

GOVERNMENT OF WEST BENGAL  
DEPARTMENT OF URBAN DEVELOPMENT & MUNICIPAL AFFAIRS  
LAND CELL(Non-Residential),3<sup>rd</sup> FLOOR  
"NAGARAYAN", DF-8, SECTOR-1,SALT LAKE, KOLKATA-700 064  
Email ID: [jsskd.udma@gmail.com](mailto:jsskd.udma@gmail.com)

No. 3988-UD/O/M/LAW/C-49/2017

Date: 19.12.2019

**ORDER**

Subject: Permission in favour of Pronab Kumar Khan, proprietor for P.K.Engineering Works for transfer of lease hold right of Plot No. EN-14, Sector-V, Salt Lake from Pronab Kumar Khan, proprietor for P.K.Engineering Works to MMB Engineering ( Pvt.) Ltd.

WHEREAS a plot of land being Plot No. EN-14,in Sec-V, Salt Lake measuring 5.47918 cottah was leased out to Pranab Kumar Khan, proprietor of M/S. P.K. Engineering Works for the purpose of setting up of a Engineering Industry by executing a Lease Deed on 19.03.1986;

AND WHEREAS Possession of the said plot was handed over to the lessee vide possession certificate No. 17 Dated : 09.06.1987;

AND WHEREAS as the lessee failed to construct building on the said land within three years from the date of taking over possession of the demised land this Department vide letter no. 2874- UD/9L-108/82 Dated: 09.08.07 issued a show cause notice in which the lessee was asked to explain within the 90 days from the service of this notice as to why the aforesaid plot should not be resumed by the Government for violation of clause 2(6) of the lease deed;

AND WHEREAS as the lessee failed to furnish any explanation this department once again issued a show cause notice vide Order No. 98-UD/9L-108/82 Dated: 08.01.2008 under clause 4 to remedy the breach caused by violation of Clause 2(6)(a) of the lease deed ;

AND WHEREAS the lessee vide letter dated: 03.10.2008 requested this department to grant him permission to outright transfer of all his right interest and title in respect of the above mentioned plot to MMB ENGINEERING PVT. LTD. as it had not been possible for the lessee to implement the project on the said land due to financial inability;

AND WHEREAS a resumption Order vide No. 153-UD/9L-108/82 dated 14<sup>th</sup> January, 2010 was issued from this Department and the lease granted in favour of Sri Pronab Kumar Khan in respect of Plot No. EN-14, Sec-VB, Salt Lake was determined under Clause 4 of the lease deed for violation of Clause 2(6) of the lease deed and the Government had re-entered into possession of the said demised land ;

Contd....p2



AND WHEREAS as the Department did not consider the prayer of the lessee for transfer of lease hold right transfer to M/s. MMB Engineering(Pvt.)Limited, the lessee being aggrieved filed a writ petition vide W.P. No. 13992(W) of 2017, Pranab Kumar Khan –Vs- The State of West Bengal & Ors;

AND WHEREAS Hon'ble Justice Protik Prakash Banerjee passed an Order dated 5<sup>th</sup> March,2019 in W.P. No. 13922(W) of 2017 with CAN 4696 of 2018 in the matter of Pronab Kumar Khan Vs. The State of West Bengal & Ors. which states ,*inter alia*,  
.....“ Therefore, there shall be an order quashing the so-called notice on resumption and further any other like decision which prevents the writ petitioner from obtaining a consideration and disposal of his application for approval of the leasehold in terms of prayer (a) to the writ petition in accordance with law if the writ petitioner is so entitled under the notification currently in vogue which has not been set aside or held ultra –vires by this Court. The parties shall bear their own costs. The entire exercise is to be completed within four weeks from the date of communication of this order.”

AND WHEREAS in order to comply the direction of the Hon'ble High Court, Calcutta in its Order dated 22.11.2019 in C.P.A.N. 1022 of 2019 in W.P. No. 13922(W) of 2017( Pronab Kumar Khan Vs. Subrata Gupta & Ors.) ,vide Memo No. **3791-UD/9L-108/82** dated **03.12.2019** this Department issued a demand notice directing the lessee to deposit permission fee @ Rs. 3,00,000/- (Rupees Three Lakh) only in terms of this Department's Notification No. 5081-UD/O/M/SL(AL/NR)/8L-08/04 dated 26.11.2012 for transfer of leasehold right of Plot No. EN-14, Sec-V, Salt Lake in favour of MMB Engineering( Pvt.) Ltd.;

AND WHEREAS a matching demand notice vide no. **653/D/1(2)** dated **09.12.2019** was issued from Executive Engineer, Design, Salt Lake Reclamation and Development Circle aggregating to Rs.**16,43,754/- (Rupees Sixteen Lakhs Forty Three Thousand Seven Hundred Fifty Four )** only for the above mentioned lease hold right transfer;



AND WHEREAS before issuance of matching demand notice, the lessee has deposited Rs. 16,50,000/- (Rupees Sixteen Lakhs Fifty Thousand) only via e-challan through GRIPS Portal vide GRN No. 192019200106817378 dated 05.12.2019 and the same has been confirmed and the above mentioned amount exceeds the amount calculated as per matching demand notice ;

AND WHEREAS the lessee vide letter No. dated 05.12.2019 has stated that he will not pray for any refund of the additional amount, if any;

NOW, THEREFORE, after careful consideration of the matter and in terms of this Department's Notification No **5081-UD/O/M/SL(AL/NR)/8L-08/2004** dated **26.11.2012**, the undersigned is directed by order of the Governor to say that the Governor has been pleased to revoke the resumption Order of this Department vide no. 153-UD/9L-108/82 dated 14<sup>th</sup> January,2010 and to allow Sri Pronab Kumar Khan, proprietor for P.K.Engineering Works for transfer of lease hold right of Plot no. EN-14, Sector-V, Salt Lake to MMB Engineering ( Pvt.) Ltd. only subject to execution and registration of the deed of assignment of lease in conformity with the original lease deed.

By order of the Governor

*Sd/-*

Joint Secretary to the  
Government of West Bengal

No. 3988/1(4)-UD/O/M/LAW/C-49/2017

Date: 19.12.2019

Copy forwarded for information and necessary action to:-

- 1) Sri Pronab Kumar Khan, proprietor of P.K.Engineering Works, 14, Nather Bagan Street, P.S.-Jorabagan, Kolkata-700 005 with the request to submit Draft Deed of Assignment accordingly for vetting by this Department.
- 2) Special Engineer, SLR &DC, Nirman Bhawan, Salt Lake, Kolkata – 700 091.
- 3) Executive Engineer, Design, SLR &DC, Nirman Bhawan, SaltLake, Kolkata -700 091.
- ✓ 4) Section Officer(IT/e-Governance) Cell for uploading this order in the official website.

*[Signature]*  
Joint Secretary to the  
Government of West Bengal