

## 36. ASSESSMENT OF CAPITALISED VALUE

### From the Land Acquisition Manual, 1991 APPENDIX—IX (See sub-paragraph (2) of Paragraph 129)

Copy of Memo. No. 5769(59)-LA(II) dated Calcutta the 29<sup>th</sup> October, 1988 of Land Acquisition Branch of Land and Land Reforms Department, Government of West Bengal.

A question has arisen as to what should be the principles of assessing the land-revenue in respect of a private/Government land to be acquired for and/or transferred to the Government of India under the Land Acquisition Acts or Land transfer Rules, as the case may be, for the purpose of determination of the capitalized value of land-revenue in respect of the said land. Revenue of land has to be assessed in accordance with provisions of the West Bengal Land Holding Revenue Act, 1979 which has already come into force. According to the first and second proviso to section 26(1) of the said Act, a raiyat is to pay revenue for a land in accordance with the West Bengal Land Reforms Act, 1955 till the revenue for the said land is assessed, determined and levied under the West Bengal Land Holding revenue Act, 1979, but the revenue paid in accordance with the provisions of the West Bengal Land Reforms Act, 1955 shall be subsequently adjusted towards the revenue payable on being assessed in accordance with the provision of the West Bengal Land Holding Revenue Act, 1979. Thus, the liability of a raiyat to pay revenue in accordance with the provisions of the West Bengal Land Holding Revenue Act, 1979 shall remain irrespective of the fact that he may be paying revenue for the time being in accordance with the provisions of the West Bengal Land Reforms Act, 1955 and he shall have to pay the difference between the amount to be assessed under the West Bengal Land Holding Revenue Act, 1979 and the amount paid in accordance with the provisions of the West Bengal Land Reforms Act, 1955. Revenue payable for a land is, therefore, the revenue assessed in accordance with the provisions of the West Bengal Land Holding Revenue Act, 1979.

2. The Governor is, therefore, pleased to direct that henceforth the annual revenue in respect of a land shall be assessed for the purpose of determining the capitalized value of land revenue in accordance with the principles laid down in the West Bengal Land Holding Revenue act, 1979 and accordingly capitalized value of land-revenue in respect of a land acquired for and/or transferred to the Government of India shall be determined in the following manner, namely—

- (i) Market value of the land shall be determined in the usual manner as before.
- (ii) Ten percent of the said market value of the land shall be taken to be the reteable value of the land;
- (iii) The total annual revenue payable for the land shall be assessed from its reteable value in accordance with the rates prescribed in the schedule appended to the West Bengal Land Holding revenue Act, 1979, and
- (iv) The capitalized value of land-revenue shall be determined in the usual manner by multiplying the total annual revenue of the land by twenty five when the land is situated outside Calcutta.

3. The Governor is also pleased to direct that in the cases where the land transferred, or to be transferred, to the Government of India had already vested in the State under the West Bengal Estates Acquisition Act, 1953 or under the West Bengal Land Reforms Act, 1955 which also would have, but for its transfer to the Government of India fetched revenue on being settled, the capitalized value of land-revenue in respect of the said land also shall be determined in the same manner as mentioned in paragraph 2 above and the said capitalized value of land-revenue so determined shall be realized from the Government of India.

4. The Governor is further pleased to order that the cases where capitalized value of land-revenue in respect of a land already transferred to the Government of India was determined in a manner other than the manner mentioned in paragraph 2 above, and

the said capitalized value of land-revenue so determined has already been realized from the Government of India, shall not be reopened for redetermination of capitalized value of land-revenue in respect of the said land.

This order is issued in modification to this Department No. 1262(35)-L.R. dated 25.03.78.

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**Memo No. 548(65)-L.R. dtd. 14.07.92 of the Deputy Secretary, Govt. of West Bengal, Land and Land Reforms Department, Land Revenue Branch.**

**To**  
**The District Land & Land Reforms Officer,**  
**South 24-Parganas, P.O. Alipore, Calcutta-27.**

**Sub : Principles to be followed for the assessment of Capitalised Value of land revenue under the provisions of Land Transfer Rules.**

After enactment of the West Bengal Land Holding Revenue Act, 1979, the principles of assessing the land revenue in respect of a private/Govt. land to be acquired for and/or transferred to the Govt. of India under the Land Acquisition Acts or Land Transfer Rules, as the case may be, for the purpose of determination of the Capitalised Value of land revenue in respect of the said land was re-examined by this Govt. and the Govt. adopted the policy for assessing the annual revenue in respect of a land for the purpose of determining the capitalised Value of land revenue in accordance with the principles laid down in the West Bengal Land Holding Revenue Act, 1979. But determination of land holding revenue in accordance with the principle laid down in the said Act has been and is being delayed due to various difficulties including "litigation."

2. Under the circumstances, the Govt. has now decided to adopt the principles which were followed prior to the issuance of the order No. 5769/LAII dated the 29th November, 1988 the basis of which was the West Bengal Land Holding Revenue Act, 1979 for determination of land revenue and of capitalised value with some modification as follows :-

- (1) (i) Revenue, payable under the provisions of the West Bengal Land Reforms Act, 1955, should be such rent as was determined under Sections 42, 52, etc. of the West Bengal Estates Acquisition Act, 1953.
  - (ii) Where such revenue cannot be traced back and identified due to changes in the record-of-rights during revision under the West Bengal Land Reforms Act, 1955 revenue for such land should be calculated on the basis of average revenue/rent payable for lands of similar descriptions in the mouza.
  - (iii) Revenue so determined in respect of irrigated lands should be increased by one and a half times.
- (2) The Capitalised Value of land revenue shall be determined in the usual manner by multiplying the total annual revenue of the land by twenty-five when the land is situated outside Calcutta.

3. The Governor is also pleased to direct that in the cases where the land transferred, or to be transferred, to the Govt. of India had already vested to the State under the West Bengal Estates Acquisition Act, 1953 or under the West Bengal Land Reforms Act, 1955 which also would have, but for its transfer to the Govt. of India, fetched revenue on being settled, the capitalised value of land revenue in respect of the said land also shall be determined in the same manner as mentioned in paragraph 2 above and the said capitalised value of land-revenue so determined shall be realised from the Govt. of India.

4. The Governor is further pleased to order that the cases where capitalised value of land-revenue in respect of land already transferred to the Govt. of India was determined in a manner other than the manner mentioned in paragraph 2 above, shall not be reopened for redetermination of capitalised value of land-revenue in respect of the said land.

This order is issued in modification to this Deptt. No. 5769(59)-LA(II) dated the 29<sup>th</sup> October, 1988.

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

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**GOVERNMENT OF WEST BENGAL  
LAND AND LAND REFORMS DEPARTMENT  
LAND REVENUE BRANCH**

No. 681(64)-L.R.  
1L-33/93

Dated, Calcutta, the 3<sup>rd</sup> September, 1993.

**To**

**The** (1) **Commissioner,** \_\_\_\_\_  
(2) **Collector,** \_\_\_\_\_  
(3) **District Land and Land Reforms Officer,** \_\_\_\_\_  
(4) **Special Land Acquisition Officer,** \_\_\_\_\_

**Subject : Principles to be followed for the assessment of capitalised value under the provisions of Land Transfer Rules.**

The undersigned is directed to say that the question of determination of capitalised value in cases of transfer of Khas/vested land as well as surplus land of State Government to the Government of India or any other Company or body Corporate under the Land Transfer Rules has been under active consideration of this Government for sometime past.

2. After considering all factors pertinent to such transfer, the undersigned is directed by order of the Governor to say that the Governor has been pleased to direct that when land is fully transferred to Government of India or any other company or body corporate it could be assumed that the land is transferred perpetually and in addition to the prevailing market value capitalised value should be charged as twenty times the four percentum of the market value as assessed assuming that the latter component constitutes, the potential loss to the State Government owing to such permanent transfer. This is applicable only in respect of lands outside Calcutta.

3. The Governor is further pleased to order that the cases where capitalised value was determined in manner other than the manner mentioned in paragraph 2 above and necessary transfer orders had already been issued by the State Government shall not be reopened.

This order is issued in modification to this Department Order No. 548-L.R. dated 14<sup>th</sup> July, 1992.

Sd/-  
Deputy Secretary to the  
Government of West Bengal.

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**Government of West Bengal  
Land & Land Reforms Department  
Land Acquisition Branch  
Writers' Buildings, Kolkata - 1.**

No.1774(18)-L.A./3M-12/07

Dated : 9<sup>th</sup> April, 2007.

From : The Joint Secretary to the Govt. of West Bengal.

**To**

**The Collectors, .....**

**Sub: Exemption from payment of land revenue.**

Sir,

I am directed to draw your attention on the following points;

1. After acquisition of raiyati land under Land Acquisition Act the land stands vested to the Government of West Bengal. There after possession of the acquired land is handed over to the Requiring Body by the Collector concerned on behalf of the Government of West Bengal.
2. At the time of acquisition The Central Government departments and undertakings as well as some State Government undertakings/local authorities are required to pay capitalized value of land revenue as part of L.A. cost which is 25 times of rateble value of land revenue.
3. Such Requiring Bodies who pay capitalized value of land revenue as part of L.A. cost are not liable to pay revenue for that land in future.
4. After acquisition is complete and possession is handed over to the Requiring Body the L .A. Collector shall send a copy of the possession certificate where details of plots acquired and handed over to the Requiring Body has been noted alongwith a certificate that capitalized value of land revenue has been realised from the concerned Requiring Body to the concerned B.L.L.R.O.
5. The concerned B.L.L.R.O. shall upon receiving the documents mentioned at 4 above mutate the name of the R.B. in respect of the plots of land realising processing fee only as per norms but without charging any amount of land revenue from the R.B.

This is issued clarifying point (24) of G.O.No.1701-L.A./3M-07/2006 dated 6<sup>th</sup> June, 2006 of this Department.

Yours faithfully,  
Sd/- Illegible  
Joint Secretary  
to the Government of West Bengal

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