

Draft



Government of West Bengal
Panchayats & Rural Development Department

Ease of Doing Business Initiatives

Norms, Rules, Forms etc.
&
Roles of 3-Tier Panchayats

1. Introduction

Broadly speaking, the 3-tier Panchayats provide two kinds of services to facilitate rapid industrialization under the *Ease of Doing Business Initiatives* of the State Government – one is for granting permission for erection of new structure or building or to make any addition to an existing structure or building for setting up of industry in rural areas, and the other is for registration of trades in rural areas.

2. Grant of Permission for Construction of Building for Setting up of an Industry in Rural Areas

(A) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry industrial estate or industrial park :

- (a) For construction of building for the purpose of setting up of an industry in an industrial estate or industrial park within the jurisdiction of a Gram Panchayat - permission is given by the industrial authority viz. WBIDC, WBSIDC, WBIIDC & WEBEL.
- (b) If the area of a Gram Panchayat is located under the planning area of the KMDA, or under the area of an authority set up under the West Bengal Town & Country (Planning & Development) Act, 1979, or in an area for which a Development Plan has been published - permission for construction of any building is given by a Panchayat Samiti. But if the construction of building is for the purpose of setting up of an industry in an industrial estate or industrial park within the said area, permission for construction of any building is given by the industrial authority viz. WBIDC, WBSIDC, WBIIDC or WEBEL.

(B) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry in rural areas other than in an industrial estate or industrial park

- (a) For construction of building for the above-mentioned purpose within the jurisdiction of Gram Panchayat other than in an industrial estate or industrial park - permission is given by the Gram Panchayat concerned.

- (b) If the area Gram Panchayat is under the planning area of a Development Authority as mentioned in para 2 (A) (b) above – permission for construction of building for the above-mentioned purpose in the said areas other than in an industrial estate or industrial park, is given by the Panchayat Samiti concerned.

3. Registration of Trades in Rural Areas

- (A) Registration of running a trade in rural areas:** The Gram Panchayat concerned issues certificate for registration of running a trade within the jurisdiction of the Gram Panchayat.
- (B) Registration of trades of special nature in rural areas:** The Panchayat Samiti concerned issues certificate for registration of trades of special nature (as notified by the State Government) within the jurisdiction of a Panchayat Samiti.

4. Procedure for Grant of Permission for Construction of Building for Setting up of an Industry in an Industrial Estate or Industrial Park

- (A) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry industrial estate or industrial park within the jurisdiction of a Gram Panchayat :**

(i) Application Form and other documents to be submitted:

- Application shall be made in Form 4 (see Annexures) in duplicate along with plan, in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land.
- Application shall be submitted to the designated office of the industrial development authority viz. WBIDC, WBSIDC, WBIIDC or WEBEL directly giving proper intimation to the Gram Panchayat concerned.
- The said industrial development authority or corporation finally accords permission

(ii) Payment of fees :

- No fee will have to be deposited along with the application form.
- The required fees shall be deposited to the Gram Panchayat concerned by the applicant after sanction of the plan by the specified industrial development authority or corporation or other organization but before collection of the sanctioned plan from the sanctioning authority.

(B) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry in industrial estate or industrial park in the planning area of Development Authority within the jurisdiction of Panchayat Samiti

(a) Application Form :

- Application shall be made in Form 4A in triplicate along with plan of the proposed structure or building and a site plan to be prepared and authenticated by the licensed building surveyor having a degree or diploma in Civil Engineering or Architecture or by an Architect in triplicate, copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land.
- Application shall be submitted to the designated office of industrial development authority viz. WBIDC, WBSIDC, WBIIDC or WEBEL directly giving proper intimation to the Panchayat Samiti concerned.
- The said industrial development authority or corporation finally accords permission.

(b) Payment of Fees :

- No fee will have to be deposited along with the application form.
- The required fees shall be deposited to the Panchayat Samiti concerned by the applicant after sanction of the plan by the specified industrial development authority or corporation or

other organization but before collection of the sanctioned plan from the sanctioning authority.

(C) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry within the jurisdiction of a Gram Panchayat other than in industrial estate or industrial park

(i) Application Form :

- Application for the purpose shall be made in duplicate, in Form 4 along with plan in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land shall be submitted directly to the designated office(s) of the Department of Micro, Small and Medium Enterprises and Textiles, or to the Department of Commerce and Industries, of the State Government.
- It will forward the application along with all relevant documents to the said Gram Panchayat or the Panchayat Samiti or the Zilla Parishad or the Department of Panchayats & Rural Development, depending upon the specification of the building after scrutiny to check the completeness of the application.

(ii) Specification of the building and Grant of permission within specific time limit :

- For building of plinth area upto 150 sq. meter and height upto 6.5 meters - the said designated office will send the application to the Gram Panchayat concerned and permission will be given by the Gram Panchayat directly within 15 days from the date of receipt of the application (which must be complete in all respects) at the office of the Gram Panchayat.
- For building of plinth area upto 300 sq. meter and height upto 6.5 meters - the said designated office will send the application to the Panchayat Samiti concerned for vetting and permission will be given by the Gram Panchayat concerned on the basis of the vetting of the building and site plan by the Panchayat Samiti within 30 days from the date of receipt of the application (which

must be complete in all respect) at the office of the Panchayat Samiti.

- For building of plinth area more than 300 sq. meters and height upto 15 meters - the said designated office will send the application to the Zilla Parishad concerned for vetting and permission will be given by the Gram Panchayat concerned on the basis of the vetting of the building and site plan by the Zilla Parishad concerned within 30 days from the date of receipt of the application (which must be complete in all respects) at the office of the Zilla Parishad.
- For any building of height more than 15 meters - the said designated office will send the application to the Panchayats & Rural Development Department through the Zilla Parishad concerned for vetting and permission will be given by the Gram Panchayat concerned on the basis of the vetting of the building and site plan by the Panchayats & Rural Development Department within 60 days from the date of receipt of the application (which must be complete in all respects) at the office of the Zilla Parishad.

(iii) Payment of Fees :

- No fees will have to be deposited along with the application form. The requisite fees shall be deposited by the applicant to the Gram Panchayat concerned only at the time of collection of the approved plan.
- For the purpose of vetting of the building and site plan by a Panchayat Samiti, a Zilla Parishad or the Panchayats & Rural Development Department, no additional fees in any form or name shall be deposited.

(iv) Right of the applicant if the permission is not communicated within the time limit :

- If permission or refusal is not communicated by the Gram Panchayat within the prescribed time limit, it shall be presumed the Gram Panchayat has accorded such permission and it shall be lawful for the applicant to erect any structure or building

conforming to the building plan and the site plan furnished by him along with the application.

- Before commencement of such work, the applicant shall give an intimation in this behalf to the Gram Panchayat.
- In such events, the applicant shall bring the matter to the notice of the Panchayats & Rural Development Department, which will, after causing an enquiry, will provide a certificate for such “deemed approval”.

(D) Erection of a new structure or building or to make any addition to an existing structure or building for setting up of an industry in the area of a Development Authority within the jurisdiction of a Panchayat Samiti other than in industrial estate or industrial park

(i) Application Form and other documents to be submitted :

- Application shall be made in Form 4A in triplicate along with plan of the proposed structure or building and a site plan to be prepared and authenticated by the licensed building surveyor having a degree or diploma in Civil Engineering or Architecture or by an Architect in triplicate, copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land shall be submitted directly to the designated office(s) of the Department of Micro, Small and Medium Enterprises and Textiles, or to the Department of Commerce and Industries, of the State Government.
- It will forward the application along with all relevant documents to the said Gram Panchayat or the Panchayat Samiti or the Zilla Parishad or the Panchayats & Rural Development Department depending upon the specification of the building after scrutiny to check the completeness of the application

(ii) Specification of the building and grant of permission within specific time-limit

- For building of plinth area upto 300 sq. meter and height upto 6.5 meter - the designated office will send the said application to the Panchayat Samiti concerned for according permission and permission will be given by the Panchayat Samiti directly

within 30 days from the date of receipt of the application(which must be complete in all respect) at Panchayat Samiti.

- For building of plinth area more than 300 sq. meter and height upto 15 meter - the said designated office will send the application to the Zilla Parishad concerned for vetting and permission will be given by the Panchayat Samiti concerned on the basis of the vetting of the building and site plan by the Zilla Parishad concerned within 30 days from the date of receipt of the application (which must be complete in all respects) at the office of the Zilla Parishad.
- For any building of height more than 15 meters - the said designated office will send the application to the Panchayats & Rural Development Department through the Zilla parishad concerned for vetting and permission will be given by the Panchayat Samiti concerned on the basis of the vetting of the building and site plan by the Panchayats & Rural Development Department within 60 days from the date of receipt of the application (which must be complete in all respects) at the office of the Zilla Parishad.

(iii) Payment of Fees :

- No fees will have to be deposited along with the application form. The requisite fees shall be deposited by the applicant to the Panchayat Samiti concerned only at the time of collection of the approved plan.
- For the purpose of vetting of the building and site plan by the Zilla Parishad and P&RD Department, no additional fees in any form or name shall be deposited.

(iv) Right of the applicant if the permission is not communicated within the time limit :

- If permission or refusal is not communicated by the Panchayat Samiti within the prescribed time limit, it shall be presumed that the Panchayat Samiti has accorded such permission and it shall be lawful for the applicant to erect any structure or

building conforming to the building plan and the site plan furnished by him along with the application;

- Before commencement of such work, the applicant shall give an intimation in this behalf to the Panchayat Samiti.
- In such events, the applicant shall bring the matter to the notice of the Panchayats & Rural Development Department, which will, after causing an enquiry, will provide a certificate for such “deemed approval”.

TABLE- 1

**Fees for New Construction of Building or Additional Construction/
Alteration of Building**

Category of Gram Panchayat Area	Type of construction (New/Addition/Alteration)	Pucca Building (Rates on the basis of per sq. ft of total floor area of the proposed structure / building)	
		Thatched, Tin, Tile, or asbestos shed with brick wall (Semi-Pucca House)	Construction for Commercial purposes
		Construction for Commercial purposes	Construction for Commercial purposes
Gram Panchayats outside the jurisdiction of KMDA & other Development Authority	New Construction	Rs. 300.00	Rs. 1.00
	Additional Construction/Remodelling/Alteration	Rs. 200.00	Rs. 1.00
Gram Panchayats under the jurisdiction of KMDA & other Development Authority	New Construction	Rs. 500.00	Rs. 2.50
	Additional Construction/Remodelling / Alteration	Rs. 250.00	Rs. 2.50

5. Procedure for Registration of Running Trades and Trades of Special Nature

(A) Registration of running trade within the jurisdiction of a Gram Panchayat

(i) Application form :

- Application for the purpose shall be made in Form No. 10A
- It shall be submitted to the office of the Gram Panchayat concerned directly or through the web portal of the Department of Micro, Small and Medium Enterprises and Textiles, or the Department of Commerce and Industries, of the State Government.
- The applicant may seek renewal of registration by annually or three years together.

(ii) Payment of fees :

- A Gram Panchayat may levy fees for the purpose by making bye-laws subject to the maximum rate as given in Table 2.
- Fees for the purpose shall be deposited along with the application form.
- If the applicant seeks renewal of registration of running trade for three years together, he shall deposit prescribed annual fees for three years at a time.

(iii) Issuance of Certificate for registration of running trade within specific time limit :

- A Gram Panchayat issues Certificate for registration of running trade in Form No.11.
- It shall issue Certificate for registration of running trade within 15 days from the date of receipt of the application at the office of the Gram Panchayat.

TABLE -2

List of lawful running Trades for which Gram Panchayat issues Certificate of Registration along with the maximum rate of fees to be levied by Gram Panchayat

Sl. No.	Nature of trade	Maximum fees to be levied per annum
(i)	Registration of trades not paying professional tax	Rs.50.00 p.a.
(ii)	Registration of trades or agencies or contractors paying professional tax	Rs.100.00 to Rs.250.00
(iii)	Registration of small scale unit such as husking mill, saw mill, handloom or power loom, ice-factory, fishery, poultry, cattle-farming, sericulture, apiculture etc. (Capital Investment ranging from Rs. 25,000/- to less than Rs. 5,00,000/-)	Rs. 100.00 to Rs.250.00 p.a.
(iv)	Registration of small scale unit such as husking mill, saw mill, handloom or power loom, ice-factory, fishery, poultry, cattle-farming, sericulture, apiculture etc. (Capital Investment exceeding Rs. 5,00,000/-)	Rs.300.00 to Rs.500.00 p.a.
(v)	Registration for video hall or cinema hall (Up to Rs. 5,00,000/-)	Rs.250.00 p.a.
(vi)	Registration for video hall or cinema hall (Up to Rs. 10,00,000/-)	Rs.500.00 p.a.
(vii)	Registration of telephone booth or cyber café or Xerox centres etc.	Rs.150.00 p.a.

The Gram Panchayat may include other lawful running trades considering the local area by making bye-laws and levy fees subject to the maximum rate as given in Table 2.

(B) Registration of trades of special nature within the jurisdiction of a Panchayat Samiti

(i) Application form :

- Application for the purpose shall be made in Form No. 6.

- It shall be submitted to the office of the Panchayat Samiti concerned directly or through the web portal of the Department of Micro, Small and Medium Enterprises and Textiles, or the Department of Commerce and Industries, of the State Government.
- For a trade of special nature relating to Kerosene, Petroleum, Naptha or any other inflammable oil or spirit and burning or baking of bricks and tiles, an applicant shall submit along with the application form a declaration to the effect that statutory clearances as required in rule 58 of the *West Bengal Panchayat (Panchayat Samiti Administration) Rules, 2008*, will be obtained by him before commencement of the actual trade.
- The applicant may seek renewal of registration by annually or three years together.

(ii) Payment of fees :

- A Panchayat Samiti may levy fees for the purpose by making bye-laws subject to maximum rate as given in Table 3
- Fees for the purpose shall be deposited along with the application form.
- Renewal of registration shall normally be made annually on the basis of the application in Form No. 6A. If the applicant seeks renewal of registration for trades of special nature for three years together, he shall deposit prescribed annual fees for three years at a time.

(iii) Issuance of Certificate for registration for trades of special nature within specific time limit :

- A Panchayat Samiti issues Certificate for registration for trades of special nature in Form No. 6B.
- It shall issue Certificate for registration for trades of special nature within 15 days from the date of receipt of the application at Panchayat Samiti.

TABLE -3

List of Trades of Special Nature notified by the State Government for which a Panchayat Samiti issues Certificate of Registration along with the maximum rate of fees to be levied by Panchayat Samitis

Sl. No.	Nature of trade	Maximum fees to be levied per annum
(i)	lime manufacturing	Rs. 100.00
(ii)	storing for any commercial purpose as distinguished from domestic purpose or trading in, hay, straw, wood, thatching grass, jute or other quickly inflammable materials	Rs. 100.00
(iii)	cashew nut processing	Rs. 250.00
(iv)	baking & burning of tiles or pottery	Rs. 250.00
(v)	acid head batteries including lead plate casting and acid slurry (sulphonation), dry cell battery	Rs. 500.00
(vi)	basic drug and pharmaceutical products manufacturing	Rs. 500.00
(vii)	coke making, coal liquefaction, coal tar distillation processing, fuel gas making, coke briquette making, storing or trading in kerosene, coal and similar other incendiary commodities	Rs. 500.00
(viii)	slaughter houses and meat processing units, storing of hides, fish, horns or skins	Rs. 500.00
(ix)	boiling or storing offal, blood, bones or rags, melting tallow, tanning for the manufacture of leather or leather goods	Rs. 500.00
(x)	jute processing and dyeing	Rs. 500.00
(xi)	tyres and tubes vulcanization, retreading, moulding	Rs. 500.00
(xii)	cement grinding	Rs. 500.00
(xiii)	distillery including fermentation industry	Rs. 1000.00
(xiv)	pulp and paper manufacturing or processing	Rs. 1000.00
(xv)	stone crushing	Rs. 1000.00
(xvi)	synthetic detergent and soap making	Rs. 1000.00
(xvii)	brick field, burning of bricks,	Rs. 1000.00
(xviii)	vegetable oil and edible oil including solvent extracted	Rs. 1000.00

	oil or hydrogenated oil production unit	
(xix)	chilling plant, cold storage, Ice making and Ice-cream making	Rs. 1000.00
(xx)	husking mill, rice mill, saw mill	Rs. 1000.00
(xxi)	any other manufacturing or processing business from which offensive or unwholesome smell or offensive noise arises	Rs. 1000.00
(xvii)	storing or trading in petroleum, naphtha or any other inflammable oil or spirit	Rs. 1500.00

(iv) **Right of the applicant to appeal under West Bengal Right to Public Services Act, 2013** : As the above-mentioned services are notified under the *West Bengal Right to Public Services Act, 2013*, an applicant has an opportunity of preferring appeal before the Appellate Authority if the service is not provided within the stipulated time period.

(v) **Roles of the employees of Panchayats** : As the above-mentioned services which have been provided by the Panchayats are notified under the *West Bengal Right to Public Services Act, 2013*, the employees of the Panchayats entrusted with the specific duties relating to Ease of Doing Business initiative shall perform the duties so carefully that the services can be provided within the stipulated time period.

6. Support of the Panchayats & Rural Development Department if & when Necessary

In case of any difficulty faced by any person or organization in obtaining permission for construction of building or registration of trades, Shri Dibyendu Das, Joint Secretary to the Government of West Bengal, working as Nodal Officer in respect of Ease of Doing Business Initiatives of the State Government in the Department of Panchayats & Rural Development, may be contacted for any queries relating to the subjects mentioned above on his office phone No.2340-6510 or a mail may be sent to him through das614276@gmail.com.

Annexures