

Government of West Bengal
Department of Urban Development & Municipal Affairs
Land Cell (Non Residential)
3rd Floor, "NAGARAYAN", DF-8, Sector-I
Salt Lake, Kolkata-700064

No. 2874-UD/O/M/SL(AL/NR)/8L-09/2016

Dated, 25th September, 2018

ORDER

Sub: Cancellation of leasehold rights of Plot No. EN-23, Sector – V, Salt Lake, Kolkata – 700 091 re-allotted in favour of Department of Higher Education, Science & Technology and Biotechnology

WHEREAS by a deed of indenture executed between the Governor of the State of West Bengal and M/s. Sett & De on 10.06.2011, Plot No. EN-23, Sector-V, Salt Lake measuring 10.00113 cottah was leased out to the said M/s. Sett & De on the terms and conditions as set forth in the said deed for the purpose of construction of a building for use of manufacturing electrical measuring instruments;

AND WHEREAS the said lessee did not take the delivery of possession of the said plot even after intimation from Executive Engineer, Design, Salt Lake Reclamation and Development Circle vide his Memo No. 13-381/91/P-6/1276/1(2) dated 19.09.2012 and kept the land unutilised;

AND WHEREAS in terms of Clause 4 of the lease deed, the leasehold rights of Plot No EN-23, Sector-V, Salt Lake granted to M/s. Sett & De was cancelled vide this Dept's Notification No 1051-UD/O/M/SL(AL/NR)/9L-68/82 dated 05.04.2016 for violation of Clause 2(6)(a) of the lease deed and this Department re-entered into possession of the plot;

AND WHEREAS the said plot of land lying in the possession of this Department was re-allotted and transferred inter departmentally to the Department of Higher Education, Science & Technology and Biotechnology vide this Department Order No.219-UD/O/M/SL(AL/NR)/9/2016 dated 24.01.2017;

AND WHEREAS Hon'ble Calcutta High Court passed an order dated 08.11.2016 in Writ Petition No. WP-13573(W) of 2016 (in the matter of M/s Sett & De Vs State of West Bengal & Ors) restraining the respondent State of West Bengal for creating any third party interest over the land in question for five weeks which was subsequently extended to March, 31, 2018;

AND WHEREAS at the time re-allotment of the said plot of land, this Department had no knowledge of passing of the said interim order of status quo by the Hon'ble High Court in the aforesaid Writ Petition as per the available records of this Department and the Department unwittingly re-allotted the said land in favour of Department of Higher Education, Science & Technology and Biotechnology;

AND WHEREAS in CPAN NO 358 of 2018 with Writ Petition no. 13573(W) of 2016 with CAN 4997 of 2018, the Hon'ble Calcutta High Court passed an order dated 23.08.2018 for issuance of a rule against the contemnors for violation of the earlier order of status quo granted in respect of the subject land on 08.11.2016;

AND WHEREAS a legal opinion from the competent authority has been taken by this Department in this regard;

NOW, THEREFORE, after careful consideration of the matter and in accordance with the legal opinion of the competent authority the undersigned is directed by the order of the Governor to cancel this Department's Inter Departmental Order No. 219-UD/O/M/SL(AL/NR)/9/2016 dated 24.01.2017 with immediate effect and restore the "status quo" of the said plot of land i.e. , Plot No. 23, Block – EN, Sector – V, Salt Lake, Kolkata – 700 091 as existed prior to passing of interim order of "status quo" as aforesaid;

By order of Governor

Sd/-


Joint Secretary to the
Government of West Bengal

No. 2874/1(6)-UD/O/M/SL(AL/NR)/8L-09/2016

Dated, 25th September, 2018

Copy forwarded for information and necessary action:

- 1) Principal Secretary, Department of Higher Education, Science & Technology and Biotechnology, Bikash Bhawan, Salt Lake, Kolkata-700091. He is requested to immediately relinquish the possession of the land in favour of the Executive Engineer, Design, Salt Lake Reclamation & Development Circle, Nirman Bhawan, Salt Lake, Kolkata-700 091.
- 2) Special Engineer, Salt Lake Reclamation and Development Circle, Nirman Bhawan, Kolkata – 700 091.
- 3) Executive Engineer, Design, Salt Lake Reclamation and Development Circle, Nirman Bhawan, Kolkata – 700 091.
- 4) Executive Officer, Nabadiganta Industrial Township Authority, Unnayan Bhawan (First Floor), Kolkata – 700 091 with the request to restore the land to its original condition immediately.
- 5) Shri Amitesh Banerjee, Senior Standing Counsel, Calcutta High Court, 1, K S Roy Road, Kolkata-700001 for kind information.
- ✓6) Computer Cell of this Department with the request to update this order immediately on the Departmental website.


Joint Secretary to the
Government of West Bengal