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PART - IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 8th October, 2020 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2020.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 9th October, 2020).

AN ACT

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Seventy-first Year of the Republic of India:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2020.

**Short title and
commencement.**

(2) It shall be deemed to have come into force on the 21st August, 2020.

**Bom. LXVII
of 1948.**

2. In the Gujarat Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act”), in section 63AA,-
(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

**Amendment
of section
63AA of
Bom. LXVII
of 1948.**

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) sub-clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

Insertion of new
section 63AAA
in Bom. LXVII
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following section shall be inserted, namely:-

Sale of land for
the purposes
other than
industrial
purposes.

“63AAA. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time :

Provided that-

Bom. V of
1879.

(a) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

Bom. V of
1879.

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of

the land for purpose shown in sub-section (1), send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed;

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 63.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may, by an order, authorise in this behalf.

(ii) The State Government or the authorized officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold, shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Sau. Ord. XLI
of 1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 55,-
(1) in sub-section (3A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

Amendment of
section 55 to
Sau. Ord. XLI
of 1949.

- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order

of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (3B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

Insertion of new
section 55A to
Sau. Ord. XLI
of 1949.

5. In the Saurashtra Ordinance, after section 55, the following section shall be inserted, namely:-

Sale of land
for the
purposes
other than
industrial
purposes.

“55A. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than *bonafide* industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

Bom. V
of 1879.

- Bom. V
of 1879.**
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
 - (c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.
- (2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.
- (b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.
- (c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he -
- (i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1) shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.
 - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause(ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.
- (ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.
- (3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the Collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value.”.

Amendment of
section 89A to
Bom. XCIX of
1958.

6. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

Bom. XCIX
of 1958.

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);

- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

(iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

(iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act after section 89A, the following section shall be inserted, namely:-

Insertion of new section 89AA to Bom. XCIX of 1958.

Sale of land for the purposes other than industrial purposes.

“89AA. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time. **Bom. V of 1879.**
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
- (c) Where the land proposed to be sold is owned by a person to belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879. **Bom. V of 1879.**
- (2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).
- (3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that the land has been validly purchased in accordance with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 89.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local

authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.

(b) The area of land which is desired to be sold shall not used for any other purpose other than intended to use.

(c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time.

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Repeal and saving. 8. (1) The Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 2020, is hereby repealed. **Guj. Ord. 9 of 2020.**

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 as amended by the said Ordinance, shall be deemed to have been done or taken under the said tenancy Acts as amended by the said Act.
