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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 & Refugee Relief & Rehabilitation Department
Land Policy Branch
Nabanna
325, Sarat Chatterjee Street, Shibpur, Howrah-711102

NOTIFICATION

No.120-LP dtd.10.01.2020— The following draft of amendments, which the Governor, in exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act), proposes to make in the West Bengal Land Reforms Rules, 1965, issued with this Department notification No. 15918-L, dated 15th September, 1966, published in *Calcutta Gazette, Extraordinary*, Part I, dated 12th October, 1966 (hereinafter referred to as the said rules), is hereby published for the information of persons likely to be affected thereby.

The draft will be taken into consideration on or after the expiry of a period of fifteen days from the date of its publication in the *Official Gazette* and any objection or suggestion with respect thereto, which may be received by the undersigned before the said date, shall be duly considered:—

Draft amendments

In the said rules,—

(1) for sub-rule (1) of rule 6A, substitute the following rule:—

"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 salami of rupee 1 and annual rent of 0.3% of current market price (CMP) of the land to be determined by Inspector-General of Registration and Commissioner of Stamp Revenue, West Bengal without payment of stamp duty and registration fee;";

(2) for sub-rule (1) of rule 6B, substitute the following rule:—

"(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 salami and rent as mentioned in column (3) and (4) against the category and proposed utilization of such land mentioned in column (1) and (2) respectively of the following table,-

| Category Type | Utilisation of land | Rate of salami for retainer | Rate of salami for other than retainer |
|---------------|---|--|--|
| (1) | (2) | (3) | (4) |
| I | Any manufacturing industry (other than mill, factory or workshop mentioned in rule 6A), agro industry, livestock breeding farm, poultry farm, dairy, fishery and ICT and ICT allied industries | Re 1 and annual rent of 0.3% current market price (CMP) of the land to be determined by IGR, WB. | 10% of the CMP of the land to be determined by IGR, WB and annual rent of 0.3% of CMP. |
| II | Industrial Park/ Hub/Estate, Logistic Hub, Financial Hub, Biotech Park, IT Park, Food Park, Warehousing, Power Plant or Power Transmission or distribution Sub-Station, Shipyard including ship breaking, Educational and Medicinal institution | 7% of the CMP of the land to be determined by IGR, WB and annual rent of 0.3% of CMP. | 17% of the CMP of the land to be determined by IGR, WB and annual rent of 0.3% of CMP. |
| III | Film City of Tourism Projects | 15% of the CMP of the land to be determined by IGR, WB and annual rent of 0.3% of CMP for retainer. | 25% of the CMP of the land to be determined by IGR, WB and annual rent of 0.3% of CMP for transferee. |
| IV | Township including Housing/ Residential project | 25% of the current market price of the land to be determined by IGR, WB and annual rent of 0.3% of CMP for retainer. | 35% of the current market price of the land to be determined by IGR, WB and annual rent of 0.3% of CMP for transferee. |

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.

Explanation II.—

- (i) The definition, scope and meaning of the categories will be as decided by the Department of L&LR and RR&R in consultation with the respective administrative Department;
- (ii) The definition of Township in respect of such land shall not be based on minimum land area. Any residential complex/ housing complex shall be constructed as Township/ Mini Township for the purpose of determination of salami and use of land. The combination of residential and commercial area in respect of projects defined as Township shall be in the ratio of 80:20 or as applicable in the extant Rules.
- (iii) Livestock breeding farm, poultry farm, dairy, fishery shall be admissible only in rural areas. However any processing and/ or packaging etc units in respect of dairy, poultry, fishery will be admissible both in rural and urban areas.
- (iv) In case of any proposed project is not covered in the above categories, the decision of the Department of L&LR and RR&R shall be final in respect of allowing or disallowing prayer;

Explanation III.— 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 **salami against category mentioned in 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 realized under the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913). "

By order of the Governor,

MANOJ PANT
*Land Reforms Commissioner and
Principal Secretary to the Government of West Bengal.*