

(Draft)

**Rent for Land and Buildings of Syama Prasad Mookerjee Port, Kolkata at Haldia Dock Complex.****I. LANDS:**

<b>Sl No.</b>	<b>Description Land</b>	<b>Suggested Rent per 100 sq. mtrs. per month.</b>
a)	Residential Zone	Rs.1829/-
b)	Industrial Zone	Rs. 1233/-
c)	i) Dock Interior Zone - Bare Land ii) Dock Interior Zone -Hard Stand	Rs. 3002/- Rs. 4666/-
d)	Proposed Dock Interior Zone	Rs. 2334/-
e)	i) Dock Zone -Bare Land ii) Dock Zone-Hard Stand	Rs. 1752/- Rs. 3415/-
f)	i) Commercial Zone for Offices, Banks, Workshops, Repair Shops, cold storages.	Rs.3599/-
	ii) Commercial Zone for Shops, Markets, Nursing Homes, Medical Clinics, Hotels & Restaurants (without Bar), Service Stations, Repair Shops (Automobile) Weighbridge	Rs. 4799/-
	iii) Commercial Zone for Cinema House, Hotel & Restaurant (with Bar) etc.	Rs. 4895/-
g)	Kukrahati	Rs. 581/-
h)	Panskura	Rs. 593/-

NOTE: 1) If land is taken in a Zone other than Commercial Zone for the purposes as mentioned in (f)-(i), (ii), (iii) above , 50% of the difference in rent between that applicable for the respective zone and Commercial Zone depending upon the usage, shall be charged extra over the land rent for the respective zone as per approved Rent Schedule.

2) In the event of utilization of land for mixed purpose i.e. office-cum-residential, the rent chargeable shall be simple average of applicable rents for the specific usage.

## II. BUILDINGS:

SI No.	Zone, Location and other description	Suggested Rent per sq. mtr. per month.
a.	<b>Pucca Roofed Structure</b>	
	i) Residential Zone	Rs. 96.23
	ii) Industrial Zone	Rs. 88.32
	iii) Dock Interior Zone	Rs. 106.18
	iv) Dock Zone	Rs. 108.18
	v) Commercial Zone	Rs. 121.70
b.	<b>AC/CI Roofed Structure</b>	
	i) Residential Zone	Rs. 70.95
	ii) Industrial Zone	Rs. 69.82
	iii) Dock Interior Zone	Rs. 82.21
	iv) Dock Zone	Rs. 80.05
	v) Commercial Zone	Rs. 98.93
	vi) Kukrahati	Rs. 69.82
c.	Tower Building	Rs. 160.32
d.	Quarters/Dormitories	
	(i) Dormitories (Pacca Roofed)	Rs. 136.97
	(ii) "A" Type quarters	Rs. 165.81
	(iii) Modified "A" type quarters	Rs. 165.81
	(iv) "B" type quarters	Rs. 165.81
	(v) Modified "B" type quarters	Rs. 165.81
	(vi) "C" type quarters	Rs. 144.81
	(vii) "D" Type quarters	Rs. 180.03
	(viii) Officers Hostel	Rs. 167.63
e.	Market for perishable good	Rs. 71.36
f.	Retail Market	Rs. 86.83
g.	Shopping Centres at Durgachak	Rs. 69.91
h.	Shopping Centres at Chiranjibpur	Rs. 71.36
i.	Township Market opposite to Makhan Babur Bazar	Rs. 49.55
j.	Township Market Centre (near Helipad ground)	Rs. 69.82

k. Goomties Rs. 86.83

III. OTHER FEES

Sl. No.	Description	Rates
1.	Permission Fee (To be levied per day or part thereof)	
	i) For holding function on land for area occupied up to 40 sq. mtrs	Rs. 1150
	ii) If above occupation continues beyond 3 days	Rs. 1700
	iii) For holding function on land for area occupied above 40 sq. mtrs.	Rs. 1700
	iv) If above occupation continues beyond 3 days	Rs. 2260
2.	Rate of Rent/License Fee for the water bodies/water areas	50% of the corresponding rate of rent for the abutting land area
3.	Rate of License Fee for erection of hoarding on HDC land (To be levied per calendar year or part thereof)	
	i) For hoarding upto a maximum size of 10 sq. mtrs.	Rs. 3400/-
	ii) For hoarding of size above 10 Sq. mtrs.	Rs. 5635/-
4.	Way-Leave Permission	

For laying pipelines carrying Crude Oil, POL Products and other liquid Cargo over or under the ground, telegraph cables, OFC lines, electric cables, telegraph lines etc., fees will be charged as follows:

For the purpose of way leave charges, the area occupied by single pipelines shall be calculated based on the diameter and length of those pipelines. In case of multi-layer pipeline stacks, the physical area occupied by the multilayer pipeline stacks shall be considered and the respective users should be billed for pro-rata area on the basis of the diameter and length of their pipelines passing through that area. With respect to the area shared with road, rails, jetties, etc., the respective users shall be billed pro-rata for 50% of the concerned area assuming that they do not have exclusive possession of land and what they have is only 'Right of Way'. As far as underground pipes are concerned if the users establish that the possession of surface area above the underground cross-country pipelines is not physically with them, the area occupied by such pipelines shall be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges. However, where there is a specific Central Act/ Statute which govern such Right of Way permission, the provisions under the said Central Act/ Statute shall override these guidelines. A case in point is the specific

permission for Right of Way under the Indian Telegraph Act, 1885 and the Indian Telegraph Right of Way Rules 2016.

For allowing overhead conveyors and high voltage transmission lines and electricity transmission towers, way-leave permission fee will be charged on the basis of the scheduled rent for the area coming in the alignment of the structure.

For essential public utility lines where beneficiary is port or other statutory / local bodies , wayleave permission fees @ Rs 2252.33 per calendar yare or part thereof may be recovered (arrived at by 2% escalation of current SoR).

For laying of underground cables like optical fibre cables (OFCs), telephone cables, electric cables etc., having diameter upto 100 mm, area shall be calculated considering the minimum diameter 100 mm. For laying of underground cables having diameter more than 100 mm, area shall be calculated considering the actual diameter.

5.	For Durgachak Mini Market, license fee(per month per plot measuring about 13.936 sq. mtrs.)	Rs. 800/-	
6.	Recovery of Hawker charges		
	For Bare Chatal	Rs. 2.50 per day per hawker	
	For Hardstand Chatal	Rs. 2.50 per sq. meter per day per hawker	
7.	Fees for Helipad Space (To be levied per usage)	Rs. 36,000/-	
8.	Permission fee for construction/installation of Microwave/Telephone tower, antenna etc. on land/building will be charged	Rs.34,000/- per 100 sqm. per month, subject to minimum Rs. 17,000 per location per month or part thereof	
9.	Processing Fee: Processing fee (excluding applicable taxes) for scrutiny of proposals of new construction and addition/alteration of existing approved structures (except way leave related cases) on leasehold premises only. However, the following structures will be exempted from payment of the said processing fees-septic tank, water reservoir, cycle stand, pump room, Generator room, Bus stand and school.	Rs.5700 per proposal	
10.	Lease Deed form and preparation cost	Rs.5700/-	Per lease
11.	Re-survey Fee: i) Resurvey fee for the first acre or part thereof to be recovered from the lessee requiring re-demarcation of the plot after handing over possession of the land concerned	Rs.5700/-	

ii) Resurvey fee for the land area beyond one acre	Rs.1200 per acre or part thereof over and above 1 acre
12. For licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods, the license fee will be charged at the following rates per 100 sq. mtrs. per Month.	Suggested Rent per 100 sq. mtrs. per month.
a) Open Space :	
i) Bare land	Rs. 4826/-
ii) Hardstand	Rs. 7504/-
b) Covered Space	
i) Pucca roofed	Rs. 15,895/-
ii) AC/CI roofed	Rs. 11,921/-

**(Draft)**

**NOTES:**

**A. For allotment of land / building (other than licensing of land / building inside Dock Interior Zone for storage of import/export cargo)**

**I. LEASE**

- 1.a) Lease of land /buildings shall be granted by inviting tender-cum-auction methodology through a competitive bidding process over and above the reserve price of such plots, which shall be the updated SoR notified by the Competent Authority, save and except in the following cases:
- (i) For establishment of common utilities by local bodies like sewage plant, Government Schools and colleges and hospitals, bus terminus, cremation ground, water treatment plant etc. land can be allotted by the Port Trust on nomination basis provided, allotment is in the interest of the Port. The land allotted to such entities is to be used exclusively for the purpose for which it has been allotted and under no circumstance, the usage can be changed. No transfer/sub-letting of such lease will be permitted. Concession up to 75% on the annual lease rent arrived at on the basis of updated SoR may be granted to government schools and colleges. Concession in lease rent can be provided by the Port's Board as provided under para (iv) below for establishment of common utilities by local bodies like sewage plant, hospitals, bus terminus, cremation ground, water treatment plant etc. provided, they are in accordance with approved master plan of the city and the land is not required for the Port's own use.
  - (ii) Land can also be allotted on nomination basis to Government Departments, Statutory Local Bodies, Statutory Authorities/Autonomous Organizations under State/ Central Ministries, Central Public Sector Undertakings (CPSUs), State Public Sector Undertakings (SPSUs) and security agencies like State Police, CISF, Coast Guard and Navy, subject to the availability of land and on the basis of updated SoR.
  - (iii) In cases where any CPSU/SPSU/Statutory Authority enters into Joint Ventures (JV) with private party/parties and the said CPSU/SPSU/Statutory Authority is the lead promoter and has the largest share-holding in the said JV, Port 's Board may decide to allot land to them also on nomination basis with the approval of the Port 's Board after incorporating appropriate safeguards provided:
    - a. Before allotment, JV is formed.
    - b. The lead promoter (i.e. CPSU/SPSU /Statutory Authority, etc.) is to continue as lead promoter with more than 50% share till the expiry of lease.
    - c. If the share of lead promoter becomes equal to or less than 50% of the total share, it will be treated as a breach.
  - (iv) Concession may be granted to security agencies and Government Departments only up to 50% of the annual lease rent. However, in respect of land to be allotted to Government departments which are essential to the functioning of the Port like Customs, electricity department, health department and for core security functions, concession up to 75% of the annual lease rental may be considered by the port. But such concession may be given for only small extent of land required for core operational purposes imperative for Port functioning and not otherwise. The issue of granting concession and the quantum may be decided on a case-to-case basis by the Port's Board, after recording the reasons in writing.

## 2. **Period of Lease:**

Leases may be granted upto a maximum cumulative period of 30 years by the Port's Board. Leases beyond 30 years for capital intensive investment like tank farms, refineries etc. may also be granted with the approval of the Central Govt.

3. Renewal of leases will be governed by the prevailing Land Policy Guidelines.

## 4. **Methodology of granting leases through nomination:-**

- a. The land may be leased by the port on nomination basis either on (i) Upfront basis on payment of one time upfront amount for the entire lease period and a nominal lease rent of Re 1/- per sq. mtr. per year for the currency of the leased period or (ii) on Premium(annual rent basis).
- b. For land leased out on nomination on upfront basis, the upfront rent shall be calculated on the basis of Net Present Value (NPV) of annual lease rentals for the entire period of lease escalating the applicable rent as per prevailing SoR, annually by 2% and discounting annually by the rate of the longest-term G-sec rate as per the RBI Bulletin at the time of issuance of offer. In addition, Re.1/- per sq. mtr. per year shall be charged as nominal annual rent every year or part thereof, during the entire period of lease. GST etc. as applicable shall be payable extra.
- c. For land leased out on nomination on annual lease rent basis, annual lease rent for the 1<sup>st</sup> year will be calculated based on the updated SoR. From the 2<sup>nd</sup> year onwards, the rate of rent will be escalated in terms of provision under item-(A) (iii) (1) (i) of this NOTES, based on which the annual rents will be calculated.

## 5. **Methodology of granting leases other than through nomination**

- a. The land may be leased by the port through tender-cum-auction either (i) on upfront basis on payment of one time upfront amount for the entire lease period and a nominal lease rent of Re 1/-per sq. meter per year for the currency of the lease period or (ii) on premium (annual lease rent) basis.
- b. For leases granted through tender cum auction methodology on upfront payment basis, upfront rent will be calculated on the basis of the Net Present Value (NPV) of annual lease rentals (at the quoted and accepted rate of rent) for the entire period of lease, escalating the applicable rent annually by 2% and discounting annually by the rate of the longest- term G-Sec rate as per the RBI Bulletin at the time of issuance of tender. In addition, a nominal lease rent of Re 1/- per sq. mtr. per year shall be charged as nominal annual rent every year or part thereof, during the entire period of lease.
- c. For leases granted through tender cum auction methodology on Premium (Annual lease rent) basis, Annual lease rent for the 1st year will be computed based on the highest accepted quoted amount towards land rent. In addition, GST etc. as applicable shall be payable. From the 2nd year onwards, the rate of rent will be escalated in terms of provision under item A (III)(1)(ii) of this NOTES, based on which the annual rents will be calculated.

**Note:** In both the cases as at item 5a & 5b above, the bidders will have to quote upfront payment / annual lease rent rates over & above the reserve price which shall be the updated SoR notified by the Competent Authority .

## 6. **Transfer of leases**

The lessee may be allowed to transfer the lease as per extant laws after obtaining prior approval of the SMPK Board provided transferee takes over all the liabilities of the original lessee/allottee Such transfer shall be for the remaining duration of the lease and in accordance with the Land Use Plan of the Port. Before allowing such transfer, the SMPK shall recover-

(i) In case of leases granted on upfront basis

In case of those lands which were originally given on lease on upfront rental basis, the transferor as per the extant laws may be allowed subject to the transferee agreeing to pay the following:

- (a) An undertaking for payment of the upfront rental as calculated on pro-rata basis for the balance period; and
- (b) A fee equal to 50% of the pro-rata upfront rental payable up to the time of transfer.

(ii) In case of leases granted on annual lease rent basis transfer may be allowed subject to

- (a) An undertaking for payment of the annual lease rental for the balance period; and
- (b) A fee equivalent to 50% of the total lease rent payable by the original lessee upto the time of transfer

(iii) Transfer of lease shall not be permitted where land was initially been allotted on nomination basis or at concessional rates of lease rent.

(iv) In respect of cases where the transferors extract premium on the transfer of the lease, 50% of such premium is to be paid to SMPK.

**7. Mortgage**

SMPK will grant NOC for mortgaging of lease hold interest only in favour of reputed financial institutions / scheduled banks subject to SMPK retaining the first charge on them and recovery of fee as will be decided by the Board and other terms & conditions as per provisions of Land Policy Guidelines prevailing from time to time and directives of Central Government in the matter as applicable.

**8. Sub-lease/ Subletting:**

(i) In case of all future long-term leases, existing leases where subletting has been prohibited explicitly & leases granted after 2014, no subletting will be allowed.

(ii) The existing lease holder may be allowed to sublet/partially sublet the leased premises from a prospective date to another party for the same purpose for which it was originally allotted, provided, the lease deed has enabling provision for the same. Also, purpose of such subletting shall be in accordance with the Land Use Plan and before allowing this, the Port shall recover 50% of the rent charged by the lessee from the sub-lessee or 50% of the updated SoR, whichever is higher, for the entire period of sub-lease, irrespective of the fact whether land was originally allotted on upfront basis or annual rental basis. It is clarified that the original lessee would continue to remain responsible for payment of lease rent and for adherence to the terms and conditions of the lease. It is further clarified that leased premises shall also include structures built on leased land for the purpose of recovering of subletting fees. Exemption from collecting subletting fees may be given in case of FTZ, SEZ, Multi Modal Logistic Parks, etc. wherein the business model is based on subletting only.

(iii) No subletting will be allowed for leases granted on nomination basis.

**9. Surrender of lease:**

Leased land may be surrendered to SMPK any time after 2 years from commencement of lease unless otherwise anything to the contrary is mentioned in the covenants of the lease. For any surrender of lease, at least 6 (six) months' notices will be required. If any lessee wants to surrender within first 2 years of commencement of lease, he will have to pay lease rent for 2 years. In case of surrender, the lessee will get refund of upfront rent paid for the unutilized portion of the lease, as per the

following formula: -

The difference of

- NPV of original lease period and
- NPV of the enjoyed years of lease, calculated at the same base rate of rent and same G-Sec rate, as considered for calculation of NPV for the original lease period, at the time of allotment.

**10. Change of use of leased land:**

Change of use of leased land may be permitted on receipt of prior application, in case such change is in conformity with the Land Use Plan and the lease covenants and subject to payment of -

- i) Higher rate of rent for the new usage as per extant updated SoR, w.e.f. the date of change of purpose (In case the existing rate is higher than the proposed rate of New Purpose, the existing rate will continue with annual escalation rent revision etc. as per lease covenants) and
- ii) Fees equivalent to lease rent (applicable as per [i] above) for 6 months and applicable GST

**11. SMPK's right to resume possession and impose MGT**

- a) SMPK shall have the right to resume possession of the leased land in public interest before expiry of leased period. In such cases, subject to availability of land, the lessee may at the discretion of the SMPK Board be given an option to relocate the activities in another suitable location to be offered by SMPK, as per the land use plan or refund of proportionate upfront rent if the land was leased on upfront basis.
- b) SMPK would have the option to prescribe Minimum Guaranteed Traffic / Minimum Guaranteed Revenue as conditions for fresh leases if deemed fit.

**12. Mutation:**

The following cases will be treated as cases of mutation and for granting such mutation, a fee equivalent to 5% of the 12 months' rent (excluding applicable taxes, Duties, Cesses) or Rs.20,000/- (excluding applicable taxes), whichever is higher, shall be recovered. In case, there are multiple plates in the name of one lessee, mutation charges are to be paid separately for each plate.

- (i). In case of death of a lessee, mutation to his legal heir or legal successor or representative.
- (ii). Mutation consequential to the order of the court or as per new Certificate of Incorporation as per Registrar of Companies.
- (iii). Mutation consequential to lessee becoming subject to laws of insolvency or liquidation
- (iv). Gratuitous mutation to any of the legal heirs due to old age, infirmity or some other valid reasons

14. The existing leases will be governed by the relevant covenants of the respective leases.

**II. License**

**(1) Inside Custom Bond area :**

The land / buildings / structures inside custom bond area shall be allotted on license basis

only, as per provisions framed and approved by Competent Authority from time to time.

**(2) Outside Custom bond area:**

License of land/ building outside Custom bound area can be allotted only for port related activities and for cases where it will not be feasible to make such allotments on lease basis. Such licenses will be granted normally through tender cum auction procedure. In cases where the tender cum auction is not possible, the land / buildings/ structures may also be allotted on license basis at the updated SoR rates. Besides, other methodology and conditions as applicable in case of licensing of land inside the Custom bond area will also be applicable.

**III. Other Conditions**

**1. Escalation of Rates:**

- (i) All the rates indicated in the SoR shall get automatically escalated by 2% per annum after expiry of one year from the effective date of implementation of this instant Rent Schedule and after every year thereafter, and the escalated rates shall be considered as the prevailing Scheduled Rent for the concerned year.
- (ii) Rates of all future leases on annual basis / 5-year licenses will get escalated every year (each year shall be reckoned from the date of commencement of lease/license i.e. date of handing over possession of the land concerned on observance of required formalities) by 2% (or such percentage as would be prevailing in subsequent revisions of SoR during the tenure of the lease / license), of the rent payable in the preceding period or will be the scheduled rent then in force, whichever is higher.

During the tenure of the lease/license, if the scheduled rate of rent becomes higher than the rate of rent / license fees at which rent/license fees is being paid by the lessee/licensee, the scheduled rate of rent/license fees will be applicable straight-away from the date the scheduled rent/license fees becomes applicable. Thereafter, the rent / license fee will be escalated as per the provisions of the SoR prevailing at the relevant point of time.

- (iii) In case of existing monthly licenses and way-leave permissions, the escalation of license / way-leave permission fees will be guided by the respective terms of license / way-leave permission.
- (iv) The existing leases will be governed by the relevant covenants of the respective leases.

**2. Payment of rent / license fees etc.:**

- (i) The existing leases will be governed by the relevant covenants of the respective leases.
- (ii) In case of future lease of land / building on annual lease rent basis, licenses granted on 11 months basis as well as licenses initially granted for more than 11 months but upto 5 years, the annual rent / license fees will be paid by the lessees/licensees in advance.

In such cases, the rent / license fee, whether demanded or not, shall be paid by the licensees / lessees on or before the 15<sup>th</sup> day from the date of beginning of each year (reckoned from date of commencement of lease/license), / date of beginning of license period for which the advance rent / license fee etc. is due.

- (iii) For other cases of licenses, the license fee, whether demanded or not, shall be paid by the licensees on or before the 15<sup>th</sup> day of each month/year (reckoned from date of commencement of license), succeeding that for which the license fee is due.
- (iv) In case of way leave permission, the annual way leave permission fees / nominal annual way-leave permission fee, whether demanded or not, shall be paid by the concerned party on or before 15<sup>th</sup> day of the calendar year succeeding that for which permission fee etc. is due.
- (v) Any other dues shall be paid by the lessee / licensee / party concerned within fifteen days from the issue of payment notice.

### 3. **Security Deposit:**

All lessees/licensees shall deposit and/or maintain non-interest-bearing Security Deposit (SD) before grant of any lease/ license in the following manner, where, subsequent to lessee/licensee handing over of vacant, peaceful, unencumbered possession of the concerned land and/or structure to SMPK, SD, after adjusting dues of SMPK, if any, will be refunded to the concerned lessee/licensee: -

(i) **Long term lease on Annual Rent Basis:**

SMPK shall keep SD equivalent to two years' rent plus 18% Administrative deposit.

(ii) **Long term lease on upfront Basis:**

SMPK shall keep SD equivalent to two years' nominal rent plus 18 % Administrative deposit.

(iii) **License initially granted up to 11 months:**

SMPK shall keep SD equivalent to three months' license fee + 18% Administrative deposit for land/ structure/ quarters.

In case, licensee chooses to pay the total license fee for the license period in advance, only one month's license fee + 18% Administrative deposit is to be deposited as S.D.

(iv) **License initially granted for more than 11 months but up to 5 years -**

Licensee would pay SD equivalent to 50% of the annual licence fee (plus administrative deposit @18% for land / structure.

In case, licensee chooses to pay the total license fee for the license period in advance, only one month's license fee + 18% Administrative deposit is to be deposited as S.D.

### 4. **Penal Charges for Encroachment :**

Without prejudice to other appropriate action being taken, penal charges at 3 (Three) times the respective zonal rate of rent/license fee as per prevailing Schedule of Rent (SoR), will be recovered for encroachment of SMPK's land/building at Haldia for the first month of encroachment. For the period thereafter, the penal charges shall be recovered at 4 (Four) times the respective zonal rate of rent/license fee as per prevailing Schedule of Rent (SoR) for the encroached area.

### 5. **Compensation**

In the event of **expiration/ termination/ determination** of lease/ license and despite receiving

the notice thereof or forfeiture of lease/license on account of change of user, assignment, etc, if the lessee /licensee continues to occupy the premises unauthorisedly, the lessee or the licensee shall be liable to pay compensation for wrongful use and occupation of the premises at **three (3) times** the annual lease rent/license fee based on the latest SoR, till the vacant possession is obtained by the Port. In case of land allotted on upfront basis, the equivalent annual rent would be calculated on pro-rata basis. This provision will be invoked irrespective of whether the same is contained in the Lease Deed / terms & conditions of License or not.

**6. Penal Interest:**

- i) Simple Interest@12.00% per annum on the outstanding rent / License fee, upfront rent / Advance rent / license fees/ way leave permission fees, penal charges for encroachment/ unauthorised occupation, compensation, occupational charges, water charges and other demands (as indicated in bill/invoice/demand notice) will be recovered from the due date, if the same is not paid within one month of the due date. The aforesaid rate of interest would be applicable for all future leases, licenses and way-leave permission and other permissions.
- ii) The existing leases/ licenses/ way-leave permissions would be governed by the provisions of the respective leases/ licenses/ way-leave permissions in this regards.
- iii) In case of restoration of leases/licenses (earlier determined / terminated) as well as in case of compensation, where issuance of Bill/Invoice/Demand Notice were discontinued, the lessee/licensee will be liable to pay rent/license fee/compensation charges etc. along with applicable interest considering 15th day of each succeeding month due date for payment for the preceding month for the restored period of lease/license.
- iv) The 'due date' for the purpose of levy of interest shall be the date as mentioned in the bill / invoice / Demand Notice concerned, excepting for the cases covered under sub clause-(iii) above.

**7. Termination & imposition of penalty:**

- a) In case the leased land is not used for the purpose for which it is granted, within two yearsof its allotment or as decided by the SMPK Board, the lease will be liable for termination and the possession of the land so allotted will be resumed by SMPK.
- b) If a lessee breaches / violates any provisions of Lease Agreement, the SMPK Board would reserve the right to impose appropriate penalty on the lessee or terminate the lease depending upon the nature / magnitude of breach / violation. Such penalty may be imposedafter giving a reasonable opportunity to the lessee to present his case.

**8. Other utilization of land :**

- (i) When entering into a joint venture for improving Port connectivity or Port development with any public authority, land required for such projects, valued at the latest SoR may constitute the equity of the Port in such joint ventures.
- (ii) The Port Trusts shall not entertain any proposal for allotment of land to religious institutions or for religious purposes or to political institutions.
- (iii) In respect of PPP projects, the annual lease rent based on latest SoR with the approved rate of annual escalation would be indicated to the bidders at the bidding stage itself. In respect of existing PPP/BoT projects, allotment of land will be governed by the provisions of the Concession Agreement. With respect to land allotted for captive facilities, the lease rentals for the land allotted shall be recovered from the user as per the annual lease rental based on latest SoR, with the approved rate of annual escalation.

**9. Other charges :**

- (a) In addition to rent / license fee, the lessees / licensees will be required to pay the following :
- (i) Municipal tax etc. as applicable
  - (ii) Electricity charges / water charges at actuals plus 19.25% on the actual amount as overheads, if electricity / water is supplied from SMPK sources.
- (b) The lessees / licensees will also be required to pay and discharge all present and future rates, Taxes (GST), Cesses, taxes, duties, charges assessments, outgoings and premium in respect of policy of insurance against any risk whatsoever which are now or may at any time hereafter be assessed, charged or imposed upon or payable in respect of the demised land and / or any factory and / or building or structure erected by the lessees / licensees thereon or the owners or occupiers in respect thereof except the owners' share of municipal taxes in respect of the demised land.
- (c) In case of grant of way-leave permission, in addition to way-leave permission fee, supervision charge @15% of cost of laying of the pipelines / conveyers / cables etc. in the Port limit shall be paid by all the parties to SMPK. The charges would be applicable even if the supervision is done by a third party.

**10. Applicability of Land Policy Guidelines.**

In case there is any discrepancy/conflict between the above mentioned provisions with the this instant Schedule of Rent with the Land Policy Guidelines prevailing at any point of time during the validity of this Schedule, the provision of Land Policy Guidelines will prevail.

**B For licensing of land / covered space inside Dock Interior Zone for transit storage of import/export cargo:**

1. The license shall be up to a maximum period of 11 months. The period of license can be renewed at the discretion of SMPK. If the licensee requires renewal of the license, an application for renewal must be made to the authority concerned of SMPK well in advance. In addition, allotment of plots for 5 years through Tender-cum-Auction is also allowed.
2. The licensee shall utilize the allotted land /covered space for the purpose for which it is licensed. No change in purpose of utilization will be allowed. The space allotted shall also not be Subletted/ assigned/transferred.
  - a) The license is terminable on 7 days' notice on either side. No claim for any compensation whatsoever for termination of the license will be entertained.
  - b) For partial surrender, the area to be surrendered will be in the multiple of 1000 sq. mtrs. The licensee shall agree to comply with all rules and directions issued by SMPK from time to time. If the licensee neglects to comply with such rules or directions, the port may terminate the license.
3. The licensee shall comply with all rules or regulations that may from time to time be issued by the Dock Safety or the Department of Explosives or any other Appropriate Authority in relation to storage of cargo.
4. (i) Cargo stored under a license shall be at the entire risk and responsibility of the licensee. The

licensee shall post his own watchman to safeguard the cargo stored at the allotted space and to prevent any unauthorized occupation of such space by others.

- (ii) The licensee shall make his own arrangements to keep the allotted land/ covered space and its surroundings neat, clean and in proper sanitary condition.
  - (iii) The licensee shall, at his own arrangements, display signboards containing name of the licensee, plate no., vessel's name in case of Ship to Ship allotments & validity of license.
5. In addition to payment of license fee as per proposed in the above section, the licensee shall pay municipal tax, if required and as applicable.
6. The license fee prescribed in the SOR shall get automatically escalated by 2% per annum after expiry of one year from the effective date of implementation of this instant Rent Schedule and after every year thereafter, and the escalated rates shall be considered as the prevailing Scheduled Rent for the concerned year and will be applicable forthwith on all such licenses/occupations in force.
7. One month's license fee towards the initially granted license period shall have to be paid in advance and only one month's license fee [i.e. for land parcel: basic license fee for land parcel for 1 month and/or for structure: basic license fee for structure for 1 month] is to be deposited as Security Deposit (SD). The SD will be refunded to the licensee upon handing over of vacant, peaceful, unencumbered possession of the concerned land and / or structure to SMPK after adjusting dues to SMPK, if any.
8. Encroachment or unauthorized occupation of land and Railway tracks, etc. by the licensee will involve a liability to pay a penalty at the rate of ten times the scheduled license fee, equivalent to the encroached area, in addition to the cost of rectification of damages caused to the Port properties. If the licensee fails to remove the cargo from the encroached area in spite of notice to do so, the cargo will be removed elsewhere by the Port at the risk and cost of the licensee and penal license fee at the rate of ten times the normal rate will be levied on the space occupied by the cargo so removed.
9. After the expiry/termination/ determination/ forfeiture of the license, if the licensee continues to occupy it unauthorizedly, the licensee shall be liable to pay compensation for wrongful use and occupation at the following rates till vacant possession is obtained:
  - (i) First 60 days- 3 times the rate as per prevailing SoR
  - (ii) Continued unauthorized occupation beyond 60 days- 5 times the rate as per prevailing SoR
10. The license fee will be charged from the date of handing over possession of the land and occupation of actual area of the land to be found on demarcation by the licensee.
11. The licensee shall not cause any damage to SMP properties. If, however, any damage is caused, the licensee shall be liable to make good the damages at his own cost and arrangement to the satisfaction of SMP.
12. The minimum area to be licensed to a single licensee will be 1000 square meters.
13. In case license of land inside Dock Interior Zone for storage of cargo for a period up to 11 months, allotted on license, remission against license fees shall be extended as follows:
  - a) For allotment of Land on ship basis for Import Cargo

Cargo Quantity	Initial license period + extension	Time taken to vacate the plot	% of remission on the license fees
From 15000 MT upto 25000 MT	90 days	30 days 45 days	30% 15%
From 25001 MT upto 40000 MT	90 days	45 days 67 days	30% 15%
From 40001 MT upto 80000 MT	120 days	60 days 90 days	30% 15%
Above 80000 MT	180 days	90 days 135 days	30% 15%

b) For allotment of developed land for 180 days (Import and Export)

Cargo mobilization through the concerned plot	% of remission on the license fees
From 12 MT per sq.mt to 15 MT per sq.mt	15%
Above 15 MT per sq.mt	30%

c) For allotment of developed land for 330 days (Import and Export)

Cargo mobilization through the concerned plot	% of remission on the license fees
From 22 MT per sq.mt to 27 MT per sq.mt	15%
Above 27 MT per sq.mt	30%

d) For allotment of common users land for Export Cargo

Cargo mobilization through the concerned plot	% of remission on the license fees
From 14 MT per sq.mt during subsequent extension of license period	15%
Above 20 MT per sq.mt during subsequent extension of license period	30%

e) For allotment of undeveloped land for 330 days (Import and Export)

Cargo mobilization through the concerned plot	% of remission on the license fees
From 12 MT per sq.mt to 15 MT per sq.mt	15%
Above 15 MT per sq.mt	30%

f) For allotment of undeveloped land for 180 days (Import and Export)

Cargo mobilization through the concerned plot	% of remission on the license fees
From 8 MT per sq.mt to 10 MT per sq.mt	15%
Above 10 MT per sq.mt	30%

#### For Import Cargo:

The import quantity will be ascertained from the Draft Survey Report after completion of the vessel's discharge. The total discharge quantity will be stored in the plot allotted to the concerned user and the achievement will be computed considering the total time required to evacuate the entire cargo from the plot.

For computing the cargo mobilization per sq. m area the total quantity mobilized through a particular plot during the license period either through Import or Export, which will be ascertained from the Final Draft Survey Report, will be considered for computing the remission.

**For Export Cargo:**

HDC maintains stock records of each and every plot, which the licensees of plots updates with the volume of cargo stored by them in each plot under their possession. The cargo mobilization per sq. m from a particular plot will be computed on the basis of the quantum of cargo shipped from that particular plot which will be ascertained from the Final Draft Survey Report after completion of work of each and every vessel.

14. In case license of land inside Dock Interior Zone for storage of cargo for a period up to 5 years, allotted on license through tender cum auction, remission against license fees shall be extended as follows:

Cargo mobilization through the concerned plot in one year (365 days)	% of remission on the license fees
More than 13 MT per sq.mt upto 16.5 MT per sq.mt	15%
More than 16.5 MT per sq.mt	30%

C. The SoR shall remain valid for a period upto 06.04.2026.

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