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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

Land and Land Reforms Department

Land Policy Branch

NABANNA

325, Sarat Chatterjee Road, P.O.-Shibpur, Howrah-711 102.

NOTIFICATION

No. 665-LP/5M-10/12.— 4th March, 2015.— WHEREAS the draft amendments was published as required by sub-section (1) of section 59 of the West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954) (hereinafter referred to as the said Act), *vide* notification No. 2244-LP/5M-10/12, dated the 13th August, 2014, in the *Kolkata Gazette, Extraordinary*, PART I, dated the 13th August, 2014, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS some objections and suggestions were received from all persons likely to be affected thereby within the given period;

AND WHEREAS all such objections and suggestions have been considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by section 59 of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal Estates Acquisition Rules, 1954, as subsequently amended (hereinafter referred to as the said rules):-

Amendments

In Schedule F to the said rules,—

(1) in paragraph 4, after the second proviso, *insert* the following provisos:—

“Provided also that in cases where tea plantation is not possible in the land comprised in a tea garden retained by an intermediary under sub-section (1), *read* with sub-section (3) of section 6, such land and hereditaments or any part thereof may be used—

- (a) for growing horticulture and medicinal plant as may be suitable to the agro-climatic conditions of the region, on an area not exceeding 3% of the total grant area of the tea garden, without reducing tea plantation area, with the prior permission of the Collector;
- (b) for setting up of dairy farm to generate manure out of cattle dung or wastes for promotion of organic tea cultivation on an area not exceeding 20 acres;
- (c) for installation of micro hydel power plant (100 KW) and small hydel power plant (25 MW) set up by the lessee tea company, for the use of tea garden with the prior permission of the competent authority:

Provided that hydel power, surplus to the captive use of the tea garden, shall be sold to the West Bengal State Electricity Distribution Company Limited which shall have prior right of purchase; or

- (d) to undertake tea tourism project as sanctioned by the Tourism Department :

Provided that both in the plains and hills, land meant for tea tourism shall be limited to 5 acres. In the plains, civil construction not exceeding G+1 shall be done on an area not more than 1.5 acres while in hills, it shall be done not more than single storey (G) on an area not more than 2.00 acres and the remaining area shall be kept open for landscaping and other beautification work.”;

(2) in Form 1,—

- (a) for clause 12, *substitute* the following clause:—

“(12) (a) That the LESSEE shall not sub-let the said lands or hereditaments or any part thereof:

Provided that lands comprised in the said lands and hereditaments, without reducing tea plantation area, may be used by the lessee who is interested, for growing horticulture and medicinal plant as may be suitable to the agro-climatic conditions of the region, on an area not exceeding 3% of the total grant area of the tea garden, with the prior permission of the Collector:

Provided further that lands comprised in the said lands and hereditaments may be used for setting up dairy farm by the Lessee who is interested, to generate manure out of cattle dung or wastes for consumption of the lessee tea garden to promote organic tea cultivation on an area not exceeding 20 acres:

Provided also that lands comprised in the said lands and hereditaments may be used by the Lessee/ Lessees who is interested to install micro hydel power plant (100 KW) and small hydel power plant (25 MW) set up by the lessee(s), for the use of tea garden with the prior permission of the competent authority and surplus hydel power generated from the said plant, shall be sold to the West Bengal State Electricity Distribution Company Limited which shall have prior right of purchase;

(12A) That the LESSEE may, on its own, undertake tea tourism project within the retained area:

Provided that both in the plains and hills, land meant for tea tourism shall be limited to 5 acres. In the plains, civil construction not exceeding G+1 shall be done on an area not more than 1.5 acre while in hills, it shall be done not exceeding single storey (G) on an area not more than 2.00 acre and the remaining area shall be kept open for landscaping and other beautification work.

Note I- The expression “on its own” shall mean only a project undertaken by the management of the lessee tea garden company in its original name or any other name changed under section 13 of the Companies Act, 2013.

Note II- For this purpose, the proposal in a prescribed format shall be submitted to the Collector who will, after verification, send it to the state level Screening Committee as laid down in the Tea Tourism Policy of the State Government. The sanction order shall be issued by the Tourism Department.”;

(b) for clause (13) (a), *substitute* the following clause:—

“(13) (a) That the LESSEE shall not transfer, by way of sale or gift or otherwise, tea garden(s) without the formal sanction of the LESSOR, failing which the lease shall be determined:

Provided that LESSEE shall not club or amalgamate tea garden(s), in part or in full, without the formal sanction of the Collector.

Provided further that no prior sanction shall be necessary for mortgage of leasehold interest in the land of a tea garden with a Scheduled Bank by the deposit of lease deeds and all such leasehold interest in the land of tea garden shall be reported to the Collector within 30 days of the date of actual mortgage.”;

(c) for clause (16)(c), *substitute* the following clause:—

“(16)(c) That if at any time the lands and hereditaments cease to be used by the LESSEE as a tea garden or they are abandoned, the LESSOR shall determine the lease forthwith.”.

(d) after clause (16)(c), *insert* the following clause:—

“(d) That the LESSEE shall, at the end of each financial year, report to the Collector concerned regarding payment of wages, salary and PF in respect of the tea garden within the 30th day of June of the next financial year. Non-payment of gratuity and labour welfare fund shall be reported to the Collector by the concerned officials of the Labour Department within the 31st day of July of the next financial year. The Collector shall initiate the process for determination of the lease of the tea garden and send it to the State Government for determination, if the lessee defaults in making payment of wages, salary, PF, labour welfare fund and gratuity including land rent.”

By order of the Governor,

A. K. SINGH
OSD & Ex-officio A.C.S. & L.R.C.
Government of West Bengal.