

West Bengal Premises Tenancy Rules, 1956

WEST BENGAL

India

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Rule WEST-BENGAL-PREMISES-TENANCY-RULES-1956 of 1956

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West Bengal Premises Tenancy Rules, 1956Published Vide Notification No. 11488-L. Reference dated 28.6.1956 issued by Land and Land Revenue Department published in Calcutta Gazette, Extraordinary, Part I, dated 28.6.1956.

1. Short title.

- These rules may be called the West Bengal Premises Tenancy Rules, 1956.

2. Definitions.

- In these rules -(i)"the Act" means the West Bengal Premises Tenancy Act, 1956;(ii)"form" means a form appended to these rules; and(iii)"section" means a section of the Act.

3. Manner of making applications under sections 10 and 11 for fixation or increase of fair rent or revision of fair rent.

- An application under section 10 for fixation or increase of fair rent or an application under section 11 for revision of fair rent shall be made in writing to the Controller stating fully the facts of the case and the provisions under which fixation of fair rent or the grounds on which the increase in fair rent or the revision of fair rent is claimed. Every such application shall be accompanied by as many copies as there are parties on whom notices are to be served together with process-fees provided in these rules for service of such notices. The applications shall be signed and verified in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908).

4. Manner of giving notices relating to sub-tenancies under section 16.

- Notices of creation and termination of sub-tenancies under sub-section (1) of section 16, and where before the commencement of the Act a tenant has sublet any premises, notices of such subletting and the termination of such sub-tenancies under sub-section (2) of that section shall be given by the tenant and the sub-tenant to the landlord by registered post with acknowledgement due and shall contain the following particulars, namely:(a)location of the premises let to the tenant with description thereof sufficient for identifying the same (e.g. No. of the premises, name of the street, police-station, etc.);(b)name of the tenant;(c)name of the sub-tenant;(d)details of the portion sublet;(e)rent payable by the sub-tenant;(f)date of creation/termination of the sub-tenancy; and(g)any other relevant information,

5. Manner of obtaining permission of the Controller, for re-letting premises under section 18.

(1)A landlord desirous of obtaining the permission of the Controller under section 18 for re-letting any premises within six months of the date of his occupation of the premises to any person other than the previous tenant, shall make an application in writing to the Controller stating fully the reasons for so re-letting the premises and also furnish such other evidence in support of his prayer as the Controller may require.(2)On receiving an application under sub-rule (1), the Controller shall cause a notice together with a copy of the application to be served on the previous tenant requiring such tenant to appear before him and to file objections, if any, on such date and such time as may be specified in the notice, by registered, post with acknowledgement due or if, the address of the previous tenant be not known, the Controller shall publish the notice in any local newspaper and affix a copy of notice in the premises in question and another copy in a conspicuous place in the office of the Controller, The cost of transmission by post and the cost of publication of such notice shall be borne by the applicant.

6. Deposit of rent.

(1)The deposit of rent under section 21 may be made in the office of the Controller either by the tenant himself or by any person on his behalf. The application referred to in sub-section (2) of section 21 shall be filed as nearly as possible in Form No. I and shall be signed and verified in the manner provided in sub-rules (2) and (3) of rule 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), by such tenant or person and it shall be accompanied by challans prepared in triplicate as nearly as possible in Form No. II furnishing the particulars referred to in the said form.(2)In Calcutta, such deposit may also be made, if the amount does not exceed Rs. 100 in the Calcutta Collectorate, and, in other cases, in the Reserve Bank of India, Calcutta.(3)In the case where the amount is deposited in a Treasury or in the Calcutta Collectorate or in the Reserve Bank of India, the Officer-in-Charge of the Treasury, the Calcutta Collectorate or the Reserve Bank of India, Calcutta, as the case may be, shall forward forthwith one copy of the challan to the Controller and retain one copy for its record. The third copy of the challan shall be made over to the party depositing the amount.

7.

On receipt of deposit, the Controller shall cause a copy or copies of the application for deposit to be sent by registered post with acknowledgement due to the person to whom the rent was last paid as also to the person or persons mentioned in the application.

8. Manner of withdrawal of deposit of rent.

(1) The application for withdrawal of rent deposited under section 21 shall be filed in Form No. III or in a form as similar thereto as possible, by the landlord or by the person claiming to be entitled to the rent and either personally or through an agent duly authorized by power-of-attorney registered under the provisions of the Indian Registration Act, 1908, or through a legal practitioner. Where the application for withdrawal of rent is filed personally by the landlord or by the person claiming to be entitled to the rent or by a duly authorized agent as aforesaid, such landlord, person claiming to be entitled to the rent or duly authorized agent, as the case may be, shall get himself identified before the Controller by a legal practitioner. (2) The name and address of the legal practitioner, through whom an application for withdrawal of rent is filed or who identified a landlord, a person claiming to be entitled to rent, or a duly authorized agent as aforesaid shall be entered in the registers maintained in the office of the Controller. Such legal practitioner shall, if required by the Controller, produce his licence [along with his specimen signature attested by the Secretary or the President of the Bar Association of which he is a member under the office seal] before him and in such cases the particulars of the licence and the name of the authority granting the same shall also be entered in the said registers. (3) Payment of rent made to the applicant under the order of the Controller shall be made in the manner indicated in Form No. III.

9. [Omitted by Notification No. 4287-L. Reference/20R-3/67 dated 13.3.1969.]
[Rule 9 inserted by Notification No. 422-L. Reference/20R-3/83 dated 3.4.1984.]

9A. [Procedure for repayment of lapsed deposit under section 21(6) [Rule 9A inserted by Notification No. 4287-L. Reference/20R-3/67 dated 13.3.1969.]

. - (1) The deposit of the rent which has lapsed in accordance with the provisions of sub-section (6) of section 21 shall be withdrawn from the Personal Ledger Account of the Controller and credited to the head LII - Miscellaneous - Unclaimed deposits". A statement of such lapsed deposit along with original challans shall be submitted, every month to the Accountant-General, West Bengal. (2) When a payment is claimed and a petition is made for withdrawal of a lapsed deposit, the Controller shall examine the claim, shall forward an application in Form No. IVA to the Accountant-General, West Bengal, for sanction. Several deposit number may be included in a single application, if they are payable to the same person. The Accountant-General, West Bengal shall authorise payment on ascertaining that the deposit(s) was/were really received and carried to the credit of Government as lapsed deposits and that the claimant's identity and title to the money are certified by the Controller or an officer authorised by him, signing the application for refund, payment shall be made by the

Controller after the Accountant-General's letter of authority has been received.(3)Application for refund of lapsed deposits shall be entered in a separate register in the accompanying form before submission to the Accountant-General, West Bengal, for sanction :

Date of issue Serial No. Name of Applicant No. and date of deposit

Date of lapsed deposit	Amount claimed	No. and date of Accountant-General, West Bengal's Authority	Remarks
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Note. - Dated Signature of the person receiving the authority shall be taken in the remarks column.(4)The repayment of a lapsed deposit shall be recorded in the appropriate deposit register of rent receipts so as to guard against a second payment. If the repayment is claimed after the register of receipts has been destroyed, the responsibility for verifying the claimant's title to refund shall devolve on the authority who signs the application in Form No. IVA.(5)If no payment could be made within twelve months from the date of issue of the letter of authority from the Accountant-General, West Bengal, it shall be returned to office of the origin.]

10. [Procedure for enquiries. - In making enquiries under the Act, the Controller shall follow, as nearly as may be, the procedure laid down:

(a)in the case of enquiries relating to offences, in the Code of Criminal Procedure, 1898, for the trial of cases, and(b)in the case of all other enquiries, in the Code of Civil Procedure, 1908, for the trial of suits, recording a memorandum of the substance only of the evidence and the reasons for his findings as in cases in which no appeal lies.]

11. Manner of payment of a fine or a sum ordered to be paid under the Act, referred to in section 32.

(1)The Controller shall issue a notice of demand to the person on whom a fine is imposed or who has been ordered to pay any sum under the Act.(2)The fine or the sum ordered to be paid under the Act, as the case may be, shall be paid by such person in cash in the office of the Controller.

12. Manner of service of notices by the Controller.

- All notices to be served under the Act by the Controller shall be served by registered post with acknowledgement due, or where this cannot be effected or is not feasible, in such manner as the Controller may deem fit in the circumstances of the case.

13. Fees.

(1)A fee of annas twelve shall be payable on every application made before the Controller under the Act not being an application mentioned in sub-section (2) or sub-section (5) of section 21.(1A)[A fee

of rupee one shall be payable on every application for withdrawal of any deposit of rent under sub-section (5) of section 21.] [Sub-rule (1A) inserted by Notification No. 2631-L. Reference dated 30.4.1976.](2)Such application may be presented by the applicant himself or by his agent duly authorised by him in writing. The applicant and the opposite party may also be represented by agents so authorised before the Controller:Provided that if the person representing a party is a legal practitioner and holds a Vakalatnama from the party in this behalf, no separate authorisation shall be necessary.(3)In Calcutta, fees for copies shall be payable as follows :(a)The fee chargeable in respect of a certified copy of any application, written statement or any document shall be Re. 1 each :Provided that when an application is made at the same time for certified copies of the application, written statement and any order of the same case, there shall be charged a consolidated fee of Rs. 1.50 for all of them.(b)The fee chargeable for certified copy of notes of evidence and of judgment shall be Re. 1 each, plus six annas for a folio of 90 words:Provided that when an application is made at the same time for certified copies of notes of evidence, judgment and proceedings of the same case there shall be charged a consolidated fee of Rs. 1.50 together with the charge of six annas for a folio of 90 words;(c)The fee chargeable for uncertified copies in respect of notes of evidence or judgment shall be six annas only for a folio of 90 words;(d)In case of an urgent application for copies, an expedition fee of Re. 1 shall be payable in addition to fees specified above, provided that if the copy exceeds four folios, extra charge of four annas for each extra folio shall be payable;(e)If the Head of any Government Department or Directorate applies to the Controller or to the Appellate Officer for a certified copy of any final order of the Controller or of the Appellate Officer, as the case may be, for any public purpose, a certified copy of such order shall be granted to such applicant on plain paper only;(f)In the matter of granting copies of records written in languages other than English and Bengali, the procedure laid down in the Civil Rules and Orders for the guidance of Civil Courts and Officers subordinate to the High Court of Calcutta shall be followed with such modifications as may be necessary;(g)In granting copies of maps or plans, the applicant shall file with the application for copies necessary tracing papers. The cost of copies of such maps or plans shall be assessed by the Controller in such manner as he thinks fit.(4)In areas other than Calcutta, the Rules in the Bengal Records Manual shall be followed in the matter of granting copies of records.

14.

In respect of each application for information regarding deposit of rent or for duplicate copies of application for deposit of rent, not received by landlords searching fees shall be levied according to the following scales:(i)For deposits made during one month or part - Re. 1.(ii)For deposits made during more than one month -(a)for the first month - Re. 1.(b)for each subsequent month or part - eight annas.

15.

A searching fee of 4 annas shall be payable on every application.(i)for information whether a record is available in the record-room or not:Provided that it shall be necessary to make a separate application with a separate fee in respect of information required in connection with every separate cause or matter;(ii)for inspection where the record is deposited in the record-room:Provided that no

fee shall be charged for inspection of records of pending cases by legal practitioners.

16.

A fee of 4 annas shall be payable on every application for correction of a challan depositing rent.

17.

In addition to the searching fee referred to in the foregoing rules, an expedition fee of Re. 1 shall also be payable on every application for urgent inspection or information.

18.

A process-fee at the rate of [rupees three and paise fifty] [Words substituted by Notification No. 2724-L. Reference/20R-2/81, dated 23.7.1981.] for every party on whom a notice is to be served shall be paid with an application for permission of the Controller referred to in clause (b) of section 5 or an application referred to in sections 7, 10, 11, 16, 18, 25, 34 or 36 or a petition of complaint under sub-section (8) or (9) of section 21, section 30 or section 31.

19.

A process-fee at the rate of [rupees three and paise fifty] [Words substituted by Notification No. 2724-L. Reference/20R-2/81, dated 23.7.1981.] for every party on whom a notice is to be served shall be paid in respect of each deposit of rent under section 21 along with such deposit.

20.

A process-fee at the rate of [rupees three and paise fifty] [Words substituted by Notification No. 2724-L. Reference/20R-2/81, dated 23.7.1981.] for every party on whom a notice is to be served under clause (a) of sub-section (1) of section 28 shall be paid by the applicant seeking relief under the Act.

21.

An affidavit sworn before the Controller shall be charged with a fee Rs. 2 payable in [non-judicial stamps] [In view of section 4 Indian Stamp (West Bengal Amendment) Act, 1987 (West Bengal Act XV of 1987) now Rs. 10.00 is payable for affidavit.].

22.

The fee and process-fees referred to in these rules shall, unless otherwise expressly provided, be paid in Court-fee stamps: Provided that when rent is deposited in the Reserve Bank of India, the process-fee shall be deposited in cash along with the rent.

23.

The Court-fees payable on a memorandum of appeal under section 29 or against a decree in a suit described in section 20 shall be such as provided in Article I of Schedule I to the Court-fees Act, 1870, and shall be collected in the manner laid down in the Act.

24.

In case where the Appellate Officer considers it necessary to take evidence and to serve notice on any person or persons for the purpose of an appeal, a process-fee of [rupees three and paise fifty] [Words substituted by Notification No. 2724-L. Reference/20R-2/81, dated 23.7.1981.] only for every party on whom such notice is to be served shall be paid by the appellant on demand by the Appellate Officer.

25. Manner of service of notices by Appellate Officer.

- All notices and processes to be served by the Appellate Officer under the Act shall be served by registered post with acknowledgement due or in the manner provided for the service of a civil process. Form No. I (See rule 6) Application for deposit of rent under section 21 of the West Bengal Premises Tenancy Act, 1956 Before the Controller, Name
 Tenant/Applicant versus Name
 Landlord/Person or Persons claiming to be entitled to rent The applicant prays for permission to deposit the rent of the premises as per particulars furnished below : (i) Particulars of the premises with description thereof sufficient for identifying the premises (e.g., No. of premises, name of street, police-station, etc.). (ii) Period for which rent is deposited. (iii) Amount of rent deposited. (iv) The name and address of the landlord or the person or persons claiming to be entitled to such rent, (v) The reasons and circumstances for the application for deposit of the rent. (To be filled in for subsequent deposit only.) (vi) The period for which rent was last deposited. (vii) No. of challan with date under which the above deposit was made. (viii) Reasons and circumstances for the deposit of rent last made. Verification The statements made above are true to the best of my knowledge and belief and I, the applicant/the agent sign this application on the day of 19 or 13 B.S. Signature of the Applicant / Agent. Form No. II (See rule 6)

Part I – To be filled in by the payer { |

| - | 1 Location of the premises | 2 Name and address of the person or persons on whose behalf the money is tendered | 3 Name and address of the landlord or person or persons to whose credit the amount is to be placed in deposit | 4 In the case of bona fide doubt as to the person or persons to whom rent is payable the name of the person to whom the rent was last paid and the name and address of the person or persons who, to the tenant's best information & belief, is the landlord entitled to receive it | 5 Particulars of receipt | 6 Amount deposited | 7 Total Remarks (if any) | - | The Specification of the premises in respect of which the deposit is made | The period for which the rent is deposited | As rent | As process fees or other charges | - | } * In (words) Rupees Signature of Chief Ministerial

Officer. Signature of the Person tendering the Money

Part II – To be filled in by the payer { |

| - | Number and date in Register of challans² | Account to be credited whether civil deposits, fines and forfeiture, stamp-duty and penalties, or miscellaneous or other receipts² | Remarks² | - | | | } Date Signature of Controller's Accountant To - The Cashier's office/Officer-in-Charge of the Treasury at Reserve Bank of India. Receive and credit the above sum if tendered to you today/next opening day before 2 p.m. on week days and before 12 noon on Saturdays. Dated Signature of Rent Controller

Part III – To be filled in by the Cashier of Controller's office/ Treasury/Reserve Bank of India [Received payment of Rs. (in figures) Rupees (in words).] [Words substituted for the words 'Received payment' by Notification No. 19730-L, dated 29.9.1958]

Cashier of the Controller's Office/Treasury Reserve Bank of India Date

Part IV – To be used by the Controller's office (in the case of deposits made in the Controller's office) Certificate

Examined and entered in the books of the Controller's office..... Accountant of the office of the Controller. Date Signature of Controller Note. - This from is furnished in triplicate free of cost. Form No. III (See rule 8) Application for withdrawal of rent deposited under section 21 of the West Bengal Premises Tenancy Act, 1956 Before the Controller..... Name Petitioner. versus Name Depositor. Praying that the abovenamed landlord/landlords person claiming to be entitled to the rent be paid the amount rent as per, following deposit, the other particulars of which are given in the Annexure: Re : Rent for the month of..... Challan No..... Deposit No..... Rs..... (Rupees). Application-landlords or duly Authorised Agent/Legal Practitioner for Application-landlord/Applicant-landlords. Identified by Signature Dated Annexure Order for withdrawal of rent deposited under section 21 of the West Bengal Premises Tenancy Act, 1956

Part I – To be filled in by the petitioner

Name/ Names and address/	Name/Names and address/	Name and addresses of	Specification of the premises and	Amounts of rent deposited with	Remark.
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addresses of applicant or applicants	the landlord or person or persons to whose credit the rent was deposited	tenant on whose behalf the rent was deposited.	the period to which the rent relates.	Controller, number & date of the original deposit.	
1	2	3	4	5	6

Examined and found correct
Signature of the Chief Ministerial Official/Accountant
Date
.....Signature of Applicant/Applicants or duly Authorised Agent/Legal Practitioner for Applicant
/Applicants

Part II – To be filled in by the payee

Serial No. and date of payment order	Challan No. and date of the original deposit from which the payment is sought	Amount in deposit	As whose credit in deposit
1	2	3	4

Verified Please issue cheque in favour of.....for Rupees
.....Signature of
Controller/Accountant.....Signature of the Controller or of
Officer authorised by him

Part III – To be filled in by the payee

Received contents, Rupees

Stamp of twenty naye paise if for more than Rs. 20.
.....Payee's Signature. Form No. IVA (See rule 9A) Refund of lapsed deposit To The
Accountant-General, West Bengal Sir, The following refunds of lapsed deposits aggregating
Rs. (Rupees) have been claimed by of whose identity and title
to the money I have satisfied myself. I request your sanction to refund.

Class of deposit	Particulars of original deposit Year No.	Amount credited to Government Year No.	Date of submission of statement of lapsed deposit Rs. P.	Amount claimed	Remarks
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The19 Controller or Officer authorised by him. Accountant-General's office No. Received
Payment..... Sanctioned. Accountant-General, West Bengal Dated..... (Receipt
stamp)/Claimant. Examined Accountant Pay rupees (.....) only The
.....19..... Controller or Officer authorised by him Note. - This signature of the claimant
should be obtained on this form and the form should be returned as a voucher in support of the
debt. [Rule 10 substituted by Notification No. 5806-L. Reference dated 21.4.1961.]