

RAJASTHAN STATE INDUSTRIAL DEVELOPMENT & INVESTMENT
CORPORATION LIMITED,
UDYOG BHAWAN, TILAK MARG, JAIPUR -5.

No. IPI/P-3/24(C)-3/379

August 18, 2011

C I R C U L A R

Sub : Regarding execution and registration of duplicate Lease Agreement in cases where original lease agreement/deed is lost/missing and is not traceable and transfer of lease hold rights in favour of the purchaser of the plot.

1. A Circular No. IPI/1234 dated 2.11.2000 was issued by the Corporation with regard to execution of fresh lease deed where original lease deed is lost and not traceable. The said circular provides about the procedure of cancellation of missing original lease deed before execution of fresh lease deed.
2. Entrepreneurs have represented for execution of duplicate lease deed for availing financial assistance from banks/ financial institutions without cancellation of lost/ missing original lease deed.
3. The matter was got examined and opinion from Inspector General, Registration & Stamp Department, Rajasthan, Ajmer was also sought. As per the letter No.F-7(47)Jan/13921 dt. 15.6.2011 of Addl. Inspector General, Registration & Stamp Department, Rajasthan, Ajmer, duplicate Lease Agreement can be executed and be registered as per provisions of Article -23 of the Schedule of the Rajasthan Stamp Act, 1998, in favour of original lessee for earlier transactions in cases where the original lease deed is lost/missing and is not traceable treating it a counter part/ duplicate of missing/lost original Lease Deed.
4. Therefore, in supersession of earlier office order No. IPI/1234 dated 02.11.2000, it is enjoined upon all unit heads that following procedure will be adopted in such cases :-
 - i) A search note shall be issued by concerned unit office circulating to all employees of unit office.
 - ii) A notice of 30 days shall be got published in news paper at the cost of the applicant firm/ company regarding lost/missing of the lease deed and is not traceable and call objections about execution of duplicate lease deed in favour of original allottee.
 - iii) FIR will be lodged by the allottee if lease deed was lost by him/her/it and if the lease deed is lost from RIICO Office, FIR will be lodged by unit head in the local Police Station that the original lease deed of the concerned plot is lost/ missing and is not traceable. A copy of FIR along with final report in it, will be submitted by the applicant to the unit office.

- iv) An affidavit cum undertaking on Non-judicial stamp per of Rs.100/- is to be obtained as under from proprietor/all partners of the firm/ company/ trust alongwith copy of the resolution of company/trust authorizing to sign on behalf of company/trust :-
- a) that he/they/it has/have not sold, alienated or mortgaged the lease deed of the plot towards security of any loan availed from any financing Institutions/ Bank.
 - b) that, in case it is found so, he/they/it shall be fully liable jointly and severally for any liability which may arise in future and thereby undertake to indemnify the loss caused to the Corporation in this regard.
 - c) that the original lease deed is not available with him /her/firm and he / she / they shall return the same to RIICO, if found in future.
 - v) Thereafter, duplicate lease deed of the plot will be executed stating that this duplicate lease deed is being executed in place of original lease agreement which has been lost/ missing and is not traceable.
 - vi) Stamp duty, registration fees and other expenses shall be paid on registration of the duplicate lease deed by the lessee
5. In cases where the plot has been transferred by the allottee by way of sale /gift deed and the original lease deed is lost/missing and is not traceable, duplicate lease deed will not be executed. The transfer of the plot will be allowed on the basis of registered sale/gift deed adopting the procedure as mentioned in point 4. (i) to (iv) above.

This bears approval of the Managing Director.


18/3/11
Advisor (Infra)