

**Rajasthan State Industrial Development & Investment Corporation Ltd
Udyog-Bhawan, Tilak-Marg, Jaipur-302005**

Nc: IPI/P-3/24(A)-42/2608
Dt: 28. Sept., 2021

CIRCULAR

Sub: Guidelines for issuing transfer permission for transfer of leasehold rights in favour of purchaser of the plot who has purchased the plot by way of registered sale document.

It has been observed that inspite of directions issued time to time earlier for not to withheld transfer of leasehold rights in favour of the purchaser of the plot who has purchased the plot by way of registered instrument (sale deed/ gift deed etc.) however, unit offices are still following the past practices such as taking the site report of the plot, raising demand to transferor of the plot to deposit various outstanding dues and also insisting to get the excess land /strip of land regularized etc. before issuing such transfer permission. This present practice being followed by unit offices causes to delay in transfer of leasehold rights in favour of the purchaser who has purchased the plot through registered instrument and has stepped into the shoes of allottee seller.

The above issue was placed before IDC vide item (11) in its meeting held on 25.08.2021 with the object to streamline the process of transfer of leasehold rights in favour of the the purchaser of the plot who had purchased the plot by way of registered instrument. The Committee has approved the guidelines to deal such cases as under:

- (i) No site report of the plot may be taken on receipt of a request from the purchaser of the plot.
- (ii) Demand notice to deposit outstanding dues, applicable transfer charges, retention charges, etc. may be issued to the purchaser of the plot and not to the seller.
- (iii) In case the seller did not commence activity and the stipulated/extended time period has already expired, then purchaser of the plot may be asked to submit time schedule for granting time extension for commencement of activity for further approval of the competent authority, prior to issue of transfer permission.
- (iv) In case the plot is already utilized or not utilized but due date for commencement of activity is not expired, then transfer permission may be issued after deposition of outstanding dues/ applicable charges for commencement of the same activity for which plot is allotted.

- (v) The transfer permission may be issued for the area of plot mentioned in the registered sale document (but not more than the area of plot mentioned in the lease agreement executed with the seller of the plot) and the purchaser of the plot may not be insisted to get the excess area/strip of land regularized prior to issue of transfer permission. However, action for removal of encroachment/regularization of excess area/strip of land as per rules may be taken after issuing transfer permission.
- (vi) Transfer permission may not be withheld due to the unauthorized construction in set-back area. An undertaking on non-judicial stamp paper may be taken from the authorized person by the applicant or himself, as the case may be, to the effect that unauthorized construction, if any, on the plot would either be got regularized as per policy of the Corporation or would be removed by him, if can not be regularized.
- (vii) In case, any person including transferor of the plot raise objection with respect to transfer of leasehold rights in favour of the purchaser after executing registered document then, transfer permission may not be withheld until unless there is stay-order granted by any competent court of law and submitted with his objections against issuing transfer permission in favour of the purchaser. However, in cases of objection raised by the Central/State Government Department/ agencies against transfer of leasehold rights of the plot in favour of purchaser, then the matter will be referred to Head Office of the Corporation prior to issue of transfer permission for appropriate direction.
- (viii) Following condition should be categorically incorporated in the transfer permission, if any litigation is pending and it came to notice of the Corporation:-

"This transfer permission is being issued subject to final outcome of any writ/ appeal/suit/review/revision pending before the Competent Court of Law regarding transfer of the plot.

By Order


(Rukmani Riaz Shag)
Executive Director

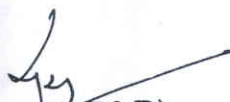
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5. GM(BP)/ GM (Civil)/GM (EM)

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6. OSD (Land)
7. STP
7. DGM (IT)- for uploading on website.
8. Sr. DGM (Law) /DGM (Law)
9. All Unit Heads -----
P&D Cell Officers:
10. GM (P&D)/ Addl. GM(P&D)
11. Sr.DGM (P&D) /Sr.RM (P&D)
12. RM (P&D)/Dy. Mgr (P&D)

Copy also to:

- (i) PS to Chairman, RIICO
- (ii) PS to MD, RIICO
- (iii) PS to Executive Director


GM (P&D)