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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**THE NEW TOWN, KOLKATA DEVELOPMENT AUTHORITY
(ADVERTISEMENT)
REGULATIONS, 2010**

REGULATIONS

No. 1794-NKDA/Admin-109/2010

Kolkata, the 20th October, 2010.

In the exercise of the power conferred by section 161 of the New Town, Kolkata Development Authority Act, 2007 (West Bengal Act XXX of 2007) (hereinafter referred to as the said Act, read with Section 137A of the said Act, the Development Authority, with the previous approval of the State Government, makes the following regulations :-

1. Short title, commencement and application

- (1) These regulations may be called the New Town, Kolkata Development Authority (Advertisement) Regulations, 2010.
- (2) They shall come into force on and from the date of issue of the regulations, and shall be applicable for the entire areas of the New Town, Kolkata Development Authority as described in the schedule -I of the Act.

2. Definitions

- (1) In this regulations
 - a. "Act" means the New Town, Kolkata Development Authority Act, 2007 (West Bengal Act XXX of 2007) as amended.
 - b. "Advertisement" means any word, model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not in the nature of land employed wholly or in part for the purposes of advertisement, announcement or direction.
 - c. "Agency" means an applicant who may be individual, registered charitable organisation, firm, partnership or a company incorporated under the Companies Act 1956.

- d. "Direction Boards" means any surface of structure erected on ground or any portion of a roof of building or on or above the parapet, which indicates a direction to a road, building, park or any site, and contains an advertisement.
- e. "Development Authority" means the New Town, Kolkata Development Authority constituted under Section 3 of the New Town, Kolkata Development Authority Act, 2007.
- f. "Form" means the prescribed Form appended to these regulations.
- g. "Government" means the Government of West Bengal.
- h. "Hoarding" means any surface of structure erected on ground or any portion of a roof of a building or on or above the parapet, with character, letters or illustrations applied thereto and displayed in any manner whatsoever, out of doors, for purpose of advertising or to give information with a view to attract the public to any place, person, public performance articles of merchandise whatsoever.
- i. "Regulation" means a regulation of these regulations.
- j. "Schedule" means the schedule appended to these regulations.
- k. "Sign" means any writing (including letter, word or numerals); pictorial representation (including illustration or direction); emblem (including device, symbol or trademark); flag (including banner or pennant); or any other figure of similar character; which :
 - i) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and
 - ii) Is used to announce, direct attention to, or advertise; and
 - iii) Is on, over or in view of a public place.

But for the purposes of these conditions does not include:

- a) Traffic or regulatory devices, legal notices, or warnings at railway crossings.
 - b) Signs required to be maintained by law or government order or regulation.
 - c) Memorial signs or tables.
 - d) Any other signs as excluded by the Chairman of NKDA.
- (2) The words and expressions used in these regulations, but not defined, shall have the same meaning as in the Act.
- (3) The words and expressions used in these regulations and not otherwise defined, shall have the same meaning assigned to them in the West Bengal Municipal Act, 1993 (West Bengal Act XXII of 1993).

3. Permission for display of advertisement

- (1) Any person seeking permission to erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement or display any advertisement to public view in any manner whatsoever, visible from public street or public place in any place within the New Town Area shall fulfil the following conditions :
- a) Submission of application in specified format as mentioned in the schedule-I. The Development Authority may, by an order, revise the form as and when necessary;
 - b) Submission of the written consent of the owner or the authority of land building, wall, hoarding, frame, post, kiosk or structure, if the same is not owned by the applicant, upon or over which the advertisement has been proposed to be erected, exhibited, fixed or retained, by the person intending to erect, exhibit, fix or retain any advertisement, or display any advertisement to public view;
 - c) Application seeking permission shall accompany a declaration by the advertiser stipulating a time-frame within which the advertisement shall be erased, removed or taken down;
 - d) Application for permission shall accompany a security deposit @ 10% of the total payable amount due for such advertisement and permission fee as mentioned in schedule -IV;

- e) Application shall also accompany Structural stability certificate from a civil/structural engineer empanelled with Development Authority, an agreement between the owner of the premises and the applicant, copy of the current tax bill of the premises, if the property is not assessed, the non-assesses certificate, engineering drawing of the proposed structure in triplicate blue print signed by the applicant, the qualified civil/structural engineer and the owner;
- f) The application shall also accompany an affidavit in specified format as mentioned in the schedule -III sworn in before a first class Magistrate, Notary Public or any other person to take oath. The authority, by an order, may revise the format as and when necessary;

(2) Any other conditions as may be laid down in the guidelines framed by the Development Authority.

4. **Permission for use of a site for display of advertisement**

- (1) In terms of Sub-section (2) of Section 137B of the Act, any person intending to use any site may submit application in the specified format as appended in the schedule-II. The authority, by an order, may revise the form as and when necessary.
- (2) Application shall accompany a fee as mentioned in the schedule-IV.
- (3) On receipt of application made under Regulation 3, an inspection, if required, to be made and report shall be submitted in the format as mentioned in the schedule-VI. This format may be amended by the Development Authority time to time as it may deem necessary.
- (4) The Development Authority may identify the locations on its property and it may permit the use of its land/properties for display of advertisement.
- (5) After such identification the Development Authority may put such locations on auction through an open advertisement for allotting it to the agencies for display of advertisement. When such auctions are not feasible, tenders may be invited.
- (6) The selected agency shall be issued an allotment letter for use of the property/land of the Development Authority for the purpose of advertisements. On receiving the allotment letter, the agency shall apply to the Development Authority for display of advertisement as laid down in Regulation 3.
- (7) The agency may apply in specified format as mentioned in Schedule-I for erecting structure accompanying No Objection Certificate from the land owner, in case of the land of the Development Authority- the allotment letter and all other documents as mentioned in clause (e) of Sub-regulation (1) of Regulation 3. The Development Authority may, by an order, revise the terms and conditions for erecting structure on its sites.
- (8) The Development Authority may permit the display of advertisement to any agency for a maximum period of 2 years on payment of Licence fee as per schedule-IV.
- (9) The agency shall have to deposit the advertisement tax as per Schedule IV.
- (10) Upon expiry of the period of the allotment letter, the agency shall hand over the site with the structure to the Development Authority. Thereafter, display of advertisement on the said site would be allowed by auctioning or by inviting tenders.
- (11) The Development Authority may, by an order, revise the rates of fee, tax and charges for use of sites for advertisement annually.
- (12) The application shall be disposed of within thirty days of the receipt of the application.

5. **Tax on advertisement**

- (1) All applicants intending to advertise in any manner whatsoever mentioned in the Act, are required to deposit advertisement tax as mentioned in the Schedule -IV. The advertisement tax shall have to be paid on advance and such tax is required to be paid on receipt of demand notice as per schedule-IV. The Development Authority may, by an order, revise the notice as and when necessary.

- (2) The Development Authority may, by an order, revise the rates of advertisement tax annually.
- (3) The Development Authority may impose surcharge not exceeding fifty percent of the applicable rate, on any advertisement on display in temporary fairs, exhibitions, sports events or cultural or social programmes.

6. Preparation of master register

- (1) The Development Authority shall assign number to all its sites before putting it on auction.
- (2) The Development Authority shall maintain a master register recording all such sites.
- (3) The Development Authority shall also maintain records of all private sites, if permission is given for advertisement.
- (4) If permission is accorded, the Development Authority may issue an Identification Number and this number should be displayed on the bottom right hand corner of the hoarding.
- (5) The Development Authority may, by an order, determine the process of maintaining the records of advertisement.

7. Removal of poster, hoarding etc.

- (1) Whoever contravenes the provisions of the Act, the Development Authority may issue notice for rectification of the same and if it continues even after such notice, the Development Authority may remove the hoarding and it may demolish the structure.
- (2) In terms of Section 137H of the Act, any person who contravenes the provisions of the Act or the regulation made in this regard, the Development Authority may realize the actual charges from the person concerned.
- (3) Any person, who contravenes the provisions of Section 137B of the Act, shall be liable to a fine upto a maximum of Rs.1500/- (Rupees one thousand five hundred only).
- (4) A fine of Rs. 100/- (Rupees one hundred only) daily shall be imposed in addition to the fine mentioned in sub-regulation (3) of this Regulation for continuing offences.

8. Grievance redressal

If any person/agency who feels aggrieved of any order, instruction or direction, the grievance may be placed before the Chairman of the Development Authority within 15 days from the date of receipt of any such order, instruction or direction. The Chairman may dispose of the matter after giving the person an opportunity of being heard.

Schedule-I

APPLICATION FOR PERMISSION OF ADVERTISEMENT
(Under Section 137B of the New Town, Kolkata Development Authority Act, 2007)

SL No.	Particulars	Details			
1	Name of applicant				
2	Type of applicant	Propriety firm/company/charitable Trust/Others			
3	Address of applicant				
		Tel		Fax	
		Mobile			
		e-mail :			
4	Application No				
5	Advertisement : over any land/building/wall/ at hoarding/at frame/at post/kiosk/others (specify)				
6	Road details				
7	Size of advertisement item	Length	Height	Width	Area
8	No of advertisement item				
9	Name of land lord/ owner of building				
10	Type of display	Illuminated/Non-illuminated			

Signature of the applicant

N.B :

- i) Application should contain the written letter of consent ,in original, of the owner or the authority of land, building, wall, hoarding, frame, post, kiosk or structure, if the same is not owned by the applicant.
- ii) Application for permission shall accompany a declaration stipulating the time frame within which the advertisement shall be removed or taken down.
- iii) Application for permission shall also accompany a security deposit @ 10% of the amount payable for such advertisement.
- iv) If the advertisement is not removed or taken down by the advertiser within seven days after the expiry of the time frame for removal of such advertisement as mentioned in the declaration, the security deposit shall be deemed to have been forfeited.
- v) If the advertisement is removed or taken down by the advertiser within seven days after the expiry of the time frame for removal of such advertisement as mentioned in the declaration, the security deposit shall be refunded.

I have read carefully the advertising guidelines of NKDA and have complied with all the conditions.

I accept that in the event of the information submitted by me is found false, I am liable for all such penal actions as prescribed under law.

Signature of the applicant

Schedule-II

APPLICATION FOR ERECTION OF NEW HOARDING
NEW TOWN KOLKATA DEVELOPMENT AUTHORITY

Sl. No.	Particulars	Details			
1	Name of applicant				
2	Type of applicant	Propriety firm/company/charitable Trust/Others			
3	Address of applicant				
		Tel		Fax	
		Mobile :			
		e-mail :			
4	Application No				
5	Site location				
		on ground floor/on roof / others			
6	Road details	Name of road		Width of road	
7	Size of hoarding	Length	Height	Width	Area
8	Height from the surface of ground/ roof below it				
9	Distance from nearest hoarding				
10	Type of display	Illuminated/Non-illuminated			
11	No. of trees within 25 mt on all sides				
12	No. of hoardings within 50 mts on all sides				
13	Name of landlord:				
14	Trees are required to be	Cut/Trimmed/No Interference			
15	Alignment with other hoarding	Yes/No			

I have read carefully the advertising guidelines of NKDA and have complied with all the conditions.

I accept that in the event of the information submitted by me is found false, I am liable for all such penal actions as prescribed under law.

Date:

Signature of the applicant

..... FOR OFFICE USE ONLY

DOCUMENTS SUBMITTED

Sl. No.	Documents	Please put a tick mark
1	Application for erection of hoarding	
2	Structural Stability certificate of the hoarding and building from empanelled structural engineer	
3	NOC from the owner of land/property	
4	Engineering drawing of the proposed structure in triplicate blueprint duly signed by the applicant	
5	Map of the location of the hoarding	
6	Two copies of 10'X8' size Photograph taken from a distance of 60 mts from the proposed site with marking of the proposed hoarding thereon	
7	An affidavit in prescribed format sworn before a first class magistrate	
8	An agreement between the owner(s) of the applicant	
9	Others	

Whether the application is complete as per the advertisement guidelines ?

If no, state the deviations :

(a) Application No.

(b) Date of receipt of application :

(c) Processing fees :

Date:

Signature of the dealing Assistant

Schedule -III

PROFORMA FOR AFFIDAVIT

I/We Sri/Smt. son/daughter/
 wife of Sri/Smt. Director/Proprietor/
 Technical officer and Authorised signatory of M/s.
 aged about years, residing at
 and having its Regd. Office at P.S.
 do hereby solemnly declare and say as follows :—

1. That I/We are owner/director/partner/technical officer of M/s.
 above named company/Firm.
2. I/we intend to use the site at Premises No. New Town,
 Kolkata, for the purpose of advertisement and for that purpose I have taken lease/sub-lease/license from the
 owner/I am the owner of such premises.
3. The land, building, wall, boarding, frame, kiosk or structure is/will not hang over or reach any part of New
 Town land or Government or land of any statutory authority.
4. I/We declare that in the event of any contravention of any of the provisions of the Act or any regulation made
 under the New Town, Kolkata development Authority Act, 2007 or any material change is made in the
 advertisement or any part thereof without permission of the Chairman or any advertisement or part thereof falls
 otherwise than through accident or if due to work of government or statutory authority the advertisement is
 required to be displaced the permission shall stand void and I/We will not claim any right.
5. I/We declare that if there is any contravention of any conditions and terms of the licence and if there is any
 additional/alteration made to or in the building wall, boarding, frame, post, kiosk or structure upon or over
 which the advertisement is created, exhibited, fixed or retained the licence shall become void.
6. I/We also declare that structural stability of hoarding has been duly certified by the enlisted structural engineer
 of NKDA and I/We declare that due to erection of hoarding, frame, post, kiosk or structure if any accident
 occurs or right easement, window/light is affected I/We shall be responsible and the NKDA under no
 circumstances shall be held responsible for such act. I/we further declare that I/We shall compensate NKDA
 for any loss or damaged due to my/our act or commission as will be determined by the Authority.

The statements contained in the foregoing paragraphs are true to my knowledge and belief.

Witness :

Signature of Deponent

Schedule -IV

SCHEDULE OF TAXES, FEES AND CHARGES (In Rupees)

Sl No.	Particular	Security deposit *	License fee u/s 137B	Tax on Adv u/s 137C	Total
1	2	3	4	5	6
1	Collapsible Kiosk (Max size 5'x5') (Month/Spot)		600	2800	3400
2	Advt. on Vehicles (Sqft./Year)		60	70	130
3	Advt. on Glow-Sign Board fixed a top the shop (Sqft./Year)		93	62	155
4	Advt. on Glow-Sign Board on Portico (Sqft./Year)		81	119	1700
5	Advt. on Cloth/Flex Banner/ Structure/Gate/Frame Banner (Sqft./Month)		0	15	15
6	Hand bill & Leaflet (Per Month)		600	60	660
7	Umbrella (Per pc./Month/Spot)		300	900	1200
8	Balloons (Per pc./Month/Spot)		3000	1200	1500
9	Non-news Magazines & Yellow Pages/Magazine for advt. only (Per issue/Page/Year)		25	35	60
10	Advt. by Audio system (4 Speakers/Month)		300	900	1200
11	Video display (Per T.V Screen / Year/Spot)		1200	4800	6000
12	Advt. on Car Sticker (Per Year / Logo /1000 Cars)		1700	4300	6000
13	Poster - upto 6 Sqft (Min. 3000 Nos./Month)		800	2500	3300
14	Poster - Above 6 Sqft (Min. 3000 Nos./Month)		1000	4000	5000
15	Indicator Board (Per Sqft./Year)	At the rate 10% of the payable total amount in col 6	65	65	1630
16	Cinema Ad. Films (Per Month/Reel)		60	540	600
17	Mobile Hoarding mounted on vehicles (300 Sqft)	Combined			300000
18	Mobile Hoarding mounted on vehicles (Like TATA 407)	Combined			150000
19	Bus Shelter on NKDA Road (upto 250 Sqft.)	Combined			100000
20	Bus Shelter on NKDA Road (upto 500 Sqft.)	Combined			160000
21	Advt. on Cinema Slide (Per Slide/Month)		0	200	200
22	Advt. on Caps/Sun protector / T' Shirt (Per 1000 Pcs/Month)		0	1000	1000

* at the rate 10% of the payable total amount in col 6

Advertisement on Boarding/Kiosk/Structure/Frame (in Rupees)

1	SIZE	U/S 137B	U/S 137C	TOTAL	RENEWAL
2	Upto 200 Sqft. (Per Sqft./Year)	70	60	130	110
3	201 Sqft. to 400 Sqft. (Per Sqft./year)	110	65	175	133
4	401 Sqft. to 800 Sqft. (Per Sqft./Year)	100	80	250	180
5	Above 800 Sqft. (Per Sqft./Year)	170	125	300	225

N.B. :

- i) Restriction of size of boarding within New Town area is to be restricted to 800 Sqft.
- ii) Rates, Fees and Charges & Taxes for uncovered categories of medium of Advt. shall be decided by the Chairman.
- iii) Posters will not be allowed on certain restricted location like walls of heritage buildings, heritage zone & no boarding zone, Govt. Offices, Corporate house, Hospitals, Educational Institution & any public utility installation etc.
- iv) Collapsible kiosks will not allowed on any spot for more than 30 days.
- v) Wall painting is not permitted. If there is any, a fine of Rs. 400/- per Sqft. per month will be imposed. This fine may be imposed upon the Company whose product will be advertised by wall painting.
- vi) In case of back panel display on Bus/Mini Bus etc. Minimum Size 6'x3' = 18 Sqft.
- vii) in case of cloth banner: Minimum Size 6'x3' = 18 Sqft.
- viii) In case of Frame banner: Minimum Size 3'x3' = 9 Sqft.
- ix) Applicable fees and charges will be collected for permanent Indicator Board on footpath, Portico Pillars & other permanent structure bearing advertisement fixed on NKDA property, if permitted by NKDA.
- x) In case of permanent display rates & fees will be charged proportionately on the basis of sanction date.
- xi) These charges are to be paid in advance at the time of obtaining permission or renewal of license for the year or part thereof as the case may be.
- xii) All demands will be raised financial year wise.

Schedule-V

NEW TOWN KOLKATA DEVELOPMENT AUTHORITY
3, MAR, KOLKATA-700156

DEMAND NOTICE

NO. _____

Date : _____

To _____

Re : Your application No. dated

Sub : Permission for advertisement/erecting hoarding

Sir,

This is to inform you that from your records it appears that you have not yet deposited the Advertisement fee/tax of your Glow sign Boards/sign Board under Section 137A/137B/137C of the New Town, Kolkata development Authority Act, 2007.

The size of the Board is measured asand the fee/tax calculated as Rs.
(Rupees.....)

You are hereby requested to pay the aforesaid amount within 15 days from the date of issue of this letter; failing which, necessary action will be taken as per the New Town, Kolkata Development authority Act, 2007.

Thanking you,

Yours faithfully,

Authorised Officer

Schedule-VI

INSPECTION REPORT

Ref No. _____

M/s. _____ of _____

Has submitted an application to regularise their existing/proposed hoarding at premises No. _____
along with the following documents and information :

- | | | | |
|----|--|---|-------|
| a) | _____ copies of plan duly signed by
Structural Engineer, owner of the private
Building/land, authorised signatory of the Agency. | : | _____ |
| b) | Structural Stability Certificate | : | _____ |
| c) | Agreement/Consent letter | : | _____ |
| d) | Affidavit made before the 1st class magistrate By the
concerned agency | : | _____ |
| e) | Structure is erected | : | _____ |
| f) | There is any violation of Norms | : | _____ |
| g) | Structure is in good shape | : | _____ |
| h) | Size of the hoarding | : | _____ |
| i) | Lighted/Illuminated/Non-Illuminated | : | _____ |

Accordingly inspected the site on _____ (date) at about _____

This may be allowed if the authority thinks fit. The Licence fee u/s 137B & 137C of the Act, for the year _____
is amounting to Rs. _____

All relevant papers are attached herewith.

Submitted for necessary orders.

Signature of inspecting officer
NKDA.

By order,

R. RAYCHAUDHURI,
Chairman,

New Town Kolkata Development Authority.