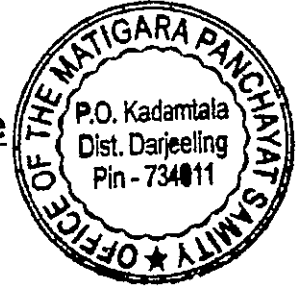


FORM 4B
[see rule 79(3)]

Form of Granting/Occupancy Certificate



From: The Executive Officer
Matigara Panchayat Samiti
P.O.- Kadamtala : Dist.- Darjeeling

To :
The Principal
Modi Public School
Patharghata Road, P.O-Matigara
P.S-Matigara
Dist-Darjeeling

Subject: Grant of Occupancy Certificate under sub- rule (3) of rule 79.

Building


Particulars: Plot No.- 445,446,478,485,486,487,488,489 & 490
J.L. No. - 56
Name of Mouza – Guria
Gram Panchayat : Patharghata

With reference to your notice of completion dated the 24th day of Aug, 2015 of The Principal, Modi Public School, Matigara and the building Completion Certificate issued by Sri Biplab Nandy, Architect who supervised the building work and as per the inspection conducted by S.A.E(BPC), Sri Anup Kumar Choudhury on dt-27th Nov. 2015 of this Office, the undersigned certify that the building as per description below on Patharghata Gram Panchayat in respect of which plans were sanctioned from Matigara Panchayat Samity, has been inspected with reference to the provision of the Building Rules and is certified to be fit for Occupation.

Address:- Guria
P.S-Matigara
Dist-Darjeeling

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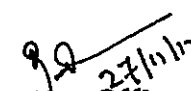

Principal
Modi Public School, Siliguri

Official Stamp :

Date

30/11/15




Executive Officer
Matigara Panchayat Samiti
P.O-Kadamtala : Dist-Darjeeling
Executive Officer
Matigara Panchayat Samity
P.O. Kadamtala, Dist. Darjeeling

SILIGURI MAHAKUMA PARISHAD

HAREN MUKHERJEE ROAD, HAKIMPARA,
P.O. SILIGURI:: DIST. DARJEELING
Telephone-0353-2523301/0353-2433175, Fax 0353-2433997.

Memo No. 1279 / SMP/Building Plan/16

Dated, Siliguri, the 05/07/2018.

To
The Principal,
Modi Public School,
Matigara,
Siliguri

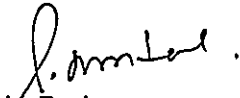
Sub: Regarding Completion of work and Occupancy certificate

Ref: 067/MPSS 18-19 dated 02.07.18 of Modi Public School

This is for your kind information that Executive officer of Matigara Panchayat Samiti is the competent authority to issue Building Occupancy Certificate vide memo no. 4716/PN/O/I/3R-6/04 Dated 25th November 2008 by Department of Panchayats & Rural Development, Govt of West Bengal.

Thanking you.

Enclo : As Stated


District Engineer
Siliguri Mahakuma Parishad
~~District Engineer~~
~~Siliguri Mahakuma Parishad~~
Siliguri, Dist. Darjeeling

Memo No. 1279 /1(7)/ SMP/Building Plan/16

Dated, Siliguri, the 05/07/2017

Copy forwarded for information to :-

1. The Sabhadhipati, Siliguri Mahakuma Parishad.
2. The Additional Executive Officer, Siliguri Mahakuma Parishad

District Engineer
Siliguri Mahakuma Parishad


Principal.
Modi Public School, Siliguri

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GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PANCHAYATS & RURAL DEVELOPMENT
Jessop Building (1st Floor), 63, N. S. Road
KOLKATA - 700 001

NOTIFICATION

No. 4716/PN/O/I/3R-6/04 dated the 25th November, 2008.- WHEREAS the draft rules namely the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008* (hereinafter referred to as the said rules), was published as required under sub-section (1) of section 224 of the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI of 1973) (hereinafter referred to as the said Act) vide Notification No. 694/PN/O/I/3R-6/04 dated the 14th February, 2008, in the *Kolkata Gazette, Extraordinary*, dated the 14th February, 2008, inviting objections or suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS the objections and suggestions received in this regard have been duly considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of section 224 of the said Act, the Governor is pleased hereby to make the following rules:-

Rules

Part - I

Chapter I

Preliminary

1. **Short title and commencement.** - (1) These rules may be called the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008*.

(2) They shall come into force on the date of their final publication in the *Official Gazette* and shall apply to all *Panchayat Samitis* in the State.

2. **Definitions.** - (1) In these rules, unless the context requires otherwise,-

(a) "Act" means the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI 1973);


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(iii) for supply of water for the purpose of extinguishing fire, for combating scarcity of water during dry season or flood or for the control of pollution to prevent spreading of water borne diseases

- actual cost will be borne by the *Panchayat Samiti*

(iv) for granting permission to a manufacturing company or processing unit to utilise underground water or ground water or surface water from any source or water body within its jurisdiction

- Re. 0.10 per litre per month

Note. - If supply is made by some other local authority, *Panchayat Samiti* shall not impose or collect any rate.

(8) Where arrangement for lighting of public streets or places is made by the *Panchayat Samiti* within its jurisdiction, on framing bye-laws in this behalf, an amount not exceeding twenty percent of the annual tax of the land or building or both likely to enjoy regular benefit of such holding, may be levied as lighting rate.

Note. - If arrangement for lighting is made by some other local authority, *Panchayat Samiti* shall not impose or collect any rate.

Chapter - XII

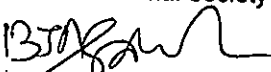
Control of building operations in *Panchayat* area under Development Authority

64. Construction of building or structure in *Panchayat* area under Development Authority. - (1) Notwithstanding anything contained in the foregoing rules or in the West Bengal *Panchayat* (Gram *Panchayat* Administration) Rules, 2004, when any area of a *Panchayat Samiti* comprises, wholly or in part, the area under the Kolkata Metropolitan Development Authority or under any other Development Authority in terms of the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) (hereinafter in this chapter collectively referred to as the Development Authority) or an area for which a Development Plan (referred to as the Development Plan hereinafter in this Chapter) has been published and is in force under the provisions of section 114A, such area shall be deemed to be an area of a Development Authority and erection or


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construction of any structure or building within such area shall be governed by the related Act as aforesaid and any rule framed thereunder or any order or direction of a competent authority in terms of the related Act and without prejudice to the generality of the aforesaid provision, shall be regulated by the rules contained in this chapter.

65. **Permission for construction of building or structure.** - (1) Any person intending to erect a new structure or building or to make any addition to any existing structure or building pertaining to the area of any Development Authority, shall make an application in triplicate in Form 4A to the *Panchayat Samiti* or any authority, person or persons as may be empowered by the *Panchayat Samiti* in this behalf (collectively referred to as the *Panchayat Samiti* hereinafter in this Chapter) and deliver it to any of its employee as may be authorised in this behalf who shall receive the application in triplicate, retain two copies and return the other copy noting thereon the date of receipt under his signature and the seal of the *Panchayat Samiti* or of the Development Authority.


(2) An application referred to in sub-rule (1), shall be accompanied by a plan of the proposed structure or building in triplicate and a site plan in triplicate prepared and authenticated by a competent technical person as referred to in sub-rule (3), copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land as also character of the land as may be necessary:

Provided that one copy of the building plan and the site plan shall be blue-printed.

(3) A building plan or a site plan referred to in sub-rule (2), shall be prepared and authenticated by a Licensed Building Surveyor having a degree or a diploma in Civil Engineering or Architecture or by an Architect:

Provided that the eligibility of a Licensed Building Surveyor or an Architect to authenticate a site plan or a building plan shall be determined in the manner as follows:-

<u>Qualification</u>	<u>Nature of building</u>
(a) Draughtsman (Civil)	Residential building upto the height of four metres
(b) Licensed Building Surveyor having Diploma in Civil Engineering	Residential building upto the height of eleven metres


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- (c) Degree holder on Civil Engineering Residential building upto the height of fifteen metres
- (d) Architect All buildings, residential, commercial or institutional:

Provided that on such occasions as the *Panchayat Samiti* may deem fit, authentication additionally by a Structural Engineer or a Geo-technical Engineer or both may be required for planning, design and construction of building:

Provided further that such a technically qualified person shall either be empanelled or registered with any Municipality or Municipal Corporation within West Bengal:

Provided also that any such technical officer authenticating the plans shall certify to the effect that the site has been personally inspected while planning the building and planning the structural members and that the building plan and the site plan do not infringe any provision of the Development plan published for the area and has taken into account the stability analysis as also soil tests performed and shall then tender his signature quoting his licence or empanelment number or registration number.

(4) Copies of Form 4A shall be supplied on demand by the *Panchayat Samiti* to any intending applicant at a non-profit making price to be fixed by the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* concerned:

Provided that any correct copy of Form 4A in manuscript, typewritten or otherwise mechanically prepared, shall be accepted by the *Panchayat Samiti* for the purpose of sub-rule (1).

66. Payment of fees. - (1) No application shall be considered by a *Panchayat Samiti* unless such application is accompanied by a receipt of the fees paid to the *Panchayat Samiti* by the applicant at such rate as may be commensurate with the rates shown in the Table under these rules. An employee of the *Panchayat Samiti* as may be authorised in this behalf, shall receive the fee to be tendered in cash and shall immediately grant a formal receipt thereof.


(2) The fee so received from the applicant under sub-rule (1) are not be refundable under any circumstances.

67. Exemption from payment of fee. - (1) For the purpose of obtaining permission of the *Panchayat Samiti* for erection of any thatched structure, tin shed or tile shed, without


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be specified in the order, with the object of bringing the structure or building in conformity with the approved plan or the provisions of law or the Development Plan as the case may be.

(3) Without prejudice to the provisions of section 23 or any other law for the time being in force, the Executive Officer of *Panchayat Samiti*, in all cases where the erection or construction of any structure or building or any other work connected therewith has been commenced or is being carried on unlawfully, may, seek the assistance of the police or with the assistance of any employee of the *Panchayat Samiti*, if necessary, take such steps as he may deem fit to stop the continuance of such unlawful erection or construction. The expenditure incurred for deployment of police or employee of the *Panchayat Samiti* to keep a watch on the premises, shall be realized from the person undertaking the unlawful erection or construction on serving a notice of demand upon the owner of the plot or the person in charge of the construction, or if necessary, through the Bengal Public Demands Recovery Act, 1913.

79. Completion of work and occupancy certificate therefor – (1) On completion of construction of a building or execution of a work, the applicant referred to in rule 65, shall furnish a notice of completion to the *Panchayat Samiti*. In case of deviation from the approved building plan or site plan, the notice shall be accompanied by three sets of building plan or site plan or both as the case may be, marked 'Completion Plan' showing all deviations and modifications. Such plans shall be duly signed by the applicant and the technical persons authenticating the original plans along with explanatory notes if considered appropriate.

(2) Within fifteen days of receipt of the notice of completion of building of work, any inspecting authority referred to in rule 78, shall inspect the building or work and shall satisfy himself that construction of the building or execution of this work has been in accordance with the approved plan or plans or the deviations and modifications made were necessary, are not of major nature and do not infringe any provision of the relevant laws and directions thereunder.

(3) Within fifteen days from the date of such inspection, the *Panchayat Samiti* shall, if it is satisfied that the building or the work has been completed in accordance with the approved plan or the deviations and modifications made are acceptable in terms of sub-rule (2), issue an occupancy certificate-in Form 4B :


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Provided that the occupancy certificate shall be issued only after all the extra materials like sand, boulders, stone, cement, steel rods, bamboo, timber or any other such materials lying on the public road or place have been removed and the damages, if any, to the public property or properties have been made good by the applicant at his own cost to the entire satisfaction of the *Panchayat Samiti*.

(4) In case the occupancy certificate is refused, the *Panchayat Samiti* shall communicate the reasons therefor in writing to the applicant within thirty days from the date of receipt of the notice of completion of the work; the communication may also mention the remedial additions and alterations which should be undertaken to render it possible to issue the occupancy certificate. Such communication may also specify, if deemed appropriate, the date or dates by which the additions and alterations shall be made.

(5) If the applicant fails to take satisfactory action in pursuance of the communication referred to in sub-rule(4), the *Panchayat Samiti* may exercise such authority and take such action as may be considered appropriate under the Act and the rules, notifications and order thereunder.

80. **Construction of park and garden.** – A *Panchayat Samiti* shall endeavour to construct at least one park and garden in a vested land in every *Gram Panchayat* and, for the said purpose, the *Panchayat Samiti* shall submit proposal to the competent authority for earmarking a particular vested land in every *Gram Panchayat* for park and garden.

81. **Construction of public drain.** – A *Panchayat Samiti* shall construct and maintain, where it considers necessary, a system of drainage within its predominantly residential area with sufficient outfall in or outside such residential area and, for this purpose, the *Panchayat Samiti* may make use of any vacant land either under its own management or as a result of set-back of any structure or building:


Provided that the *Panchayat Samiti* shall not build any super-structure on any vacant land available as a result of set-back of any structure or building:

Provided further that for building a system of drainage, a *Panchayat Samiti* shall ensure unhindered use of any approach passage or road and shall also ensure environmental sanitation in the locality.


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