

Government of West Bengal
Department of Urban Development & Municipal Affairs
"N A G A R A Y A N"
DF-8, Sector-I, Salt Lake, Kolkata 700 064

No. 1902/UDMA-24011(15)/52/2023-GENL SEC-Dept. of UDMA dtd. the Kolkata, the 17th day of November, 2023

Notification

WHEREAS by the Notification No. 91-UDMA-22012(11)/1/2023-ESTT-TCP SEC-Dept. of UDMA dated 17th January, 2023, the Department of Urban Development & Municipal Affairs introduced the **West Bengal Land Conversion (Leasehold land to Freehold) Scheme, 2022** for conversion of leased out residential and commercial plots (land parcels) of the Parastatals under the Department, and,

WHEREAS the State Government has further reviewed that

- a. a number of lessees of land parcels owned by the Department of Urban Development & Municipal Affairs which do not come under the purview of the existing scheme intend to convert their land to freehold,
- b. similarly, a good number of lessees of land held on 30 years' lease, lessees of land having no CC / PCC/ OC /POC and lessees having plots on auction/EoI etc. are intending to convert their land as Freehold,
- c. in KMDA, there are considerable number of Licence agreements for 99 years where, prima facie, similar rights were conferred as were done through lease agreements and those licencees are also approaching the KMDA to explore the possibility of conversion to freehold, and,

WHEREAS a notification vide no. 2701-LP/1A-03/23 dated 10th July, 2023 by L & LR and RR & R Department for conversion of leasehold to freehold have been issued, in which there are enhanced scopes for conversion.

NOW, THEREFORE, in view of the increasing demand for conversion to freehold, the State Government has decided to introduce the following **modifications, read with the original scheme, in the West Bengal Land Conversion (Leasehold land to Freehold) Scheme, 2022**,



1. Inclusion of License Agreement:

Land parcels owned by the KMDA and recorded in the name of KMDA and where through licence agreements similar rights were conferred as was conferred through lease agreements and the tenure of such licence agreements are 99 years or above, those licence agreements will come under purview of this scheme provided that there shall not be any revenue loss to the Government; i.e. all dues to the Government / KMDA including interest and penalty (as applicable) as per provisions of the licence deed/ agreement shall be realised first by the KMDA and only then conversion from licence to freehold shall be allowed provided that there is no violation of the agreement.

The conversion fees, as applicable in leasehold to freehold scheme, shall be applicable in case of conversion of land held under licence.

These provisions will be applicable to similar cases of other parastatals as well.

Provided that, licencees will be granted free-hold where the period of licence is 99 years or above and Licence was granted prior to the introduction of the Land Allotment Policy, 2012 of L & LR and RR & R Department vide order No. 6686-LP/1A-18/2012 dt 26/12/2012.

2. **Waiver of Completion Certificate:** The mandatory requirement of Completion Certificate / Partial Completion Certificate / Occupancy Certificate / Partial Occupancy Certificate for built up plots is hereby waived.
3. Land parcels owned by UD & MA Department shall be covered under the scheme in addition to land parcels owned by the parastatals which are already included in the scheme.
4. Industrial plots, Institutional plots and plots of mixed use shall come under the purview of the leasehold to freehold scheme.



Provided that all plots of Sector-V, Salt Lake shall be outside the purview of the scheme and

Further provided that, in other sectors of Salt Lake, only residential and commercial plots shall be under the purview of the scheme and plots of all other uses shall not be considered for conversion to freehold, because, the land parcels of Salt Lake are outside the land management system of L & LR and RR & R Department and for protecting the planned township in Salt Lake, it is necessary to continue the land management system being maintained by UD & MA Department, as owner of the land parcels, by exercising the powers in the terms and conditions of the lease deeds.

5. Lease tenure of 30 years shall also be included in the scheme.
6. There shall not be any violation of the terms and conditions of original lease deed.
7. **Conversion Fees:** The conversion fees notified in the scheme of the UD & MA Department shall remain unaltered. However, for newly included categories of plots (i.e. Industrial, Institutional, Mixed Use) the conversion fees as notified by the L & LR and RR & R Department vide Notification No. 2701-LP/1A-03/23 dated 10th July, 2023 are adopted.

The fee structure shall be as follows:

Lease Tenure	Type of Land Parcel	Conversion Fee
For 99 years of lease or more	For built up Residential plot	No change of existing fees
	For vacant Residential plot	No change in existing fees
	For built up Commercial plot	No change in existing fees
	For vacant Commercial plot	No change in existing fees
	For Industrial, Institutional and Mixed use	15% of the current market price of the land as determined by the IGR.



For 30 years of lease	For Residential and Commercial plots	55% of the current IGR valuation of the land as fees for notional conversion of lease from 30 years to 99 years plus the applicable conversion fees of the existing scheme of UD & MA Department for lease tenure of 99 years and above.
	For other plots (i.e. Industrial / Institutional / Mixed Use)	70% (55% for notional conversion of lease from 30 years to 99 years + 15% conversion fee for freehold) of current market price as determined by IGR.

8. Similar to the provisions adopted in the notification of the L & LR and RR& R Department vide no. 2701-LP/1A-03/23 dated 10th July, 2023, once transferred to freehold, entire land schedule shall be flagged in the relevant / concerned land record system to restrict any future conversion related to use of land.
9. Lease which has been given at nominal salami or at concessional rate for charitable / religious / educational or public purpose shall remain excluded from the purview of the scheme.
10. Lease which has been given at concessional rate, for example, at Bengal Silicon Valley, at Fintech Hub, both located in New Town Kolkata, and other plots which have been allotted at token price shall remain excluded from the purview of the scheme.
11. Land allotted by any mode (including auction) by UD & MA Department or by any parastatals of UD & MA Department i.e. KMDA / other Development Authority or Planning Authority including WBHIDCO shall be covered under the scheme.
12. For new allotments of land parcels, instead of lease, henceforth UD & MA Department & Parastatals may opt for freehold allotment and the starting bid price of e-auction shall be 110% (95% + 15%) of the current IGR value.



13. Restriction on change of land use after conversion:

- (a) There shall be restriction on change of land use after conversion to freehold and this condition shall be included in the deed of conversion.
- (b) No further conversion shall be allowed after transferring the land on freehold basis for a specific purpose. Classification of land as per use shall be locked in the land management system of UD & MA Department to keep parity with the provision of Notification No. 2701-LP/1A-03/23 dt. 10/07/2023 of L & LR & RR&R Department.

14. Stamp Duty: Stamp Duty for registration of deed of conveyance:

- (a) For already leased out land, the stamp duty shall be based on the additional amount to be charged for freehold transformation / conversion under the scheme leasehold to freehold of UD & MA Department.
- (b) For License Agreement to Freehold cases, the stamp duty shall be charged on the current valuation of land by IGR, since previously, no stamp duty was paid.

These modifications of the West Bengal Land Conversion (Leasehold land to Freehold) Scheme, 2022, published vide Notification No. 91-UDMA-22012(11)/1/2023-ESTT-TCP SEC-Dept. of UDMA dated 17th January, 2023 of the Department of Urban Development & Municipal Affairs, have been introduced with the concurrence of the Finance Department vide UO No. Group R/2023-2024/0180 UO date: 10.10.2023.

By Order of the Governor.



(Khalil Ahmed)

Principal Secretary

Urban Development & Municipal Affairs
Department