

SIKKIM

GOVERNMENT  **GAZETTE**

EXTRAORDINARY
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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.11/LD/P15

Date: 5.2.2015

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 28th day of November, 2014 is hereby published for general information:-

THE SIKKIM DETERMINATION OF LEASE ACT, 2014

(Act No. 11 of 2014)

**AN
ACT**

to provide for a law to deal with determination, termination or cancellation of lease in public interest executed between the State Government or its undertaking and a company or any other person or entity claiming through or under it and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Sixty-fifth Year of the Republic of India as follows:-

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| Short title, extent, application and commencement | 1 | <p>(1) This Act may be called the Sikkim Determination of Lease Act, 2014</p> <p>(2) It extends to the whole of Sikkim and shall apply to lease executed between the State Government or its undertakings and a company or any other person or entity claiming through or under it.</p> <p>(3) It shall come into force at once.</p> |
| Definitions | 2 | <p>In this Act, unless the context otherwise requires:-</p> <p>(a) "Authority" means the authority as may be notified by the State Government;</p> |

		(b)	"Court" means the Civil Court having jurisdiction in the matter;
		(c)	"Lease deed" means the document containing the lease agreement governing the relation between lessor and lessee executed as per the provisions of law for the time being in force in Sikkim;
Determination of lease	3	(d)	"State Government" means the State Government of Sikkim.
		(1)	Notwithstanding anything contained in any lease deed to the contrary, the State Government, wherever it deems it expedient, may determine the period of lease or terminate or cancel the lease in public interest if the land which was taken on lease has remained unutilized for the purpose for which it was taken and the implementation of the project on the land taken on lease is or was part of a litigation for non-implementation of the project for which land was taken on lease. On such determination or termination or cancellation of the lease, the land shall be deemed to have been reverted back to the lessor.
		(2)	Where the period of lease has been determined or the lease has been terminated or cancelled, the lessee shall hand over the possession of the land to the lessor within a period of 1 (one) month from the date of the order passed under sub-section (1).
		(3)	Any such determination of period of lease or termination or cancellation of lease shall be preceded by issue of a notice giving 15 (fifteen) days time to the Lessee or any other person or entity claiming through or under it, to show cause as to why the lease period shall not be determined or lease terminated or cancelled and upon consideration of reply, if any, to the show cause notice, necessary order may be passed by the authority either determining or terminating or canceling such lease.
Settlement of dispute	4	(1)	Any dispute arising out of determination or termination or cancellation of lease deed shall be adjudicated upon by a Civil Court of competent jurisdiction.
		(2)	While deciding the dispute, the Civil Court shall be guided by the fact that the Lessee, was having only leasehold rights in the land.

Lakchung Sherpa (SSJS)
L.R -cum-Secretary
Law Department.