



The West Bengal Non-Trading Corporations Act, 1965

Act 11 of 1965

Keyword(s):

Incorporation, Regulation and Winding up, Non Trading Corporation

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West Bengal Act XI of 1965¹

THE WEST BENGAL NON-TRADING CORPORATIONS ACT, 1965.

[12th June, 1965.]

² An Act to provide for the incorporation, regulation and winding up of non-trading corporations with objects confined to the State of West Bengal and for matters connected therewith.

It is hereby enacted in the Sixteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Non-trading Corporations Act, 1965.

Short title,
extent and
commence-
ment.

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

(3) It shall come into force² on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act a corporation means a corporation formed and registered under this Act and includes an existing corporation or a company formed and registered under any of the previous companies laws specified in sub-clause (ii) of clause (I) of section 3 of the Companies Act, 1956, provided—

Application.

- (i) it is a corporation or a company with objects confined to the State of West Bengal, and
- (ii) it is not a trading corporation or a company within the meaning of entries 43 and 44 of List I of the Seventh Schedule to the Constitution of India.

3. The provisions of the Companies Act, 1956 (hereinafter referred to as the said Act), shall, so far as may be, apply to the incorporation, regulation and winding up of corporations formed under this Act:

Application
of Act I of
1956.

Provided that—

- (i) the powers conferred on the Central Government by the said Act shall be powers of the State Government;
- (ii) the powers, duties and functions of the Registrar under the said Act shall be exercised, discharged and performed by such person as may be appointed by the State Government, by name or by virtue of office, to be the Registrar in relation to corporations formed under this Act;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IVA, dated the 19th December, 1964, page 3803; for proceedings of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on the 4th May, 1965.

²This Act came into force on 1st January, 1966, vide notification No. 6317-Com., dated the 23rd December, 1965, published in the *Calcutta Gazette, Extraordinary*, Part I, dated the 23rd December, 1965, page 5255.

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(Sections 4, 5.)

- (iii) the State Government may, by notification in the *Official Gazette*, direct that any of the provisions of the said Act specified in the notification—
- (a) shall not apply to a corporation formed under this Act, or
 - (b) shall apply to a corporation formed under this Act, only with such exceptions, modifications and adaptations, as may be specified in the notification.

Repeal and savings.

4. The enactments specified in sub-clause (ii) of clause (1) of section 3 of the Companies Act, 1956, in their application to a corporation as defined in section 2 of this Act are hereby repealed:

1 of 1956.

Provided that such repeal shall not affect—

- (i) any order, rule, regulation, appointment, conveyance, mortgage, deed, document or agreement made, fee directed, resolution passed, direction given, proceeding taken, instrument executed or issued, or thing done under or in pursuance of any of these enactments; but any such order, rule, regulation, appointment, conveyance, mortgage, deed, document, agreement, fee, resolution, direction, proceeding, instrument or thing shall, if in force at the commencement of this Act, continue to be in force, and so far as it could have been made, directed, passed, given, taken, executed, issued or done under or in pursuance of this Act shall have effect as if made, directed, passed, given, taken, executed, issued or done under or in pursuance of this Act;
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under any of these enactments;
- (iii) any penalty or punishment incurred in respect of any offence committed under any of these enactments;
- (iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty or punishment as aforesaid;
- (v) any proceedings in dissolution commenced before the coming into force of this Act;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed and any such proceedings in dissolution may be continued as if this Act had not been passed.

Removal of difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with this Act as it deems necessary for the removal of the difficulty.