

Regarding temporary non agriculture approval for maximum 30 years to private land given in lease for all projects of renewable energy in Gujarat state

**GUJARAT GOVERNMENT
REVENUE DEPARTMENT,
Circular No. BKP/102022/OMR-24/K(Lease)
Sachivalay, Gandhinagar.
Dt. 16-10-2023**

Reference: (1) Revenue Department resolution No. BKP /1006/425/K dated 01-07-2008.

- (2) Revenue Department circular resolution No. BKP/102018/425/K dated 12-12-2018.
- (3) Revenue Department resolution No. JMN/3915/924/A-1 dated 25/01/2019.
- (4) Gujarat Act No. 3/2016, Dt. 21/03/2016
- (5) Gujarat power policy-2021, Energy and Petrochemicals department, Gujrat Government.
- (6) R.D. circular No. BKP /102022/OMR-24/K(solar) dated 13-04-2023
- (7) R.D. Notification No. GHM/2021/86/M/BKP/102018/484/K dated 25-06-2021
- (8) Gujarat Land Revenue rules, 1972, Rule -91
- (9) Revenue Department circular No. BKP/102018/425/K dated 26-09-2022

: Preface :

According to solar power policy- 2021 active under Energy and Petrochemicals department, 100 Giga watt power generation goal set until year 2022. That if deemed NA approval grant to such renewable energy project in such land then industrialist in Gujarat and private land owners get benefit and project can achieve rapid growth and goal to produce energy can be achieved. That under PM- KUSUM scheme part-A applicable to farmers from date 13-03-2019 by Indian government MNRE ministry, 10000 mega watt energy production goal set by decentralized grid.

That as par R.D. referenced-6 circular “Renewable energy all projects i.e. solar energy, wind energy, wind-solar based hybrid plant, solar project and solar power project install under PM-KUSUM scheme of Central Government

Are treated as bonafide industrial purpose (bonafide industrial purpose) private land use for such purpose or land purchase for this purpose, such activities are considered as industrial purpose under Gujarat land revenue Act, 1879 section- 48 and section 65-B and all collectors are instructed to grant deemed NA approval to such activities.

2. All renewable energy project in the state like solar energy, wind energy, wind-solar based hybrid plant, solar project and PM-KUSUM scheme etc project's rapid growth, it is important to provide deemed NA approval benefit to private ownership land (lease) grant on lease base for installation of such power plant so such plant can actively work with rapid growth, this submission was made to the government. Therefore private ownership land should grant on lease for all type of renewable energy project and it should given deemed NA approval so energy production goal can be achieved such deliberation was there under government discussion.

: Circular :

That after thorough discussion in subject matter, following instruction hereby circulated. That private land granted on lease base for solar power plant project under renewable energy all project i.e. solar energy, wind energy, wind-solar based hybrid plant, solar project and solar power project install under PM-KUSUM scheme of Central Government, legal lease holder of private lease land renewable energy solar energy producer applicant/company/ others are grant temporary non agriculture approval for all renewable energy projects under below mentioned terms/provisions for maximum 30 years time period and all district collectors hereby instructed to grant such approval under below mentioned instruction/work method.

Application inspection/verification, leviable taxes related provisions:

- (1) As per rules, lease agreement executed by private land possessor by lease right renewable energy solar energy producer applicant/company/ others and lease granted legal possessor of land should sign online application and self declaration should be submitted in defined form to get temporary non agriculture approval .

- (2) That applicant has to pay process fees 50 paisa per Sq. Mt for requested land area as per rules while applying online for temporary non agriculture approval, which is non-refundable. This amount of process fees will be deposit in E-dhara fund.

As per referenced (9) circular provisions, application reject or filed due to any reasons or by any rules, re- application made for same land with same mobile number and email id, then applicant have to pay process fees 10 paisa per Sq. Mt for requested land area.

- (3) That when application submitted in defined form (schedule - 1) will be accepted by concerned officer, they will verify and inspect land based on available records if requested temporary non agriculture applied land is government waste land/gauchar / reserved for public purpose/donation land/land of ceiling limitation or it is private ownership land and will verify revenue case of requested land/disputed cases and case proceeding before hon'ble high court via officer having post of or higher than class-2 and class-3 officer by internal management within day-7.
- (4) That after verification of application submitted in defined form (schedule - 1) concerned officer will inform about leviabale conversion tax, non agriculture assessment tax, local fund, education cess and other taxes to the applicant within day-15 from date of application received as per schedule- 2 enclosed herewith. Applicant have to pay all amount online within 7-days from this information. Application will file in office automatically if amount will not pay in defined time period.
- (5) Applicable non agriculture assessment tax, local fund, education cess will collect as per R.D resolution dated 25/06/2021 from applicant for entire lease period(Maximum 30 years) in advance. Conversion tax is payable for only non agriculture purpose therefore will recover in advance.

Maintain revenue records:

- (6) Applicant will pay non agriculture assessment tax, local fund, education cess and other taxes online/by challan ad submit evidences/challan of payment to the concerned officer within day-5, concerned officer will provide detailed report as per enclosed schedule- 6 regarding temporary non agriculture approval, final approval/non approval within day-30 from date of application.
- (7) That application submitted in defined form (schedule - 1) by renewable energy solar energy producer applicant/company/ others to get temporary non agriculture approval in defined form and government due payment mentioned in paragraph (5) and (6) and evidence/challan submitted by applicant but final order not made by concerned officer in day-30 from date of such application then this temporary deemed NA approval will automatically given to renewable energy solar energy producer applicant/company/ others.
- (8) Entry of schedule -6 order have to make in village form No. 6 and said entry will certified as per rules and will recorded in village form No. 7 in other right column with detail of “ lease holder applicant/company/other granted temporary non agriculture approval . Mutation of tranfere/sale/purpose change except succession/debt right/debt removal will suspend in village form No. 7 and village form No. 6 untill temporary non agriculture approval period. Original lease granter farmer only will be legal land holder and possessor in revenue records.

Lease period expiry/lease renewal and breach of conditions related provisions :

- (9) That after lease period expire, and NA use completion, land should be converted in original form as per provisions of Rule- 91 of Gujarat land revenue act- 1972 and original land owner meaning lease granter legal possessor will possess land for actual agriculture purpose by original tenure. That after temporary non agriculture approval time period of requested land expire,

concerned officer will decide new agriculture assessment as per Rule- 91 of Gujarat land revenue act- 1972 and post accordingly.

- (10) This approval is temporary non agriculture approval therefore after private land lease period expire, said land will become new tenure agriculture land and if convert in permanent non agriculture land then premium will be payable as per rules and norms.
- (11) Renewable energy/solar energy production related construction and related necessary work construction has be made in this temporary non agriculture approval land.
- (12) That violation of any conditions of above temporary non agriculture approval order or permanent instruction regarding NA approval by government will breach, in such case this temporary non agriculture approval will automatically void and cancel.
- (13) After NA approval period expire or lease period expire, lease granter and lease holder mutually decide for lease renewal, in such temporary non agriculture approval renewal, applicant have to apply as per rule (schedule -1) to get temporary non agriculture approval again.
- (14) This temporary non agriculture approval is approved only for Renewable energy/solar energy production, other approval as per rules should be obtain by lease granter and lease holder from concerned officer.
- (15) After receive temporary non agriculture approval from concerned officer, no change will be made in land possessor or land title and original land possessor will have all responsibility related to land title.
- (16) After receive temporary non agriculture approval from concerned Officer, land will use for temporary non agriculture approval purpose, but original possessor of land will not lose his status as farmer and lease holder of renewable energy solar energy producer applicant/company/ others will not get status of farmer and can not make any claim in this regard.
- (17) Concerned zonal officer will act as concerned officer in matter of temporary non agriculture approval for all renewable energy project i.e., solar energy, wind energy, wind-solar based hybrid plant, solar project and solar power plant install under

PM-KUSUM scheme of central government.

- (18) For above purpose, land except lease, received by purchase is bonafide purchaser and will also get deemed NA benefit under referenced- 6 circular section 65-B and have to make procedure as per prevailing provisions.
- (19) That after temporary non agriculture approval order granted, lease expire due to any reasons in any phase, payment made to government regarding temporary non agriculture approval will non refundable.

3. As per above paragraph (2) all renewable energy project i.e., solar energy, wind energy, wind-solar based hybrid plant, solar project and solar power plant install under PM-KUSUM scheme of central government purpose non agriculture approval's online module should be prepared from NIC in iORA portal by project officer (SMC)

4. This circular is published under government approval in similar series file of revenue department.

By order and in the name of Gujarat Governor.

Sd/- illegible
(Sunil Saluja)
Section officer

Revenue department, Gujarat government.

- To,
- Personal secretary of Hon'ble Governor, Rajbhavan, Gandhinagar (by letter).
- Chief secretary of Hon'ble Chief minister, svarnim sankul, Sachivalay, Gandhinagar
- Personal secretary of Hon'ble minister(Revenue), svarnim sankul, Sachivalay, Gandhinagar
- All Personal secretary of all Hon'ble ministers, svarnim sankul, Sachivalay, Gandhinagar.
- All Personal secretary of all Hon'ble state level ministers, svarnim sankul, Sachivalay, Gandhinagar.
- Chief secretary of joint secretary, Sachivalay, Gandhinagar
- Additional chief secretary, finance department, Sachivalay, Gandhinagar.
- Chief secretary, urban development and urban house development department, Sachivalay, Gandhinagar
- Chief secretary, panchayat gram house development and gram development department, Sachivalay, Gandhinagar

- Secretary (J.S) and revenue inspection commissioner, Block number 11, Sachivalay, Gandhinagar
- Secretary, Road and house department, Sachivalay, Gandhinagar.
- Settlement commiisioner and land office planner, Kh-5 circle, sector-14, gandhinagar
- Special secretary (Dispute) Revenue department, opp. Sola vidhya pith, Ahmedabad.
- All Collectors.
- Accountant general, Gujarat state, Ahmedabad and Rajkot.
- Chief executive officer, Urban area development authority, Ahmedabad.
- Chief executive officer, Urban area development authority, Gandhinagar.
- All municipal commissioner.
- System manager, Revenue department, to upload circular copy in department website.
- Project officer (State monitoring cell, to make necessary amendment in i-ORA software by NIC)
- Select file
- Branch file- A branch.

SCHEDULE – 1

Application form to get temporary non agriculture approval in private lease land for all projects of renewable energy.

To,
Zonal officer,
Dist.....

Subject:- To grant temporary non agriculture approval in private lease land for all projects of renewable energy and decide conversion tax/ non agriculture assessment/ other taxes and make entry regarding this in other right.

- (1) Applicant detail (for correspondence)
 - (a) Name of applicant:.....
 - (b) Address of applicant:.....
 - (c) village/city name.....
 - (d) Pin code number:.....
 - (e) Applicant Mobile No:.....
 - (f) Applicant email :.....

- (2) Detail of current requested land
 - (a) District:.....
 - (b) Taluka:.....
 - (c) village name.....
 - (d) survey number/Block number:.....
 - (e) Total area (Sq. Mt) as per 7/12:.....
 - (f) requested area (Sq. Mt):.....

- (3) Lease granter detail
 - (a) Ledger holder name as per 7/12 :.....
 - (b) Address:.....
 - (c) Mobile number.....
 - (d) Email address if available:.....
 - (e) identity certificate number:..... (ID proof copy)

- (4) Lease holder detail
 - (a) Ledger holder name :.....
 - (b) Address:.....
 - (c) Mobile number.....
 - (d) Email address if available:.....
 - (e) identity certificate number in individual case:..... (ID proof copy)/registration number in case of company (registration proof copy)

- (5) Purpose of lease land :.....
Solar energy based plant, wind energy based plant/ wind-solar hybrid plant/ solar project/ solar plant under PM-KUSUM scheme

- (6) Lease tenure (lease agreement copy)
Year..... month..... Days.....

It is request to decide and inform conversion tax/non agriculture assessment/other taxes amount leviable regarding above land.

Facts stated above is true and all conditions apply by government in this regard is binding to me.

Place :.....

.....

Date :.....

Lease granter signature

Lease and conditions mentioned in lease agreement is true and I know that above approval will not give me any right as farmer and I have knowledge about subject stated in application and matter related to that. All other approval of renewable energy have obtained separately/ will use land after obtain approval. I assure and covenant in above subject.

Place :.....

.....

Date :.....

Lease holder signature

Enclose :-

- (1) Identity evidences of lease granter and lease holder.
- (2) Registration copy in case of company
- (3) Cases except individuals, authority evidences of person who signed as lease granter.
- (4) Lease agreement copy.

SCHEDULE – 2
Revenue department..... Sr No.....
Self Declaration (self declaration)

I, the undersigned in this self declaration.....

Lease granter,

S. No.	Name	Address	Age	Adhar card /identity number

Lease holder,

S. No.	Name	Address	Age	Adhar card /identity number

I, the undersigned have verified land right title statement and all 7/12 which is true and its detail is below.

- (1) S.N./Block No..... at village.....taluka.....district.....area land is possessed legally without breaking any prevailing provisions.
- (2) I do not own more land area than defined in Gujarat agriculture land ceiling limit act.
- (3) Above land is not spare as per Gujarat agriculture land ceiling limit act and is not under government possession under this act.
- (4) This land is not bhudan, is not spare or santhani land under agriculture land ceiling limit.
- (5) Above land I possess is not government/gauchar/lake/public use or other public purpose or not premium payable or premium is not pending.
- (6) I have legal possession in above land.
- (7) This land is for agriculture purpose and is open (except construction) land.
- (8) This land will be use for renewable energy production purpose only as per circular..... provisions.
- (9) Holder (possessor) will be responsible for land title regarding above land.
- (10) If any legal dispute arise in described land or any procedure regarding it, I will be responsible in all manner.
- (11) Case detail under various laws:

	Case detail under various laws	Yes/ No	If "yes", detail of case
	(1)	(2)	(3)
a)	Is any case registered under agriculture land ceiling limit act? Or under which process at present?	Yes/ No	
b)	Is any case registered under tenancy act? Or under which process at present?	Yes/ No	
c)	Is any case registered before mamlatdar/ zonal officer/ collector?	Yes/ No	
d)	Is any case registered in civil court, Hon'ble high court, Hon'ble supreme court or revenue panch, secretary dispute court?	Yes/ No	

- (12) Is any injunction order issued in said land by any court? Yes/ No if "Yes" provide detail
- (13) Is any order issue to take above land in attachment? Yes/ No if "Yes" provide detail
Or is include in any attachment?
- (14) Is this land acquire for any purpose? Or is under Any acquisition? Yes/ No if "Yes" provide detail
- (15) Lease agreement of above agriculture land made as per rules for years period between land authorized possessor (Lease granter) and below mentioned lease holder for renewable energy production.
- (16) Facts stated hereinabove found incorrect then approval granted to me will automatically cancel/or will cancel which is binding to me and after that all financial liability and legal liability will be mine/our.
- (17) I assure and covenant that, this approval is limited to lease of agriculture land and payment of necessary conversion tax and other taxes and I have all responsibility of land title. And all other approval for renewable energy production in this land has to obtain and above use can commence after obtaining all approvals.
- (18) Moreover I covenant that if any detail stated above is incorrect or half correct or misguided or fraud then all circumstances arise resulting of this non agriculture approval will be my responsibility and state government has no responsibility. I accept that legal action/step/procedure can be made against me to provide false and incorrect detail under prevailing provisions of law.

I have read self declaration detail in sound state of mind, without any pressure or prejudice, all details declared here is true and correct and today dated on.....i have declared by my free consent.

I, the undersigned hereby declare and state that information in application or enclosed document is true and correct according to my knowledge, nothing is concealed in it. Depositing false statement or producing false document is punishable act under Indian penal code (IPC) provisions. And benefit or approval granted to me based on such false information or false document can be cancelled.

Place :.....
Date :.....

(Photo)

Lease granter signature
.....

Enclose Adhar card/identity copy.

Lease and conditions mentioned in lease agreement is true and I know that above approval will not give me any right as farmer and I have knowledge about subject stated in application and matter related to that. All other approval of renewable energy have obtained separately/ will use after obtain approval. I assure and covenant in above subject.

Place :.....
Date :.....

(Photo)

Lease holder signature
.....

Enclose Adhar card/identity copy.

SCHEDULE – 3

By e-mail/ by online system

**Receipt of application received for temporary non agriculture approval
(application point No. 5)**

Application number.....

Zonal office,

Dist.....

Tal

To,

(Applicant full name)

(Applicant address)

**Subject : Regarding accepting of procedure to make regarding decision
of application under temporary non agriculture (application
point No. 5)**

S.N./Block No..... at village.....taluka.....district.....

Sir,

As per above subject sited matter, your application dated..... for temporary non agriculture approval purpose (application point No. 5) is accepted for further necessary procedure.

Decision of your application will be made after verification, will inform then. Please note it.

(.....)

Prior verification officer

Zone....

Dist.....

SCHEDULE – 4

By e-mail/ by online system

**Receipt of application received for temporary non agriculture approval
(application point No. 5)**

Application number.....
Zonal office,
Dist.....
Tal

To,
(Applicant full name)
(Applicant address)

**Subject : Regarding rejecting of procedure of decision of application to
use under temporary non agriculture approval (application
point No. 5)**

S.N./Block No..... at village.....taluka.....district.....

Sir,

As per above subject sited matter, your application dated..... for temporary non agriculture approval purpose (application point No. 5) and you submitted online application and self declaration and other evidences for further necessary procedure.

That after verification of application and self declaration, your application is rejected due to following reasons.

- Full name and address is not written in the application.
- Application is not made with sign of all ledger holders as per 7/12.
- Signed application is not uploaded.
- Self declaration is not made with sign of all ledger holders as per 7/12.
- Signed self declaration is not uploaded.
- Details not shown in self declaration as per given form.
- Other

(.....)
Prior verification officer
Zone....
Dist.....

SCHEDULE – 5

Application number.....
Zonal office,
Dist.....
Tal

To,
(Applicant full name)
(Applicant address)

Subject : Regarding grant temporary non agriculture approval to private ownership land assigned on lease for renewable energy all projects and define conversion tax/non agriculture assessment/ other taxes and to make entry regarding this in other right

Reference : (1) Revenue Department circular dt...No. BKP /102022/OMR-24/K(lease)
(2) Applicant Mr..... application dated.....

As per above subject, your application dated under referenced (1) circular verified and below amount is leviable :

Detail of tax	Area (he.array.sq.mt)	leviable tax rate	Payment/ Year	leviable amount Rs.
conversion tax			01	
Special tax			Application point No. 6	
Local fund			Application point No. 6	
Education cess			Application point No. 6	

Above amount should be pay within day-7 online.

Zonal officer,
Zone:
District :

SCHEDULE – 6
ORDER

Order number.....
Zonal office,
Dist.....
Tal

Subject : Regarding grant temporary non agriculture approval to private ownership land assigned on lease for renewable energy all projects and define conversion tax/non agriculture assessment/ other taxes and to make entry regarding this in other right

Reference : (1) Revenue Department circular dt...No. BKP /102022/OMR-24/K(lease)
(2) Applicant Mr..... application dated.....
(3) Intimation letter dt.....

ORDER :-

As per above order reference resolution dated..... applicant has applied for renewable energy production under referenced resolution in land at dist..... tal..... village..... S.No/ block No. Area..... land for years assigned on lease base and applied in defined form to decide conversion tax/ non agriculture assessment/other taxes.

Above land is not government land/gauchar or public purpose land and it is private holder ownership land after verification.

Regarding para- 1 application reference, amount paid under Referenced- 3 letter.

Considering this, it is order to lease described land for years for renewable energy production and assigned to lease holder..... and its entry made in vill. F. No. 6 and after entry certified its effect will given in vill. F. No. 7 in other rights for limited purpose.

Conditions :

- (1) Applicant have to pay tax except agriculture every year (special tax) per sq. mt. Rs..... total Rs..... and have to pay local fund and education cess as per rule which is variable time upon time.
- (2) By such approval, land holder (lease granter) or land title will not change in any manner moreover, lease granter will be responsible for land title in all manner.

- (3) This order entry (lease holder name/with period) should be made in vill. F. No. 6 and after entry certified its effect given in vill. F. No. 7 in other rights column. Lease granter name will be recorded in revenue record as land owner (possessor).
- (4) Lease granter farmer will not remove status as farmer due to this lease and lease holder will not get status as farmer due to this lease.
- (5) This approval is limited to above subject described matters only.
- (6) This land will be used according to lease agreement and for renewable energy production only and lease tenure will be..... years as per lease agreement.
- (7) No construction can be made in the above land except defined approval purpose.
- (8) This approval is limited to above subject described matters only and other approval regarding renewable energy production should be obtained from concerned officer separately.
- (9) Other approval regarding this should be obtained separately.
- (10) Renewable energy approval and its transport related approval has to be obtained from concerned officer.
- (11) This approval does not affect title of the land and other matters related to it and legal procedure related to it.
- (12) Lease holder has to commence production within 1 year.
- (13) That after lease expires, land holder will use land for original purpose (agriculture) and land will be converted in original form.
- (14) In case of breach of any conditions, approval is not granted in present case, considering this related procedure can be made.

Zonal officer,
Zone: District :

SCHEDULE – 7

By e-mail/ by online system

**Receipt of application received for temporary non agriculture approval approval
(application point No. 5)**

Letter informing application filed in office

Application number.....

Zonal office,

Dist.....

Tal

To,

(Applicant full name)

(Applicant address)

**Subject : Regarding application of use under temporary non agriculture approval
(application point No. 5) filed in office**

S.N./Block No..... at village.....taluka.....district.....

Sir,

As per above subject sited matter, your application dated..... for temporary non agriculture approval purpose (application point No. 5) was rejected.

That after verification of application, your application is filed in office due to following reasons.

•	(Data Entry)
•	(Data Entry)
•	(Data Entry)
•	(Data Entry)

(.....)

Prior verification officer

Zone....

Dist.....