

Revised Procedure for grant of permission for construction u/s 26(1) of MPA Act.

Under Section 26(1) of MPA Act, prior permission of SMPK Board is required for making, erecting or fixing within the port limits or Port approaches any wharf, dock, quay, stage, jetty, pier, erection or mooring or undertaking any reclamation of foreshore within the said limits. The port limit is that part of River Hooghly and shores thereof as are within 45.7 mtrs of High Water Mark at Spring Tide and extends from Jangipur in the North to Sandheads in the South. Considering the large number of private and public properties in the entire stretch, the following procedures and guidelines have been drawn up for grant of permission u/s 26(1) of MPA Act :-

1. The Board may permit construction of public utilities, parks, gardens, beautification, bathing ghats, jetties and other activities which essentially require a waterfront. Apart from these, any permanent construction as per Municipality approved plan may also be permitted subject to the following:
 - i. The developer/land owner/authorized agency would undertake bank protection works based on detailed study report / recommendation of any of the three reputed institutes in Bengal, Viz. Jadavpur University, IEST (BESU) or IIT, Kharagpur. Presence of SMPK's Surveyor would be essential during inspection for drawing up the recommendation / study report. Concurrence of SMPK to the methodology recommended by the Institutes would be necessary. The bank protection work should be executed by the party and certified by the concerned Institute. The periodical maintenance of bank protection would have to be carried out by the developer / land owner / authorized agency as per plan to be given by the above institutes.
 - ii. The project proponent will carry out an Environment Impact Assessment (EIA) and Environment Management Plan (EMP) study for any negative impact on the river ecosystem in terms of the NGT order dated 13.09.2017.
 - iii. No changing of bank line will be allowed and no encroachment into the river will be allowed in the name of bank protection.
 - iv. For conservancy purposes, a paved clear corridor fit for vehicular movement of 11 mtrs. (3-lane width) from High Water Mark at Spring Tide should be maintained by the developer/ land owner/ authorized agency and provide access to the said corridor. Depending upon -2- erosion potential of a particular stretch of river bank, the 11 mtrs. clear corridor may also be increased.
 - v. Restriction on construction of deep tube well within port limits would apply, depending on location.
 - vi. In case of any unprecedented hydro-morphological changes in the river, SMPK shall not be responsible in any manner for any consequential effect

on the construction and stability of the structures falling within the port limits.

- vii. The above conditions would be applicable in respect of all future constructions, irrespective of existence of already sanctioned plans from concerned Municipality.
2. SMPK may invoke Section **26(1) of MPA Act** for removal of any construction done without prior permission of the Board.
 3. In cases of permission granted to developers for authorized construction, foreshore occupation charge for 30 years will be recovered as one time upfront value from the developer.
 4. While applying for permission u/s **26(1) of MPA Act**, a processing fee of ₹22,000/- per application plus 18% GST will be payable. Apart from the processing fee, other applicable dues / charges like foreshore occupation charge, fee for beautification, inspection charges, etc. would be payable.
 5. An Inspection fee of ₹2.20 lakh + 18% GST will be payable prior to inspection by SMPK team, irrespective of grant of permission to the party. Subsequent inspection fees, if required, will also be payable at 50% of initial inspection fee i.e. ₹1.10 lakh plus 18% GST, prior to each subsequent inspection.
 6. Both Processing Fee and Inspection Fee would be reviewed after every 2 years.
 7. Attempts will be made to process applications accompanied by requisite map, plan, drawing in the prescribed format within here weeks of getting relevant documents. For time bound processing of applications, the same should be submitted as per pro-forma attached.

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PROFORMA APPLICATION FOR GRANT OF CONSTRUCTION
PERMISSION u/s **26(1)** of MPA Act 2021

The Director,
Marine Department,
Syama Prasad Mookerjee Port
15, Strand Road,
Kolkata - 700 001

Sub : Request for construction within port limits

Sir,

I/we propose to construct _____(brief description of the proposed construction) at _____(name of area). I/We am/ are authorized to undertake the construction activity being owner of the land/public utility concern/..... (any other authorization). Necessary information/documents as required for processing the application for grant of permission u/s **26(1)** of MPA Act 2021 is furnished follows :-

- (i) Area of proposed construction demarcated on latest Hydrographic Survey Chart of SMPK, which is available for sale at the DMD's Drawing Office. 5 copies of such location chart with a copy of money receipt towards payment of cost of chart to be furnished with the application.
- (ii) Detailed project plan with Engineering Drawing, clearly showing area falling within 45.7m of High Water Mark at Spring Tide (5 copies) and protrusion of structure into the river from the bank.
- (iii) Tentative period of construction.
- (iv) Purpose of construction.
- (v) Complete address of applicant, PAN/TAN and contact numbers (both) mobile & land line) for communication. In case of firm / company, name, address and phone number of Proprietor/Partner/Director to be furnished.

2. I/We hereby declare that Syama Prasad Mookerjee Port, Kolkata will not be held responsible for any dispute over the land on which construction is proposed.

3. I/We hereby agree to pay processing fee of ₹22,000/- (Rupees twenty two thousand) + 18% GST and other applicable charges like Hydrographic Survey Charges, Impact Assessment Study Charges, Foreshore Occupation Charge, Beautification Fee, Inspection fee (initial and subsequent fees, if any) with applicable taxes as may be claimed by Syama Prasad Mookerjee Port, Kolkata. I/We also undertake that I/We will abide by all the rules / regulations as well as terms/ conditions of Syama Prasad Mookerjee Port, Kolkata and other statutory bodies and local authorities in connection with the proposed construction.

4. I/We also hereby declare that no construction will be carried out by us until valid permission is granted to me / us by Syama Prasad Mookerjee Port, Kolkata. It is requested that our / my application may be considered favourably.

Yours faithfully,

Signature
(Name of the applicant)