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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
Urban Development & Municipal Affairs Department
"NAGARAYAN",
DF- 8, Sector - I, Salt Lake, Kolkata - 700064

NOTIFICATION

No. 91-UDMA-22012(11)/1/2023-ESTT-TCP SEC-Dept. of UDMA.

Dated, Kolkata, the 17th January, 2023.

WHEREAS some parastatals under this department have allotted their own land on leasehold basis for specific lease tenure and for fixed uses after payment of land premium by the lessees subject to observance of terms and conditions mentioned in the lease deed(s) executed in between lessor and lessee concerned.

AND WHEREAS it was under active consideration of the State Government to introduce a scheme for allowing conversion of leased out land parcels owned by parastatals into freehold, for the convenience of the lessees, on option basis, on payment of conversion fee determined on the basis of plot size, type of plot and current market price of the land parcel, from willing lessees/mutated lessees/ assignees.

NOW, THEREFORE, the State Government hereby introduces following scheme for the parastatals under this department, for conversion of leasehold land (for land owned by parastatals and leased out by the parastatals) into freehold land, only in respect of residential and commercial plots, details of which is elucidated in the subsequent chapters :-

Chapter I

PRELIMINARY

- 1. Short title, commencement and application.** – This scheme may be called West Bengal Land Conversion (Leasehold land to Freehold) Scheme, 2022.
 - (a) It shall come in to force on and from the date of notification of this scheme by the State Government in the *Official Gazette*.
 - (b) It is applicable for the leased out residential and commercial plots (land parcels) of parastatals under this department.

- (c) It shall be applicable to such leased out plots where the lease tenure is 99 years or more.
- (d) It shall be applicable for land parcels leased out through direct allotment or lottery.
- (e) Generally, change of land use is not permissible, however, in exceptional necessity, change the land use may be done only after taking prior permission from concerned authorities following the extant rules, orders and statutory provisions etc.
- (f) Parastatals shall take prior approval of the Department on case to case basis for conversion of leasehold land parcels to freehold.
- (g) This scheme is optional.

2. **Definition.** – In this Scheme, unless there is anything repugnant in the subject or context, –

- a) “Development Authority” means a Development Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979 and includes the Kolkata Metropolitan Development Authority as referred to in section 17 of this Act;
- b) “Mutated lessee” & “Assignee” both mean present lessee to whom the leasehold right has been devolved by inheritance or Will or valid transfer ;
- c) “WBHIDCO” means the West Bengal Housing Infrastructure Development Corporation Limited which is notified as a planning authority under the West Bengal Town and Country (Planning and Development) Act, 1979.
- d) “Planning Authority” means any Planning Authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979.
- e) “Parastatal” means Development Authority or Planning Authority constituted / notified under the West Bengal Town and Country (Planning and Development) Act, 1979 and includes West Bengal Housing Infrastructure Development Corporation Limited (WBHIDCO).
- f) “State Government” means the Government of the West Bengal in the Department of Urban Development and Municipal Affairs.

Chapter II

SALIENT FEATURES OF THE SCHEME

1. Lessees / Mutated Lessees / Assignees (as the case may be) may apply for such conversion.
2. All dues to parastatals / Government on account of lease rent and other charges shall be cleared to become eligible to submit application for conversion.
3. If the Plot is with Building, there is valid Completion Certificate (CC) or Occupancy Certificate (OC), [CC includes partial CC and OC includes partial OC]
4. As on date, there is no deviation in the context of building rules/ laws and lease conditions. If there is any deviation, the conversion proposal may be considered only after regularization, if such regularization is permissible under Law.
5. If the leasehold right is mortgaged, NOC from mortgagee shall be submitted.
6. For Flats / Shops, if the application is not made by the concerned association/society competent to apply for the entire plot, then individual flat / shop owner may apply for conversion of respective share and in that case NOC from the Association/Society shall be submitted.
7. On receipt of application the eligibility will be verified.
8. If found eligible the Lessees / Mutated Lessees / Assignees (as the case may be), need to pay the conversion fee.
9. In case of conversion proposal along with transfer proposal to the effect that transfer will be made immediately after conversion, then either of the lessee or transferee may deposit the conversion fees.

10. The conversion fee shall be charged on all residential and commercial plots of land /flats/ building etc. which are being presently allotted on freehold basis.
11. If any advance lease rent is paid then the same may be adjusted with the conversion fees.
12. Conversion Fee will be calculated as per following formulae, where P = Plot area in Cottah and R = IGR Valuation of Land per Cottah as on 1st April of each year or as may be decided by the government.

A. Residential Plots

- (i) Residential Built up Plots: The conversion fees shall be calculated in a telescopic formula as detailed below starting from 7.5% and then 10% of the valuation of the land.

Plot Size	Formula for Calculation of Conversion Fee
(a)	(b)
Up to 3 Cottah	$0.075 \times R \times P$
More than 3 Cottah	$(0.225 \times R) + 0.10 \times R \times (P-3)$

- (ii) Residential Vacant Plots: The conversion fees shall be calculated in a telescopic formula as detailed below starting from 10% and then 15% of the valuation of the land.

Plot Size	Formula for Calculation of Conversion Fee
(a)	(b)
Up to 3 Cottah	$0.1 \times R \times P$
More than 3 Cottah	$(0.3 \times R) + 0.15 \times R \times (P-3)$

- (iii) Land pertaining to Flat / apartment: Conversion fees for proportionate land area appertaining to the flat shall be calculated as per formula at Sl. No. A(i) above.

B. Commercial Plots

- (i) Commercial Built up plots: The conversion fees shall be calculated in a telescopic formula as detailed below starting from 10% and then 15% of the valuation of the land.

Plot Size	Formula for Calculation of Conversion Fee
(a)	(b)
Up to 3 Cottah	$0.1 \times R \times P$
More than 3 Cottah	$(0.3 \times R) + 0.15 \times R \times (P-3)$

- (ii) Commercial Vacant Plots:

The conversion fees shall be calculated in a telescopic formula as detailed below starting from 15% and then 20% of the valuation of the land.

Plot Size	Formula for Calculation of Conversion Fee
(a)	(b)
Up to 3 Cottah	$0.15 \times R \times P$
More than 3 Cottah	$(0.45 \times R) + 0.20 \times R \times (P-3)$

- (iii) Land pertaining to shops: Conversion fees for proportionate land area appertaining to the shop shall be calculated as per formula at sl. No. B(i) above.

13. After approval, a certificate of modification will be generated and made available to the lessee / mutated lessee / assignee through on line system along with a model Deed of conveyance.
14. The model deed shall be executed within the stipulated period as will be mentioned in the certificate of modification.

15. Previous Lease deed in original needs to be deposited at the time of execution of Deed of Conveyance after conversion. However, in case of loss or damage of the original lease deed, Certified Copy of the lease deed needs to be deposited.
16. For registration of the deed of conveyance, required stamp duty and registration fee shall be paid by the lessee / mutated lessee / assignee.

Chapter III

MODE OF APPLICATION AND DOCUMENTS REQUIRED TO BE SUBMITTED

- (1) Only online application shall be allowed.
- (2) Payment of conversion fee shall be allowed only through online mode.
- (3) The online link will be available from the date of notification in the official gazette, at the website of this department i.e. <https://www.wburbanservices.gov.in> and www.leaseholdtofreeholdwb.com wherein the detailed procedure, online conversion fee calculator, list of documents to be uploaded and guidance to fill up the online application will also be provided.

Chapter IV

Savings of earlier government orders/notifications issued time to time to deal with leased out parastatal's land: – All existing government orders/notifications issued by the Department of Urban Development and Municipal Affairs concerned shall remain in force and actions taken by the existing lessee(s) / mutated lessee(s) / assignee(s) and lessors (parastatals) of the land on the basis of those orders/notifications shall be continued in usual manner.

This scheme has been introduced with the concurrence of Finance Department vide UO No. Group R/2022-2023/0201 dated 24/11/2022 and Revenue Branch UO No.: Revenue/2022-2023/0061 dated 23/11/2022.

By order of the Governor,

Sd/-
KHALIL AHMED
Principal Secretary to the Government of West Bengal