

DURGAPUR MUNICIPAL CORPORATION ACT, 1994

53 of 1994

[1st October, 1996]

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An Act to provide for better administration of the municipal affairs of Durgapur by the establishment of a Municipal Corporation. WHEREAS it is expedient to provide for better administration of the municipal affairs of Durgapur by the establishment of a Municipal Corporation; It is hereby enacted as follows :

1. Short title, application and commencement :-

- (1) This Act may be called the Durgapur Municipal Corporation Act, 1994.
- (2) It shall apply to Durgapur.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (1) "Corporation" means the Durgapur Municipal Corporation established under this Act;
- (2) "Durgapur" means the area within the jurisdiction of the Durgapur Notified Area Authority (hereinafter referred to in this

clause as the said area): Provided that the State Government may, by notification, add to the said area any local area contiguous to the said area, and thereupon such local area shall stand included in the said area;

(3) "Durgapur Notified Area Authority" means the Durgapur Notified Area Authority as constituted under the Bengal Municipal Act, 1932;

(4) "notification" means a notification published in the Official Gazette;

(5) "the Siliguri Municipal Corporation Act" means the Siliguri Municipal Corporation Act, 1990, as applied to Durgapur under section 4.

3. The Corporation :-

(1) With effect from such date as the State Government may, by notification, appoint, there shall be a Corporation charged with the municipal government of Durgapur, to be known as the Durgapur Municipal Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may by its name sue and be sued.

(3) Subject to the provisions of this Act, the Corporation shall be entitled to acquire, hold and dispose of any property.

(4) The properties, if any, along with all rights therein of whatsoever description used, enjoyed or possessed by the Durgapur Notified Area Authority immediately before the date of commencement of this Act shall, on and from such date, become vested in the Corporation.

(5) All rights, liabilities and obligations of the Durgapur Notified Area Authority in relation to any matter provided for in or under this Act shall, in so far as they were subsisting immediately before the date of commencement of this Act, be enforceable by or against the Corporation.

4. Application of West Ben. Act 30 of 1990 to Durgapur :-

1* * * Notwithstanding anything contained in any other law for the time being in force, the provisions of the Siliguri Municipal Corporation Act as in force immediately before the date of

commencement of this Act shall, as from that date, mutatis mutandis apply to and come into force in Durgapur: Provided that a law coming into force after the date of commencement of this Act repealing, amending, or adding to the provisions of the Siliguri Municipal Corporation Act shall apply to²[, and shall be deemed to have come into force in, Durgapur.]³ * * * * *

1. The figure and brackets "(1)" om. by W.B. Act 12 of 1997.

2. Words subs, for the words "and come into force in Durgapur if so directed by the State Government by notification and not otherwise" by W.B. Act 12 of 1997.

3. Sub-sec. (2) om. by W.B. Act 12 of 1997, which was earlier as under : "(2) A notification applying to and bringing into force in Durgapur any law under the proviso to sub-section (1) may be issued so as to be retrospective to any date not earlier than the date of coming into force of such law and may provide for such modifications or exceptions as the State Government thinks fit subject to which such law shall apply to and come into force in Durgapur."

5. Application of rules under West Ben. Act 30 of 1990 :-

All rules made by the State Government under the Siliguri Municipal Corporation Act, 1990 and in force immediately before the date of commencement of this Act shall, as from such date, mutatis mutandis apply to and come into force in Durgapur to the extent to which they are not repugnant to the provisions of this Act read with the Siliguri Municipal Corporation Act:

Provided that all rules made by the State Government under the Siliguri Municipal Corporation Act, 1990, after the date of commencement of this Act and in force shall, to the extent they are not repugnant to the provisions of this Act read with the Siliguri Municipal Corporation Act, mutatis mutandis apply, to and come into force in Durgapur if so directed by the State Government by notification and not otherwise.

6. Interpretation of references :-

(1) For the purposes of this Act, in the Siliguri Municipal Corporation Act (hereinafter referred to as the said Act) and the rules apply to Durgapur under section 7,

(a) any reference to the Corporation as established under the said Act, and the Mayor-in-Council, the Mayor, the Chairman, the Deputy Mayor, the Board of Councillors or any Councillor or member thereof shall be construed as a reference to the

Corporation established under this Act, and the Mayor-in-Council, the Mayor, the Chairman, the Deputy Mayor, the Board of Councillors or the Councillor or the member thereof as the context may require;

(b) any reference to the Chief Executive Officer, the Chief Engineer, the Health Officer, the Finance Officer, the Assessor, the Collector of Taxes or the Secretary shall be construed as a reference to the Chief Executive Officer, the Chief Engineer, the Health Officer, the Finance Officer, the Assessor, the Collector of Taxes or the Secretary of the Corporation established under this Act;

(c) any reference to Siliguri shall be construed as a reference to Durgapur as the context may require;

(d) any reference to a constituency shall be construed as a reference to a constituency of the Corporation established under this Act.

(2) If any doubt arises as to the authority or officer to which any particular power, duty or function under the Siliguri Municipal Corporation Act or the rules as apply to Durgapur under section 7 appertains, the Mayor of the Corporation shall refer the matter to the State Government and the decision of the State Government on such reference shall be final and shall not be called in question in any Court.