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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 and Land Reforms Department
Writers' Buildings, Kolkata-700 001.

NOTIFICATION

No. 3043-LP/1A-8/2012, the 1st day of June, 2012.— The following draft 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, as subsequently amended (hereinafter referred to as the said rules), are hereby published, as required by sub-section (1) of section 60 of the said Act, for information of persons likely to be affected thereby.

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

Draft amendments

In the said rules,—

(1) for rule 14GG, substitute the following rule:—

"14GG. *Terms and conditions and manner of acquisition and holding of land in excess of the ceiling limit.*— (1) A person, as defined in the *Explanation I* to section 14Y, requiring land in excess of the ceiling limit prescribed under section 14M for the purpose of establishing a mill, factory or workshop, livestock breeding farm, poultry farm, dairy, industrial park or industrial hub or industrial estate, financial hub, warehousing, tea garden, agro-industry, power plant or power transmission or distribution sub-station, film city, tourism project, educational and medical institutions, bio-tech park, food park, port, airport, shipyard including shipbuilding and shipbreaking, oil and gas products piped transportation, information and

communications technology (ICT) industries and information and communications technology (ICT) allied industries or mining and allied activities, shall apply to the State Government in the Land and Land Reforms Department for previous permission, in writing, to acquire and hold land in excess of the ceiling limit, in Form No. 7C.

(2) A person, as so defined, requiring land in excess of the ceiling limit prescribed under section 14M, shall for the purpose of future expansion of any such mill, factory or workshop, livestock breeding farm, poultry farm or dairy, industrial park or industrial hub or industrial estate, financial hub, warehousing, agro-industry, power plant or power transmission or distribution sub-station, film city, tourism project, bio-tech park, food park, port, airport, shipyard including shipbuilding and shipbreaking, information and communications technology (ICT) industries and information and communications technology (ICT) allied industries, apply to the State Government in the Land and Land Reforms Department for previous permission, in writing, to acquire and hold land in excess of the ceiling limit, in Form No.7CC.

(3) The application shall contain a detailed project report which has been examined, vetted and approved by the appropriate Department of the State Government concerning the project, as well as all such particulars and documents as mentioned in Form No.7C or Form No.7CC, as the case may be.

(4) The State Government in the Land and Land Reforms Department may call for, from the applicant concerned, any other information and document that may be required for the purpose of considering the application.

(5) The State Government in the Land and Land Reforms Department, after having regard to all the circumstances of a case and on the basis of the project report filed by the applicant, is satisfied that applicant concerned requires land for the purpose for which permission has been sought for, grant such permission in respect of so much of land as, in the opinion of the State Government in the Land and Land Reforms Department would be sufficient.

(6) A person, having been so permitted by the State Government in the Land and Land Reforms Department, may acquire and hold land in excess of the ceiling limit prescribed under section 14M strictly for the purpose for which such permission has been granted on the following terms and conditions and such other terms and conditions as the State Government may consider it necessary to impose and include in a case:—

- (a) that the land shall not be acquired illegally and forcibly in any circumstances whatsoever;
- (b) that the fair and reasonable price for the land shall be paid to the land owners;
- (c) that no coercive method shall be used in obtaining possession of the land;
- (d) that the land so permitted to be acquired shall be utilized within three years of the date of such permission granted for the purpose for which such permission has been sought for;
- (e) that the land so permitted to be acquired shall not be left unused, either wholly or partly, at any point of time after granting such permission for any reason whatsoever;
- (f) that where the object of the project is to use the land for a purpose for which approval or permission or licence from an appropriate authority is necessary, such approval or permission or licence shall be obtained from such authority as soon as the order granting such permission as sought for is made;
- (g) that where permission has been sought for to establish an industrial park or industrial hub or industrial estate or financial hub or a bio-tech park or a food park, the land so permitted to be acquired shall be utilised for such purposes within three years of the date of such permission and shall be leased out the whole or any part of it only with the previous permission of the appropriate Department of the State Government concerning the project under intimation to the Land and Land Reforms Department to such a person who will set up an unit there within the aforesaid period of three years as per objects of the respective project as approved.";

(2) for Form No.7C, insert the following Form:

“FORM NO. 7C

[See sub-rule (1) of rule 14GG]

FROM : _____

[State name and address of the applicant(s)]

TO : The Secretary to the Government of West Bengal,
Land and Land Reforms Department
Kolkata-700 001.

Sub.: Application for permission to acquire and hold land in excess of the ceiling limit.

Sir,

I/we have the honour to apply for permission to acquire and hold of an area of _____ acres of land which is in excess of the ceiling limit prescribed under section 14M of the Act for the purpose of establishing.....

2. The particulars of the land with respect to which such permission is sought for are furnished below:—

- (i) Name of the District :
(ii) Name of Block(s) :
(iii) Name of Police Station(s) :
(iv) Name of Mouza(s) :
(v) Jurisdiction list no.(s) :
(vi) Khatian nos. :
(vii) Plot nos. :
(viii) Area of each plot :

(If part plot, specify the area and portion)

- (ix) Existing classification of each plot :

3. The following documents are enclosed with this application:—

- (i) A Detailed Project Report (DPR) duly examined, vetted and approved by the _____ Department of the State Government;
(ii) A sketch-map showing the project area with different categories of the plot of land on colour wash;
(iii) A plan showing therein the proposed mode of use of different area within the project as per DPR.

4. I/We also declare and undertake —

- (i) that no land shall be acquired illegally and forcibly in any circumstances whatsoever;
(ii) that the fair and reasonable price for land shall be paid to the land owners;
(iii) that no coercive method shall be used in obtaining possession of land;

- (iv) that the land shall be utilized within three years of the date of permission for the purpose for which such permission shall be granted;
- (v) that the land shall be used strictly for the purpose for which such permission shall be granted;
- (vi) that the land shall not be left unused, either wholly or partly, at any point of time after granting such permission as sought for, for any reason whatsoever;
- (vii) that necessary approval or permission or licence shall be obtained from the appropriate authority as required for implementation of the project on the land as soon as order granting such permission as sought for is made;
- (viii) that the land shall be utilised within three years of the date of such permission as sought for and shall be leased out the whole or a part of it with the previous permission of appropriate Department of the State Government concerning the project under intimation to the Land & Land Reforms Department to such a person who will set up a unit thereon within the aforesaid period of three years as per objects of the respective projects as approved;

(Applicable only in cases where the application relates to permission for the purpose of establishing an industrial park or industrial hub or industrial estate or financial hub or a bio-tech park or a food park).

5. I/We also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made hereinabove are not true or correct, I/We am/are liable for any legal action which will be taken by the Competent Authority in this regards including cancellation of the order granting such permission as sought for.

Encl.: As stated above.

Yours faithfully,

Place:

Date :

(Full signature of the Applicant(s) with seal, if any)."

(3) After Form No.7C, insert the following Form:

"FORM NO. 7CC

[See sub-rule (2) of rule 14GG]

FROM : _____

[State name & address of the applicant(s)]

TO : The Secretary to the Government of West Bengal,
Land & Land Reforms Department
Kolkata-700 001.

Sub.: Application for permission to acquire and hold land in excess of the ceiling limit for expansion of the existing project.

Sir,

I/we have the honour to apply for permission to acquire and hold of an area of _____
acres of land which is in excess of the ceiling limit prescribed under section 14M of the Act for the purpose of expansion
of

2. The particulars of the land of the existing project are furnished below:—

- (i) Name of the District :
- (ii) Name of Block(s) :
- (iii) Name of Police Station(s) :
- (iv) Name of Mouza(s) :
- (v) Jurisdiction list no.(s) :
- (vi) Khatian nos. :
- (vii) Plot nos. :
- (viii) Area of each plot :
(If part plot, specify the area and portion)
- (ix) Existing classification of each plot :

3. The particulars of the land with respect to which permission for expansion of the existing project is sought for are furnished below:

- (i) Name of the District :
- (ii) Name of Block(s) :
- (iii) Name of Police Station(s) :
- (iv) Name of Mouza(s) :
- (v) Jurisdiction list no.(s) :
- (vi) Khatian nos. :
- (vii) Plot nos. :
- (viii) Area of each plot :
(If part plot, specify the area and portion)
- (ix) Existing classification of each plot :

4. The following documents are enclosed with this application:—

- (i) Necessary certificate from the appropriate authority that the existing project is running smoothly;
- (ii) Copy of *mutation* certificate or copy of current record-of-rights, copy of conversion certificates and copy of current rent receipt in respect of the land comprised in the existing project.
- (iii) A sketch map showing the project area of the existing project with side measurement including approach road;
- (iv) Copy of no objection certificate of the West Bengal Pollution Control Board in respect of the existing project;
- (v) Copy of the order granting permission to acquire and hold land in excess of the ceiling limit (Applicable only in cases where the existing project involves land in excess of the ceiling limit);
- (vi) A Detailed Project Report (DPR) duly examined, vetted and approved by the _____
Department of the State Government in respect of which permission is sought for;

- (vii) A sketch-map showing the project area with different categories of the plot of land on colour wash in respect of which permission is sought for;
- (viii) A plan showing therein the proposed mode of use of different area within the project as per DPR in respect of which permission is sought for.
5. I/We also declare and undertake —
- (i) that no portion of the land comprised in the existing project is used for any other purpose other than the purpose of that particular project in any manner whatsoever;
 - (ii) that no portion of the land comprised in the existing project is left unused for any reason whatsoever;
 - (iii) that the land for which permission is sought for shall not be acquired illegally and forcibly in any circumstances whatsoever;
 - (iv) that the fair and reasonable price shall be paid to the land owners for the land for which permission is sought for;
 - (v) that no coercive method shall be used in obtaining possession of the land for which permission is sought for;
 - (vi) that the land shall be utilised within three years of the date of permission for the purpose for which such permission as sought for shall be granted;
 - (vii) that the land shall be used strictly for the purpose for which such permission as sought for shall be granted;
 - (viii) that the land shall not be left unused, either wholly or partly, at any point of time after granting such permission as sought for, for any reason whatsoever;
 - (ix) that necessary approval or permission or licence shall be obtained from the appropriate authority as required for implementation of the project on the land as soon as order granting such permission as sought for is made;
 - (x) that the land shall be utilised within three years of the date of such permission as sought for and shall be leased out the whole or any part of it with the previous permission of appropriate Department of the State Government concerning the project under intimation to the Land and Land Reforms Department to such a person who will set up a unit thereon within the aforesaid period of three years as per objects of the respective projects as approved;
- (Applicable only in cases where the application relates to permission for the purpose of future expansion of an industrial park or industrial hub or industrial estate or financial hub or a bio-tech park or a food park).

6. I/We also declare and undertake that in case it is proved at any point of time that the documents furnished and the statements made hereinabove are not true or correct, I/We am/are liable for any legal action which will be taken by the Competent Authority in this regards including cancellation of the order granting such permission as sought for.

Enclo.: As stated above.

Yours faithfully,

Place:

Date :

(Full signature of the Applicant(s) with seal, if any)."

By order of the Governor,

R. D. MEENA,
Secretary to the Govt. of West Bengal.