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The West Bengal Premises Requisition and Control (Temporary Provisions)
Act, 1947

Act 5 of 1947

Keyword(s):

Collector, Landlord, Person Interested, Premises, Public Purpose, Tenant

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West Bengal Act V of 1947

THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) ACT, 1947.

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West Bengal Act V of 1947¹**THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) ACT, 1947.**

AMENDED

West Ben. Act IV of 1949.
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 West Ben. Act X of 1953.
 West Ben. Act VII of 1954.
 West Ben. Act IX of 1957.
 West Ben. Act II of 1960.
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 West Ben. Act XXIX of 1963.
 West Ben. Act X of 1966.
 West Ben. Act V of 1969.
 West Ben. Act XIV of 1974.
 West Ben. Act LXX of 1978.
 West Ben. Act XL of 1983.
 West Ben. Act I of 1985.
 West Ben. Act IV of 1986.
 West Ben. Act XXVII of 1986.

ADAPTED

The Adaptation of Laws
 Order, 1950.

[1st January, 1948.]

An Act to provide for the requisition and control of premises in West Bengal.

WHEREAS it is expedient to provide for requisition and control of premises in West Bengal;

It is hereby enacted as follows:—

CHAPTER I.**Preliminary.**

1. (1) This Act may be called the West Bengal Premises Requisition and Control ²* * * * Act, 1947.

(2) It shall come into force on such date³ as the State⁴ Government may, by notification in the *Official Gazette*, direct.

Short title,
 commence-
 ment, extent
 and duration.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 19th November, 1947, Part IV, page 271; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 26th November, 1947.

²The words and brackets "(Temporary Provisions)" were omitted by s. 2(a) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

³This Act came into force from the date on which the West Bengal Premises (Requisition and Eviction) Ordinance, 1947 (West Ben. Ord. X of 1947), ceased to operate, vide notification No. 1L Ref., dated the 1st January, 1948, published at page 2 of the *Calcutta Gazette, Extraordinary*, of the 1st January, 1948.

⁴This word was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

[West Ben. Act

(Chapter I.—Preliminary.—Section 2.)

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

* * * * *

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Calcutta" has the same meaning as in clause (11) of section 3 of the Calcutta Municipal Act, 1923¹;
- (b) "Collector" means—
- (i) in Calcutta, the First Land Acquisition Collector, and
 - (ii) elsewhere, the Collector of a district,
- and includes any other officer appointed by the State Government to discharge the functions of a Collector under this Act whether in Calcutta or elsewhere;
- (c) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account, or on account or on behalf or for the benefit, of any other person, or as trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908,² [of the landlord];
- (d) "persons interested" means any person claiming an interest in compensation payable on account of requisition of any premises under this Act;

Ben. Act III
of 1923.

Act V of
1908.

¹Sub-section (4) was omitted by s. 2(b) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

²The Calcutta Municipal Act, 1923 (Ben. Act III of 1923), was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

³This clause (b) was substituted for the original clause by s. 2(1) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

⁴For notification:—

- (a) appointing the senior Deputy Collector of the district of Bankura to discharge the functions of a Collector under the Act, see notification No. 4046 Regn., dated 19.5.48, published in the *Calcutta Gazette*, of 1948, Part I, page 684;
- (b) relating to discharge of the functions of a Collector by the Collector, Burdwan, in the said district, see notification No. 4258 Regn., dated 21.4.50, published in the *Calcutta Gazette* of 1950, Part I, page 662.

⁵See foot-note 4 on page 11, *ante*.

⁶These words were substituted for the words "a tenant who sublets any premises, and every person from time to time deriving title under a landlord" by s. 2(2) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).



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(Temporary Provisions) Act, 1947.*

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*(Chapter I.—Preliminary.—Section 2.—Chapter II.—Requisition
of premises for any public purposes.—Section 3.)*

- ¹(e) "premises" means any building or part of a building or any hut or part of a hut and includes the garden, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut and also includes a room or rooms in an hotel, boarding house or lodging house;
- (f) "prescribed" means prescribed by rules made under this Act;
- ²(ff) "public purpose" includes providing residential accommodation for employees of the State Government where the provision of such accommodation is, in the opinion of the State Government, necessary in the interest of public service;
- (g) "tenant" means any person by whom, or on whose account, rent is or but for a special contract would be, payable for any premises and includes a legal representative as defined in the Code of Civil Procedure, 1908, ³[of the tenant] and a person continuing in possession after the termination of a tenancy in his favour.

Act V of
1908.

CHAPTER II.

Requisition of premises for any public purposes.

3. (1) Whenever it appears to the State⁵ Government that any premises in any locality are needed or are likely to be needed for any public purpose, it may, by order in writing, requisition such premises [either with or without any or all of the furniture, if any, in such premises]:

Power to
requisition.

Provided that no premises exclusively used for the purpose of religious worship shall be requisitioned under this section.

¹This clause (e) was substituted for the original clause by s. 2(3) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

²Clause (ff) was substituted for the existing clause (ff) by s. 3 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1963 (West Ben. Act XXIX of 1963).

³These words were inserted by s. 2(4) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

⁴As to the validity of orders made under section 3, *vide* s. 12, *ibid*.

⁵See foot-note 4 on page 11, *ante*.

⁶These words were inserted by s. 3(1) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter II.—Requisition of premises for any public
purposes.—Section 3.)*

¹(2) An order under sub-section (1) shall be served in such manner as may be prescribed on the landlord, and where it relates to premises let out to a tenant, also on such tenant.

(3) The State² Government may, with a view to requisitioning any premises under sub-section (1), by order,—

(a) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the premises as may be so specified:

³(b) direct that until the expiry of such period not exceeding three months as may be specified in the order, the landlord, the tenant or any other person in occupation of the premises shall not let out the premises without the permission of the State Government or such other authority as may be specified in the order.

(4) An order passed under sub-section (1) shall be final and whenever such order has been passed, the ³State Government shall direct the Collector to take such further action as is necessary in connection with the requisitioning of the premises in accordance with the provisions of this Act ⁴[and to take possession of the premises requisitioned].

(5) Without prejudice to any other powers conferred by this Act, the Collector may authorise any person to enter and inspect any premises between sunrise and sunset for the purpose of determining whether, and if so in what manner, an order under this section should be made in relation to any premises or with a view to securing compliance with any order made under this Act.

(6) In connection with any inquiry under this Act the Collector may by written order require any person to produce for his inspection any documents relevant to the inquiry at such time and place, as may be specified in the order, and enforce the attendance of witnesses or compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a court by the Code of Civil Procedure, 1908.

Act V of
1908.

¹This sub-section (2) was substituted for the original sub-section (2) by s. 3(2) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

²See foot-note 4 on page 11, *ante*.

³This clause (b) was substituted for the original clause (b) by s. 4 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).

⁴These words were added by s. 3(4) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1949 (West Ben. Act IV of 1949).



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(Temporary Provisions) Act, 1947.*

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*(Chapter II.—Requisition of premises for any public
purposes.—Section 4.)*

4. ¹(1) Where any premises are requisitioned under this Act, the Collector may by notice in writing—

Power to order vaca-
tion of
premises or
for execution
of repairs.

- ¹(a) order the person in occupation of the premises, if any, to vacate the premises within a period of ten days from the service of the notice;
- (aa) order the landlord or the tenant, as the case may be, to remove the articles belonging to him, if any, and, where the premises are requisitioned without any furniture therein, such furniture, within a period of fifteen days from the service of the notice:

Provided that the Collector may, for reasons to be recorded in writing, extend the said period up to two months:

²Provided further that no such notice shall be necessary where the premises are lying vacant, not being actually used either by the landlord or by the tenant, or where the premises are requisitioned for a person who is already in possession and such premises as a tenant;

- (b) order the landlord to execute such repairs as may be specified in the notice within such time as may be specified therein;
- (c) if a landlord fails to execute any repairs in pursuance of an order under clause (b) the Collector may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable ³* * *.

⁴(2) Where any person fails to comply with an order under clause (aa) of sub-section (1), directing any furniture or other article to be removed, the Collector may cause such furniture or other articles to be removed and to be stored or sold by public auction in such manner as the Collector may think fit at the cost and risk of such person:

¹Existing section 4 was renumbered as sub-section (1) of that section and in sub-section (1) of that section as so renumbered, for clause (a), new clauses (a) and (aa) were substituted by s. 4(1)(a) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

²This proviso was added by s. 3 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

³The words "to the landlord" were omitted by s. 4(1)(b) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

⁴Sub-sections (2) and (3) were added by s. 4(2), *ibid.*



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter II.—Requisition of premises for any public
purposes.—Sections 5, 5A.)*

Provided that no furniture, or other articles shall be sold by public auction in pursuance of the provisions of this sub-section without the previous sanction of the State¹ Government or such other authority as may be empowered in this behalf by the State¹ Government.

²(3) Where any furniture or other articles are removed and are stored or sold by public auction in pursuance of the provisions of sub-section (2), the cost of such removal and of such storage or sale, as the case may be, may, without prejudice to any other mode of recovery, be deducted from the compensation payable or from the sale proceeds, if any, and the balance of the sale proceeds, if any, after such deduction, shall be paid to the owner of such furniture or other articles, as the case may be:

Provided that if any dispute arises as to the person or persons to whom the amount of such balance or any part thereof is payable, the Collector shall keep the amount in revenue deposit till there has been a settlement of the dispute.

Easement,
etc., not to be
disturbed.

5. No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the Collector or except for the purposes of effecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement attached to any premises requisitioned under this Act, or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

Landlord to
maintain
supplies and
services and
make
necessary
repairs in
requisitioned
premises.

³5A. (1) The landlord of any premises requisitioned under this Act shall be bound at his own expenses to maintain therein such supplies and services as were provided by him for the premises immediately before the date of requisition and to make in the premises such repairs, not being petty repairs, as the Collector may consider necessary for the proper use and occupation thereof.

Explanation.—For the purposes of this section, “petty repairs” means repairs which do not cost more than ten rupees on any one account in a period of twelve calendar months.

¹See foot-note 4 on page 11, *ante*.

²See foot-note 4 on page 15, *ante*.

³Section 5A was inserted by s. 4 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1963 (West Ben. Act XXIX of 1963).



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*(Chapter II.—Requisition of premises for any public
purposes.—Sections 6, 7.)*

(2) If, in respect of any premises, the Collector is satisfied that it is necessary to take any measures for the maintenance of any supply or service or for the making of any repairs which the landlord is, under sub-section (1), bound to maintain or make, the Collector may, by order served in the prescribed manner, require the landlord to take such measures within such time as may be specified in the order for maintaining the supply or service or for making the repairs, as the case may be.

(3) If the landlord fails to comply with an order made by the Collector under sub-section (2), the Collector may himself, if the estimated cost of the proposed measures does not exceed one hundred and fifty rupees, or with the previous sanction of State Government where it so exceeds, cause the measures specified in the order to be taken and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord:

Provided that the amount which may be so deducted in any year shall not exceed thirty-three and one-third *per cent.* of the total compensation payable to the landlord in respect of the premises for that year.

6. When ¹[any premises have been requisitioned under sub-section (1) of section 3, the State² Government] ³[may use or deal with them, for such public purpose and in such manner as may appear to it to be expedient].

Disposal of premises after requisition.

7. ⁴(1) Notwithstanding anything contained in any other law for the time being in force, where any person in occupation of any requisitioned premises—

Power to evict from requisitioned premises for breach of terms of tenancy.

- (a) uses the premises or allows the premises to be used wrongfully or in such manner as, in the opinion of the Collector, deteriorates or is likely to deteriorate the condition of the premises materially; or
- (b) sublets without due authority the whole or any part of the premises; or

¹These words, figures and brackets within square brackets were substituted for the words, figures and brackets "the Provincial Government has requisitioned any premises under sub-section (1) of section (3), it" by s. 5 of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

²See foot-note 4 on page 11, *ante*.

³These words were substituted for the words "may use or deal with it in such manner as may appear to it to be expedient" by s. 5 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).

⁴This sub-section (1) was substituted for the original sub-section by s. 6 of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).



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(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter II.—Requisition of premises for any public
purposes.—Sections 8, 9.)*

- (c) fails or neglects to pay the rent or other sum payable by him for the occupation of the premises or for the use of any furniture therein; or
- (d) otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by the State¹ Government in respect of the premises,

²[the Collector may—

- (i) by notice served in the prescribed manner order such person or any other person found in occupation of the premises to vacate the premises within fourteen days of the service of the notice; and
- (ii) recover as a public demand, the rent or other sum referred to in clause (c), which rent or other sum is hereby declared to be a public demand, without prejudice to any other mode of recovery that may lie therefor.]

(2) Action may be taken under this section even if any proceedings for possession are pending in respect of the premises and upon such action being taken, the said proceedings shall forthwith be vacated.

Appeal.

8. Any person aggrieved by an order under section 7 may, within seven days of the receipt thereof, appeal in writing to the Commissioner of the Division who may, after calling for a report from the Collector and after making such further inquiry, if any, as he thinks fit, ³[and after giving such person an opportunity of being heard] pass an order determining the appeal.

Non-compliance with orders.

9. If any person fails to comply with an order made under ⁴[clause (a) of sub-section (1) of section 4] or under section 7, the Collector or any person authorised by him in writing in this behalf, shall execute the order in such manner as he considers expedient ⁵[and may,—

- (a) if he is a Magistrate, enforce the ⁶(delivery of possession) of the premises in respect of which the order has been made to himself, or

¹See foot-note 4 on page 11, *ante*.

²These words within the square brackets were substituted for the words beginning with "the Collector may", and ending with "service of the notice" by s. 6 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).

³These words were inserted by s. 7, *ibid*.

⁴These words within the square brackets were substituted for the words "clause (a) of section 4" by s. 8(1), *ibid*.

⁵These portions within square brackets were added by s. 7 of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

⁶These words within brackets were substituted for the word "surrender" by s. 8(2) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).



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*(Chapter II.—Requisition of premises for any public
purposes.—Section 10.)*

- (b) if he is a Magistrate, apply to a Magistrate, or, in Calcutta, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the¹ (delivery of possession) of such premises to him.)

²10. (1) Where any premises are to be released from requisition made under this Act, the State Government shall, after such inquiry as it deems necessary to make or to cause to be made, specify by order in writing the person to whom delivery of possession of the premises shall be made:

Release from
requisition.

³Provided that where the public purposes for which any requisitioned premises were being used cease to exist, the State Government shall release the premises, as soon as may be, from requisition.

(2) The delivery of possession of such premises to the person specified in the order made under sub-section (1) shall be a full discharge of the State Government from all liability of the State Government for any claim for compensation or other claim in respect of such premises for any period after the date of delivery but shall not prejudice any right in respect of such premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(3) Where the person specified in the order made under sub-section (1) cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf⁴ [or fails to accept delivery on the date fixed by the Collector by a written notice for making delivery], the State Government shall publish in the *Official Gazette* a notice declaring that such premises are released from requisition and shall cause a copy thereof to be affixed on some conspicuous part of such premises.

(4) When a notice referred to in sub-section (3) is published in the *Official Gazette*, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person specified in the order made under sub-section (1); and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

¹These words within brackets were substituted for the word "surrender" by s. 8(3) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).

²Section 10 was substituted for the original section 10 by s. 9, *ibid*.

³This proviso was added by s. 4 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

⁴These words within the square brackets were inserted by s. 3 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1966 (West Ben. Act X of 1966).



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter II.—Requisition of premises for any public purposes.—
Sections 10A, 10B.—Chapter III.—Provisions regarding
compensation.—Section 11.)*

Duration of
requisition.

10A. For the removal of doubts, it is hereby declared that an order under sub-section (1) of section 3 shall remain valid and operative, and the State Government or any person in occupation of any premises requisitioned under the order as aforesaid shall continue to remain in possession thereof, so long as the public purpose exists.

Compulsory
release from
requisition.

10B. Notwithstanding anything contained in section 10 or section 10A, the State Government shall release from requisition any property requisitioned or deemed to be requisitioned under this Act on or before the expiry of a period of twenty-five years from the date of such requisition:

Provided that the benefit of this section shall not be available until after the expiry of a period of five years from the date of coming into force of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986.

CHAPTER III.

Provisions regarding compensation.

Procedure
for fixing
compensa-
tion.

11. (1) Where any premises are requisitioned under this Act, there shall be paid to all persons interested compensation the amount of which shall be determined in the manner, and in accordance with the principles hereinafter set out, namely—

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the State² Government shall appoint a District Judge or an Additional District Judge as arbitrator;
- (c) the State² Government may, in any particular case, nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;
- (d) at the commencement of the proceedings before the arbitrator, the State² Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

¹Sections 10A and 10B were inserted by s. 5 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

²See foot-note 4 on page 11. ante.



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*(Chapter III.—Provisions regarding compensation.—
Section 11.)*

- ¹(e) the Arbitrator shall in, in determining the amount of compensation to be awarded to the landlord, have regard to the matters referred to in clauses (a), (b) and (c) of section 12:

Provided that notwithstanding anything contained in section 12—

- (1) in the case of an entire premises which was constructed after the commencement of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1963, the amount payable annually shall not exceed 6¹/₂ per cent. of the sum total of the cost of construction of such premises and the market price of the land on the date of commencement of construction, together with one-half of the total amount of municipal rates and taxes payable annually in respect of such premises;

- (2) in other cases, the amount payable shall not exceed—

(i) where the premises were let out on rent for a continuous period of not less than six months ²[and ending within six months] before being requisitioned, such rent by more than ten per cent., or

(ii) where the premises were not so let out, such rent as would be reasonable having regard to the situation, locality and condition of the premises and the amenities provided therein and where there are similar premises in the locality, having regard also to the rent payable in respect of such premises;

- (f) an appeal shall lie to the High Court against an award of an arbitrator;
- (g) save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force ³[, relating to arbitration,] shall apply to arbitrations under this section.

¹Clause (e) was substituted for the existing clause (e) by s. 5 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Second Amendment) Act, 1963 (West Ben. Act XXIX of 1963).

²The words within the square brackets were substituted for the word "immediately" by s. 6 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1986 (West Ben. Act XXVII of 1986).

³These words within the square brackets were inserted by s. 10(2) of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).



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(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter III.—Provisions regarding compensation.—
Sections 12-14.)*

(2) Compensation shall also be paid in respect of any damage done to the premises during the period of requisition other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to the arbitrator.

Matters to be considered in fixing compensation by agreement.

12. * *¹ In determining the amount of compensation which may be fixed by agreement under clause (a) of sub-section (1) of section 11, the Collector shall take into consideration—

- (a) the rent payable in respect of the premises²[including, where the premises are requisitioned with any furniture therein, the charges for the use of such furniture];
- (b) If, in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business³[or to remove his furniture or other articles to any other place], the reasonable expenses (if any) incidental to such change⁴[or removal]; and
- (c) the damage or loss of income (if any) sustained by the person interested between the date of service of the order under sub-section (1) or under clause (b) of sub-section (3) of section 3, as the case may be, on such person and the date when the Collector takes possession of the premises.

Persons with whom agreement is to be entered into.

13. The Collector shall enquire into the respective rights of all persons interested in the premises and shall decide whether the compensation shall be paid to any such person periodically or in lump. If the compensation is to be paid periodically the Collector shall, having regard to the terms and conditions under which⁵[the premises may have been let out to a tenant], also decide whether the agreement, for payment of compensation referred to in section 11 shall be entered into with such tenant or with the immediate landlord of such tenant.

Deposit of compensation in case of dispute.

14. When a dispute arises as to the person or persons to whom the amount of compensation or any part thereof is payable or as to the apportionment of the same or any part thereof, the Collector shall keep the amount in revenue deposit, till there has been a settlement of the dispute.

¹The figure and brackets "(1)" were omitted by s. 8(1) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

²The words within square brackets were added by s. 8(2), *ibid.*

³These words within square brackets were inserted by s. 8(3)(a) of the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1949 (West Ben. Act IV of 1949).

⁴These words within square brackets were inserted by s. 8(3)(b), *ibid.*

⁵These words within square brackets were substituted for the words "a tenant may be in occupation of the premises" by s. 9, *ibid.*



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

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*(Chapter III.—Provisions regarding compensation.—
Section 14A.)*

¹14A. (1) The rent compensation of any premises shall be liable to be—

Increase or
decrease in
rent com-
pensation.

- (a) increased or decreased where the rent compensation includes the tenant's share of the municipal rates and taxes and there has been increase or decrease in such rates and taxes, by adding to the compensation payable for a year one half of the total amount of such increase in respect of such premises or by deducting from the rent compensation an amount proportionate to the decrease in the municipal rates and taxes, as the case may be, or
- (b) increase, where the landlord incurs any expenditure on the improvement of structural alteration to the premises with the approval, in writing, of the State Government, by adding to the rent payable for a year ten *per cent.* of the amount of such expenditure.

(2) The Collector shall, on application made to him by the landlord in the prescribed manner, fix in respect of any premises the increase or decrease referred to in sub-section (1):

Provided that the Collector may by notice in writing to the landlord *suo motu* decrease the rent compensation, if no application from the landlord for such decrease is received by him within a period of ninety days from the date on which the decrease in the municipal rates and taxes takes effect.

(3) (a) The rent compensation may be revised only if there has been an increase or decrease in the market value of the premises.

(b) Such revision shall be made on application made to the Collector by the landlord in the prescribed manner:

Provided that no such application shall be entertained until after the expiry of a period of five years from the date on which the compensation was last fixed:

Provided further that in the case of decrease in the market value of the premises, the Collector may by notice in writing to the landlord *suo motu* revise the rent compensation, if no application from the landlord for such revision is received by him within a period of ninety days from the expiry of the period of five years as aforesaid.

(4) The rent compensation of the premises payable for a year shall not be increased or decreased by revision by more than two and a half *per cent. per annum* of the difference between the market value of the

¹Section 14A was inserted by s. 7 of West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1986 (West Ben. Act XXVII of 1986).



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

[West Ben. Act

*(Chapter IV.—Control of vacant premises.—Sections 15-19.—
Chapter V.—Miscellaneous.—Sections 20-22.)*

premises as on the date of application under sub-section (3) or, in the case of *suo motu* revision, the date immediately following the date of expiry of five years and ninety days from the date on which the compensation was last fixed, as the case may be, and as on the date of the last fixation of the rent:

Provided that the rent so increased or decreased shall not exceed ten *per cent.* of the existing rent of the premises:

Provided further that in respect of any premises which have been on requisition for a continuous period of not less than fifteen years and there has been no revision of rent compensation within the said period, such rent compensation shall not be increased by more than ten *per cent.* for every five years of requisition.

[CHAPTER IV.

Control of vacant premises.

15 to 19.—*Repealed by s. 11 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).]*

CHAPTER V.

Miscellaneous.

Penalty.

20. (1) Whoever contravenes any provision of this Act, or fails or neglects to obey any order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

(2) No Court shall take cognizance of any offence punishable under sub-section (1) except on the complaint in writing of the Collector.

Saving as to orders.

21. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall presume, within the meaning of the Indian Evidence Act, 1872, that such order was so made by that authority.

1 of 1872.

Protection of action taken under this Act.

22. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as is otherwise expressly provided in this Act no suit or other legal proceeding shall lie against the State¹ Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

¹See foot-note 4 on page 11, ante.



*The West Bengal Premises Requisition and Control
(Temporary Provisions) Act, 1947.*

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(Chapter V.—Miscellaneous.—Sections 23, 24.)

West Ben.
Ord. X of
1947.
Ben. Act I
of 1899.

23. (1) On the expiry of the West Bengal Premises (Requisition and Eviction) Ordinance, 1947, the provisions of section 8 of the Bengal General Clauses Act, 1899, shall apply as if it were an enactment then repealed by a West Bengal Act.

Repeal and
saving.

(2) Any rules, orders and appointments made or anything done or any action taken or any proceedings commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act.

24. (1) The State¹ Government may make rules² for carrying out the purposes of this Act.

Power to
make rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of service of the orders referred to in sub-sections (2) and (3) of section 3;
- (b) the form and manner of service of notice referred to in section 4;
- (c) the form and manner of service of notice referred to in sub-section (1) of section 7;
- (d) the procedure to be followed in arbitrations and appeals under section 11, the period within which such appeals are to be filed, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal and the fees to be paid to experts and assessors appointed under that section;

* * * * *

¹See foot-note 4 on page 11. *ante*.

²For the West Bengal Premises Requisition and Control Rules, 1947, made under section 24 of the Act, see notification No. 3775-L.A.(P.W.), dated 11.5.48, published in the *Calcutta Gazette* of 1948, Part I, pages 261-264, as subsequently amended from time to time.

³Clauses (e) and (f) were omitted by s. 12 of the West Bengal Premises Requisition and Control (Temporary Provisions) (Amendment) Act, 1954 (West Ben. Act VII of 1954).