

Government of Chhattisgarh
Revenue Department
Mantralaya, Dau Kalyan Singh Bhavan

NOTIFICATION

Raipur, dated 1-09-2006

No F 4-59/2005/Seven/06:: In exercise of the powers conferred under section 181 read with section 258 of Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959), the State Government hereby makes the following rules, namely, :-

Rules

1. Short title, extent and commencement: -

- (1) These rules may be called The Lease (Government land for Ratanjot/Karanj plantation and bio-diesel based processing unit) rules, 2006.
- (2) It shall extend to the whole of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions: -

In these rules, unless the context otherwise requires, :-

- (1) "Code" means, Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959).
- (2) "State Government" means, Government of Chhattisgarh.
- (3) "Government Organization" means, Government Undertakings of Government of Chhattisgarh, such as CREDA, Forest Development Corporation, Agriculture and Seed Development Corporation, etc.
- (4) "Interdepartmental Committee" means, the Interdepartmental Committee constituted by Government of Chhattisgarh Revenue Department.
- (5) "Ratanjot/Karanj and bio-diesel based processing unit" means and includes establishment of complexes or estates comprising Ratanjot/Karanj plantation and bio-diesel processing industrial units, composite high technology agricultural projects in the areas of Bio-fuel, hybrid seed production, micro-propagation through tissue culture etc. and research and development activities including training.

- (6) "Lease" means, lease given under these rules but does not include sub-lease.
- (7) "Lessee" means, the organization which has been granted a lease under these rules.
- (8) "Ravine land" means, land spoiled by water into gully and narrow gorges and unfit for cultivation by ordinary means.
- (9) "Mumkin land" means, land unfit for cultivation by ordinary means.
- (10) "Waste Land" means Government land lying vacant for more than 10 years which is unfit for cultivation by ordinary means, and includes mumkin land and ravine land, but does not include forest land.

3. Identification of Waste Land: -

Waste land will be identified in districts by the committee constituted for this purpose comprising of the following members -

- | | |
|---|-------------------|
| (1) Collector | -Chairperson |
| (2)General Manager District Industries Center | -Member |
| (3)Deputy Director Agriculture | -Member Secretary |
| (4)Executive Engineer CREDA | -Member |
| (5)Mining Officer | -Member |
| (6)Divisional Forest Officer | -Member |

4. Grant of Lease: -

- (1)State Government may grant a lease of waste land to a Government Organization for Ratanjot/Karanj plantation and establishment and running of Bio-diesel based processing unit.
- (2)Waste land required for the use of the concerned village shall not be given on lease under these rules.

5. Procedure for Grant of lease: -

- (1)The application for lease shall be made to the collector in the format given in schedule-1.
- (2)Within one month of the receipt of the application, the committee constituted under rule 3 shall examine it and give its recommendation.
- (3)Collector shall send the proposal to the Revenue Department in the format given in schedule-2 along with the recommendation of the committee.
- (4)Revenue department shall submit the cases received by it after examination to Chhattisgarh Bio-diesel Development Authority.

- (5) On receipt of the recommendation of Chhattisgarh Bio-diesel Development Authority the case shall be submitted for decision to the Interdepartmental Committee of the Revenue Department. The decision of the Interdepartmental Committee with respect to the lease shall be final and shall be deemed to be the decision of the State Government.
- (6) The decision of the interdepartmental committee shall be communicated to the collector by the Revenue Department.
- (7) The decision of the State Government shall be communicated to the applicant in writing by the Collector.
- (8) If the State Government has decided to grant lease, the lease shall be executed by the Collector.
- (9) If more than one application is received for the same land, Chhattisgarh Bio-diesel Development Authority shall recommend one applicant keeping in view the previous experience of the applicants, knowledge in the field of bio-fuel and the possibility of proper utilization of land.
- (10) Land situated within 16 Kms of the limits of the area of a Municipal Corporation, 8 Kms of the limits of the area of a Municipal Committee/District Headquarters or 4 Kms of the limits of the area of a Nagar Panchayat shall not be given on lease under these rules.

6. Conditions of Lease: -

- (1) Waste land will be allotted first for 20 years. The State Government may renew the lease after considering the compliance with the conditions of the lease, necessity of the land in future and public interest, for a further period of 10 years.
- (2) The lessee shall not use the land for any purpose other than plantation of Ratanjot and Karanj and establishment and running of bio-diesel based processing unit.
- (3) The lessee shall invest 50 percent of the total project cost within 2 years from the date of grant of lease, and shall invest the remaining amount within the next 3 years.
- (4) The lessee shall not make any construction of permanent nature on the leased land.
- (5) Lessee shall not sub-lease the land.
- (6) Lessee shall be responsible for the payment of all Government and public tax, cess etc.

(7) Lessee may get the Jatropha and Karanj plantation and Bio-diesel based processing unit managed by a company in which the lessee Government Organization has at least 26 percent share holding, but the lessee shall neither transfer the land to anybody nor sub-lease it under any circumstance.

7. Lease Rent: - The lease rent shall be as follows -

- | | |
|--------------------------------|-------------------|
| (1) First Year | Rs 500/ hectare. |
| (2) Second to Fifth Year | Rs 625/ hectare. |
| (3) Sixth and Seventh Year | Rs 900/ hectare. |
| (4) Eighth Year and afterwards | Rs 1400/ hectare. |

8. Security Deposit: -

No allotment under these rules shall be made unless lessee deposits Rupees 5000/hectare, which shall be refundable without interest to the lessee after completion of the Project.

9. Inspection: -

The committee constituted under rule 3 shall inspect the work of the lessee at least once a year and the inspection report shall be submitted through the collector to the Chhattisgarh Bio-diesel development Authority.

10. Cancellation of lease, return of possession and re-allotment: -

- (1) The State Government may, after giving an opportunity of being heard, cancel the lease at any time if the lessee contravenes, any provision of any Act or Rules for the time being in force or the conditions of the lease.
- (2) On the basis of the inspection report under rule 9 or on non-compliance with the conditions of the lease by the lessee in any other manner, Chhattisgarh Bio-diesel Development Authority may recommend the cancellation of lease to the State Government, and the State Government may cancel the lease on the basis of this recommendation after giving an opportunity of being heard to the lessee.
- (3) After cancellation of the lease the possession of the lessee shall be deemed to be unauthorized possession under section 248 of the code and revenue officers shall be competent to take action against such lessee under section 248 of the code.

- (4) In addition to the action under section 248 of the code the lessee shall be liable to pay a penalty of Rs 10,000/- per hectare per month till the land is vacated by the lessee.
- (5) After the cancellation of the lease the State Government may allot the waste land to another lessee.
- (6) State Government may cancel the lease at any time before the completion of the lease period without assigning any reason.
- (7) State Government may cancel the lease before the completion of the lease period if the land is needed for some other special project.

11. Removal of difficulties: -

If any difficulty or dispute arises in carrying out the provisions of these rules, the decision of the Revenue Department shall be final.

12. Relaxation: -

State Government may by notification in the official gazette relax any provisions of these rules.

13. Repeal and Savings: -

Lease (Government land for Jatropha/Karanj plantation and Bio-diesel based processing unit) Rules, 2005, and orders, resolutions, if any in force immediately before the commencement of these rules, are hereby repealed or rescinded as the case may be in respect of matters covered by these rules.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under corresponding provisions of these rules.

By order and in the name of
Governor of Chhattisgarh

(Alok Shukla)
Secretary
Government of Chhattisgarh
Revenue Department

Schedule-1
{Rule 5 (1)}

Application Form

Allotment of land for an Integrated Project for Jatropha/Karanj Plantation
and Bio-diesel processing unit to a Government Organization

{Lease (Government land for Ratanjot/Karanj plantation and bio-diesel
based processing unit) rules, 2006}

To
The Collector
District _____

We _____, apply as follows for the allotment of
land for an integrated Project for Jatropha/Karanj Plantation and Bio-
diesel processing unit: -

1. Particulars of the applicant Government Organization -
 - a. Name _____
 - b. Address _____
 - c. Telephone/Fax/Email _____
2. Category of the Government Organization _____
3. Particulars of the present business of the Government Organization

4. Profile of the Applicant Government Organization (Annexure)
5. Particulars of the land applied (Kindly enclose certified copies of
Khasra and Patwari map)
6. Particulars of any other similar Project being implemented by the
applicant Government Organization

(Add more sheets if necessary)

7. Main points of the Detailed Project proposal of the applicant
 - a. Trees selected for plantation: Jatropha/Karanj
 - b. Type of soil of the identified land
 - c. Availability of ground water in the identified land
 - d. Proposed intercropping
 - e. Capacity of the bio-diesel unit: Tonnes/day
8. Financial Particulars:
 - a. Availability of money as per the accounts of the applicant
 - b. Total money available for the Project
 - c. Proposed bank loan
 - d. Annual installment and duration
 - e. Total Project cost
9. Project management systems (As Annexure)

I _____(Authorized signatory) solemnly affirm that all information given in this application are true. I agree to abide by all rules of the Government relating to the allotment of land, and follow all conditions imposed by the Government.

Date _____

Signature
Name of the Officer
Seal of Office

Schedule-2
{Rule 5(3)}

Proposal by the Collector to the Government

{Check List under Lease (Government land for Ratanjot/Karanj
plantation and bio-diesel based processing unit) rules, 2006}

1. Is the revenue case enclosed (Give Case Number)
2. Is the land in question Nazul land? If it is land in Nistar Patrak etc. has it been removed from the Nistar Patrak?
3. Is the procedure of the collector also enclosed?
4. Is the application enclosed?
5. Is the certified cop of map enclosed?
6. Are certified copies of khasra and land records enclosed?
7. Has the land on all four sides of the applied land marked in the map?
8. Is the consent of the neighbors enclosed?
9. Is the consent of the concerned departments of the Government enclosed?
10. Is the consent of the Municipal Corporation/Municipality/Nagar Panchayat/Village Panchayat enclosed?
11. Is the consent of the Town and country planning department enclosed?
12. Whether objections were invited by issue of Udghoshna?
13. Have the objections been removed?
14. Is the layout approved?
15. Has the opinion of the department related to the purpose for which land is required been taken?
16. Is sufficient money available for the use of land?
17. What is the rate of land as per the sale of last one year in the area, and what is the rate of land as per this year's guideline?
18. Is the calculation of premium and rent as per rules?
19. Is the applicant organization registered? Registration should be in Chhattisgarh.
20. If the land is in the possession of another department, has their permission been taken?
21. Are there sufficient reasons for allotment of land without auction?

Signature
Collector

District _____