta Metropolitan Development Authority constituted under section 3 of the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Metropolitan Authority);

(c) all contracts and liabilities which are enforceable by or against the Board shall be enforceable by or against the Metropolitan Authority;

(d) all the powers and duties which may, under the provisions of this or any other Act or any rule, regulation, bye-law, order or notification made thereunder, be exercised or performed by the Authority shall be exercised or performed by the Metropolitan Authority;

(e) all legal proceedings instituted by or against the Authority may be continued or enforced by or against the Metropolitan Authority;

(f) all officers and other employees of the Authority continuing in office immediately before the date of the order shall be deemed to be employed by the Metropolitan Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date.

(2) The State Government shall, before the expiration of the period of supersession, re-establish the Authority in accordance with the provisions of this Act.

(3) The State Government may make such incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (1) or (3) of section 90A or under sub-section (2) of this section.

1. Schedule inserted by W.B. Act 21 of 1974.