

Government of West Bengal
Department of Industry, Commerce & Enterprises
IPI Branch
4, Abanindranath Tagore Sarani, Kolkata – 700 016

No.713-ICE/O/IPI/GEN-LAND/19/2023

Date: 06.12.2023

From: The Additional Secretary
to the Government of West Bengal.

To: The Chief Executive Officer,
WBIIDC,
Block - DJ, Plot no. - 10, Sector - II,
Salt Lake City,
Kolkata - 700091.

Sub: Guidelines for Freehold Conversion.

Sir,

I am directed to inform you that in pursuant to the order of the L&LR and RR&R Department notified vide no. 2701-LP/1A-03/23 dated 10th July, 2023, this Department has framed guidelines for transfer of vacant /leasehold/assigned land under various Industrial Parks of WBIDCL and WBIIDC on Freehold basis vide its notification no. 683-ICE/O/IPI/GEN-LAND/19/2023 dated 17.11.2023.

In enclosing a copy of the notification issued by this Department, I am further directed to request you to kindly nominate an officer who will be authorized to forward/recommend the eligible applications to IC&E Department or L&LR and RR&R Department as the case may be, and also to request you to form a dedicated cell with a pool of officers for dealing with such cases in smooth, efficient and time bound manner following the provisions of this notification.

In addition, I am also directed to request you to kindly make necessary arrangements for wide publicity of the above policy and also upload the same in the web portal of your organization.

Yours faithfully,

[Signature] 06/12/23

**Additional Secretary
to the Government of West Bengal**

Government of West Bengal
Department of Industry, Commerce & Enterprises
IPI Branch
4, Abanindranath Tagore Sarani, Kolkata – 700 016

No.683-ICE/O/IPI/GEN-LAND/19/2023

Dated: 17.11.2023

Notification

Sub: Guidelines for transfer of vacant /leasehold/Assigned land under various Industrial Parks of WBIDCL and WBIIDC on Freehold basis.

Whereas, the State Government in the Land & Land Reforms and Refugee Relief & Rehabilitation Department has issued a Notification vide No. 2701-LP/1A-03/23 dated 10th July, 2023 specifying the manner of transfer of Land on freehold basis under specified clause;

And whereas, the said department vide their Memo having No. 2989(4)-LP/1A-03/23 dated 27.07.2023 has requested the concerned Departments to frame guidelines for freehold conversion for the land settled by L&LR;

Now, therefore, pursuant to the above order, the Governor is pleased hereby to make the following guidelines in order to bring clarity, simplification and consistency in the process of transfer of specified land on freehold basis dealt with by the Industry, Commerce and Enterprises Department or the Parastatals /Corporations under the Department.

The guideline shall not apply to -

1. The land under Manikanchan/Shilpangan SEZ- The order shall not be applicable since the land under SEZ areas are governed under the SEZ Act of GoI.
2. Land under SPV(s) like FCDA etc. – These areas shall not come under the purview as the lands were given at a concessional rate.
3. Land under possession of various JVA &
4. Land allotted for special purpose extending some fiscal/ non-fiscal benefits.

Eligibility:

Freehold conversion shall be applicable for the vacant / leasehold / Assigned land under various Industrial Estates / Parks of WBIDCL and WBIIDC in terms of the proviso of Land & Land Reforms and Refugee Relief & Rehabilitation Department's Notification No. 2701-LP/1A-03/23 dated 10th July, 2023 for the following category of land :

- The Industrial Units having period of lease / Assignment for 99 or 30 years for the land under Industrial Park / Estates of WBIDCL / WBIIDC and who have commenced production within 3 years from the date of allotment shall be eligible to apply.
- Vacant land at various Industrial Parks shall be settled by direct freehold conversion on the basis of the advertisement notified by the WBIDCL/WBIIDC
- Application(s) in respect of land parcel(s) for which notice had been served / issued for non clearance of dues might be considered on clearance of up-to-date dues. **In such cases, additional 10% shall be charged as penalty over the applicable conversion fees.**

Under the provision of this Notification, the land considering its category shall be settled on freehold basis in following manner-

A)

Process of Application for conversion of leasehold land at Industrial Park:

- The Industrial Unit (Existing Lessee) shall apply for **freehold conversion** of their leasehold land settled for 99 years or 30 years to WBIDCL /WBIIDC following the guidelines issued by L&LR Department under their recent notification dated 10th July, 2023.
- The application has to be made under prescribed format through a **dedicated online portal (www.leaseholdtofreeholdwb.com)** developed for dealing with such cases, along with declaration for intended conversion including proper justification for such conversion.
- **Documents to be furnished along with the application (List is not exhaustive):**
 - 1) Copy of earlier Lease Deed.
 - 2) Declaration on present mode of use.
 - 3) Declaration to pay all outstanding dues, if any;
 - 4) Declaration for not-changing the usage pattern of the land after conversion to freehold without the formal permission of WBIDCL / WBIIDC;
 - 5) Declaration for payment of Admissible fees as calculated by WBIDCL / WBIIDC in accordance with the order of L&LR Department.
 - 6) Declaration for not having any criminal proceedings / court case;
 - 7) Copy of Audited Balance Sheet and Profit & Loss Account (last three years) of the Applicant Company / Documents related to submission of GST return.
- WBIDCL /WBIIDC will conduct a field enquiry in respect of each application and cross examine to verify encroachment, if any and exact quantum of land with the proposal. The concerned authorised officer (of WBIDCL/WBIIDC) will then recommend the application along with field enquiry report and requisite documents/ all other Clearance Certificates /No-objection / **amount of Conversion fees, Calculated on the declared Base Price evaluated by the WBIDCL/WBIIDC** to the IPI Branch of IC&E Department for consideration.

B)

Application for direct settlement of vacant land at Industrial Park for freehold conversion

- The Industrial Unit shall apply for direct **freehold conversion** of vacant land at various Industrial Parks under WBIDC/WBIIDC on the basis of the advertisement made by WBIDCL/ WBIIDC in Newspaper or other public domain. Such direct settlement shall be made following the guidelines issued by L&LR Department under their recent notification dated 10th July, 2023.
- **Documents to be furnished along with the application (List is not exhaustive):**
 - 1) Declaration for not-changing the usage pattern of the land after conversion to freehold without the formal permission of WBIDCL / WBIIDC;
 - 2) Declaration for payment of Admissible fees as calculated by WBIDCL / WBIIDC in accordance with the order of L&LR Department.
 - 3) Declaration for not having any criminal proceedings / court case;
 - 4) Copy of Audited Balance Sheet and Profit & Loss Account (last three years) of the Applicant Company / Documents related to submission of GST return.
- The concerned authorised officer (of WBIDCL/WBIIDC) will then recommend the application along requisite documents such as / all other Clearance Certificates /No-objection / amount of Conversion fees for the proposed conversion as per IGR & CSR valuation to the IPI Branch of IC&E Department for consideration.

On getting the recommended proposals from WBIDC / WBIIDC, IC&E Department will process the matter for obtaining approval from the **Standing Committee of the Cabinet on Industry, Infrastructure & Employment** following the standard procedure for cabinet proposal with the approval of L&LR Department and Finance Department.

Upon receiving approval from the Standing Committee, IC&E Department will convey the no-objection to the WBIDCL / WBIIDC as the case may be, for further processing of the proposals for freehold conversion.

WBIDCL / WBIIDC will then communicate the approval to the Applicant for payment of the Conversion fees, **Calculated on the declared Base Price evaluated by the WBIDCL/WBIIDC in consonance with the L&LR and RR&R Department's Notification No.2701-LP/1A-03/23 dated 10th July, 2023 to State Exchequer (within 90 days)** through dedicated Government e-payment gateway. However, WBIDCL / WBIIDC will retain the Base Price of the land in case of direct settlement.

WBIDCL / WBIIDC will execute necessary Deed of Conveyance (as per format Notified under L&LR Department Notification No. 2689-LP/1A-03/23 dated 7th July, 2023) in Form- 10/ Form- 11 with the intended Industrial Unit (Applicant) as the case may be, for freehold conversion subject to payment of determined conversion fees by the approved Applicant.

C) Application for conversion of Assigned Land

- The industrial units who have in their favour land assigned by WBIDCL/ WBIIDC for setting up industrial project, shall apply to an authorized officer (nominated by IC&E Department) of WBIDCL / WBIIDC as the case may be, for freehold conversion.
- The concerned authorized officer (of WBIDCL /WBIIDC) will examine and verify the application on case to case basis and will recommend the application along with requisite documents/ field enquiry report / all other Clearance Certificates /No-objection / amount of Conversion fees of the proposed land as per IGR & CSR valuation, to the Secretary, L&LR and RR&R Department for consideration through IC&E Department.

D) Application for freehold conversion of land transferred to WBIDCL/WBIIDC at Re.1/-:

- Procedure shall be followed as per above provisions of the Notification.
- Conversion fees for the said parcel of land shall be calculated on the IGR price of the land.
- Entire land price (IGR price + 15% conversion fees) will be deposited at the State exchequer by the company.

The Board of WBIDC/WBIIDC shall be informed / apprised about approval of such conversions in due course.

WBIDCL /WBIIDC will keep the records of such conversion and upload the updated list in their respective website and also inform the concerned ADM & DLLRO after execution of the Deed for flagging the record of such conversion.

By Order of the Governor

V. Yadav
17/11

(Vandana Yadav)

**Principal Secretary to the
Govt. of West Bengal**

Form 11

Standard format of Deed of Conveyance of subsisting lessee for settlement on freehold basis

(see Rule 215, 216, 218)

DEED OF CONVEYANCE

This **INDENTURE** is made and executed on this day the _____ day of _____ 20__

BETWEEN

WBIDC / WBIIDC, [a company incorporated under the Companies Act, 1956] / [a statutory authority incorporated under the West Bengal Industrial Infrastructure Development Corporation Act, 1974] and having its registered office at “_____” hereinafter referred to as the **EXECUTOR** (which expression shall unless excluded by or repugnant to the context shall be deemed to include its successor(s) and/or assigns, of the **ONE PART**;

AND

SHRI/SMT. _____ being a citizen of India, son/daughter/wife of _____ residing at _____ hereinafter called the “**ALLOTTEE**” (which term unless excluded by or repugnant to the context be deemed to include his /her/their heirs, executors, administrators, representatives and assigns) of the **OTHER PART**;

(Applicable in case of an Individual)

_____ being a citizen of India, son/daughter/wife of _____ residing at _____ and _____ being a citizen of India, son/daughter/wife of _____ residing at _____ and carrying on business in partnership under name and style of _____ at _____ hereinafter called the “**ALLOTTEE**” (which term unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and permitted assigns and/or the partners for the

time being of the said farm of _____ and their respective heirs, executors, administrators, successors and permitted assigns) of the **OTHER PART**;

(Applicable in case of partnership firm)

_____ a Company registered under the Companies Act, 1956 having its registered office at _____ hereinafter called the “**ALLOTTEE**” (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the **OTHER PART**;

(Applicable in case of a Company)

_____ at _____ hereinafter called the “**ALLOTTEE**” (which term unless excluded by or repugnant to the context be deemed to include its successors and assigns) of the **OTHER PART**;

(Applicable in case of Municipality, Corporation, Development Authority etc.)

WHEREAS-

1. An Indenture of Lease / Indenture of Assignment was made on _____ day of _____ 20____ BETWEEN – **WBIDC/ WBIIDC** and _____ (Details of the Lessee/Assignee as mentioned in the concerned Lease / Assignment) for purpose of _____ in respect of the land as delineated in the said Indenture for the period of _____ years vide Deed No. _____ Book No. _____ Volume No. _____ of _____ (Registration Office) _____.

2. The Allottee (erstwhile Lessee)/ Assignee has been holding and utilizing the land for the said purposes for which the land was allotted / assigned on and from _____ (date of effect), abiding by all the terms embodied in that Lease / Assignment dated _____

3. There is no outstanding rent/amount etc. of the Allottee (erstwhile Lessee)/ Assignee payable to the State authorities in whatsoever in respect of the leased land.

4. The Allottee (erstwhile Lessee)/ Assignee applied before the WBIDC/WBIIDC by its application dated _____ for holding the land described hereinbelow under the heading LAND SCHEDULE on freehold basis as a raiyat for the said purpose, as per Notification being No. **2701-LP/1A-03/2023 dated 10th July, 2023** published by the Department of Land & Land Reforms and Refugee Relief & Rehabilitation, Govt. of West Bengal.

5. The WBIDC/WBIIDC has decided to execute DEED OF CONVEYANCE for the said plot(s) of land for the purposes mentioned above so as to confer absolute right, title and interest of possession in the land morefully and particularly described under the heading LAND SCHEDULE hereunder to the Allottee / Assignee, since permission was granted vide Order No. _____ dated _____ of the WBIDC/WBIIDC.

NOW THIS DEED WITNESSETH AS FOLLOWS:-

I. In consideration of the payment made by the ALLOTTEE(S) / ASSIGNEE(S) of the sum of Rs. _____ (Rupees _____) as premium on or before the execution of these presents, the EXECUTOR doth hereby EXECUTE THIS DEED AND TRANSFER ABSOLUTE TITLE UNTO THE ALLOTTEE(S)/ ASSIGNEE(S) ALL THAT PIECE AND PARCEL OF LAND morefully described and specified in the LAND SCHEDULE hereunder TO HAVE AND TO HOLD the said land hereby given, granted and transferred unto and to the use of the ALLOTTEE(S) forever for the purpose of _____ subject to covenants and conditions stated hereinafter.

II. That on execution of this deed, the ALLOTTEE(S) shall continue to remain in possession of land more fully described under LAND SCHEDULE in this Deed / Indenture subject to the covenants and conditions stated herein.

III. That both the parties will strictly adhere to the Law/Rules/Regulations applicable for entering into the agreement of allotment of the land. After execution of this instant deed, all the earlier agreement executed between the parties, will be considered as invalid and non-operational in law for all purposes.

IV. That the ALLOTTEE(S) shall pay the annual Land Revenue in favour of the L&LR and RR&R Department, Government of West Bengal (through online portal Grips) at the rate prescribed under the West Bengal Land Reforms Act, 1955/ Kolkata Land Revenue Act, 2003 and Rules thereunder, as applicable, in the office of the Block Land & Land Reforms Office or any other place(s) as may be specified for such purposes.

V. That the ALLOTTEE(S) shall pay ail rates, taxes, cesses and other outgoing payable in respect of the allotted parcel of land to the State and/or Central Government and/or any local or public authority in time as payable for a raiyat for the time being in force.

VI. That the ALLOTTEE(S)/ ASSIGNEE(S) shall not use the allotted / assigned land for any purpose other than the purpose for which it has been allotted / assigned.

VII. That the ALLOTTEE(S) shall have right save as hereinafter provided to alienate or transfer the land, so allotted, in any manner whatsoever, to any intending purchaser PROVIDED THAT such subsequent purchaser(s) shall remain bound to adhere to the terms and covenants of this Deed.

VIII. That the ALLOTTEE(S) and the subsequent purchaser will inform in writing about such alienation or transfer to the “EXECUTOR” within 1(one) month of such transfer.

IX. If the ALLOTTEE(S) or the subsequent purchaser violates the terms of this deed, the deed of conveyance will become void immediately.

LAND SCHEDULE

Particulars of the Plot(s) of Land

1. District-
2. Police Station-
3. Name of Mouza with J.L.No.-
4. L.R.Plot No(s)-
5. Respective area of the plot allotted-
6. Total area-
7. Purpose of the allotted land-
8. Boundary of the allotted plot/area-

In the North:

In the East:

In the South:

In the West:

IN WITNESS WHEREOF THE EXECUTOR and THE ALLOTTEE(S) herein have executed this Deed by their respective signatures and seals on the day, month and year first above written.

Signed, Sealed and delivered by:

(Name and Designation)

Signature (with Seal if any)

For and on behalf of the WBIDC/WBIIDC
in the presence of:

1.

(Signature & address of Witness)

2.

(Signature & address of Witness)

Signed, Sealed and delivered by:

(Name and Designation)

Signature (with Seal if any)

For and on behalf of the ALLOTTEE(S)
in the presence of:

1.

(Signature & address of Witness)

2.

(Signature & address of Witness)