

26. INSTRUCTION ON ULC LAND

**GOVERNMENT OF WEST BENGAL
Urban Development Department
Urban Land Ceiling Branch
12B, Russel Street, Calcutta - 71.**

ORDER

No.3693-UD/UL/3C-2/88

Dated Calcutta the 26th November, 1992

Subject : Disposal of excess vacant land under the Urban Land (Ceiling and Regulation) Act, 1976, on surrender by the different sick Industrial Units.

It has been brought to the notice of the State Government from time to time that a number of sick industrial units and establishments in West Bengal have been facing serious financial difficulties to maintain their operational and financial viability due to various adverse circumstances, the main factor being resource constraints. A number of such sick industrial units and establishments possess land and/or premises all of which may not be required for their present levels of activity and/or future expansion. The State Government also feels that adequate steps need be taken to revive such sick industrial units in the interest of maintaining and increasing their levels of production and at least the existing job opportunities and also to create infrastructure for further opportunities in the State.

2. The above subject has been engaging the attention of the Govt. for some time past. Considering the present financial crisis as faced by these different sick industrial units and establishments, the Governor has been pleased to order as follows :-

(a) Favourable consideration may be given for sale or disposal, by a Committee constituted by the State Govt. on surrender, of such portions of excess vacant land held by the sick industrial unit to raise resources as may be required by the rehabilitation package sanctioned by the B.I.F.R.

(b) A sick industrial unit having excess vacant lands may come forward and submit to the Administrative Department (Industrial Reconstruction / Commerce and Industries) proposal for surrender of its excess vacant lands to the State Government as per provisions of the Urban Land (Ceiling and Regulation) Act, 1976 without any encumbrances, provided such a unit is backed by the BIFR (Board for Industrial and Financial Reconstruction) approved Revival / Rehabilitation package envisaging release of fund to the sick industrial company and sale of a particular quantum of excess vacant land. These excess vacant lands may be acquired under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976. Lands, however, charged to banks / financial institutions will be included in the scope of the scheme in those cases where the banks / financial institutions to whom the land is charged also function as the operating agency or is participating in the revival scheme approved by BIFR.

(c) Lands so surrendered may be disposed of by a high powered committee constituted by the State Govt. with the following members :

- (1) Chief Secretary - He will act as the Chairman of the Committee.
- (2) Secretary, Commerce and Industries Department.
- (3) Secretary, I.R. & P.U. Department.
- (4) Secretary, Finance Department.
- (5) C.E.O., C.M.D.A.
- (6) Urban Land Ceiling Commissioner, Urban Land Ceiling Branch.

- (7) A representative of the operating agency / banker / financial institution as appointed by B.I.F.R.
- (8) A representative of the company.
- (9) The Committee will have the power to co-opt members as required in each case coming up for consideration for due discharge of the responsibilities entrusted to it.

Secretary, Commerce and Industries Department or Secretary, I.R. & P.U. Department will act as Convener of the meeting depending on the nature of the concerned unit.

This Committee will replace the present Urban Land (Industrial and Commercial Use) Committee so far as disposal, use etc. of such surrendered and vested lands are concerned. This Committee will arrange for sale of such vested land. The Committee shall take assistance of an agency like CIT/CMDA or any other Government Development Agency in plotting and disposing of the plots through auction. The market price of the plot will be fixed by the agency, namely CIT/CMDA/Government Development Agency and sold in auction in phases keeping the market price as the reserve price. If required, the committee may ask the agency to make minor development of the lands.

(d) Proceeds from the sale will be realised and deposited in P.L. account of W.B.I.D.C. created specially for the purpose.

(e) The W.B.I.D.C. shall arrange for release of funds on the basis of advice given by the high-powered committee in the manner prescribed by B.I.F.R. in favour of the company which surrenders excess vacant lands and from the sale of which the funds accrue to the P.L. account. Such funds released as soft loan with minimum interest may be utilised for rehabilitation or revival of the concerned industry as per package approved by B.I.F.R. Such funds will be released strictly following the recommendations of the B.I.F.R. and only through the operating agency.

However, if the fund so generated is not sufficient for the package, the gap will have to be met by the promoter. Again if the fund so generated is more than the amount as required, the excess amount will be with the W.B.I.D.C. to be utilised in future as per guidelines to be issued by the State Government. The State Government, WBIDC, etc. will be entitled to servicing charges for disposal of the land out of its sale proceeds.

(f) The High Powered Committee referred to above will monitor the operational part which will, inter alia, include (i) assessment of fund required as per BIFR recommendations ; (ii) disbursement of fund; (iii) monitoring of fund utilisation; (iv) disposal of land; (v) recovery of the loan etc.

3. This order is issued in supersession of the previous Order No.4165-U.L./3C-2/88, dated 22.12.89 of the Urban Land Ceiling Branch, L. & L.R. Department on the subject.

By Order of the Governor.

S. N. Choudhury

Special Secretary to the Govt. of West Bengal.

No.3693/1()-UD/UL/3C-2/88

Copy forwarded to the Chief Secretary / the Secretary / C.E.O.

Department, Govt. of West Bengal for information and necessary action.

Calcutta,
The 26th November, 1992.

Sd/- Illegible
Joint Secretary to the Government of
West Bengal.

GOVERNMENT OF WEST BENGAL
URBAN DEVELOPMENT DEPARTMENT, URBAN LAND CEILING BRANCH
12B, RUSSEL STREET, CALCUTTA - 71.

No.577(20)-UL/61A-85/94

Dated, the _____ February, 1995

From : Shri S. K. De,
O.S.D. & Ex-Officio Dy. Secretary.

To : All C.A's

26(1) of the U.L. (C&R) Act, 1976 requires that no person holding vacant land within the ceiling limit shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving a notice in writing of the intended transfer to the Competent Authority concerned. The purpose of this notice is to enable the Competent Authority to opt within sixty days from the date of receipt of the notice to buy the said land in cases where the notices are for transfer by way of sale only. In case the Competent Authority does not opt for purchase of the land within sixty days the person giving notice to sell the land shall be free to sell it to whomsoever he would like.

2. We have been receiving complaints that notices u/s 26 are not being acknowledged on the dates such notices are being received by the Competent Authorities. Since the period of sixty days runs from the dates the notices are actually given the notices u/s 26 ought to be acknowledged on the dates they are served. Competent Authorities can of course refuse a notice u/s 26(1) only if the same is not in proper form and is not accompanied by supporting documents. It is advisable that an affidavit to the effect that the person giving the notice does not hold any vacant land exceeding the ceiling limit is obtained. In the affidavit the person giving the notice should furnish full details of immovable properties (in area under UL (C&R) Act 1976) in which he has interest of any kind and declare whether any return has been submitted u/s 6(1) of the Act.

3. Within 30 days of receipt of the notice the C.A. will verify the returns received in his office and register thereof and may cause a spot investigation to verify the contents of the notice, if deemed necessary. If any discriminatory materials / information comes to his notice, he should inform the Registering Officer not to take cognizance of the acknowledgement of receipt of the notice by the C.A. Such an information must reach the Registering Officer within 60 days from the date of receipt of the notice.

4. If it is discovered by the C.A. after his having acknowledge a notice u/s 26(1) that the person giving the notice has furnished wrong information, the C.A. may proceed against him u/s. 6(2) of the Act. It may be borne in mind that a person does not gain any advantage by giving a notice u/s 26(1) by suppressing the fact of his holding land beyond the ceiling limit for in that case, the notice shall be void ab initio.

5. The undersigned is directed to request the Competent Authorities to see to it that notices u/s 26(1) are, if found prima facie in order, acknowledged the day they are served because it is the requirement of law. Any sort of violation reported will be seriously dealt with.

Sd/- Illegible
O.S.D. & Ex-officio Dy. Secretary

Memo No.4/1535-53/C/95

Dated, Alipur, the 6th April, 1995.

Copy forwarded for information and necessary action to :-

1.
2.
3.
4.
5. D.L. L.R.O.
(1) South 24-Parganas (2) North 24-Parganas (3) Nadia (4) Howrah (5) Hugli (6) Burdwan.

R. Ganguly
for Director of Land Records and Surveys
& Jt. Land Reforms Commissioner, West Bengal.

<http://wbllroa.in>