# GOVERNMENT OF WEST BENGAL Department of Urban Development & Municipal Affairs

"Nagarayan"

DF - 8, Sector-I, Bidhannagar, Kolkata-700 064

No. 946/UDMA-22012(11)/13/2024-ESTT-TCP SEC-Dept. of UDMA

Date:11/06/2024

## Notification

Whereas, by Notification No.91-UDMA dated 17.01.2023, the Department of Urban Development and Municipal Affairs introduced the West Bengal Land Conversion (Leasehold land to Freehold) Scheme, 2022 and by Notification No.1902-UDMA dated 17.11.2023 of that department some modifications of the scheme were made;

#### And

Whereas, by Notification No.2701-LP dtd. 10.07.2023 of L& LR and RR&R Department, provisions for Leasehold to Freehold conversion of land was made and by Notification No.1151-LP dtd. 11.03.2024 of that Department, the Notification No.2701-LP dtd. 10.07.2023 was made applicable for all Govt. Deptts. along with parastatals, Municipalities, Municipal Corporations, Development Authorities, WBHIDCO, Nabadiganta Industrial Township Authority etc. under UD & MA Department;

#### And

Accordingly, for this department along with its parastatals and Urban Local Bodies, following provisions are prescribed.

- (i) Lease tenure eligible for conversion from Leasehold to Freehold: From 30 years to 99 years (including all years in between 30 years and 99 years) and above 99 years (up to 999 years).
- (ii) Freehold conversion of proportionate undivided share of land appertaining to flat / shop: Freehold conversion of proportionate undivided share of land appertaining to flat / shop shall be allowed provided that in the lease deed along with the flat / shop, the leasehold right of proportionate undivided share of land was conferred. For cases where the proportionate share of land has not been conferred but the proportionate land price was realized along with the price of structure (flat / shop) that shall also be allowed for conversion to freehold. The charges for freehold conversion of the proportionate share of land appertaining to flat / shop shall be same as for freehold conversion of leasehold land.
- (iii) **Inclusion of license agreement:** For parastatals, where through license agreement, similar rights were conferred as was conferred through lease agreement and tenure of such license agreements are 99 years or above and the license was granted prior to the introduction of the Land Allotment Policy, 2012 of L&LR and RR&R Department vide order no.6686-LP/IA-18/2012 dtd.26/12/2012, those license agreements shall also be considered for conversion provided that there shall not be any revenue loss to the Government / parastatal(s); i.e. all dues to the Government / parastatal(s) including interest and penalty (as applicable) as per provision of the license agreement shall be realised first and then only conversion from license to freehold shall be allowed provided that there is no violation of the agreement.
- (iv) For conversion of land with semi-finished structure / finished structure where the semi-finished / finished structure was constructed out of fund of Government / parastatals (including WBHIDCO) / ULBs (including Industrial Township Authorities), for calculation of the conversion fee, only the current IGR valuation of land shall be considered as the leasehold to freehold conversion is related to the land.

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- (v) If the leasehold right is mortgaged, NOC from Mortgagee shall be submitted along with the application.
- (vi) Conversion of leasehold to Freehold of land allotted to other Government Entities on Leasehold basis: For land parcels where UD & MA Department is the owner of the land parcel that was leased out to other Government Entity (2<sup>nd</sup> Party) who in turn allotted to third parties, for conversion from leasehold to freehold the application needs to be submitted by the third party to UD & MA Department along with NOC and no due certificate from the 2<sup>nd</sup> party.
- (vii) No dues to Government: To be eligible for conversion from leasehold to freehold, there shall not be any due on account of lease rent or other charges payable by the lessee as per the lease agreement.
- (viii) Calculation of Pending Lease Rent: For the purpose of calculation of pending lease rent, the 'current land price' as mentioned in the lease deed shall be interpreted as the land price / valuation of land that was determined during execution of the lease deed and on which salami and rent was first calculated.

# (ix) Fee for conversion from Leasehold to Freehold:

Lease Tenure	Conversion Fee	
99 years and above, up to 999 years	15% of the current market price of the land as determined by IGR & CSR, West Bengal	
30 years	70 % (55% for lease conversion from 30 years to 99 years + 15% conversion fee for freehold) of the current market price of the land as determined by IGR & CSR, West Bengal	
For any period between 30 to 99 years	(15 + X) % of the current market price of the land as determined by IGR & CSR, West Bengal where X is a variable depends on years of lease and shall be calculated as follows.  X = 55- (55/69)x (Tenure of lease-30)  [Illustration:  (i) If the lease tenure is of 60 years then X will be 31.09 % and the conversion fee = 15 + 31.09 = 46.09 %  (ii) If the lease tenure is 90 years then X will be 7.17 % and the conversion fee = 15 + 7.17 = 22.17 %]	

The demand notice for payment of conversion fee shall be valid for 30 days from the date of issue.

(x) For multiple Land use: For lease deeds where multiples types of land uses are prescribed, the use for which the IGR valuation of the land parcel is maximum, shall be considered for calculation of conversion fees of the entire plot. However, the conversion to freehold shall be done for the uses mentioned in the lease deed.

(xi) Stamp Duty for Registration of Deed of Conveyance:

(a) For Lease Deed to Freehold conversion, the stamp duty shall be charged on the consideration amount paid for conversion.

(b) For License Agreement to Freehold conversion, the stamp duty shall be charged on 110% of the current valuation of the land as determined by IGR & CSR, West Bengal minus consideration amount paid for execution of the license agreement.

- (xii) Violation of the terms and conditions of the Lease Deed /License agreement shall make the case not eligible for conversion to freehold.
- (xiii) Land leased out on nominal lease premium: The conversion from leasehold to freehold shall not be applicable for Land leased on concessional rate(for example land parcels at Bengal Silicon Valley & Fintech Hub in New Town Kolkata etc.) and other plots which have been allotted at token price.
- (xiv) **Restriction in change of Land use:** There shall be restriction in change of land use after conversion to freehold and this provision shall be included in the deed of conveyance for conversion. However, as per the existing policy of this department, for leased out residential plots, in some areas, there is provision of allowing some specified non-residential uses for a certain period up to a maximum percentage of the built up area on payment of prescribed fee. Once these plots are converted to freehold, the permission already accorded for such non-residential use shall be valid for the unexpired period. After expiry of such period, the concerned ULB shall exercise the power of allowing such use on payment of the prescribed fee as per the provisions of the said notifications or any other notification(s) that may be issued by this department in this regard.
- (xv) Pending applications submitted as per notification of UD & MA Department: All applications for conversion from Leasehold to Freehold which were not disposed of till 10<sup>th</sup> June, 2024, shall be disposed of as per provisions of the notifications of L& LR and RR & R Department read with this new notification of this department. Here issue of demand notice by the lessor for payment of fee for conversion from leasehold to freehold shall be considered as disposal.
- (xvi) **Starting Bid Price for Fresh Freehold allotment:** For fresh freehold allotment through e-auction, the starting bid price shall be 110% (100%+10%) of the current IGR valuation of land.
- (xvii) This new notification shall be applicable to all land of this department, its parastatals (i.e. Development Authorities, Planning Authorities including WBHIDCO etc.), Urban Local Bodies (all Municipalities, Municipal Corporations including Kolkata Municipal Corporation, Notified Township Authorities including area under Nabadiganta Industrial Township Authority i.e. Sector-V, Salt Lake).

This is being issued as per concurrence of L & LR and RR & R Department and concurrence of the Finance Department by U.O. NO. Group R/2024-2025/0063 dated 11/06/2024.

By order of the Governor,

Urban Development & Municipal Affairs Department

# Government of West Bengal Land & Land Reforms and R.R. & R Department Land Policy Branch Nabanna(6<sup>th</sup> Floor)

## 325, Sarat Chatterjee Road, P.O.-Shibpur, Howrah-711102

## **NOTIFICATION**

Date: 10<sup>th</sup> July, 2023

No.2701-LP/1A-03/23

In pursuance of provisos to sub-section(2) and sub-section (3) of section 52 of the West Bengal Land Reforms Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules, 1965, and rule 215, 216 and 218 of the West Bengal Land & Land Reforms Manual, 1991, the Governor is pleased hereby to specify the manner of transfer of following specified classes of land, excluding land comprised in a tea garden, on freehold basis as an option in addition to existing mode of leasehold status:

(1) Land retained under section 6(1)(g) read with section 6(3) of the West Bengal Estates Acquisition Act, 1953 and settled on lease / to be settled under section 4B(2) of the West Bengal Land Reforms Act, 1955.: The lessee/ retainer/ other than retainer of the land shall apply for conversion of leasehold to freehold OR directly for freehold transfer of the land for the purpose/purposes specified in rule 6A and 6B of the West Bengal Land Reforms Rules, 1965 before the Lessor/ State Government. The rate of conversion fee to freehold is detailed in the table below.

Status	Conversion fee	Land revenue for
Retainer /Other than retainer		freehold part of land
Lessee (who has	15% of the current market price of the land as	As per section 23 of the
already availed	determined by the IGR & CSR, West Bengal	West Bengal Land
lease under section		Reforms Act, 1955
4B(2) of the West		
Bengal Land		
Reforms Act, 1955.		
Fresh Application	Applicable salami as per rule 6A or 6B of the	As per section 23 of the
For freehold	West Bengal Land Reforms Rules, 1965 +15%	West Bengal Land
settlement	of the current market price of the land as	Reforms Act, 1955
	determined by the IGR & CSR	

Any diversion from the activity will result in cancellation of the principal deed made with the State Government and return to the status of the land before the freehold transformation. Such freehold transfer may cross the ceiling limit as prescribed under section 14M of the West Bengal Land Reforms Act, 1955

for which State Government will provide necessary permission under second proviso of section 52(2) of the West Bengal Land Reforms Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules,1965

# (2) .Land settled for tea tourism and Allied Business Activities under the Tea Tourism and Allied Business Policy, 2019 after resumption.

The existing lessee/ approved Joint Venture Company shall apply for freehold transfer of the land for the purpose/ purposes approved by the State Government under Tea Tourism and Allied Business Policy, 2019 to the department of L&LR and RR&R. The rate of conversion fee to freehold is detailed in the table below.

Status	Conversion fee	Land revenue for
		freehold part of land
Lessee of the	110% (95% of salami for 99 years lease +15%	As per section 23 of the
TG / JVC	conversion fee) of the current market price of the land	West Bengal Land
approved for	as determined by the IGR & CSR.	Reforms Act, 1955
Tea Tourism.		
(New project)		
	15% of the current market price of the land as	As per section 23 of the
Lessee	determined by the IGR & CSR	West Bengal Land
already doing		Reforms Act, 1955.
Tea Tourism		·
Project after		
paying salami		

Any diversion from the activity will result in cancellation of the principal deed made with the State Government and return to the status of the land before the freehold transformation. Such freehold transfer may cross the ceiling limit as prescribed under section 14M of the West Bengal Land Reforms Act, 1955 for which State Government will provide necessary permission under second proviso of section 52(2) of the WBLR Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules, 1965;

# (3) Land leased out on 2% of current market price as salami for industrial purpose after vesting their ceiling surplus land purchased for this purpose.

The lessee shall apply for conversion from leasehold to freehold for that portion of land which was vested and settled on salami @ 2% of the current market value of the land to the department of L&LR and RR&R. The rate of conversion fee to freehold is detailed in the table below:-

Status	Conversion fee	Land revenue for
		freehold part of land
Lessee	7% of the current market price of the land as	As per section 23 of the
	determined by the IGR & CSR, West Bengal less	West Bengal Land
	salami already paid.	Reforms Act, 1955

Any diversion from the activity will result in cancellation of the principal deed made with the State Government and return to the status of the land before the freehold transformation. Such freehold transfer may cross the ceiling limit as prescribed under section 14M of the West Bengal Land Reforms Act, 1955 for which State Government will provide necessary permission under second proviso of section 52(2) of the West Bengal Land Reforms Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules, 1965.

# (4) Leasehold land settled for 30 years or 99 years lease period including Kolkata *khasmahal* land and that in various industrial estates & parks including under WBIDC, WBIIDC & WBSIDC: The lessee shall apply for conversion from leasehold to freehold to the lessor/ department of L&LR and RR&R. The rate of conversion fee to freehold is detailed in the table below.

Status	Conversion fee	Land revenue for
		freehold part of land
Lessee of	15% of the current market price of the land as	As per section 23 of the
99 years	determined by the IGR & CSR, West Bengal.	West Bengal Land
lease		Reforms Act, 1955
Lessee of	70% ( 55% for lease conversion from 30 years to	As per section 23 of the
30 years	99years+ 15% conversion fee for freehold) of the	West Bengal Land
lease	current market price of the land as determined by the	Reforms Act, 1955
	IGR & CSR	
Lessee of	15% of the current market price of the land as	As per Kolkata Land
Kolkata	determined by the IGR & CSR, West Bengal.	Revenue Act, 2003
Khasmahal		
land		
Transferee/	25% of the current market price of the land as	As per section 23 of the
assignee	determined by the IGR & CSR.	West Bengal Land
(other than		Reforms Act, 1955
lessee)		

Any diversion from the activity will result in cancellation of the principal deed made with the State Government and return to the status of the land before the freehold transformation. Such freehold transfer may cross the ceiling limit as prescribed under section 14M of the West Bengal Land Reforms Act, 1955 for which State Government will provide necessary permission under second proviso of section 52(2) of the West Bengal Land Reforms Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules, 1965;

# (5) Vested land settled with multistoried building for residential purposes.

Individual flat/ apartment owner shall apply to convert their existing leasehold status of the proportionate share of land into freehold status through registered indenture to the department of L&LR and RR&R. The rate of conversion fee to freehold is detailed in the table below.

Status		
Status	Conversion fee	Land revenue for
		freehold part of land
Flat/ apartment owner on govt. leased land	15% of the present market value of the exiting flat as determined by the IGR & CSR	As per section 23 of the West Bengal Land Reforms Act, 1955.
Lessee of	As per item 4 of above	As per item 4 above
the unsold/		
assigned part		

# (6) Vacant unencumbered vested land to be settled for specific purpose on freehold basis.

- a. Land to be settled by auction under the Land Allotment Policy, 2012.
- b. In case of pocket vested lands where currently allotment is made on realization ofsalami @95% of current market price, the applicant shall have the option of getting the land on free-hold basis by paying an additional 15% of current market value.
- c. In case land comprising industrial parks (including those under SAIP scheme) where allotment is made on an application basis, the applicant shall have the option of getting the land on free-hold basis by paying an additional 15% of current market value in addition to 'declared price'
- d. For already leased out land, stamp duty for registration of the deed of conveyance will be based on the additional amount to be charged for freehold transformation/conversion.

A fresh deed of conveyance in the prescribed format mentioned in rule rule 218(iii) of the West Bengal Land & Land Reforms Manual, 1991 will be executed between the Collector of the district on behalf of Governor of the State of West Bengal and the applicant/ lessee after payment of the conversion fee as specified in the table. Necessary rectification of existing lease deed, if any, will be made consequently. Once transferred to freehold, entire land schedule shall be flagged in computerized land records system for regulating any future conversion related to use of land.

Lease which has been given at nominal salami or at concessional rate for charitable/ religious/ educational institute or public purposes would not be brought under this scheme.

This is issued in concurrence of Finance Department's UO NO: Group A-II/2023-2024/0038 UO Date: 17/05/2023.

By order of the Governor,

SMARAKI MAHAPATRA

Secretary to the Govt. of West Bengal

Kolkata



Gazette

# Extraordinary Published by Authority

PHALGUNA 21]

MONDAY, MARCH 11, 2024

[SAKA 1945

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 R.R. & R Department **Land Policy Branch** Nabanna (6th Floor) 325, Sarat Chatterjee Road, P.O.-Shibpur, Howrah-711102

#### **NOTIFICATION**

Date: 11.03.2024 No. 1151-LP/1A-03/23

In pursuance of provisos to sub-section (2) and sub-section (3) of section 52 of the West Bengal Land Reforms Act, 1955 read with rule 28B of the West Bengal Land Reforms Rules, 1965, and rule 215, 216 and 218 of the West Bengal Land & Land Reforms Manual, 1991, the State Government, vide the Notification No. 2701-LP dated 10/07/ 2023, has specified the classes of land and the rate and manner of freehold conversion/settlement of such classes of leased out/vested land of the Government.

The Governor, after careful consideration of the matter, is pleased hereby to declare that the provisions of the said notification would be applicable in respect of all the Departments of the Government of West Bengal and their parastatals, corporations under them and urban and rural local bodies. This includes all Municipalities, Municipal Corporations including the Kolkata Municipal Corporation, land under the West Bengal Housing Infrastructure Development Corporation (HIDCO) area and the Nabadiganta Industrial Township Authority (NDITA) including Sector 5 as well as all Development Authorities under the Department of Urban Development & Municipal Affairs along with all rural local bodies i.e. Zilla Parishads, Panchayat Samitis and Gram Panchayats.

For cases where the leasehold land is to be converted to freehold, the usage of land will be permitted only for the same purpose for which lease had been granted earlier.

All the terms and conditions specified in terms of the Notification No. 2701-LP dated 10.07.2023 will be applicable accordingly.

Concerned Departments will process the applications as per rules.

This issues with the concurrence of the Finance Department vide its UO No.: Group A-II/2023-2024/0285 Dated: 27.02.2024.

By order of the Governor,

### DR. MANOJ PANT, I.A.S.

Additional Chief Secretary to the Government of West Bengal and Land Reforms Commissioner, West Bengal