

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF URBAN DEVELOPMENT & MUNICIPAL AFFAIRS
"NAGARAYAN", DF-8, SECTOR-1,
LAND CELL(Non-Residential),3 rd
FLOOR,SALT LAKE,
KOLKATA-700 064
Email ID:nrland.addsudma@gmail.com

No.1022-UDMA-27012(11)/27/2021-LMNR SEC Dept. of UDMA

Dated:16.12.2024

ORDER

Sub: Regarding revocation of resumption order vide No. 0238,UD/SL(WR)/9L-29/82 Dated 20.01.2009 in respect of plot no. EN-63, Sector-V, Salt Lake.

WHEREAS a plot bearing No. 63 in Block – EN in Sector – V of Bidhannagar was leased out to Smt. Pratima Roy Chowdhury by a registered lease-deed executed in her favour on 9th April, 1996 for the purpose of 'Manufacturing of synthetic adhesives' ;

AND WHEREAS the delivery of possession of the aforesaid land was taken over by herself vide Possession Certificate No. B-233 dated 9th December, 1996;

AND WHEREAS it was revealed from an enquiry that only a temporary shed structure had been erected on the plot and the plot of land was not being used for the original purpose;

AND WHEREAS a notice vide No. 2015-UD/SL(WR)/9L- 29/82 dated 1st June, 2005 was served upon her asking to explain as to why the aforesaid plot of land leased to the person(s) as named at Para 1 of the Notice would not be resumed by the Government for violation of the aforesaid clause 2(6)(a) of the said lease deed;

AND WHEREAS vide letter no. 878- UD/SL(WR)/9L-29/82 Dated 16.03.2006 and subsequent letter no. 677-UD/SL(WR)/9L-29/82,Dated-25.05.2006 the lessee was asked to comply with the said notice immediately;

AND WHEREAS in response the lessee informed this Department vide letter dated 05.06.2006 that she had started a business of synthetic adhesive on the said land co-partnering with one Sri Vijay Talwar who was not cooperating with her for running the said business and in this regard she had filed a suit against the said Sri Vijay Talwar before the 3rd Court. Civil Judge (Junior division) Sealdah;

AND WHEREAS the E.E.(Design) vide letter no.2419-UD, dated 25.07.2006. stated that a temporary shed/structure was erected on the plot and it was being used as a factory of one M/s. Talwar Brothers but the plot was not being used for manufacturing synthetic adhesives;

AND WHEREAS again this Department had served upon her a final and peremptory notice vide no. 1391-UD/SLWR)/9L-29/82,Dated 17th April, 2007 under provision to clause 4 of the aforesaid Indenture to remedy the breach caused by violation of clauses 2(6)(a), 2(8) and 2(9) of the lease deed within six months from the date of issue of that notice and it was stated that if she failed to remedy the aforesaid breach within the stipulated period, the aforesaid lease granted by the Government would stand determined and the Government would re-enter into possession of the aforesaid period of six months in terms of clause 4 of the aforesaid Indenture;

AND WHEREAS Smt. Pratima Roy Chowdhury, the lessee had failed and/or neglected to take any action substantial to remedy the aforesaid breach caused by violation of clauses 2(6)(a), 2(8) and 2(9) of the aforesaid Indenture within the aforesaid notice period;

AND WHEREAS this Department determined the leasehold right granted in favour of Smt. Pratima Roy Chowdhury of plot no. EN-63,Sector- V,Salt Lake and re-entered into possession of the aforesaid plot of land vide G.O. No. 0238, UD/SL(WR)/9L-29/82 Dated 20.01.2009;

AND WHEREAS being aggrieved with the resumption order, the said Smt. Pratima Roy Chowdhury filed a Writ Petition being no. 5015(W) of 2018 in the matter of Smt. Pratima Roy Chowdhury –Vs- The State of West Bengal & Ors. before the Hon'ble High Court at Calcutta. and after hearing of the same, the Hon'ble Justice Harish Tandon has been pleased to pass an order dated 18.5.2018 directed inter alia that ".....this Department to consider to take a hearing of the petitioner as well as the private respondent or their authorized representative and dispose of the matter by recording proper reason in accordance with law";

AND WHEREAS in compliance of the aforesaid order the erstwhile lessee was called for hearing but she did not turn up;

AND WHEREAS Shri A.K. Chatterjee, Ld. Advocate on behalf of Pratima Roy Chowdhury further prayed to this Department for affording an opportunity of hearing;

AND WHEREAS considering the prayer of the said Ld. Advocate and in compliance of the aforesaid order of the Hon'ble Court, this Department again called a hearing on 02.8.2023 and the

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proceedings of the hearing were communicated vide letter no.575(2) dated 17.8.2023 and subsequent letter dated 08.9.2023 to Smt. Pratima Roy Chowdhury & Ors.;

AND WHEREAS Smt. Pratima Roy Chowdhury, in response to the said proceedings of hearing, had stated that though the plot was resumed by this Department, she was still in possession of the land and running the business with M/s Talwar Brothers Private Limited as co-partner and that due to her old age she was not able to run the business and intended to assign the said plot of land EN-63, Sector-V, Salt Lake, Kol-91 in favour of M/s Talwar Brothers Pvt. Ltd. of adjacent plot no. EN-42, Sector- V, Salt Lake, Kolkata-91 for expansion of their export oriented Manufacturing units. And the original purpose of the land was requested to be changed from "Manufacturing of Synthetic Adhesive" to "Manufacturing of Musical Instrument Bags & Accessories";

AND WHEREAS on 10.07.2023 further physical enquiry was held to assess the present status and situation and it was reported that there was a temporary structure and a temporary unit was already running there at plot no. EN-63, Sector-V, Salt Lake without having any signboard and the electricity connection for this unit had been taken from the adjacent plot no. EN-42, Sector-V, Salt Lake, leased out to Blue Star Packaging Pvt. Ltd.;

AND WHEREAS all relevant issues were considered by the Department and the following points were evident : (i) Although the said plot was a resumed one, physical possession was with the erstwhile lessee & (ii) The lessee through her proposed transferee M/s Talwar Brothers Pvt. Ltd. had continued with certain business activities at the said plot without permission;

AND WHEREAS it was informed to this Department that the Court Case filed by Smt Pratima Roy Chowdhury against Sri Vijay Talwar before the 3rd Court. Civil Judge (Junior division) Sealdah was already dismissed for non prosecution on 24/09/2010;

AND WHEREAS it appears that in order to formally regularize and allow continuation of business activities which is going on at the said plot (which is in possession of the erstwhile lessee till now) on payment of all the necessary fees and penalty as the case may be in terms of the extant Government notifications, the resumption notice issued vide order no. 0238,UD/SL(WR)/9L-29/82 Dated 20.01.2009 is required to be withdrawn/revoked.

HENCE, after careful consideration of the matter, the undersigned is directed by order of the Governor to state that the Governor has been pleased to revoke the resumption notice vide no. 0238-UD/SL(WR)/9L-29/82, dated 20.01.2009.

By order of the Governor,

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Additional Secretary to the
Government of West Bengal

No.1022-UDMA-27012(11)/27/2021-LMNR SEC-Dept. of UDMA

Dated:16.12.2024

Copy forwarded for information and necessary action to:-

1. (i) Smt. Pratima Roy Chowdhury, C/o Sri Sribir Mandal para, P.O.+P.S- Islampur, Dist-Uttar Dinajpur, West Bengal Pin-733202 & (ii) Smt. Pratima Roy Chowdhury, C/O Mohua Mondal, Pratham Apartment, Fashion Factory, Block- 4, Flat No.1 C, 26 B T Road, Kol-700058.
2. The Special Engineer, SLRDC, Nirman Bhawan, Salt Lake City, Kolkata-700091.
3. The Executive Engineer, Design, SLRDC, Nirman Bhawan, Salt Lake City, Kolkata - 700091 .
4. Executive Officer, NDITA, GN-20, Sector-V, salt Lake, Kolkata-700091.
- ✓ 5. Section Officer, IT & E-Gov. Cell of this department with a request to upload this order on the official website of this department.

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16/12/2024

Additional Secretary to the
Government of West Bengal

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