

The



Kolkata **Gazette**

सत्यमेव जयते

Extraordinary
Published by Authority

AGRAHAYANA 7]

THURSDAY, NOVEMBER-28, 2019

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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 & Land Reforms & Refugee Relief & Rehabilitation Department

Land Policy Branch

Nabanna (6th Floor)

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

Memorandum

No. 3816-LP/3T-14/15(Pt-1)

Date: 28/11/2019

Subject - Tea Tourism and Allied Business Policy, 2019

A proposal to allow unutilized and fallow land in the tea gardens allowed to be retained under section 6(3) of the West Bengal Estates Acquisition Act, 1953, in the districts of Uttar Dinajpur, Alipurduar, Coochbehar, Jalpaiguri, Darjeeling and Kalimpong to promote eco-friendly tea tourism and allied business activities has been under active consideration of the Government.

Now, the Governor, after careful consideration of the matter, is pleased to announce the Tea Tourism and Allied Business Policy, 2019 in modification of the Tea Tourism Policy notified vide No 3362-LP/5M-10/2012 dated 17/07/2013 and Notification No.665-LP/5M-10/12 Dated 4th March 2015. The policy is aimed at generating enhanced investments and employment opportunities for sustainable and inclusive economic development by way of effective utilization of vacant/ surplus land in Tea Gardens without any curtailment/compromise in area under tea plantation. The salient provisions of the Policy are as follows:

- 1) Tea garden will be allowed to utilize 15% of the total grant area subject to a maximum of 150 acres for tea tourism and allied business activities.
 - a. Out of this allowable area a maximum of 40% can be used for construction activities in conformity with extant Rules and Regulations and provided the proposed activity is in harmony with the ecology and the environment.
 - b. The allowable business activities shall include Tea Tourism, Plantation, Animal Husbandry, Hydro Power, Non-Conventional Energy Resources, Social Infrastructure and Services. An illustrative list of activities under above broad categories may include tourism resorts, wellness centres, schools, colleges, universities, medical/nursing colleges, hospitals, cultural/recreational & exhibition centres, horticulture, floriculture, medicinal plants, food processing units, packaging units etc.

- 2) Each proposal shall be examined on case to case basis by a Screening Committee constituted as follows:
- i. Chief Secretary to the Govt. of West Bengal- Chairman
 - ii. ACS/ Principal Secretary of ICE Department- Member
 - iii. Principal Secretary Labour Department- Member
 - iv. Principal Secretary L&LR and RRR Department - Member
 - v. Principal Secretary, Tourism Department - Member
 - vi. Principal Secretary, Agriculture Department - Member
 - vii. Principal Secretary, Environment Department - Member
 - viii. Representative, Tea Board- Member
 - ix. Two Representatives of Tea Associations- Members
 - x. Joint Secretary/ Special Secretary, ICE Department - Member-Convenor *Representation from Forest department, Public Works Department, Power & NES Department, Animal Resource Development Department or any such relevant department shall be co-opted in the Screening Committee as member on case to case basis as required in terms of the proposal*

The department of Industry, Commerce and Enterprises will act as Nodal Department.

- 3) This is further subject to strict compliance of the following conditions/ guiding principles:
- a. There shall be no reduction in the area under tea plantation and no retrenchment of existing labour force engaged in Tea Garden.
 - b. Implementing new project should no way harm the existing ecology of the area and shall have to be in strict compliance of environmental regulations.
 - c. Employment from new project must be generated in a manner that 80% of local people get opportunity and are absorbed. Preference shall be given to the wards of the workers of the concerned tea garden.
 - d. No alienation of land of local resident's especially tribal land without due process of law shall be allowed.
 - e. No land under forest cover or recorded as forest shall be used for any of the above activities except with due clearance of the competent authority.
- 4) Other allowable provisions that may facilitate in formulation of the project:
- i) Amalgamation of adjoining area- Land required for any project may be amalgamated with adjoining outside area of tea estate.
 - ii) Shifting Labour quarter- For the purpose of project and to get contiguous land, existing labour quarter may be shifted, reconstructed with modern buildings as per extant building Rules and Regulations.

5) Lease Procedure

If the company owning tea garden by lease proposes to undertake alternate business activity or activities as prescribed, either by itself, or through or a joint venture company or SPV where the lessee has majority share no resumption under sub-section (3) of section 6 of the West Bengal Estates Act, 1953, will be required.

In the event of the lessee becoming a minority shareholder in any joint venture company or SPV, land shall be resumed and settled in favour of the entity on payment of salami and land revenue as prescribed under the Land Allotment Policy of the government.

The lessee or its SPV or the JV company can enter into a Development Agreement with any such other entity having expertise in implementation, execution, management of the project(s) provided the obligation for compliances in respect of lease and other land related conditions shall remain with the lessee.

Tea gardens can make use of existing guest houses/bungalows with necessary renovations, if required, for temporary accommodation with due approval of the Land & Land Reforms, Refugee, Relief & Rehabilitation Department. This arrangement under renovated existing guest house/bungalow will not be considered within prescribed limit of one or more business units. However in case of such use the lessee shall be required to obtain requisite clearances including certificate of conversion of land from the competent authorities.

- 6) The lessee either himself or as a Joint Venture Company or SPV as the case may be, shall apply before the Collector of the district with all details as per the application as annexed. Collector after required verification shall forward the proposal with specific views/ recommendations to the Member Convenor of the Screening Committee. The Screening Committee shall examine the proposal and place before the Standing Committee of the Cabinet on Industry, Infrastructure and Employment for consideration. The Industry, Commerce and Enterprises Department shall be the Nodal Department for processing, scrutiny and issuance of necessary approvals.
- 7) After approval an agreement will be signed by the applicant with the Collector of concerned district on behalf of the State Government.
- 8) After signing of agreement the applicant will have to start the project within 3 years from the date of agreement failing which the approval shall be cancelled.
- 9) This memorandum is issued in supersession of memorandum no- 3362-LP dated 17.7.2013.

By order of the Governor.

MANOJ PANT

Principal Secretary to the Government of West Bengal

Application Form under Tea Tourism and Allied Business Policy- 2019

To

The Chief Secretary to the Govt. of West Bengal

Through: The Collector, _____ district

Sir,

I, being Managing Director/Chief Executive Officer/ of (company name) would like to inform you that the above noted company is the lessee of _____ tea garden. The lease is valid upto _____. I, on behalf of the company would like to inform you that the company itself/ as Joint Venture Company/ as SPV is interested to undertake following business in the said tea garden as per Tea Tourism and Allied Business Policy- 2019.

i) Basic information

Name of Tea Garden—

Name of Lessee Company—

Total area of Tea Garden—

Area under Tea Plantation—

Area under various structures (e.g.- labour qtr, bungalow, factory etc.)

Vacant area—

Area proposed for the project—

Whether project to be undertaken by the lessee company itself/J V/SPV—

If JV/SPV, percentage of share of the lessee company—

Existing facilities/infrastructure available in the area where the proposed project is to be developed—

Lease valid upto the date—

Rent paid upto the year—

Total number of labour engaged in the garden—

Total number of additional workers/ wards of Tea Garden workers to be engaged in the project—

Quantum of new employment opportunities specifying local and outsider—

	Local	Outsider
Skilled		
Semi-skilled		
Unskilled		

Annual Yield of last five years—

Year	Yield

ii) Project details

- a) Project Background: Rationale and objective of the project.
- b) Land details: Area of land required for project implementation along with detailed drawing of primary and ancillary facilities.
- c) Technical details: Project's technical details including technology source, tie-ups, etc.
- d) Environmental impact assessment report (if required).
- e) Human resource: Manpower requirement and estimated employment generation. Part employment from local population.
- f) Financials- Project cost, project financing structure, projected profitability, and project financial sustainability and stability.
- g) Ownership: Ownership model, institutional framework of project.
- h) Project phasing, planning, and project O&M framework.
- i) Environmental and social aspects.
- j) If the mode of operation is a joint venture, the name of joint venture partners with their financial status as per latest audited/unaudited statement and sharing pattern have to be submitted with the DPR.
- k) Certificate has to be submitted that within the project area there shall be no existing plantation or labour colony or that the area does not fall under forest land.
- l) Clearance from fire and environment department must be obtained and submitted with the report.
- m) The DPR with detailed project implementation plan with timelines and roadmaps.

Document Enclosed

- a) Copy of lease agreement;
- b) Up to date rent payment receipt;
- c) Copy of agreement in case of JV/SPV;
- d) Detail schedule of land as per lease and schedule of land where project is proposed for;
- e) Willingness to resume land, to pay salami & land revenue at commercial rate, in case of Company desires to run business in a new name/ JV or SPV where company has minority share;
- f) Willingness to execute fresh lease, to pay salami & land revenue at commercial rate, in case of Company desires to run business in a new name, joint venture company, SPV;
- g) Socio economic benefit for carrying out the business;
- h) Tea plantation redeployment plan, if any;
- i) Rehabilitation or resettlement plan of tea labours, if any.

Signature with Seal

Contact No-

Mail id-