

**Notice towards revision of Schedule of Rent for the land & buildings
of Syama Prasad Mookerjee Port, Kolkata under
Haldia Dock Complex.**

Board of Syama Prasad Mookerjee Port has approved the revision of Schedule of Rent of SMPK under HDC vide Reso. No. R/237/HDC/ADMN/3/09/2022 in its meeting held on 23.09.2022. Details of the approval along with revised Schedule of Rent is placed below for knowledge of all concerned. The Schedule of Rent will be effective from 26.10.2022.

Item No. A/01/HDC/ADMN/3/09/2022

(Part - I)

Sub: Proposal regarding Revision of Schedule of Rent (SoR) for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia.

1. BACKGROUND: -

1.1 The Board of SMPK vide Reso. No. R/45/HDC/ADMN/3/03/2022 in its 2nd meeting held on 29.03.2022 accepted the Valuation Report with proposed draft SoR along with the Statement of Conditions (NOTES) as recommended by the constituted Committee for determination of the Schedule of Rent for the land and buildings of SMPK at Haldia. The Board further resolved that –

a) The proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) be hoisted in SMPK website inviting comments from relevant stakeholders/users.

b) Further action be taken in terms of Clause-4 of the Tariff Policy for Major Port Authorities 2021 issued by Ministry, vide No. PD 14024/5/2020-PD-I(e343443) dated 03.11.2021.

1.2 In terms of above approval, the proposed draft SoR along with statement of conditions and Valuation Report had been uploaded in SMPK website on 30.03.2022 and all major stakeholders (lessees, licensees, Port users etc.) were intimated of the same

[during the period from 30.03.2022 to 01.04.2022] for obtaining comments/feedback on the proposal within 15 days (in terms of clause 4.4 of the Tariff Policy). Responses to the same were received over mail and letters from some stake holders.

- 1.3 Further, as also approved & in terms of Clause 4.5 of the Tariff Policy, a joint hearing on the proposal of Revision of SoR was held with the stakeholders on 05.05.2022 at SMPK Guest House at 93, Chowringhee Road, Kolkata- 20. On request from the stakeholders, Dy. Chairman and Chairperson of the Committee further allowed a time of 7 days for making their submissions in writing, if so required.
- 1.4 The various representations in respect of Valuation report and draft SoR made by different stakeholders as received by HDC/SMPK by mails/ letters as well those made during joint hearing have been examined by the Committee in its meetings held on 26.05.2022 and 13.07.2022.
- 1.5 The Committee, after detailed deliberations on the various representations and related issues and collective application of mind has given its observations / recommendations thereon as detailed under items 6 and 7 of the said Committee Report **(Appendix-I)(Pages 8 – 92)**. The Committee has also, in light of above, recommended the following on certain aspects of the draft SoR :
 - (i) Considering the substantial hike of the proposed rates as

compared to the existing SoR rates & representations received thereon, the Committee has recommended some moderation in the rates of "A", "modified A", "B", "modified B", Officer's hostel and Dormitories (which were derived upon House Rent Allowance foregone plus House Rent paid by employees and not on valuation approach) as detailed under item 6.4 of the said Committee Report.

(ii) Regarding the rates short term allotment of land for transit storage of cargo in Dock Interior Zone (custom bonded area) of HDC, the Committee has opined that in all major neighboring ports, the rate and conditionality governing allotment of land inside custom bonded area for storage of transit cargo is prescribed in the Scale of Rates and not in Rent Schedule. Also, this charge is essentially related to cargo handling services and such allotments (other than those for five years basis) are normally done at scheduled rent without going for tender/auction.

The Committee has, in light of above, opined that it may be appropriate to prescribe the said rates under the Scale of rates of SMPK which is presently under review.

The Committee has however noted that there may be a mismatch of date of implementation of the new Scale of Rates and that of proposed Rent Schedule for land and buildings of SMPK at Haldia. Therefore, to avoid any void in charges, the rates and conditionality governing short term allotment inside Custom bonded area for storage of transit cargo may be kept in the Rent

Schedule till 06.04.2023 or implementation of the new Scale of rates of SMPK, whichever is earlier.

Further, considering the representations received against the rates as well as the fact the competing major ports are charging a lower rate for such allotments, the Committee has recommended that the rates for such allotments may not be increased and kept as it is for the interim period.

(iii) Regarding charges to be levied for use of Helipads, the Committee observed that the provision of Helipads are a special nature of service not available in the vicinity Helipads and are being used by both Govt. & private stakeholders of Port, Central & State Governments as well as by Defense Authorities & political parties. After detailed deliberations, the Committee has also reconsidered the charges to be levied for use of Helipads as detailed as item 6.5 of the said Committee Report at **Appendix-I**.

(iv) The Committee has further recommended modification in some of the Statements of conditions (NOTES) of draft SoR for better clarity including provisions of prevailing Land Policy Guidelines, as detailed at item-7 of the said Committee Report (**Appendix-I**).

- 1.6 Based on observations / recommendations of the Committee as above & as detailed in the said Committee Report at **Appendix-I**, the constituted Committee has revised the draft Schedule of Rent for land and buildings / structures of SMPK at Haldia and the

Statement of conditions (NOTES) as at **Annexure-VI** of the Report of the Committee (**Appendix-I**). Further, the rates of land and covered space for transit storage of import / export cargo has been prescribed at **Annexure -VII** of **Appendix-I**.

The said Committee has recommended the revised SoR and NOTES as at **Annexure-VI** and **Annexure -VII** of the Report of the Committee (**Appendix-I**) for placement before the Board for approval. Upon obtaining approval of the Board, the same shall be notified in the State Gazette for implementation.

- 1.7 The last extended validity of the prevailing SoR is to expire on 30.09.2022.

2. **PROPOSAL:**

- 2.1 Acceptance to the recommendations of the constituted Committee towards revision of Schedule of Rent (SoR) for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia as detailed in the report of the constituted committee at **Appendix-I**.
- 2.2 Approval to the recommended Schedule of Rent for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia along with Statements of conditions (NOTES) as under **Annex-VI** and **Annex -VII** of the Committee Report at **Appendix-I**.

2.3 The approved Schedule of Rent (SoR) for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia Dock Complex along with Statements of conditions (NOTES) may be notified in the State Gazette for implementation, hosted in SMPK website and suitably intimated to the concerned stakeholders in terms of Clause 4.7 of the Tariff Policy (placed at Appendix-II)(Pages 93 – 95).

3. JUSTIFICATION: -

3.1 Already detailed in Background notes under para-1 above.

4. DECISION: -

Approval to the proposal as at para-2 above.

The proposal was explained to the Trustees.

After discussion, the Members decided to approve the proposal.

Resolution No. R/237/HDC/ADMN/3/09/2022 : Members, after discussion, resolved to sanction the proposal for revision of the Schedule of Rent for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia Dock Complex along with Statements of conditions (NOTES) as at para-2.1 & 2.2 of the agenda.

It was also resolved that the decisions of the Board regarding notification in the Calcutta Gazette and date of effect of the SoR, taken vide Resolution No. R/227/KDS/EST/3/09/2022 while dealing with the SoR of KDS, would also be applicable for the instant agenda.

Report of the Constituted Committee for revision of Schedule of Rent [SoR] for land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia

Date of meeting : 26.05.2022 & 13.07.2022.

Members:

- | | |
|---|---------------|
| 1. Shri A.K. Mehera, Dy. Chairman, HDC | : Chairperson |
| 2. Shri A Ganesan, General Manager (Engineering), HDC | : Member |
| 3. Shri Abhay Kumar Mahapatra, General Manager (Traffic), HDC | : Member |
| 4. Shri P.K. Das, General Manager (M&S), HDC | : Member |
| 5. Shri Abhijit Gupta, General Manager (Finance), HDC | : Member |

1. The Committee in its meeting held on 16.03.2022 & 21.03.2022 (Annexure - I) had recommended as under: -
 - i) The Valuation Report submitted by M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) for the land and buildings of SMPK at Haldia Dock Complex at Annex-III may be accepted.
 - ii) The proposed draft Schedule of Rent (SoR) for land & buildings of SMPK at Haldia Dock Complex along with Statement of Conditions (NOTES) as at Annex-VI & VII respectively (collectively under Annexure-II) may be approved.
 - iii) The Valuation Report and proposed draft SoR along with the Statement of Conditions (NOTES) as recommended by the Committee may be placed before the Board for its consideration and approval.
2. Further to the recommendation of the Committee as at Para (1) above, the proposed draft SoR recommended by the Committee was considered by the Board of SMPK in its 2nd meeting held on 29.03.2022 and duly accepted along with the Valuation Report vide Reso. No. R/45/HDC/ADMN/3/03/2022 (Annexure-III). It was further resolved that-
 - a) The proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) be hoisted in SMPK website inviting comments from relevant stakeholders/users.
 - b) Further action be taken in terms of Clause-4 of the Tariff Policy for Major Port Authorities 2021 issued by Ministry, vide No. PD 14024/5/2020-PD-I(e343443) dated 03.11.2021.
3. A comparison of the Draft SoR uploaded in website with that of the existing updated SoR made effective from 07.04.2022 has been given at Annexure-IV.
4. As approved, the proposed draft SoR along with statement of conditions and Valuation Report had been uploaded in SMPK website on 30.03.2022 and all major stake holders (lessees, licensees, Port users etc.) intimated of the same [during the period from 30.03.2022 till 01.04.2022] and requested to give for obtaining comments/feedback on the proposal within 15 days (in terms of clause 4.4 of the Tariff Policy). Responses to the same were received over mail and through post from some stake holders.
5. As per clause 4.5 of the Tariff Policy a joint hearing on the proposal of Revision of SoR was held with the stake holders on 05.05.2022 at SMPK Guest house at 93, Chowringhee

Road, Kolkata- 20. On request from the stake holders, Dy. Chairman and Chairperson of the Committee further allowed a time of 7 days for making their submissions in writing, if so required.

6. The various representations in respect of valuation report and draft SoR made by different stakeholders as received by HDC/SMPK by mails/ letters as well those made during joint hearing have been examined by the Committee.

Based on detailed deliberation and collective application of mind, observation/recommendations of the Committee are thereof are given below :-

6.1. With respect to representations received from stakeholders during Jt. Hearing on 5th May 2022.

Sl No.	Name of Organization	Details of Representation made	Observations/ Recommendations of the Committee
1	Directorate of Plant Protection Quarantine & Storage.	Monthly Bill not made available in time resulting in delay in remittance and acquiring of interest	This is not an issue pertaining to revision of SoR. The matter may be taken up in appropriate forum.
2	MCPI Pvt. Ltd.	Indicated that he would come up with the comments of MCPI within 7 days.	Letter dated 09.05.2022 submitted. Observations of the Committee given under subsequent item.
3	Mercantile Marine Department (MMD)	<p>i) Indicated about not getting the 75% concession applicable for Govt. entities on the 2000 sq. mtrs. of land allotted to them</p> <p>ii) Requested for allowing more time for payment of bills to Govt. entities as they need to take sanction from their authorities on the bill amount.</p>	<p>i)a) The provision regarding concessional rent has come into force through the Policy Guidelines for Land Management (PGLM)-2014-15. The instant lease was granted to MMD in the year 2007 as per the then prevailing terms & conditions and hence, is binding on both the parties.</p> <p>b) Further, 75% concessions are applicable for core operational purposes.</p> <p>c) This issue was also raised in 2020 and reply to their letter was issued on 16.04.2020</p> <p>ii) It was informed that bills are available in the HDC,SMPK websites for taking quick action and the provision for levying interest on outstanding dues for delayed payment is governed by clause - A(III)(6)(ii) & (iv) under NOTES of Schedule of Rent applicable for all tenants given under Annex- VII of the proposed SoR.</p>

4	Indorama India Private Limited.	Requested for allotment of covered space under transit shed inside Dock on 6 months basis as done in case of open land in place of ship to ship allotment.	This is not an issue pertaining to revision of SoR. The matter may be taken up in appropriate forum.
5	Birla Carbon (I) Pvt Ltd.	Asked for clarification as to whether revision of rent would be applicable to the new lease after expiry of their present lease and on the way-leave permission	It was clarified that if they had made payment on upfront basis for the entire period of the lease, revised rates would not be applicable. Regarding existing way-leave, the terms & conditions of concerned way-leave permission would apply.
6	T.M. International Logistics Ltd.	Indicated that the transit storage rates were higher than neighboring ports like Paradeep Port	The representatives were requested to submit specific details of the rates and conditionalities imposed by the neighboring ports, for examination.
7	Shyam Metalics and Energy Ltd. Shyam SEL And Power Ltd.	Indicated that the transit storage rates were higher than the neighboring ports and stated Paradeep Port was charging Rs. 11/- per sq. mtr per month, HDC is charging Rs. 43/-	They were also informed that TMILL also levies similar rate for transit storage of cargo handled at their facility in HDC. No subsequent letter giving specific details as sought has been submitted on the issue.
8	West Bengal State Warehousing Corporation (WBSWC).	Asked for clarification as to whether this revision of rent will have any implication on their rent	This is not an issue pertaining to revision of SoR. However, it was clarified that as upfront payment for the entire period of lease had been made, there was no effect of revision of SoR on the lease of WBSWC.
9	Steel Authority of India Limited.	Indicated that in case of allotment of land in Dock Interior Zone for transit storage of cargo, one month Security Deposit remains blocked for 11 months period of license of a plot and in each case of allotment, fresh Security Deposit is required to be submitted. SAIL requested to formulate a suitable scheme for periodic rotation	It was explained that as the area allotted to different parties varies substantially, there is a practical difficulty in fixing any fixed Security Deposit and rotating the same. However, for any procedural simplification the matter may be referred to appropriate forum of HDC.

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		of Security Deposit to extend relief to the users.	
10	West Bengal Education Department	Requested for a soft copy of the proposed revision and enquired whether same was applicable on the land taken by education dept. for establishment of Haldia Govt. College.	In reply, the website link for availing the soft copy of the proposal was shown to them. It was also indicated that the lease concerned was on acquisition cost basis and that existing leases were to be governed by the covenants of concerned leases as per provision.

6.2 With respect to representations received from stakeholders by mail/letter on proposed SoR (other than for transit storage of import / export cargo in Dock Interior Zone of HDC/SMPK):

Sl No.	Company name and communication reference	Details of representation	Observations/Recommendations of the Committee			
1	Mercantile Marine Department (MMD) vide mail dated 05.05.2022 forwarded letter no. PD-13017/2/2019 -PD-V dated 20.09.2019 from Under Secretary Govt. of India MOS and also sent request vide letter dated 08.05.2022	<p>The request from MMD is to grant 75% concession on present land rent for the 2000 sq. mtrs of land allotted to them at HDC.</p> <p>Vide letter dated 06.05.2022, the request of MMD is to convert the original existing on upfront rental basis for the remaining period incorporating 75% concession as per letter of MOS dated 20.09.2019.</p>	<p>Already replied under Para-6.1 (3) above.</p> <p>The request for payment of the balance period on upfront basis is not an issue pertaining to revision of SoR. The same may be taken up in appropriate forum of HDC.</p>			
2	TMILL vide Letter no. POH/TAMP/009/2022 dated 08.04.2022 indicated that the Industrial Zone (IZ) rate was on higher side which in turn has affected rent of Dock Interior Zone, estimated through interpolation taking IZ rate as base.		<p>The issue is pertaining to the methodology of Valuation of land in the IZ of HDC. The matter has been examined and as clarified by Valuer engaged by SMPK for the purpose, the following are mentioned:-</p> <table border="1"> <tr> <td>Location and</td> <td>15 %</td> <td>TMILL has assumed that the comparable are on National Highway but actually are situated on narrow local roads</td> </tr> </table>	Location and	15 %	TMILL has assumed that the comparable are on National Highway but actually are situated on narrow local roads
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For Reduction of rate of IZ and DIZ, the method of discounting of the values of three comparable plots of IZ have been derived by TMILL as below with the justification given beside :-		access	informal surrounding development profile and inadequate physical infrastructure. Thus, the comparable are substantially inferior on the parameter of location and access for which 15% premium has been added.																		
Location and access	0	Situated on NH and thus to be considered at par with the IZ land related to this criteria ownership	Ownership 15%																		
Ownership	2.5%	Discount on freehold interest for 60-62 years is in the range of 18-17% and hence should be much higher for period of 30 years lease. Thus taking the midpoint of discount for 60 years and doubling the same for 30 years, the said discount has been derived																			
Based on above, TMILL proposed IZ rate as Rs 942 per 100 sqm pm as against Rs 1233 per 100sqm pm, DIZ bare land rate – Rs 2293/- as against Rs 3002/- per 100 sqm pm and DIZ hardstand Rs 3565/- as against Rs 4666/- per 100 sqm pm.			<p>i) 1st method – reversion multiplier formula Reversion value is the estimated value of an asset when sold at the end of lease tenure. It is calculated by multiplying annual rent with reversion multiplier. Yield of series of annual rent flow over the lease period define the reversion multiplier :-</p> <p>Reversion Multiplier Formula: $(1/Yield)^n \cdot (1 - 1/((1+Yield)^n \cdot lease\ Tenure))$ Reversion Value: NOI * Reversion Multiplier Formula</p> <p>Using the following formula, the discount factor between freehold value and leasehold value of one cottah of land has been estimated.</p> <table border="1"> <thead> <tr> <th>Parameters</th> <th>Figure</th> </tr> </thead> <tbody> <tr> <td>Freehold Land Value (INR/Cottah)</td> <td>1,000,000</td> </tr> <tr> <td>Considered Yield</td> <td>6.0%</td> </tr> <tr> <td>Monthly Rent</td> <td>5,000</td> </tr> <tr> <td>No. of lease years</td> <td>30</td> </tr> <tr> <td>Reversion Multiplier formula</td> <td>13.76</td> </tr> <tr> <td>NOI(Annual rent)</td> <td>60,000</td> </tr> <tr> <td>Leasehold Market Value (INR/Cottah)</td> <td>825,890</td> </tr> <tr> <td>Discount Factor</td> <td>17.41%</td> </tr> </tbody> </table> <p>The estimated discount remains 17.41% against 30 years lease</p>	Parameters	Figure	Freehold Land Value (INR/Cottah)	1,000,000	Considered Yield	6.0%	Monthly Rent	5,000	No. of lease years	30	Reversion Multiplier formula	13.76	NOI(Annual rent)	60,000	Leasehold Market Value (INR/Cottah)	825,890	Discount Factor	17.41%
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			<p>terms. It decreases when lease tenure increases and become close to 1% for 90 years lease terms.</p> <p>ii) 2nd method (NPV)- Annual escalation of 2% and discount rate of 8% applied on annual payment series start with Rs.1000</p> <p>NPV for 30 years' time- Rs. 13667 NPV for 99 years' time - Rs.16609 Difference Factor= (NPV for 99 years term-NPV of 30 years terms)/(NPV of 99 years terms)*100% = 17.71%</p> <p>Based on the above two methods the Valuer has considered a fixed discount factor 15% for free hold comparable property to bring it at par with leasehold property.</p> <p>Moreover, the above rate of discount factor was also considered by TAMP at the time of revision of rates in the last SoR.</p> <p>Considering above, the adjustment factor of Location & Access and Ownership as considered in Valuation Report, proposed rates of IZ remains as it is in proposed SoR.</p>
3	WBSWC vide Memo No. 415/C(III)-311(Pt)/swc dated 05.05.2022 forded letter from GM(Admn.)	To consider non-enhancement of rate of proposed SoR for SPSUs like WBSWC.	This is not an issue pertaining to revision of SoR. The rate revision against any lease is governed by the terms of the lease. However, as upfront payment for the entire period of lease had been made, there was no effect of revision of SoR on the lease of WBSWC.
4	MCPI vide letter dated 09.05.2022	i) Expect that there would not be any revision of 2% this year.	i) Escalation provision of SoR is provided in proposed SoR under (A)(III) (1) of Statement of Conditions (NOTES).

		<p>ii) 340 mtrs pipeline of MCPI at OT-2 is crossing the road twice and about 70 mtrs on the jetty. But for such shared areas, 50% of rate has not been charged. Asked for refund of excess amount recovered.</p> <p>iii) Concession for underground pipelines is also there in the rent schedule which is not being extended to MCPI and hence the excess amount recovered may be refunded.</p> <p>iv) 15% of pipeline laying cost is very stiff and request is for reduction of the same to 5%.</p>	<p>ii) The OT-2 pipelines of MCPI referred to are crossing road twice for few meters thus having negligible impact.</p> <p>Re. pipeline on jetty, OT2 trestle is in single layer and there is no sharing of vertical space.</p> <p>iii) The matter is related to specific case and not related to revision of Schedule of Rent. Matter may be taken up in appropriate forum.</p> <p>iv) Policy Guidelines for Land Management, 2010 (PGLM) has stipulated for recovery of supervision charges @ 15% on the cost of the work (cost of the pipeline & laying) for way-leave permissions. PGLM -2014 (Amended 2015) also stipulates recovery of Supervision Charges in case of way-leave permissions.</p> <p>As such, Supervision Charge @15% on the cost of work has been proposed to be continued.</p>
5	Nepal Transit & Warehousing Co. Ltd.	<p>Have requested to waive the applicability of revised schedule of rent on the lease of land under plate nos. 538 & 539 based on long standing cordial relation between NTWCL (being a Govt. owned company of Nepal) & SMPK.</p>	<p>This is not an issue pertaining to revision of SoR.</p> <p>The rate revision against any lease is governed by the terms of the lease.</p>

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6.3 (A): With respect to representations from stakeholders on proposed SoR in respect of rates for transit storage of cargo in DIZ (land & covered space):

Sl. No	Name of the Organisation Reference mail/letter	Details of representation	Observations/Recommendations of the Committee
1	Agarwal Coal Dated 28.04.2022	Rate for license fee (Basis per 100 sq. mtrs. per Month) for licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods is very high and should be reduced by at least 50 - 60% In view of much lower, especially like Paradip, Vizag etc.	<p>The committee observed that in all major neighbouring ports the rate and conditionality governing allotment of land inside custom bonded area for storage of transit cargo is prescribed in the Scale of Rates and not in Rent Schedule. It was also observed that this charge is essentially related to cargo handling services and such allotments (other than those for five years basis) are normally done at scheduled rent without going for tender/auction.</p> <p>It was accordingly opined that it may be appropriate to prescribe the said rates under the Scale of rates of SMPK which is presently under review.</p> <p>It was however noted that there may be a mismatch of date of implementation of</p>
2	Global Cargo Dated 28.04.2022	Rate for license fee (Basis per 100 sq. mtrs. per Month) for licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods is very high and should be reduced by at least 50 - 60%. In view of much lower, especially like Paradip, Vizag etc.	
3	Orissa Metaliks Pvt. Ltd. Dated 28.04.2022	Rate for license fee (Basis per 100 sq. mtrs. per Month) for licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods, should be reduced by atleast 70 - 75%. In view of much lower, especially like Paradip, Vizag etc.	
4	Ripley & Co. Stevedoring & Handling Pvt. Ltd. Dated 28.04.2022	Rate for license fee (Basis per 100 sq. mtrs. per Month) for licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods, should be reduced by atleast 70%. In view of much lower, especially like Paradip, Vizag etc.	
5	A M Enterprises Dated 28.04.2022	<p>SoR as compared to other ECI ports and we also feel that increasing the rates further will only be detrimental to the interest of small importers like us and as handling agents, we are required to respond to party's query of such high rates which ultimately increases the landed costs.</p> <p>In view of this it would be better if the rates are reversed downwards by at least 35% to 40% to make it more viable and attractive for cargo imports by overall reduction in import cost. This will help boost imports instead when international market prices become favourable.</p> <p>Request you to consider some concession either in the form of discounts say about 70% or reduce the SOR rates by say about 30 % plus.</p>	

6	Bihar Foundry & Castings Ltd. Dated 28.04.2022	Rent for land at Haldia port is very much on the higher side. At this moment it is difficult for us to pay any additional plot rent if same is increased. We agree to pay one third of the plot rent or otherwise 70% discount on plot rent. Kindly look into the matter.	the new Scale of Rates and that of proposed Rent Schedule. Therefore, to avoid any void in charges, the rates and conditionality governing short term allotment inside Custom bonded area for storage of transit cargo may be kept in the Rent Schedule till 06.04.2023 or implementation of the new Scale of rates of SMP,K whichever is earlier.
7	SAIL vide letter dated 28.04.2022 indicated that the plot rent for transit storage of cargo in Dock is on higher side. Dated 28.04.2022	i) To consider further relief in remission scheme for storage of imported bulk cargo and to consider more competitive operational rates by introducing volume related discount wherever feasible to encourage larger importers to handle more volume through HDC. ii) One month SD is blocked for entire 11 months period of license of a plot and on each case of application, fresh SD is required to be submitted. The request is to formulate a suitable scheme for periodic rotation of SD to extend relief to the users.	
8	Mahalaxmi Group - Kolkata. Dated 28.04.2022	License fees at other ports viz. Dhamra, Gopalpur specially at Paradip and Vizag which are in close proximity to SMPK and competing in the similar zone, are much lower than that of prevailing rates of SMPK. As a result, we are losing business to them. Therefore, there is an urgent need to bring down the present rates (License fees basis per 100 sq. mts per month) by at least 50 %	Considering the representations received against the rates as well as the fact the competing major ports are charging a lower rate for such allotments, the committee recommended that the rates for such allotments may not be increased and kept as it is for the interim period
9	Saraogi Udyog Pvt. Ltd. Dated 28.04.2022	License fee (Basis per 100 sq. mtrs. per Month) for licensing of open/covered space inside Dock Interior Zone for storage of Import/export goods, should be reduced by at least 70% for us to mobilize more cargo volume through the Haldia Dock Complex. You must be aware that the rates at present in other major ports are much more lower, especially like Paradip, Vizag etc.	
10	Shyam Sel and power Ltd. Dated 28.04.2022	To rationalise short-term plot rentals and compensation thereof rather than revising it upward- to make it more competitive.	
11	Shyam Metals and Energy Ltd.	do	

	Dated 28.04.2022		
12	Sharp Ferro Alloys Limited. Dated 28.04.2022	We agree to pay one third of the plot rent or otherwise 30% discount on plot rent.	
13	Nilkanth Ferro Ltd. Dated 28.04.2022	50 to 60% discount on present plot rent	
14	TMILL Dated 28.04.2022	Monthly rent in Paradip Port is Rs.1200/100SQM/month for paved siding, Rs.900/100 SQM/Month for Paved non-siding and Rs.600/100SQM /Month for bare land inside custom bounded area and hence the rates at HDC may be considered for reduction.	
15	Global Enterprise Dated 28.04.2022	50 to 60% discount on plot rent	

6.4: Regarding representation received in respect of proposed rates of 'A' quarters.

Sl. No	Name of the Organisation Reference mail/letter	Details of representation	Observations of the Committee
	Letters given by individual occupants/joint application collectively placed at Annexure-V	Requested not to increase the monthly rent for quarters on the consideration that they are earning very low and have huge expenses on account of medical treatment, education etc.	The Committee observed that the representations received are from occupiers of 'A' type quarters only and based on individual humanitarian considerations. The proposed rate for A type quarters have been arrived at by adding House Rent Allowance foregone & House Rent paid by employees based on mean pay.

In this regard, the committee noted that the proposed rate of licence fee against 'A' type quarters were based on the following parameters: -

- i. Outgo of an employee for occupying one 'A' type quarters (House Rent Allowance foregone & House Rent paid) based on mean pay.

- ii. Provision of Clause 13(a) (v) of PGLM-2015 indicating that while determining market value of land and SoR, the Land Allotment Committee may, *inter alia*, take into account "any other relevant factor as may be identified by the Port".

This average outgo of an employee residing in a 'A' type quarter, has brought steep increase for 'A' modified 'A' type quarters (about 60%) in the rates as compared to the same derived through escalation of SoR and/or the rate derived by Valuer.

- Therefore, the Committee, considering the representations received and the proposed increase of 60% against that of market value, opined that some moderation in proposed licence fee may be considered as follows for 'A' type quarter:

Rs. [3730 (Existing Rent per unit/month as per SoR) + (5969 (proposed rent per unit per month) -3730)/2] = Rs. 4850/- per month say Rs 5000/- per month (so that the rate translates into Rs. 139.00 per sq. mtr per month). Resultant increase over the existing rate per unit per month as per SoR is about 34%.

- Applying the same logic of increase of around 34%, the proposed rate of rent/license fee "modified A", "B", "modified B", Officer's hostel and Dormitories also have been reconsidered to Rs. 138/-, Rs. 138/-, Rs. 138/-, Rs. 141/- and Rs. 115/-, per sq. mtrs per month respectively.
- The committee after deliberation relating to the rates "C" & "D" type quarters, considered no change from the already proposed rates for the "C" & "D" type quarters as the proposed rates are only higher by 16% and 7% respectively.

6.5: Regarding charges to be levied for use of Helipad

- The committee observed that the valuer has calculated the valuation of the land based on investment made on creating the 3 Helipads. Accordingly, the monthly rent recoverable has been derived. Based on usage pattern of the helipads per month, the valuer has proposed the permission fee to be recovered for per use per Helipad as Rs 36,000/-.
- The said proposed rate of permission fee was uploaded in the websites and sent to the stakeholders for their observation and comments, if any. However, no repercussion of the stakeholders on the proposed rate of Helipad usage has been received.
- The Committee noted that no specific rate for such service is prescribed in the existing Rent Schedule but a charge of Rs 10,000/- per day is being recovered for use of helipad ground.
- It was also noted that the Helipads are being used by both Govt. & private stakeholders of Port, Central & State Governments as well as by Defence Authorities & political parties.
- The Committee noted that the rate per-use recommended by the valuer is the valuation of land and infrastructure for a month even though almost all users use the facility only for a day at a time. It was accordingly felt that raising the rate by 3.6 times and charging the valuation of the land per month for use of maximum one day may not be appropriate. In fact the rate per-use has been derived by the valuer considering a capacity utilization



of only 3.33%. At the same time, if the valuation of land derived by the value is converted on per day basis the rate will be abysmally low.

After discussion, it was felt that the facility should not be charged so high that it becomes prohibitive for the users and reduces its usage further as it would be counter productive. After discussion, the committee opined that the rate of Rs 15,000/- per helipad per day may be a reasonable rate for the service and recommended the same.

7) Observations of the Committee on some of the clauses of the proposed Statement of conditions (NOTES) to the SoR:

The Committee after detailed deliberations, recommended to modify some of the conditionalities of draft SoR for better clarity including provisions of prevailing Land Policy Guidelines.

Clause reference	Suggested Clauses already uploaded in Website.	Proposed modified Clauses upon further deliberation of the Committee
Permission for using Helipad space	Fees for Helipad space to be levied per usage	Fees for Helipad space would be charged per day or part thereof per Helipad
Escalation of rates	<p>(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.</p> <p>(ii) Rate of all future leases on annual basis / 5 years licence will get escalated every year (each year shall be reckoned from the date of commencement of lease / licence 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 revision of SoR during the tenure of the lease / licence), of the rent payable in the preceding period or will be the scheduled rent then in force, whichever is higher.</p> <p>During the tenure of the lease/ licence, if the scheduled rate of rent becomes higher than the rate of rent / licence fee at which</p>	<p>(i) No change.</p> <p>(ii) The rate of rent of all future leases on annual basis / 5 years licence will get escalated every year from the date as would be notified in revised schedule of rent for land & buildings of SMPK at Haldia, by 2% of the rent payable in the preceding year or the scheduled rent then in force, whichever is higher.</p> <p>No change.</p>

	<p>rent / licence fees is being paid by the lessee/licensee, the scheduled rate of rent / licence fees will be applicable straight-away from the date the scheduled rent/licence fees becomes applicable. Thereafter, the rent/licence fees will be escalated as per the provisions of the SoR prevailing at the relevant point of time.</p> <p>(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.</p> <p>(iv) The existing leases will be governed by the relevant covenants of the respective leases.</p>	<p>(iii) No change.</p> <p>(iv) No change</p>
Sub-Lease / Subletting	<p>(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.</p> <p>(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,</p>	<p>i) No change</p> <p>ii) The existing lease holder [other than cases referred under (i) above] 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</p>


	<p>Multi Modal Logistic Parks,</p> <p>(iii) No subletting will be allowed for leases granted on nomination basis.</p>	<p>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, Mega Food Parks, Free Trade Warehousing Zones, etc. wherein the business model is based on subletting only. The issue of whether the business model is based on subletting or not may be decided by the Board.</p> <p>iii) No change</p>
<p>Change of use of leased land</p>	<p>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 -</p> <p>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</p>	<p>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 -</p> <p>i) Higher rate of rent for the new usage as per extant updated SoR, w.e.f. the date of change of purpose i.e. w.e.f. the date of issuance of permission letter or change of purpose</p>

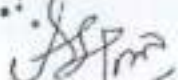
		actually started whichever is earlier (In case the existing rate is higher than the proposed rate of New Purpose, the existing rate will continue with annual escalation rent revision etc. as per lease covenants) and
	ii) Fees equivalent to lease rent (applicable as per (i) above) for 6 months and applicable GST	ii) No change
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.	No change Added: Penal charge for encroachment will be without prejudice to the right and contentions of SMPK to take any other legal action against such encroachment.
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 unauthorizedly, 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. (Deleted)	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 unauthorizedly, 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.


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Security Deposit	SMPK shall keep SD equivalent to two years' rent plus 18% Administrative deposit.	SMPK shall keep SD equivalent to two years' rent plus applicable tax component.
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7. The Committee upon observing that the rate of interest prevailing at the time of notification of last SoR in 2017 has not changed per se as of now and thus proposes to keep the penal rate of interest unchanged @12% per annum.
8. The Committee also recommended that as the rates of land and buildings/structures for transit storage of import / export cargo have been proposed to be included in the Scale of Rates of HDC, SMPK after implementation of the new Scale of rates, the rates and conditionalities thereof may be put under a separate section with validity upto 06.04.2023 or implementation of the Scale of Rates , whichever is earlier.
9. Based on observations / recommendations, the Schedule of Rent for land and buildings / structures of SMPK at Haldia and the Statement of conditions (NOTES) have been revised as at Annexure-VI of this report. The rates of land and covered space for transit storage of import / export cargo is prescribed at Annexure -VII. Based on collective application of mind, the Committee recommends the said revised SoR and NOTES as at Annexure-VI and Annexure -VII for placement before the Board for approval. Upon obtaining approval of the Board, the same shall be notified in the State gazette for implementation.


(A. K. Mahapatra)
General Manager
(Traffic)


(A. Ganesan)
General Manager
(Engineering)


(A. Gupta)
General Manager
(Finance)


(P. K. Das)
General Manager (M&S)


(A. K. Mehera)
Deputy Chairman

Minutes of the Meeting of the constituted Committee held on 16.03.2022 & 21.03.2022 for revision of Schedule of Rent for lands and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia.

Members Present:

Shri A. K. Mehera, Dy. Chairman, HDC	: Chairperson
Shri A Ganesan, General Manager (Engineering), HDC	: Member
Shri Abhay Kumar Mahapatra, General Manager (Traffic), HDC	: Member
Shri P. K. Das, General Manager (M&S), HDC	: Member
Shri Abhijit Gupta, General Manager (Finance), HDC	: Member

Shri Chatterjee, SOM (Admn.) and other concerned officials of Administration Division, HDC were also present.

1	Background	<p>i). Tariff Authority for Major Ports (TAMP) vide Notification bearing No. TAMP/62/2016-KoPT dated 29.03.2017 published in Gazette of India Extraordinary (Part-III, Section -4) on 31.05.2017 vide Gazette No. 224, the Schedule of Rent (SoR) for land & buildings of SMPK for both KDS & HDC for a period of 05 years w.e.f. 07.04.2016 upto 06.04.2021, under the relevant provisions of MPT Act, 1963 & amendments thereof.</p> <p>ii) For the purpose of revision of Schedule of Rent for land & buildings of SMPK, M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) has been engaged in January 2021 for undertaking market valuation and determination of rent for SMPK properties (both land & structures) under Kolkata Dock System as well as Haldia Dock Complex.</p> <p>iii) Subsequently, as requested by SMPK, considering SMPK was processing the proposal for revision of SoR, TAMP extended validity of the existing SoR for land & buildings at KDS & HDC of SMPK from 07.04.2021 to 31.12.2021 or till the effective date of implementation of revised SoR.</p> <p>iv) The Major Port Trust Act 1963 has since been repealed and replaced by the Major Port Authorities Act, 2021 which has come into effect from 03.11.2021. As per Section-27, Sub-Section- 1. (b) of The Major Port Authorities Act, 2021, the Board of each Major Port Authority or the Committee or the Committees constituted in this behalf by the Board in accordance with Section-14, may frame Scale of Rates at which, and the statement of conditions under which, the access to and usage of the port assets may be allowed by the Board.</p> <p>v) Meanwhile, considering the process of revision of the said SoR of SMPK is still under finalization, Board vide Reso. R/501/HDC/ ADMN/ 3/ 01/2022 dated 28.01.2022 (copy at Annex-I) has further extended the validity of the Rent Schedules for land & buildings of SMPK of both KDS & HDC for the period upto 30.06.2022 or till the effective date of implementation of the revised SoR to be fixed by the Board, whichever is earlier.</p>
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		<p>vi) Further, in terms of provision of Section 27 of The Major Port Authorities Act, 2021 effective from 03.11.2021 and Section 4 of the Major Port Authorities [Fixation & Implementation of Scale of Rates, Fees and Conditions] Rules, 2021, Board vide Reso. R/476/HDC/ADMN/3/12/2021 (copy at Annex-II) has constituted a Committee comprising the following for determination of SoR and conditionalities thereof for HDC:-</p> <p>Dy. Chairman, HDC : Chairperson of the Committee GM(Finance), HDC: Member of the Committee GM(Traffic), HDC: Member of the Committee GM(Engineering),HDC : Member of the Committee GM(M&S) HDC: Member of the Committee</p> <p>vii) The Valuer engaged by SMPK submitted draft Valuation Report which was internally discussed based on which revised draft Report was submitted. Presentation on the revised draft Report was also given by the Valuer and based on further discussions, the Valuer has since submitted Valuation Report with the suggested rates of rent for the Lands and Buildings at different zones of SMPK at Haldia and other rates /fees & conditionalities thereof vide his letter No. VES-ICS-HDC-Report-28.02 dated 28.02.2022. The said Valuation Report is at Annex-III.</p> <p>In terms of provision of the Major Port Authority Act, 2021 and Rules thereof as mentioned in the preceding, the matter is being considered by the Committee constituted by Board for framing of the Scale of Rates and conditionalities thereof under which the access to and usages of the port assets may be allowed by the Board.</p> <p>Note: As Dy. Chairman, HDC and all the HODs constituting the Land Allotment Committee at HDC are Chairperson/Members of the Committee constituted by Board for determination of the SoR in terms of the MPA Act, 2021 and Rules thereof, the proposal for revision of SoR is not separately before the Land Allotment Committee.</p>
2.	Purpose	<p>i) Assess the valuation of SMPK's Land and Buildings at Haldia, Kukrahati and Panskura.</p> <p>ii) Preparation of Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex including the statement of conditions thereof.</p>
3.	Provisions for framing of SoR as per Major Port Authorities Act, 2021.	<p>- Section-27 of The Major Port Authorities Act, 2021 contains provisions regarding framing of SoR. [Extract at Annex- IV].</p> <p>- Sections- 3 to 11 of The Major Port Authorities [Fixation & Implementation of Scale of Rates, Fees and Conditions] Rules 2021 [Copy at Annex- IV(A)] stipulates the rules and methodology for framing of SoR & related aspects.</p>

<p>Provisions as in the Tariff Policy for Major Port Authorities 2021 (after the MPA Act 2021 comes into force)</p>	<p>- <u>Clause-4 : Procedure of Fixing the SoR :</u></p> <p>4.1 The draft SOR, along-with conditionalities governing them, for services rendered or facilities provided or for access to and usage of the port assets and Performance Standards shall be formulated by the Board of Major Port Authority or by Committee(s) so constituted by the Board of the Major Port Authority, in accordance with this Policy as amended from time to time.</p> <p>4.2 The Board of Major Port Authority or the Committee(s) so constituted by the Board while drawing the SOR may draw a comparison of the major tariff items for their ports and ascertain itself that the proposed tariff is comparable and competitive with neighboring and competing ports.</p> <p>4.3 After obtaining approval of its Board, the Major Port Authority shall host the proposal, draft SoR along with the proposed Performance Standards and the cost formats in its website and invite comments of relevant stakeholders/ users to be submitted within 15 days time.</p> <p>4.4 The Major Port Authority will also circulate the tariff proposal to the relevant stakeholders/ users/ user associations for their comments within 15 days.</p> <p>4.5 In case of receipt of objections from the users, Port Authority shall give an opportunity of hearing to the relevant stakeholders/ users/ user associations of the port. Hearing/s on the matter or proposal shall be organized at the Office of the concerned Major Port Authority. In case no objections are raised by users on the proposal, the port authority may not organize any hearing of users.</p> <p>4.6 The Committee so constituted shall finalize the draft SoR hosted on the website with or without any modification. In both the cases, the Scale of Rates and/ or tariff finalized by the Committee shall be placed for seeking approval of the Board of the Major Port Authority.</p> <p>4.7 Port Authority shall notify the SOR along with Performance Standards proposed by the Major Port Authority within 75 days from the date of hosting the proposed SOR in its website. The revised Scale of Rates, amendments, corrigendum, new tariff item etc., approved by the Board of the Major Port Authority, shall be notified by the Major Port Authority in the State Gazette and the same shall also be hosted on the web site of the port and intimated to the concerned stake holders in writing/ or by electronic mode.</p> <p>- <u>Clause-7.5 :</u> As regards Scale of Rates for Land and Buildings, the provisions prescribed for fixation of Scale of Rates under the Land Policy Guidelines issued by the Government from time to time shall apply.</p>
<p>4 Provision as contained in Clarification Circular (Land Management) No. 1 of 2019-20 as</p>	<p>: <u>Clause 13- Market Value of land and SoR:</u></p> <p>a) Land Allotment Committee may normally take into account the highest of the factors mentioned herein below to determine the latest market value of Port land. In case the land allotment Committee is not choosing the highest factor, the reasons for the same have to be recorded in writing.</p>

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<p>16x</p> <p>circulated by MoS vide letter No. PD-13017/2/20 14-PD-IV dated 29th April 2019 regarding way-leave permission for laying of pipeline & Ministry's letter No. PD-13017/2/20 14-PD-IV (PO.III) dated 27.01.2021.</p>	<p>i) State Government's ready reckoner of land values in the area, if available for similar classification/activities.</p> <p>ii) Highest rate of actual relevant transactions registered in last three years in the Port's vicinity (the vicinity of the Port is to be decided by the respective Port Trust Boards), with an appropriate annual escalation rate to be approved by the Port Trust Board.</p> <p>iii) Highest accepted tender-cum-auction rate of Port land for similar transactions, updated on the basis of the annual escalation rate approved by the Port Trust Board.</p> <p>iv) Rate arrived at by an approved Valuer appointed for the purpose by the Port.</p> <p>v) Any other relevant factor as may be identified by the Port.</p> <p>b) The Land Allotment Committee shall, while recommending the latest Market Value for any land would normally take into account the highest of the factors mentioned in Para 13(a) above. Reserve Price in terms of the annual lease rent would be latest SoR determined in accordance with Para 13(a) and 13(c) and would in no case be less than 6% of the latest market value recommended by the Port Trust.</p> <p>c) The Port Trust Board will fix a rate of annual escalation which would not be less than 2%. SoR would be re-fixed once in every 5 years by TAMP.</p>
<p>5 The assets considered for valuation by the Valuer engaged for preparing the revised SoR</p>	<p>Same assets and zones covered in last SoR notified by TAMP vide order No. TAMP/62/2016-KoPT dated-29 March, 2017 notified in the Gazette of India on 31st May 2017 vide Gazette No. 224 (structure for Land and buildings of KoPT at Haldia including land at Kukrahati & Panskura) have been considered for the purpose of present valuation and revision of SoR for HDC.</p>
<p>6 Process of Valuation</p>	<p>I) For Land:</p> <p>M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) have considered value of land obtained from the following sources in compliance with prevailing Land Policy Guidelines:</p> <p>i) State Government's ready reckoner of Land values in the area if available for similar classification/ activities.</p> <p>In this regards, Valuer has submitted that unlike other adjacent States, no ready reckoner of land values is available in West Bengal. However, market values for each property as available in the online portal (market value of property for assessment of stamp duty and registration fees) of Directorate of Registration and Stamp Revenue under Finance Dept. of West Bengal has been considered as Government Guideline Value, to understand the trends of market value in and adjacent mouzas of HDC.</p> <p>ii) Actual relevant transaction registered in last 3 years in the Port's vicinity-</p>

	<p>Land transaction instances registered in Sutahata Sub-Registry Office in the vicinity (i.e. 5km from the respective zone boundary in terms of Reso. No. R/437/KDS/EST/3/11/2015 dated 25.11.2015) of HDC during the year of 2020 -21.</p> <p>iii) Highest accepted tender-cum-auction rate of Port land for similar transactions-</p> <p>The highest accepted tender-cum-auction rates of SMPK land at Haldia occurred in recent past duly updated.</p> <p>iv) Rate arrived by Valuer-</p> <p>Estimation of the market value of the land by the Valuer through:-</p> <ul style="list-style-type: none"> - Direct sales comparison approach for land in the Industrial, Residential, Commercial Zones of HDC as well as SMPK land at Panskura and Kukrahati. - Interpolation method from the preceding SoR rates as well as based on accepted rates of tender-cum-auction in concerned zones of HDC in view of non-availability of comparable relevant transactions in the vicinity. <p>II) For Buildings & Structures</p> <ul style="list-style-type: none"> - Value of existing SMPK's Buildings and Structures at Haldia have been estimated based on the Depreciated Replacement Cost method. The prevailing Schedule of Rate of PWD have been considered to estimate the construction cost. - Value of land on which the concerned buildings are situated has been considered with addition of circulation area of 10% of area of the building. The depreciated replacement cost of the building is then added to this cost to arrive at the market value for computation of rate of rent for buildings & structures. <p>The detailed analysis in this regard is mentioned in the valuation Report Prepared by the Valuer as at Annex- III.</p>
7 Suggested Land Values	<p>The Valuer has determined the value of SMPK's land in different Zones at Haldia & at Kukrahati taking into account the highest of the factors as mentioned at para 4 & 6 of this proposal.</p> <p>In respect of SMPK land at Panskura, the Valuer has determined the value of SMPK land at Panskura taking into account the substantially low demand for the land due to various market driven factors including non-receipt of bids against tenders invited. In light of above, the Estimated Value by the Valuer has been considered as appropriate (and not the highest of the factors as mentioned at para 4 & 6 of this proposal).</p> <p>In terms of the above, the Valuer has determined the value of SMPK's land at Haldia under various Zones, Panskura & Kukrahati as under:-</p>

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		Zones within HDC	Suggested land value per Decimal
		Residential	1,48,000
		Industrial	99,825
		Dock	1,41,682
		Commercial	
		Shops, Markets, Nursing Homes, Medical Clinic, Hotels & Restaurants (without bar) Service station, Repair Shops (automobiles), weighbridge etc.	3,88,424
		Cinema House, Hotel & Restaurant (with bar)	3,96,192
		Commercial Zone for Offices, Banks, workshops, Repair Shops, Cold storage	2,91,318
		Kukrahati	47,000
		Panskara	48,000
8.	Yield	<p>Land :-</p> <p>As per Land Policy Guidelines, the annual rent for land has been calculated @6% of the market value of the land.</p> <p>Building:-</p> <p>For estimation of annual rent for building, the valuer has considered an average annual yield of 9% across the built-up space of commercial, residential & warehouse/ store. This yield for buildings and covered spaces has been approved by TAMP in the last Rent Schedule.</p> <p>Details in this regard is mentioned in the Valuation Report prepared by the Valuer as at Annex- III.</p> <p>Other rates e.g. permission fee, way-leave permission fee, licence fee for open/ covered space inside Dock Interior Zone etc. have been computed based on Valuer's understanding, prevailing market conditions, Valuer's estimate of rate for various functions etc.</p>	
9.	SoR and Statement of Conditions proposed by Valuer	<p>Considering the above suggested market value of land, yield of 6% for the land and 9% for the buildings, the Valuer has suggested the proposed SoR as given under Table at page-30 & 34 of the Valuation Report.</p> <p>The Statement of Conditions of the proposed revised SoR (NOTES) has been prepared by the Valuer as at Appendix-IX of the report on the basis of the NOTES of the earlier SoR approved by TAMP & amendments thereof with certain additions / modifications in terms of provisions of the prevailing Land Policy Guidelines and approval of Board vide Reso. No. R/437/KDS/EST/3/11/2015 dated 26.11.2015.</p>	

Deliberations and Recommendations of Committee:-

- I. The Committee examined the Valuation Report submitted by the Valuer. Presentation on the Valuation Report was also made by the Valuer M/s. Vestian Global Workforce Services Pvt. Ltd. The Committee noted that the Valuer has, in compliance with the provisions of prevailing Land Policy Guidelines, assessed the land values for different zones of Haldia Dock Complex as follows:-

Zones within HDC	Highest Land Value as per Directorate of Registration and Stamp Revenue (in INR/Decimal)	Highest rate of actual transactions registered in last three years (in INR/Decimal)	Land Value as per Highest Tender rate per Decimal	Estimated land Value/ Decimal by Valuer	Suggested land value per Decimal
Residential	1,02,611	1,36,750	1,43,304	1,48,000	1,48,000
Industrial	51,724	91,608	96,491	99,825	99,825
Commercial					
Shop, Markets, Nursing Homes, Medical Clinic, Hotels & Restaurants (without bar) Service station, Repair Shops (automobiles), weighbridge etc.	2,28,107	3,00,000	3,88,424	3,15,000	3,88,424
Cinema House, Hotel & Restaurant (with bar)					3,96,192
Commercial Zone for Offices, Banks, workshops, Repair Shops, Cold storage					2,91,318
Dock	NA	NA	1,41,682	1,34,800	1,41,682
Kukrahati	37,500	37,792	NA	47,000	47,000
Panskura	56,000	70,000	NA	48,000	48,000

- II. The Committee also noted that the Valuer as per the provisions of the Land Policy Guidelines have considered the highest of the land values provided in the above table for each of the zones for the purpose of estimation of the schedule of rent except for SMPK land at Panskura.

With respect to SMPK land at Panskura, the Valuer has determined the value of SMPK land at Panskura taking into account the substantially low demand for the land due to various market driven factors including non-receipt of bids against tenders invited at HDC. In light of above, the Estimated Value by the Valuer is considered as appropriate (and not the highest of the factors as mentioned at para 4 & 6 of this proposal).

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- III. The Committee noted that in February' 2022, HDC has received a rate of Rs.1751.86 per 100 sq. mtrs. per month in recent tender. The rate proposed for Dock Zone is Rs.1751/- per 100 sq. mtrs. per month i.e. Re 1/- less. In the premises, the Committed opined that the rate for Dock Zone may be considered to be Rs. 1752/- per 100 sq. mtrs. per month.
- IV. The Committee also noted that the yield for fixation of rent as suggested by the Valuer (i.e. 6% for the land and 9% for the buildings/ structures) are in line with the prevailing Land Policy Guidelines and also earlier approval of TAMP in respect of the current Rent Schedule for land and buildings of SMPK at Haldia.
- V. With regards to the rate of rent for Quarters, the Committee noted that the rate of rent proposed for various types of quarters have been found to be substantially lower than the standard rent paid by employees in occupation of these type quarters plus House Rent Allowance (HRA)

The Committee opined that the rates of rent of the SoR at which the quarters are allotted on license mainly to non-employees should not be substantially less than the sum of standard rent paid by employees for occupation of these type quarters plus HRA. In light of above, the rates of rent for Quarters have been revised taking the higher of the rates calculated based on (i) standard rent plus HRA and (ii) rate suggested by Valuer. Detailed Calculation Sheet has been prepared and enclosed at Annex-VA & Annex-VB.

Considering this, the Committee recommended that the rates of rent for the following types of residential Quarters may be considered as under as against the rates suggested by the Valuer:-

Type of quarter	Rate as suggested by Valuer	Rate as per HRA plus Rent paid by employees	Rate as recommended by Committee	Multiplier (Col-IV / Col-III)
I	II	III	IV	V
'A' type	Rs. 3897 per month [i.e. Rs.108.24 per sq. mtr. per month]	Rs. 5969 per month [i.e. Rs.165.81 per sq. mtr. per month]	Rs. 5969 per month [i.e. Rs.165.81 per sq. mtr. per month]	1.60
Modified 'A' type	Rs. 4929 per month [i.e. Rs.108.24 per sq. mtr. per month]	Rs. 7551 per month [i.e. Rs.165.81 per sq. mtr. per month]	Rs. 7551 per month [i.e. Rs.165.81 per sq. mtr. per month]	1.62
'B' type	Rs. 6016 per month [i.e. Rs.108.24 per sq. mtr. per month]	Rs. 9285 per month [i.e. Rs.165.81 per sq. mtr. per month]	Rs. 9285 per month [i.e. Rs.165.81 per sq. mtr. per month]	1.62
Modified B type	Rs. 7036 per month [i.e. Rs.108.24 per sq. mtr. per month]	Rs. 10778 per month [i.e. Rs.165.81 per sq. mtr. per month]	Rs. 10778 per month [i.e. Rs.165.81 per sq. mtr. per month]	1.62
'C' type	Rs. 11110 per month [i.e. Rs.132.26 per sq. mtr. per month]	Rs. 12164 per month [i.e. Rs.144.81 per sq. mtr. per month]	Rs. 12164 per month [i.e. Rs.144.81 per sq. mtr. per month]	1.16
'D' type	Rs. 25024 per month [i.e. Rs.180.03 per sq. mtr. per month]	Rs. 17516 per month [i.e. Rs.126.01 per sq. mtr. per month]	Rs. 25024 per month [i.e. Rs.180.03 per sq. mtr. per month]	1.07

Officer's Hostel	Rs. 4266 per month [i.e. Rs.106.65 per sq. mtr. per month]	Rs. 6705 per month [i.e. Rs.167.63 per sq. mtr. per month]	Rs. 6705 per month [i.e. Rs.167.63 per sq. mtr. per month]	1.60
Dormitories	Rs. 613 per month [i.e. Rs.86.83 per sq. mtr. per month]	Rs. 967 per month [i.e. Rs.136.97 per sq. mtr. per month]	Rs. 967 per month [i.e. Rs.136.97 per sq. mtr. per month]	1.60

VI. Based on the details as above and the observations of the Committee, the proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex has been firmed up as at Annex-VI.

VII. With respect to the Statement of Conditions of the proposed revised SoR (NOTES) prepared by the Valuer, the Committee noted the following:

a) The NOTES prepared is on the basis of the NOTES of the earlier SoR approved by TAMP & amendments thereof with certain additions / modifications in terms of provisions of the prevailing Land Policy Guidelines and approval of Board vide Reso. No. R/437/KDS/EsST/3/11/2015 dated 26.11.2015.

b) Committee observed that the annual escalation of 2 % per annum as incorporated in the Statement of conditions (NOTES) of proposed SoR is in line with the prevailing Land Policy Guidelines.

c) The proposed SoR shall remain valid for a period of 3 years.

d) With regard to way-leave permission for essential utility services like water pipeline, LT electric line, the following clause may be incorporated :

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

e) For grant of way-leave permission for OFC etc. the following clause may be incorporated :

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.

In the premises, the Committee opines that based on the Statement of Conditions (NOTES) proposed by the Valuer and Incorporation observations of the Committee as above, the proposed Statement of Conditions (NOTES) prepared as at Annex-VII may be considered.

VIII. The Tariff Policy for Major Port Authorities 2021 (after the MPA Act, 2021 comes into force) issued by the Ministry of Ports, Shipping & Waterways vide No. PD-14024/5/2020-PD-I (e343443) dated 03.11.2021 inter alia contains that as regards Scale of Rates for Land and Buildings, the provisions prescribed for fixation of Scale of Rates under the Land Policy Guidelines issued by the Government from time to time shall apply (Clause-7.5 refers).


Further, the Clause-13 (c) of the Clarification Circular (Land Management) No. 1 of 2019-20 issued by the Government of India, Ministry of Shipping (Ports Wing) vide No. PD-13017/2/2014-PD.IV dated 29.04.2019 inter alia contains that the SoR would be re-fixed once in every 5 years.

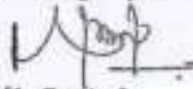
The Committee noted that the last SoR notified by TAMP was effective from 07.04.2016 for 5 years i.e. upto 06.04.2021. Subsequently, TAMP / Competent Authority has extended the validity of the SoR for further period upto 30.06.2022.

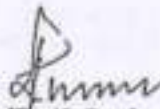
In the above premises, the Committee recommended that the validity of the proposed SoR may be considered for the period upto 06.04.2026.

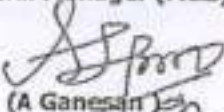
IX. After detailed deliberations and taking all the above into account, the Committee recommended the following:

- i) The Valuation Report submitted by M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) for the land and buildings of SMPK at Haldia Dock Complex at Annex-III may be accepted.
- ii) The proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) as at Annex-VI & VII respectively may be approved.
- iii) The Valuation Report and proposed SoR along with the Statement of conditions (NOTES) as recommended by the Committee may be placed before the Board for its consideration & approval.


(A. K. Mahapatra)
General Manager (Traffic)


(A. Gupta)
General Manager (Finance)


(R. K. Das)
General Manager (M&S)


(A. Ganesan)
General Manager (Engineering)


(A. K. Mehera)
Deputy Chairman

(Draft)

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

I. LANDS:

Sl No.	Description Land	Suggested Rent per 100 sq. mtrs. per month.
a)	Residential Zone	Rs. 1829/-
b)	Industrial Zone	Rs. 1233/-
c)	i) Dock Interior Zone - Bare Land	Rs. 3002/-
	ii) Dock Interior Zone -Hard Stand	Rs. 4666/-
d)	Proposed Dock Interior Zone	Rs. 2334/-
e)	i) Dock Zone -Bare Land	Rs. 1752/-
	ii) Dock Zone-Hard Stand	Rs. 3415/-
f)	i) Commercial Zone for Offices, Banks, Workshops, Repair Shops, cold storages.	Rs. 5599/-
	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. 4995/-
g)	Kukrahati	Rs. 561/-
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:

Sl No.	Zone, Location and other description	Suggested Rent per sq. mtr. per month.
a.	Pucca Roofed Structure	
	i) Residential Zone	Rs. 95.23
	ii) Industrial Zone	Rs. 89.32
	iii) Dock Interior Zone	Rs. 106.18
	iv) Dock Zone	Rs. 108.18
	v) Commercial Zone	Rs. 121.70
b.	AC/CI Roofed Structure	
	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 (Pucca 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. 187.63
e.	Market for perishable good	Rs. 71.36
f.	Retail Market	Rs. 66.83
g.	Shopping Centres at Durgachak	Rs. 69.91
h.	Shopping Centres at Chiranjpur	Rs. 71.36
i.	Township Market opposite to Makhn Babur Bazar	Rs. 49.55
j.	Township Market Centre (near Helipad ground)	Rs. 69.62

k.	Goormties	Rs. 66.83
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	

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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 year 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 hawkar	
7.	Fees for Helipad Space (To be levied per usage)	Rs. 38,000/-	
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 if Hardstand	Rs. 4826/- Rs. 7504/-
b) Covered Space	
i) Pucca roofed	Rs. 15,895/-
ii) AC/CI roofed	Rs. 11,921/-

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.

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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 1st year will be calculated based on the updated SoR. From the 2nd 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 transferors 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 NDC 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 15th 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.

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- (iii) For other cases of licenses, the license fee, whether demanded or not, shall be paid by the licensees on or before the 15th 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 15th 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 license 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/ unauthorized 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 years of 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 imposed after 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.

8. 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	30%
From 25001 MT upto 40000 MT	90 days	45 days	15%
From 40001 MT upto 80000 MT	120 days	67 days	30%
Above 80000 MT	180 days	90 days	15%
		135 days	30%

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.

4/16

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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ANNEXURE - III

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ANNEX - III

SYAMA PRASAD MOOKERJEE PORT, KOLKATA

No. Admn/7415/A/HDC

General Administration Department
06th April, 2022

✓
GM (M&S) HDC,

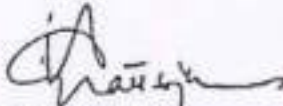
461
Date 19.04.2022
11.18

Sub : Revision of Schedule of Rent (SoR) for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia.

Forwarded herewith is an extract from the draft proceedings of the 2nd meeting of the Trustees held on 29.03.2022 (Reso No.R/45 /HDC/ADMN/3/03/2022) for your information and necessary action please.

2. The draft proceedings should be read with the confirmed proceedings after the next Board meeting, to note change, if any.

Encl. As Stated.


(K. Chatterjee)
Sr. Dy. Dir. (Admn)
for Secretary

Copy together with a copy of the above Resolution is forwarded to PS to Dy. Chairman (H) for kind information of Dy. Chairman (H) please.

Encl: As stated.

Copy together with a copy of the above Resolution is forwarded to FAB&CAO for information please.

Encl: As stated.


DM (M&S)
WJ 29/4

No. Ad/003/A/249

Date: 29.04.2022

Sr. Dy. Manager (Administration)

The subject draft proceeding is being forwarded for your information and action as necessary please.


P. K. Das
General Manager (M&S)

Item No. A/06/HDC/ADMN/3/03/2022
(Part - I)

Sub: Revision of Schedule of Rent (SoR) for the land and buildings of Syama Prasad Mookerjee Port, Kolkata (SMPK) at Haldia.

1. BACKGROUND:

- 1.1 Tariff Authority for Major Ports (TAMP) vide Notification bearing No. TAMP/62/2016-KoPT dated 29.03.2017 published in Gazette of India Extraordinary(Part-III, Section -4) on 31.05.2017 vide Gazette No. 224, the Schedule of Rent (SoR) for land & buildings of SMPK for both KDS & HDC for a period of 05 years w.e.f.07.04.2016 upto 06.04.2021, under the relevant provisions of MPT Act, 1963 & amendments thereof.
- 1.2 For the purpose of revision of Schedule of Rent for land & buildings of SMPK, M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) has been engaged in January' 2021 for undertaking market valuation and determination of rent for SMPK properties (both land & structures) under Kolkata Dock System as well as Haldia Dock Complex.
- 1.3 Subsequently, as requested by SMPK, considering SMPK was processing the proposal for revision of SoR, TAMP extended validity of the existing SoR for land & buildings at KDS & HDC of SMPK from 07.04.2021 to 31.12.2021 or till the effective date of implementation of revised SoR.
- 1.3 The Major Port Trust Act 1963 has since been repealed and replaced by the Major Port Authorities Act, 2021 which has come into effect from 03.11.2021. As per Section-27, Sub-Section- 1: (b) of The Major Port Authorities Act, 2021, the Board of each Major Port Authority or the Committee or the Committees constituted in this behalf by the Board in accordance with Section-14, may frame Scale of Rates at which, and the statement of conditions under which, the access to and usage of the port assets may be allowed by the Board.
- 1.4 Meanwhile, considering the process of revision of the said SoR of SMPK is still under finalization, Board vide Reso. R/501/HDC/ ADMN/ 3/ 01/2022 dated 28.01.2022 (copy at Annex-I of Appendix-II) (Pages 461 – 473) has further extended the validity of the Rent Schedules for land &

buildings of SMPK of both KDS & HDC for the period upto 30.06.2022 or till the effective date of implementation of the revised SoR to be fixed by the Board, whichever is earlier.

- 1.5 Further, in terms of provision of Section 27 of The Major Port Authorities Act, 2021 effective from 03.11.2021 and Section 4 of the Major Port Authorities (Fixation & Implementation of Scale of Rates, Fees and Conditions) Rules, 2021, Board vide Reso. R/476/HDC/ADMN/3/12/2021 (copy at Annex-II of Appendix-II)(Pages 474 - 493) has constituted a Committee comprising the following for determination of SoR and conditionalities thereof for HDC:-

Dy. Chairman , HDC : Chairperson of the Committee
 GM(Finance), HDC : Member of the Committee
 GM(Traffic), HDC : Member of the Committee
 GM(Engineering),HDC : Member of the Committee
 GM(M&S), HDC : Member of the Committee

- 1.7 The Valuer engaged by SMPK submitted draft Valuation Report which was internally discussed based on which revised draft Report was submitted. Presentation on the revised draft Report was also given by the Valuer and based on further discussions, the Valuer has since submitted Valuation Report with the suggested rates of rent for the Lands and Buildings at different zones of SMPK at Haldia and other rates /fees & conditionalities thereof vide his letter No. VES-ICS-HDC-Report-28.02 dated 28.02.2022. The said Valuation Report is at (Annex-III of Appendix-II)(Pages 494-573).

- 1.8 The Clause-4 of the Tariff Policy for Major Port Authorities 2021 (after the MPA Act, 2021 comes into force) issued by the Ministry vide No. PD-14024/5/2020-PD-I (e343443) dated 03.11.2021 (extract enclosed at Appendix-I)(Pages 448 - 450) contains provisions regarding procedure for fixing the SoR.

Clause-7.5 of the said Tariff Policy also contains that as regards SoR for land and buildings, the provisions prescribed for fixation of SoR under the Land Policy Guideline issued by the Government from time to time shall apply.

- 1.9 In terms of provision of the Major Port Authority Act, 2021 & Rules thereof and the said Tariff Policy as mentioned in the preceding, the matter is being considered by the Committee constituted by Board for framing of the Scale of Rates and conditionalities thereof under which the access to and usages of the port assets may be allowed by the Board.
- 1.10 As Dy. Chairman, HDC and all the HODs constituting the Land Allotment Committee at HDC are Chairperson/Members of the Committee constituted by Board for determination of the SoR in terms of the MPA Act, 2021 and Rules thereof, the proposal for revision of SoR is not separately before the Land Allotment Committee.
- 1.11 The prevailing Land Policy Guidelines issued by the Ministry, inter alia, contains provisions to take into account factors / methodology for determination of the market value of port land based on which the SoR is to be determined.
- 1.12 In terms of the above, the proposal for revision of SoR has been considered by the Committee constituted by the Board for determination of the SoR in its meeting held on 16.03.2022 and 21.03.2022. Copy of the proceedings of the said Committee meeting is enclosed at (Appendix-II)(Pages 451 – 460).
- 1.13 The constituted Committee has examined the Valuation Report submitted by the Valuer engaged by SMPK for determination of market value for land and buildings of SMPK at Haldia as at Annex-III of Appendix-II.
- 1.14 The Committee upon deliberations noted that the Valuer has assessed the land values for different zone of HDC in compliance of the provision of prevailing Land Policy Guidelines by taking the highest of the land values for the purpose of estimation of SoR except for SMPK land at Panskura where the proposed rate was based on suggested estimated value by the Valuer on account of substantial low demand for the land due to various market driven factors including non-receipt of bids against tenders invited at HDC.
- 1.15 The Committee has considered the rate of Rs.1751.86 per 100 sq. mtrs. per month received in recent tender in February' 2022 and recommended Rs. 1752/- per 100 sq. mtrs. per month as the rate for Dock Zone as against rate of Rs.1751/- per 100 sq. mtrs. per month proposed by Valuer.

- 1.16 The Committee also agreed to the yield for fixation of rent as suggested by the Valuer (i.e. 6% for the land and 9% for the buildings/ structures) in line with the prevailing Land Policy Guidelines and also earlier approval of TAMP in respect of the current Rent Schedule for land and buildings of SMPK at Haldia.
- 1.17 With regards to the rate of rent for Quarters, the Committee opined that the rates of rent of the SoR at which the quarters are allotted on license mainly to non-employees should not be substantially less than the sum of standard rent paid by employees for occupation of these type quarters plus HRA. In light of above, the rates of rent for Quarters have been revised taking the higher of the rates calculated based on (i) standard rent plus HRA and (ii) rate suggested by Valuer.
- 1.18 With respect to the Statement of Conditions of the proposed revised SoR (NOTES) prepared by the Valuer, the observations and recommendations of the Committee have been detailed under item VII of page-9 of the proceedings of the Committee meeting held on 16.03.2022 at Appendix-II.
- 1.19 The Tariff Policy for Major Port Authorities 2021 (after the MPA Act, 2021 comes into force) issued by the Ministry of Ports, Shipping & Waterways vide No. PD-14024/5/2020-PD-I (e343443) dated 03.11.2021 Inter alia contains that as regards Scale of Rates for Land and Buildings, the provisions prescribed for fixation of Scale of Rates under the Land Policy Guidelines issued by the Government from time to time shall apply (Clause-7.5 refers).
- Further, the Clause-13 (c) of the Clarification Circular (Land Management) No. 1 of 2019-20 issued by the Government of India, Ministry of Shipping (Ports Wing) vide No. PD-13017/2/2014-PD.IV dated 29.04.2019 inter alia contains that the SoR would be re-fixed once in every 5 years.
- The last SoR notified by TAMP was effective from 07.04.2016 for 5 years i.e. upto 06.04.2021. Subsequently, TAMP / Competent Authority has extended the validity of the SoR for further period upto 30.06.2022.
- In the above premises, the Committee has recommended that the validity of the proposed SoR may be considered for the period upto 06.04.2026.
- 1.20 Based on the details as above as well as the observations of the Committee given above and as at Appendix-II, the Committee after detailed deliberations has recommended the following :

- i) The Valuation Report submitted by M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) for the land and buildings of SMPK at Haldia Dock Complex at Annex-III of Appendix-II may be accepted.
- ii) The proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) as at (Annex-VI & VII of Appendix-II)(Pages 574 – 588) respectively may be approved.
- iii) The Valuation Report and proposed SoR along with the Statement of conditions (NOTES) as recommended by the Committee maybe placed before the Board for its consideration & approval.

2. PROPOSAL :

- 2.1 Approval to the recommendations of the Committee as given in the proceedings of the meetings of the constituted Committee held on 16.03.2022 & 21.03.2022 as given at Appendix-II in respect of the following :
 - i) Acceptance of the Valuation Report submitted by M/s. Vestian Global Workforce Services Pvt. Ltd. (the Valuer) for the land and buildings of SMPK at Haldia Dock Complex at Annex-III of Appendix-II.
 - ii) Approval to the proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) as at (Annex-VI & VII of Appendix-II) respectively.
- 2.2 The proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) may be hosted in SMPK website and comments invited from relevant stakeholders / users and further action taken in terms of Clause-4 of the Tariff Policy for Major Port Authorities 2021 (after the MPA Act, 2021 comes into force) issued by Ministry vide No. PD-14024/5/2020-PD-1 (e343443) dated 03.11.2021.

3. JUSTIFICATION :

Already given under Background Notes.

4. DECISION REQUIRED:

Approval to the proposal as given under Para-2 above.

Secretary (I/C) stated that in para 1.12 of the agenda, the dates of meeting of the Committee should be read as 16.03.2022 and 21.03.2022, instead of 01.03.2022. The aforesaid typographical errors would be corrected in the draft proceedings.

GM (M&S), IIDC was present during deliberation of this agenda item.

Members were explained the proposal. It was informed that there would be 3.5% increase, on an average, in different rates of rent.

After discussion, Members approved the proposal.

Resolution No. R/45/IIDC/ADM.N/3/03/2022 : Resolved, after discussion, to accept the following recommendations dated 16.03.2022 of the Committee :

- i) valuation Report submitted by M/s. Vestian Global Workforce Services Pvt. Ltd, the appointed Valuer, for the land and buildings of SMPK at Haldia Dock Complex at Annexure - III of Appendix-II of the agenda.
- ii) proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex and Statement of conditions (NOTES) as at Annexure -VI & VII of Appendix-II of the agenda, respectively.

It was further resolved that

- a) the proposed Schedule of Rent for land & buildings of SMPK at Haldia Dock Complex along with Statement of conditions (NOTES) be hoisted in SMPK website inviting comments from relevant stakeholders / users.
- b) further action be taken in terms of Clause 4 of the Tariff Policy for Major Port Authorities 2021 issued by Ministry, vide No. PD - 14024/5/2020-PD-1 (e343443) dated 03.11.2021.

To be read with the confirmed proceedings.

No. PD-14024/5/2020-PD-I (e343443)
Government of India
Ministry of Ports, Shipping & Waterways

Transport Bhawan
1, Parliament Street, New Delhi-110001

Dated 03 November 2021

To

Chairpersons
All Major Ports
(SMPT, PRT, VPT, ChPT, VOCPT, CoPT, NMPT, MoPT, JNPT, MDPT, DPT)

Subject:- Tariff Policy for Major Port Authorities 2021 (after the MPA Act 2021 comes into force).

Madam/Sir,

The Government had, under section 111 of the Major Port Trusts Act 1963, issued Policy for Determination of Tariff for Major Port Trusts, 2018 vide communication No.IWT- 11/28/2018-IWT dated 26 December 2018 and subsequent e-mail dated 31 December 2018. The validity of the said Tariff Policy is prescribed till 1 April 2022.

II. The Ministry of Law and Justice has now notified the Major Port Authorities Act, 2021 (01 of 2021) in the Gazette of India dated 18 February 2021. Subsection (1) of Section 27 of the said Act stipulates that the Board of each Major Port Authority or the committee or committees constituted in this behalf by the Board of Major Port Authority may frame scales of rates and a statement of conditions under which any services shall be performed or for access to and usage of the port assets be allowed by Major Port Authorities. Further, clause (f) of subsection (2) of Section 71 of the ibid Act, empowers the Central Government to make rules providing for the norms for fixation and implementation of scales, fees, rates and conditions under subsection (1) of Section 27.

III. In this back drop, as per the directions of the Ministry of Ports, Shipping and Waterways to frame a comprehensive tariff Policy to be followed by Major Port Authorities post MPA Act 2021 comes into effect, the Indian Ports Association (IPA) formulated a draft Tariff Policy and the Working Guidelines for tariff fixation by Major Ports and also constituted a Committee comprising of Senior Port Officers and experts to review and finalise the Tariff Policy and the Working Guidelines for fixation by Major Port Authorities.

IV. The Committee constituted by the IPA circulated the draft Tariff Policy 2021 and the Working Guidelines 2021 to the Major Ports for their comments. Taking into

4. PROCEDURE FOR FIXING THE SOR

4.1 The draft SOR, along with conditionalities governing them, for services rendered or facilities provided or for access to and usage of the port assets and Performance Standards shall be formulated by the Board of Major Port Authority or by Committee(s) so constituted by the Board of the Major Port Authority in accordance with this Policy as amended from time to time.

4.2 The Board of Major Port Authority or the Committee(s) so constituted by the Board while drawing the SOR may draw a comparison of the major tariff items for their ports and ascertain if it is compatible and competitive with neighboring and competing ports.

4.3 After obtaining approval of its Board, the Major Port Authority shall place the proposed draft SOR along with the proposed Performance Standards on its official website and invite comments of relevant stakeholders/users to be submitted within 15 days time.

4.4 The Major Port Authority will also circulate the draft proposal to the relevant stakeholders/users/user associations for their comments within 15 days.

4.5 In case of receipt of objections from the users, Port Authority shall give an opportunity of hearing to the relevant stakeholders/users/user associations of the port. If hearing on the matter or proposal shall be organised at the level of the concerned Major Port Authority. In case of objection raised by users on the proposal, the port authority may not organize an hearing of users.

4.6 The Committee so constituted shall finalise the draft SOR on the website with or without any modification. In both the cases, the Scale of Rates and/or tariff finalized by the Committee shall be placed for seeking approval of the Board of the Major Port Authority.

4.7 Port Authority shall notify the SOR along with Performance Standards proposed by the Major Port Authority, within 75 days from the date of receipt of the proposed SOR in its website. The revised Scale of Rates and/or tariff, corrigendum, new tariff item etc., approved by the Board of the Major Port Authority shall be notified by the Major Port Authority in the State Gazette and the same shall also be hosted on the web site of the port and intimated to the concerned stake holders in writing/or by electronic mode.

4.8 SOR shall come into effect after expiry of 30 days from the date of notification in the State Gazette by the Major Port Authority.

A comparison of the existing updated SoR and the Draft SoR uploaded

in website is provided below :

Sl. No	Location	Existing updated SoR per 100 sq. mtrs. per month w.e.f. 07.04.2022	Draft SoR per 100 sq. mts per month	Multiplier
a	Residential Zone	1806	1829	1.01
b	Industrial Zone	1216	1233	1.01
c (i)	Dock Interior-Bare Land	2960	3002	1.01
(ii)	Dock Interior-Hard Stand	4602	4666	1.01
d	Proposed Dock Interior Zone	2302	2334	1.01
e (i)	Dock Zone-Bare Land	1643	1751	1.07
(ii)	Dock Zone-Hard Stand	3285	3415	1.04
f (i)	Commercial Zone for Shops, Markets, Nursing Homes, Medical Clinic, Hotels & Restaurants (without bar), Service Stations, Repair Shops (automobiles), weighbridge etc.	4382	4799	1.10
(ii)	Commercial Zone for Cinema House, Hotel & Restaurant (with bar) etc	4470	4895	1.10
(iii)	Commercial Zone for Offices, Banks, Workshops, Repair Shops, Cold storage	3286	3599	1.10
g	Kukrahati	534	581	1.09
h	Panskura	940	593	0.63

Sl. No	Location of Structures	Existing SoR as on 07.04.2022 (Per 100 Sq.mt / month)	Draft SoR (Per 100 Sq.mt/ month)	Multiplier
(a)	Pucca Roofed Structure			
(i)	Residential Zone	9122	9623	1.06
(ii)	Industrial Zone	8671	8832	1.02
(iii)	Dock Interior Zone	10473	10618	1.01
(iv)	Dock Zone	10473	10818	1.03
(v)	Commercial Zone	11599	12170	1.05

(b)	AC/CI Structure	Roofed			
(i)	Residential Zone	7095		7095	1.00
(ii)	Industrial Zone	6982		6982	1.00
(iii)	Dock Interior Zone	8221		8221	1.00
(iv)	Dock Zone	7997		8005	1.00
(v)	Commercial Zone	9572		9893	1.03
(vi)	Kukrahati	6982		6982	1.00
(c)	Tower Building	15766		16032	1.01
(d)	Market for perishable good	6756		7136	1.05
(e)	Retail market	85.59		8683	1.01
(f)	Shopping Centres at Durgachak	6869		6991	1.01
(g)	Shopping Centres at Chiranjibpur	6869		7136	1.03
(h)	Township market opposite to Makhan Babu Bazar	4955		4955	1.00
(i)	Township market centre (near Halipad ground)	6982		6982	1.00
(j)	Goomtias	8559		8683	1.01

Type of Quarter	(Area)	Existing SoR [w.e.f. 7.04.2022] (per sq. mtr. /month)	Draft SoR (per sq. mtrs. / month)	Multiplier
A' Type - (36 SQM)		103.60	165.81	1.60
Modified 'A' Type - (45.54 SQM)		102.48	165.81	1.62
B' Type - (56 SQM)		102.48	165.81	1.62
Modified 'B' Type - (65)		102.48	165.81	1.62
C' Type - (84)		125.00	144.81	1.16
D' Type - (139 SQM)		168.92	180.03	1.07
Officers' Hostel - (40 SQM)		104.73	167.63	1.60
Dormitories - (7.06 SQM)		85.59	136.97	1.60

Sl. No.	Description	Existing SoR Rates (As on 07.04.2022)	Draft SoR	Multiplier
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. 1126	Rs. 1150	1.02
	ii) If above occupation continues beyond 3 days	Rs. 1689	Rs. 1700	1.00
	iii) For holding function on land for area occupied above 40 sq. mtrs.	Rs. 1689	Rs. 1700	1.00
	iv) If above occupation continues beyond 3 days	Rs. 2252	Rs. 2260	1.00
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. 3378	Rs. 3400/-	1.01
	ii) For hoarding of size above 10 Sq. mtrs.	Rs. 5631	Rs. 5635/-	1.02
4.	For Durgachak Mini Market, license fee(per month per plot measuring about 13.936 sq. mtrs.)	Rs. 788	Rs. 800/-	1.02
5.	Recovery of Hawker charges			
	For Bare Chatal	2.24 per day per hawker	Rs. 2.50 per day per hawker	1.12
	For Hardstand Chatal	2.24 per sq. meter per day per hawker	Rs. 2.50 per sq. meter per day per hawker	1.12
6.	Fees for Helipad Space (To be levied per usage)		Rs. 36,000/-	NA
7.	Permission fee for construction/installation of microwave tower, antenna etc on land/building will be charged	Rs.33,785	Rs.34,000/- per 100 sqm. per month, subject to minimum Rs. 17,000 per location per month or part thereof	1.01

8.	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.5631	Rs.5700 proposal	per	1.01
9.	Lease Deed form and preparation cost	Rs.5631	Rs.5700/- lease	Per	1.01
10.	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.5631	Rs.5700/-		1.01
	ii) Resurvey fee for the land area beyond one acre	Rs.1127	Rs.1200 per acre or part thereof over and above 1 acre		1.01
11.	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 ii) Hard stand	i) 4758/- ii) 7399/-	iii) 4826/- iv) 7504/-		1.01 1.01
b)	Covered Space				
	i) Pucca roofed ii) AC / CI roofed	i) 15673/- ii) 11754/-	iii) 15895/- iv) 11921/-		1.01 1.01

63

461

Admin. Dkt. No.: 419
Date: 18.04.22
Time:

Sr. Dy. Manager,
Admn. Division,
Haldia Dock Complex

ANNEXURE - V

Sir,

Sub : Request for concession in proposed monthly quarter Licence Fees.

This is to inform you that myself Piyali Ghosh is working under the Vigilance Unit (Admn.) Division, HDC as a Casual Worker since 2010, June.

Sir, it is submitted that one "A" type quarter has been allotted in my favour on license basis (Quarter No. 2133/Fbn 2017)

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 26,000/- within which I am required to maintain the educational expenses of my one children, sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir, it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you,

Yours truly,

Piyali Ghosh

Place : Haldia

Date: 18.04.22

Copy to General Manager (M&S)- for information and necessary action please.

Copy to General Manager (Finance) - for information and necessary action please.

DM (M&S) / Admn. (D.K.M.)
Wjgsh

64

482
 19.04.2022
 12:17

460

TO,

The Dy.Chairman ,HDC

The General Manager (M & S),HDC

The General Manager (Finance),HDC

DM (SM)
 DM (SB)
 Mr. S.K.
 W. Singh
 19/4

Sub : HOUSE RENT

Sir,

Respectfully, we the under signatories retired employees of HALDIA DOCK COMPLEX ,beg to state that we reside with my family at HDC accommodation on license basis .We are aged persons and treatment is urgently required at PORT HOSPITAL .

It is also mention here that the house rent is increasing abnormally day by day which is difficult to pay our family & also we are unable to pay the increased house rent as we are poor paid retired person.

Therefore , we would like to request you consider the increased house rent considering our present situation please .

Thanking you ,

Yours Faithfully ,

Date: 19-04-2022

NAME :	QUARTER NO :	PENSION NO :
1. SK Bhawan	9/24-A	06165
2. Swapna K. Seth	9/31-D	05262
3. Bipak Kumar Chakraborty	9/3-C	05591
4. श्री 7 वरुण शर्मा	9/94-E	05512
5. Swapna Chakraborty	9/93	05629
6. Durga Lani Barmann	9/59-C	04825

Sl.	Name	Quota no	Pension no	HS
7	Karan Borky	9/26-H	05204	
8	Kumaresh Halder	9/65-F	- 5014	
9	Ajit Kumar Mahanta	9/37-D 9/95-C	05734 04653	
10	Anjali nath Saha			
11	Bandy Bandy Mondal	9/10-I	2265	
12	Gour Hari Hazra	9/90-F	2392	
13	Bhaskar Ch. Mondal	9/64-E	3200	
14	Binay Ranjan Pattnayak	9/35-G	05253	
15	Pabitra Kumar Das	9/91-E	2140	
16	Pankshi Dasgupta			
17	Bankim Chandra Bhara	9/85-D		
18	Aloke Kumar Purkait	9/61-B	- 04464	
19	Bhagabati Das	9/79-F	- 05722	
20	Tanujit Ghosh	9/40-H	- 5887	
21	Bijali Samanta	9/16-D	- 06192	
22	Lakshymoni Mondal	9/32-K	- 06046	
23	Gopal Sanyal	9/77-C	- 3740	
24	Alok Kumar Doloi	9/77-D	- 02543	
25	Ranmuni Hansda	9/38-H	- 06029	
26	Biram Hansda	9/26-D	- 04090	
27	Biswanali Samanta	9/34-E	- 04690	
28	Bimal Kumar Mondal	9/93-E	- 06138	
29	Dipankar Dasgupta	5/48-H	- 03110	
30	Anjali Saha	9/55-D	- 05590	
31	Kali pada munnay	9/13-C	- 01834	
32	Mohitosh Nath	9/65-D	04750	
33	Chumki Pandey	5/82-E	05237	
34	Poly Foxe	9/29-H	- 05014	
		9/41-C	- 03481	

66

458

Sl. No.	837
Date	04.05.2022
Page	3/50

✓
Senior Deputy Manager
Administration Division
Haldia Dock Complex

Sir,

Subject: Request for concession in proposed monthly quarter licence fees

This is to inform you that myself Robin Bag is working under the Medical Division, HDC as a Casual Worker since more than 21 years.

Sir, it is submitted that one "A Type" quarter has been allotted in my favour on license basis (quarter No 9/63-E) from 01.06.2015.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2022.

Sir, it is submitted that my present monthly earning is approximately Rs. 25,810/- within which I am required to maintain the educational expenses of my one children. Sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your good self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you

Place: Haldia
Date: 04/5/22

Dr. C. S. 2
12/4/22

Yours truly

Robin Bag

Working under Medical Division
through T.K. Enterprise

Copy to: General Manager (M&S) for kind information please for favourable consideration.

Copy to: General Manager (Finance) for kind information please for favourable consideration.

67

458

Senior Deputy Manager
Administration Division
Haldia Dock Complex

Admn. Det. No.	415
Date	18/04/2022
Time	3:58

Sir,

Subject: Request for concession in proposed monthly quarter licence fees

This is to inform you that myself Jhuma Nayak Das is working under the Finance Division, HDC as a Casual Worker since more than 10 years.

Sir, it is submitted that one "A Type" quarter has been allotted in my favour on license basis (quarter No. 5/63/D) on December, 2012.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 26,000/-, within which I am required to maintain the educational expenses of my one children. Sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your good self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you

Place: Haldia
Date: 18/04/2022

Yours truly

Jhuma Nayak Das
(JHUMA NAYAK DAS)
Working under Finance Division
Through Roy Construction

Copy to: General Manager (M&S) for kind information please for favourable consideration.

Copy to: General Manager (Finance) for kind information please for favourable consideration.

DM (SR)
FO
18/04/22

68

Sr. Dy. Manager,
Admn. Division,
Haldia Dock Complex

Account No. 439
Date: 18-04-2022
Time: 5:07

2017 (352)
18/04/22

Sir,

Sub : Request for concession in proposed monthly quarter Licence Fees.

This is to inform you that myself Arup Dasgupta is working under the Admn. Division, HDC as a Casual Worker since 2002, 1, Kefaria, Haldia P/2

Sir, it is submitted that one "A" type quarter has been allotted in my favour on license basis (Quarter No. 9/104) on 2013, May

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 22,000 per month which I am required to maintain the educational expenses of my children, sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir, it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you,

Yours truly,

Arup Dasgupta

Place : Haldia

Date: 18/04/22

✓ Copy to : General Manager (M&S)- for information and necessary action please.

Copy to : General Manager (Finance) - for information and necessary action please.

(10/1)

18/04/22

69

Admn. Div. No. A.18
Date: 18-04-2022
Time:

M.A. (S.D.)
W.P. (S.D.)

Sr. Dy. Manager,
Admn. Division,
Haldia Dock Complex

Sir,

Sub : Request for concession in proposed monthly quarter Licence Fees.

This is to inform you that myself Shalshona Banik is working under the Admn. Division, HDC as a Casual Worker since 1998.

Sir, it is submitted that one "A" type quarter has been allotted in my favour on license basis (Quarter No. 5/123) on 2014.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 2000 within which I am required to maintain the educational expenses of my children, sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir, it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you,

Yours truly,

Shalshona Banik

Place : Haldia

Date: 18/4/2022

✓ Copy to : General Manager (M&S)- for information and necessary action please.

Copy to : General Manager (Finance) – for information and necessary action please.

From CAD
18/4

70

Admin. Div. No.	412
Date	18.04.2022
Time	3.52

453

DM(SB)
18/04/22

Senior Deputy Manager
Administration Division
Haldia Dock Complex

Sir,

Subject: Request for concession in proposed monthly quarter Licence fees

This is to inform you that myself Anita Mahapatra is working under the Finance Division, HDC as a Casual Worker since 2014.

Sir, it is submitted that one "A Type" quarter has been allotted in my favour on license basis (quarter No. 5/SB/A) on February 2015.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 25,000/-, within which I am required to maintain the educational expenses of my One children. Sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your good self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favorably and oblige.

Thanking you

Yours truly

Place: Haldia

Date: 18.04.2022

Anita Mahapatra

✓ Copy to: General Manager (M&S) for information and necessary action please.

Copy to: General Manager (Finance) for information and necessary action please.

From (M)

Ac

18/4

71

Admn. Div. No.:	414
Date:	18.04.2022
Time:	8:56

452

From (AS)
18/4

Senior Deputy Manager
Administration Division
Haldia Dock Complex

Sir,

Subject: Request for concession in proposed monthly quarter Licence fees

This is to inform you that myself Dipali Saren is working under the Finance Division, HDC as a Casual Worker since more than 10 years.

Sir, it is submitted that one "A Type" quarter has been allotted in my favour on license basis (quarter No. 5/54-A) from November, 2009.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-01-2021.

Sir, it is submitted that my present monthly earning is approximately Rs. 20500/-, within which I am required to maintain the educational expenses of my two children. Sir, you may appreciate that at this low income it is really tough to manage all ends.

Hence, it is my earnest request before your good self to be kind enough to allow some concession in monthly quarter rent considering the fact that I am serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you

Place: Haldia
Date: 18.04.2022

Yours truly

Dipali Saren.

(DIPALI SAREN)

Working under finance division
through Bharat Trading Corporation

✓
Copy to: General Manager (M&S) for kind information please for favourable consideration .

Copy to: General Manager (Finance) for kind information please for favourable consideration .

From (AS)

18/4

72

Admn. Dkt. No.	887
Date	06.05.2022
Time	1.12

DA (SD) 451
WJ 9/5

Senior Deputy Manager,
Administration Division,
Haldia Dock Complex.

SDM (Ad)
lc
6/5

Sir,

Subject: Request for concession in proposed monthly quarter License fees

This is to inform you that myself Smt. Nilmani Soren, Wife of Late Jagannath Soren was dependent of an employee of Haldia Dock Complex who was expired on 25.07.2014. My daughter Smt. Sumitra Soren is working under P&IR Division, HDC as a Casual Worker since 24.04.2015. After My Husband's death, me and my daughter residing at the residential quarter which was allotted by the HDC authority in my favour.

However, after my husband's death, I requested the HDC Management to allot one "A Type" quarter (5/77-D) in my favour on license basis and the management was kind enough to grant my prayer. My daughter Smt. Sumitra Soren used to reside in the said quarter with me, for attending her duties.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised. It is submitted that I am a pensioner having a limited income and facing lots of medical expenditure due to old age complications. Moreover, my daughter earns an amount of Rs. 25,000/- (approx. net payment) per month. Sir, you may appreciate that at this low income it is really tough to maintain all ends. So, I beg to you that please consider me in proposed monthly quarter license fees.

Sir, it is earnestly requested you that my above prayer may kindly be considered favourably and oblige.

Thanking you,

Place: Haldia
Date: 06.05.2022

Yours truly,

नीलमनि सोरेन

Nilmani Soren

Pension Roll: HDC/G/Pens/03999

✓ Copy to: General Manager (M&S) for information and necessary action please.

Copy to: General Manager (Finance) for information and necessary action please.

73

407
18-04-2022
3.96

P
480

24. 9/90.

Senior Deputy Manager
Administration Division
Haldia Dock Complex

Sir,

Subject: Request for concession in proposed monthly quarter Licence fees

This is to inform you that myself Sri Ranajit Kumar Sahoo was an employee of Haldia Dock Complex and retired on 30-06-2010. It is also submitted before your good self that my daughter Smt. Barnali Bera Sahoo is working under the Finance Division, HDC as a Casual Worker since 01-07-2005. Previously, before my retirement she used to reside with me at the residential quarter allotted by the HDC authority in my favour.

However, after my retirement, I requested the HDC Management to allot one "A Type" quarter (9/90-D) in my favour on license basis and the management was kind enough to grant my prayer. My daughter Smt. Barnali Bera Sahoo along with her daughter & son used to reside in the said quarter with me, for attending her duties. It is also submitted that although she applied for allotment of separate quarter on license basis, same was not granted by the HDC Management considering prevailing administrative guidelines.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that I am a pensioner having a limited income and facing lots of medical expenditure due to old age complications. Moreover, my daughter earns an amount of Rs. 25,000/- (approx. net payment) per month from where she is required to maintain the educational expenses of her two child. Sir, you may appreciate that at this low income it is really tough to maintain all ends.

Hence, it is my earnest request before your good self to be kind enough to allot / transfer the quarter in favour of my daughter Smt. Barnali Bera Sahoo and allow some remission in monthly quarter rent considering the fact that she is serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you

Place: Haldia
Date: 18-04-2022

Yours truly

Ranjit Kumar Sahoo
RANAJIT KUMAR SAHOO, Ex-U.D.C. (SG)
Pension Roll: HDC/G/Pens/02877

Copy to: General Manager (M&S) for information and necessary action please.

Copy to: General Manager (Finance) for information and necessary action please.

DM (M&S)
FO
24/04/22

74

Adm. No.	409
Date	18.04.2022
Time	3.48

9
9/6/D

449

Senior Deputy Manager
Administration Division
Haldia Dock Complex

Sir,

Subject: Request for concession in proposed monthly quarter licence fees

This is to inform you that myself Sri Aswini Kumar Khatua was an employee of Haldia Dock Complex and retired on 31-10-2010. It is also submitted before your good self that my daughter Smt. Babita Mistri (Khatua) is working under the Finance Division, HDC as a Casual Worker since 01-07-2005. Previously, before my retirement she used to reside with me at the residential quarter allotted by the HDC authority in my favour.

However, after my retirement, I requested the HDC Management to allot one "A Type" quarter (9/6D) in my favour on license basis and the management was kind enough to grant my prayer. My daughter Smt. Babita Mistri along with her daughter also resides in the said quarter with me, for attending her duties. It is also submitted that although she applied for allotment of separate quarter on license basis, same was not granted by the HDC Management considering prevailing administrative guidelines.

Sir, it is understood that the rate of license fees for the subject quarter is proposed to be revised upwardly from 07-04-2021.

Sir, it is submitted that I am a pensioner having a limited income and facing lots of medical expenditure due to old age complications. Moreover, my daughter earns an amount of Rs. 26,000/- (approx. net payment) per month from where she is required to maintain the educational expenses of her only child. Sir, you may appreciate that at this low income it is really tough to maintain all ends.

Hence, it is my earnest request before your good self to be kind enough to allot / transfer the quarter in favour of my daughter Smt. Babita Mistri (Khatua) and allow some remission in monthly quarter rent considering the fact that she is serving HDC since long.

Sir it is earnestly requested that my above prayer may kindly be considered favourably and oblige.

Thanking you

Place: Haldia
Date: 18-04-2022

Yours truly

Aswini K. Khatua

Aswini Kumar Khatua
Pension Roll: HDC/6/Pens/02947

Copy to: General Manager (M&S) for information and necessary action please.

Copy to: General Manager (Finance) for information and necessary action please.

DM (SB)
FD W/20/4

**Rent for Land and Buildings of Syama Prasad Mookerjee Port,
Kolkata at Haldia Dock Complex (other than licensing of land / buildings
inside Dock Interior Zone for storage of import/export cargo)**

I. LANDS:

Sl No.	Description Land	Rent per 100 sq. mtrs. per month.
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:

Sl No.	Zone, Location and other description	Rent per sq. mtr. per month.
a.	Pucca Roofed Structure	
	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.	AC/CI Roofed Structure	
	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. 115.00
	(ii) "A" Type quarters	Rs. 138.00
	(iii) Modified "A" type quarters	Rs. 138.00
	(iv) "B" type quarters	Rs. 138.00
	(v) Modified "B" type quarters	Rs. 138.00
	(vi) "C" type quarters	Rs. 144.81
	(vii) "D" Type quarters	Rs. 180.03
	(viii) Officers Hostel	Rs. 141.00
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

	<p>i) If above occupation continues beyond 3 days</p> <p>Rs. 1700</p> <p>ii) For holding function on land for area occupied above 40 sq. mtrs.</p> <p>Rs. 1700</p> <p>iii) If above occupation continues beyond 3 days</p> <p>Rs. 2260</p>	
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	
	<p>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:</p> <p>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.</p>	

	<p>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.</p> <p>For essential public utility lines where beneficiary is port or other statutory / local bodies , wayleave permission fees @ Rs 2252.33 per calendar year or part thereof may be recovered (arrived at by 2% escalation of current SoR).</p> <p>For laying of underground cables like optical fiber cable (OFCs), telephone cables, electric cables etc., having diameter up to 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.</p>	
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 (per day or part thereof per helipad)	Rs. 15,000/-
8.	Permission fee for construction/installation of microwave 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: (to be recovered from the lessee requiring re-demarcation of the plot after handing over possession of the land concerned)	
	i) Resurvey fee for the first acre or part thereof	Rs.5700/-
	ii) Resurvey fee for the land area beyond one acre	Rs.1200 per acre or part thereof

NOTES:

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

I. LEASE

1. 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 1st year will be calculated based on the updated SoR. From the 2nd

year onwards, the rate of rent will be escalated in terms of provision under item-(III) (1) (ii) 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 -(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 transfer 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 [other than cases referred under (i) above] 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, Mega Food Parks, Free Trade Warehousing Zones, etc. wherein the business model is based on subletting only. The issue of whether the business model is based on the subletting or no may be decided by the Board.
- (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 i.e. w.e.f. the date of issuance of permission letter or change of purpose actually started whichever is earlier (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 plots in the name of one lessee, mutation charges are to be paid separately for each plot.

- 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

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

II. LICENSE

i. 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.

ii. 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) The rate of rent of all future leases on annual basis / 5 years licence will get escalated every year from the date as would be notified in revised schedule of rent for land & buildings of SMPK at Haldia, by 2% of the rent payable in the preceding year or the scheduled rent then in force, whichever is higher.

During the tenure of the lease/ licence, if the scheduled rate of rent becomes higher than the rate of rent / licence fee at which rent / licence fees is being paid by the lessee/licensee, the scheduled rate of rent / licence fees will be applicable

straight-away from the date the scheduled rent/licence fees becomes applicable. Thereafter, the rent/licence fees 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/licenseses in advance.

In such cases, the rent / license fee, whether demanded or not, shall be paid by the licensees / lessees on or before the 15th 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 15th 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 15th 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/licenseses 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 applicable tax component.

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

SMPK shall keep SD equivalent to two years' nominal rent @ Re 1/- plus applicable tax component.

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

SMPK shall keep SD equivalent to three months' license fee plus applicable tax component for land/ structure/ quarters.

In case, licensee chooses to pay the total license fee for the license period in advance, S.D equivalent to only one month's license fee plus applicable tax component is to be deposited.

(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 applicable tax component for land / structure.

In case, licensee chooses to pay the total license fee for the license period in advance, S.D equivalent to only one month's license fee plus applicable tax component is to be deposited.

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.

Penal charge for encroachment will be without prejudice to the right and contentions of SMPK to take any other legal action against such encroachment.

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 unauthorizedly, 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.

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/ unauthorized 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/occupant 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 as well for the period under compensation.
- 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 years of 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 imposed after 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 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 of 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.

11. The SoR under Annexure VI shall remain valid for a period upto 06.04.2026.

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

Type of property		License fee per 100 sq. mtrs. per month.
a)	Open Space :	
	i) Bare land	Rs. 4758.03
	ii) Hardstand	Rs. 7398.89
b)	Covered Space	
	i) Pucca roofed	Rs. 15672.81
	ii) AC/CI roofed	Rs. 11753.76

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 may be made.
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 Sublet/assigned/transferred.
3. 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.
4. 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.
5. 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.
6. (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 cost and arrangements, display signboards containing name of the licensee, plate no., vessel's name in case of Ship to Ship allotments & validity of license.

7. Payment of License fee and Security Deposit:-

- (i) Security Deposit (equivalent to 01 months' applicable License Fee with applicable Taxes) is to be paid in case of all types of allotments. 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.
- (ii) License Fees with applicable taxes towards entire period of license shall have to be paid in advance in case of all types of allotments except for allotment of land through Tender –cum-Auction for a period of 5 years.
- (iii) License Fees with applicable taxes for allotment of land through Tender –cum-Auction for a period of 5 years has to be paid annually in advance.

8. In addition to payment of license fee as per (7) above, the licensee shall pay municipal tax, if required and as applicable.

9. 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.

10. 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.

11. 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

12. 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.

13. 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.
14. The minimum area to be licensed to a single licensee will be 1000 square meters.
15. Penal Interest:
- Simple Interest@12.00% per annum on the outstanding License fee, Advance license fees, penal charges for encroachment/ unauthorized 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 licenses and other permissions.
 - The existing licenses/ other permissions would be governed by the provisions of the respective licenses/ permissions in this regard.
 - In case of restoration of licenses (earlier determined / terminated) as well as in case of compensation, where issuance of Bill/Invoice/Demand Notice were discontinued, the licensee/occupant will be liable to pay 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 license as well as period under compensation billing.
 - 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.
16. 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	30%
		45 days	15%
From 25001 MT upto 40000 MT	90 days	45 days	30%
		67 days	15%
From 40001 MT upto 80000 MT	120 days	60 days	30%
		90 days	15%
Above 80000 MT	180 days	90 days	30%
		135 days	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.

17. 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%

18. The SoR under Annexure-VII shall remain valid upto 06.04.2023 or till date of implementation of new Scale of Rates of Syamaprasad Mookerjee Port, Kolkata, whichever is earlier.

No. PD-14024/5/2020-PD-I (e343443)
Government of India
Ministry of Ports, Shipping & Waterways

Transport Bhawan
1, Parliament Street, New Delhi-110001

Dated 03 November 2021

To

Chairpersons
All Major Ports
(SMPT, PPT, VPT, ChPT, VOCPT, CoPT, NMPT, MoPT, JNPT, MbPT, DPT)

Subject:- Tariff Policy for Major Port Authorities 2021 (after the MPA Act 2021 comes into force).

Madam/ Sir,

The Government had, under section 111 of the Major Port Trusts Act 1963, issued Policy for Determination of Tariff for Major Port Trusts, 2018 vide communication No.IWT- 11/28/2018-IWT dated 28 December 2018 and subsequent e-mail dated 31 December 2018. The validity of the said Tariff Policy is prescribed till 1 April 2022.

II. The Ministry of Law and Justice has now notified the Major Port Authorities Act, 2021 (01 of 2021) in the Gazette of India dated 18 February 2021. Subsection (1) of Section 27 of the said Act stipulates that the Board of each Major Port Authority or the committee or committees constituted in this behalf by the Board of Major Port Authority may frame scale of rates and a statement of conditions under which, any services shall be performed or for access to and usage of the port assets be allowed by Major Port Authorities. Further, clause (f) of subsection (2) of Section 71 of the ibid Act, empowers the Central Government to make rules providing for the norms for fixation and implementation of scales, fees, rates and conditions under subsection (1) of Section 27.

III. In this back drop, as per the directions of the Ministry of Ports, Shipping and Waterways to frame a comprehensive tariff Policy to be followed by Major Port Authorities post MPA Act 2021 comes into effect, the Indian Ports Association (IPA) formulated a draft Tariff Policy and the Working Guidelines for tariff fixation by Major Ports and also constituted a Committee comprising of Senior Port Officers and experts to review and finalise the Tariff Policy and the Working Guidelines for fixation by Major Port Authorities.

IV. The Committee constituted by the IPA circulated the draft Tariff Policy 2021 and the Working Guidelines 2021 to the Major Ports for their comments. Taking into

4. PROCEDURE FOR FIXING THE SOR

- 4.1 The draft SOR, along-with conditionalities governing them, for services rendered or facilities provided or for access to and usage of the port assets and Performance Standards shall be formulated by the Board of Major Port Authority or by Committee(s) so constituted by the Board of the Major Port Authority, in accordance with this Policy as amended from time to time.
- 4.2 The Board of Major Port Authority or the Committee(s) so constituted by the Board while drawing the SOR may draw a comparison of the major tariff items for their ports and ascertain itself that the proposed tariff is comparable and competitive with neighboring and competing ports.
- 4.3 After obtaining approval of its Board, the Major Port Authority shall host the proposal, draft SOR along with the proposed Performance Standards and the cost formats in its website and invite comments of relevant stakeholders/ users to be submitted within 15 days time.
- 4.4 The Major Port Authority will also circulate the tariff proposal to the relevant stakeholders/ users/ user associations for their comments within 15 days.
- 4.5 In case of receipt of objections from the users, Port Authority shall give an opportunity of hearing to the relevant stakeholders/ users/ user associations of the port. Hearing/s on the matter or proposal shall be organised at the Office of the concerned Major Port Authority. In case no objections are raised by users on the proposal, the port authority may not organize any hearing of users.
- 4.6 The Committee so constituted shall finalise the draft SOR hosted on the website with or without any modification. In both the cases, the Scale of Rates and/ or tariff finalized by the Committee shall be placed for seeking approval of the Board of the Major Port Authority.
- 4.7 Port Authority shall notify the SOR along with Performance Standards proposed by the Major Port Authority within 75 days from the date of hosting the proposed SOR in its website. The revised Scale of Rates, amendments, corrigendum, new tariff item etc., approved by the Board of the Major Port Authority, shall be notified by the Major Port Authority in the State Gazette and the same shall also be hosted on the web site of the port and intimated to the concerned stakeholders in writing/ or by electronic mode.
- 4.8 SOR shall come into effect after expiry of 30 days from the date of notification in the State Gazette by the Major Port Authority.

7.4 In cases where the Port Authorities enter in to a long term agreement/ contract with trade/ customers, the tariff so fixed in such arrangements shall also be within the ceiling of ARR determined as per this "Tariff Policy". Such agreements should include commitments from both parties i.e. the Port Authority in terms of performance standards, as per clause 3 above, and the Customer in terms of minimum cargo guarantee.

7.5 As regards Scale of Rates for Land and Buildings, the provisions prescribed for fixation of Scale of Rates under the Land Policy Guidelines issued by the Government from time to time shall apply.

7.6 Subsequent to the notification of SOR, the ports may also, if they so desire, rationalize the conditionalities prescribed in the SOR.

7.7 The ports should notify the port users lower rates and/ or rationalisation of the conditionalities governing the application of such rates and continue to notify the port users any further changes in such lower rates and/ or in the conditionalities governing the application of such rates by hosting it on the website and issue of trade notice.

7.8 Major Ports shall charge only for services provided by them. No notional booking of labour and other similar notional charges would be permitted.

7.9 Concessional tariff will be prescribed for coastal cargoes/ containers/ RoRo/ RoPax vessels, etc., as per the policy directions of the Government issued from time to time.

7.10.1 Whenever a specific tariff for a new service/ cargo/ equipment/ facility is not available in the SOR, of that particular port, and it is required to handle such cargo/provide such service at short notice, the concerned Major Port Authority can adopt the tariff and performance standards if any fixed for comparable cargo/ equipment/ service in any Major Port or an Ad hoc tariff/rate may be applied by the Major Port Authority in consultation with the concerned user till the final rate is notified by the Major Port Authority in the State Gazette. However, for determination of tariff for new cargo/ new service, in normal course, Port Authority shall follow normal consultation process as prescribed in clause 4.3, 4.4 and 4.5 above.

7.10.2 Whenever a specific tariff for a new service/ cargo/ equipment/ facility is not available in the SOR, and it is required to notify the rates in normal course, the concerned Major Port Authority can adopt the tariff and performance standards if any fixed for comparable cargo/ equipment/ service in any Major Port. If there is no rate available in any other Major Port Authority or if the rate available is not representative enough of the proposed new cargo/ service/ facility/ equipment then