

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.

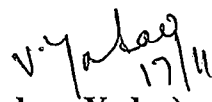
D) Application for freehold conversion of land transferred to WBIDCL/WBIIDC at Re.1/-:

- 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


(Vandana Yadav)

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