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

**GOVERNMENT OF WEST BENGAL**

**Land & Land Reforms and Refugee Relief & Rehabilitation Department**

**Land Policy Branch**

**325, Sarat Chatterjee Street**

**NABANNA, Howrah**

**NOTIFICATION**

No.3209-LP—the 15th day of September, 2017.—Whereas the draft amendment was published as required by sub-section (1) of section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act) *vide* Notification No. 2408-LP dtd.18/07/2017 in the Kolkata Gazette, Extraordinary, Part I, dated the 18th day of July, 2017, inviting objections and suggestions from all persons likely to be affected thereby, within fifteen days from the date of its publication;

AND WHEREAS some objections and suggestions have been received, duly considered and rejected by the State Government;

NOW, THEREFORE, in exercise of the power conferred by section 60 of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Land Reforms Rules, 1965, as subsequently amended (hereinafter referred to as the said rules), namely:—

*Amendments*

For rule 6 of the said rules, substitute the following rules:—

"6. **Terms and conditions of holding retained land by retainer or transferee under sub-section (2) of section 4B.**— (1) Where an intermediary has been allowed to retain land irrespective of area and classification and with or without any order under clause (g) of sub-section (1), *read* with sub-section (3), of section 6 of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the retainer), or where such retainer has already transferred such land or any part thereof to any person or institution or company who is in possession of such land or part thereof, by an instrument mentioned in sub-section (1) of section 5 of this Act, such retainer or transferee, as the case may be, shall be deemed to hold such land or part thereof as lessee directly under the State Government with effect from the date of vesting under the West Bengal Estates Acquisition Act, 1953, or from the date of such transfer, as the case may be, for any of the purposes as referred to in the first proviso to section 14Y of the said Act, excluding tea garden subject to the following terms and conditions:—

- (a) where a retainer or transferee as mentioned in sub-section (2) of section 4B, has failed or fails to use the retained land for mill, factory or workshop for running or closed industries or surplus land covered under section 6(3) of the West Bengal Estates Acquisition Act, 1953;
- (b) subject to examination by the State Government in the Land & Land Reforms and Refugee Relief & Rehabilitation Department of the validity of each proposal based on merit, on case to case basis;
- (c) where transferee or occupant who holds such retained land by virtue of the order of any court of law, subject to examination of the relevant orders and records by the State Government in the Land & Land Reforms and Refugee Relief & Rehabilitation Department.

(2) A retainer or transferee as mentioned in sub-section (2) of section 4B, has failed or fails to use the retained land for mill, factory or workshop, may further be permitted, by written order of the State Government, to retain as lessee so much of such land as in the opinion of the State Government is required for any of the purposes referred to in the first proviso to section 14Y of the said Act, excluding tea garden, in such manner as may be mentioned in rule 6A and rule 6B.

*Explanation.*- For the purpose of this rule,—

- (a) the expression "retainer" means one who holds the land by any specific order or otherwise, for the purpose of mill, factory or workshop on or after the date of vesting under the Act;
- (b) the expression "transferee or occupant" means one who holds the land by virtue of a registered instrument between the retainer and the transferee or by virtue of the orders of any court of law, as the case may be.

**6A. Manner of holding same retained land by retainer or transferee without changing purpose.** — (1) Where any retainer or transferee continues to operate the same mill, factory or workshop or allied industry on the retained land, such retainer or transferee shall be allowed to retain such land or part thereof as lessee directly under the State Government under long term lease for a period of 99 years on payment of,-

- (a) in case of a retainer, *salami* of rupee 1 and annual rent at the rate of land revenue under the said Act without payment of stamp duty and registration fee;
- (b) in case of a transferee or occupant, *salami* at the rate of 20% and annual rent at the rate of 0.3% of current market price as determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal, and stamp duty and registration fee for registration of lease shall be levied separately as applicable.

(2) The long-term lease as mentioned in sub-rule (1) shall be executed subject to clearance of all statutory and non-statutory liabilities from the respective competent authorities.

**6B. Manner of holding retained land by retainer or transferee with changing purpose in terms of activities mentioned in section 14Y of the said Act excluding tea garden.**— (1) Where any retainer or transferee intends to change the purpose in terms of activities mentioned in section 14Y excluding tea garden on the retained land, such retainer or transferee shall be allowed to retain such land or part thereof or surplus land alongside the functional units, as lessee directly under the State Government under long term lease for a period of 99 years on payment of,-

- (a) where retainer or transferee intends to change activities mentioned in section 14Y of the said Act (excluding tea garden) other than townships,—
  - (i) in case of a retainer, *salami* at the rate of 25% of the current market price of the land together with annual rent at the rate of 0.3% of the current market price of the land to be determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal,
  - (ii) in case of a transferee or occupant, *salami* at the rate of 25% plus 20% of the current market price of the land together with annual rent at the rate of 0.3% of the current market price of the land to be determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal;
- (b) where retainer or transferee intends to change activities for townships,—
  - (i) in case of a retainer, *salami* at the rate of 35% of the current market price of the land together with annual rent at the rate of 0.3% of the current market price of the land to be determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal,

- (ii) in case of a transferee or occupant, *salami* at the rate of 35% plus 20% of the current market price of the land together with annual rent at the rate of 0.3% of the current market price of the land to be determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal.

*Explanation I.*- For the purpose of this sub-rule, the term "*salami*" includes the conversion fees required for conversion of land from mill, factory and workshop to other usage under section 4C of the said Act.

*Explanation II.*- For removal of doubts, it is hereby declared that where a retainer or a transferee has been forced to close the mill, factory or workshop by orders of a statutory body like the West Bengal Pollution Control Board (WBPCB) or any court of law and relocates the unit to some other place within the State with its all employees and labour force before coming into force of sub-section (2) of section 4B, the provision of sub-rule (1) shall, *mutatis mutandis*, apply on payment of *salami* at the rate of 2% of the current market price of the land together with annual rent at the rate of 0.3% of the current market price of the land to be determined by the Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal and the concessional rate of 2% shall be admissible only for the quantum of land at existing location which is equal to the quantum of land at the new location and on a certification from the competent authority, namely, the Labour Department and the Industries, Commerce and Enterprises Department, with regard to setting up of the unit or industry at the new location, subject to the conditions that there has been no retrenchment of labour force in course of shifting of the unit. In case the quantum of land in the new location is less than the existing one, the surplus land of the existing area may be settled as per the provision of item (ii) of clause (b) of sub-rule (1). The concession shall further be subject to the condition that the new unit shall not be transferred or closed within next 10 years under normal circumstances and without prior approval of the State Government, failing which the applicable balance *salami* shall be realised under the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913).

(2) A letter of confirmation shall be issued to the applicant initially and execution of lease deed shall be made after the unit or industry is functional at the new location and subject to clearance of all statutory and non-statutory liabilities from the relevant competent authorities."

By order of the Governor,

MANOJ PANT  
*Land Reforms Commissioner &  
Pr. Secy. to the Govt. of West Bengal*