

**MINUTES OF ORDINARY BOARD MEETING OF THE BOARD HELD ON 13.10.2020
AT 1200 HOURS IN THE OFFICE OF CANTONMENT BOARD AGRA.**

PRESENT :

- | | | | |
|-----|--|---|----------------------|
| 1. | Brig. A.D. Saha, SM, Station Commander | - | President |
| 2. | Dr. PankajMahinderu, Ward No. IV | - | Vice-President |
| 3. | Col. Manish Marwah, Adm. Comdt. | - | Nominated Member |
| 4. | Lt. Col. SudhirGopi, AAG (Legal), HQ 50(I) Para Bde | - | Nominated Member |
| 5. | Lt. Col. V.P. Singh, HQ 50(I) Para Bde | - | Nominated Member |
| 6. | Dr. Prabhakant Avasthi, PCS, Adm City | - | Nominated Member |
| 7. | Smt. Raj Kumari, Ward No. I | - | Elected Member |
| 8. | Dr. RenuMahinderu, Ward No. II | - | Elected Member |
| 9. | Smt. Vijay Laxmi, Ward No. III | - | Elected Member |
| 10. | Shri Tariq Ahmad, Ward No. V | - | Elected Member |
| 11. | Smt. Seema, Ward No. VI | - | Elected Member |
| 12. | Shri Durgesh Upadhyay, Ward No. VII | - | Elected Member |
| 13. | Shri Dilip Kumar, Ward No. VIII | - | Elected Member |
| 14. | Ms. Jyoti Kapoor, IDES | - | CEO/Member Secretary |

ABSENT :

- | | | | |
|----|------------------------------------|---|-------------------|
| 1. | Brig. Sameer Kumar, SEMO, MII Agra | - | Ex-Officio Member |
| 2. | Maj. Vijay Sharma, GE (West) | - | Ex-Officio Member |

As per provision of section 12(9) of cantonment act 2006

- | | | | |
|----|-------------------------------------|---|-----------------|
| 1. | Prof. S.P. Singh Baghel, Hon'ble MP | - | Special invitee |
| 2. | Dr. G.S. Dharmesh, Hon'ble M.L.A | - | Special invitee |

At the start of meeting Lt. Col. Sudhir Gopi, AAG (Legal), HQ ~~50(I) Para Bde~~ took the oath of allegiance as Nominated Member of the Board as per provision of Section 17 of Cantonment Act, 2006.

51. RESOLUTION:

The minutes of Civil Area Committee were discussed and in furtherance to the recommendation of the committee, presentation by the representative of the firms HMS Green, Freedom Motors and Tata Solar & HMS was made in front of the Board. During the presentation, Mr. Rajat Negi, Executive Advisor, Freedom Motors (California, USA) provided detailed inputs on the requirements and operation of the proposed WTE Plant at Sewala Trenching Ground. The proposed project on disposal of biodegradable waste on Trenching ground land for hybrid solar/biogas plant under SWM was discussed including the scope of processing the legacy waste lying there, partially. The proposed hybrid plant is of 20MT capacity which could be further increased upto 40MT per day. It was opined

by the PCB and resolved by the Board to tie up with Nagar Nigam for disposal of waste in a centralized manner and unified effort for the whole of Agra city including the Cantt Area. ADM City, rep of DM, Agra was requested to take up the matter with the state authorities. Further resolved that a final decision to be taken by the Board on the proposed PPP model of WTE hybrid plant after due deliberation on above points.

52. **RESOLUTION:**

Considered and approved as follows:-

1. Decision of General Committee approved by Board and the tender was finalized @ 20% above to L1 bidder M/s. Deputy Singh Contractor.
2. Decision of General Committee approved by the Board. Further resolved that this proposal be sent to Competent Authority for sanction at the earliest as this is a very significant matter from both Connectivity point of view as well as a substantial source of Revenue to the Board by way of installation of CoW (Cell on Wheels) Mobile Towers in Cantt area.

53. **RESOLUTION:**

Noted.

54. **RESOLUTION:**

Considered and resolved to forward a proposal for sanction of Competent Authority.

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56. **RESOLUTION:**

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57. **RESOLUTION:**

Considered and resolved to approve the monthly accounts for the month of July & August, 2020.

58. **RESOLUTION:**

Matter discussed at length. During the discussion on the agenda, Member Secretary / CEO pointed out that a Seniority list has been prepared after due process. The Board resolved to send the list to Directorate of Defence Estates, Central Command, Lucknow Cantt.

59. **RESOLUTION:**

Matter was discussed at length and the letters of the PDDE, CC, Lucknow and other Hon'ble dignitaries, along with representations of Sadar Bazar Traders Associations in this regard, were taken into due consideration. The Vice President, Dr. Pankaj Mahinderu and Dr. Renu Mahinderu, Ward Member, left the meeting and the discussion at this point because of conflict of interest. The Board examined the legal as well as financial/revenue aspects of the agenda. After looking into the nuances of the case, the Board unanimously resolved that all expired leases of Cantonment Fund Shops are proposed to be uniformly extended till 31.03.2020 and occupation charges at STR rates, applicable in the respective year of unauthorised occupation, will be charged as damages w.e.f. 23.01.2015, i.e. the day when the Board finally resolved, vide CBR No. 81 dated 22.01.2015, to initiate proceedings for the eviction of occupants from the subject shops under the due process of law, in order to regularize past unauthorised occupation.

The Board further resolved that in all cases where breach of lease terms and conditions such as unauthorised constructions has occurred the same has to be regularized/condoned by the Board by levying of suitable penalty/regularization charges for mezzanine floor/stair case and removal of partition wall without any kind of permission from the Cantt. Board office. The penalty/regularization charges for unauthorised constructions was approved to be Rs.100 per square feet. This would also address the past irregularities and provide a clean slate for the Board to frame a future policy for these shops. This will also lead to additional revenue generation of the Board.

In accordance with the provision of Rule 8 of Cantonment Property Rules 2017, read with section 267 (2) of Cantonments Act, 2006 and Transfer of Property Act, 1882, the Board unanimously resolved to grant fresh leases for a period of 5 years w.e.f. 01.04.2020 to 31.03.2025 to the current occupiers/original allottees of these Cantt Fund shops, subject to the due sanction of competent authority in this regard. Current occupier shall be considered for the grant of lease only in the event of original allottee not coming forward for extension/grant of fresh lease and subject to the payment and clearance of all relevant dues like damages charges, transfer fee etc by the current occupier. These leases w.e.f 01.04.2020 are proposed to be granted at the STR rate prevailing on the date of execution of the lease.

The Board unanimously resolved that in case any shopkeeper(s) is not willing to accept the terms and conditions, it is recommended that they may be immediately evicted and shops may be auctioned in accordance with the rule position.

Regarding the transfer of shop, Elected Members raised the point that the existing policy is extremely complicated and needs to be updated now. The Board unanimously resolved for the enactment of the new transfer policy in respect of the Cantonment Fund Shops for

which a draft to be put up before the Board in its ensuing meeting. PCB opined that the new Transfer Policy will not have retrospective effect.

It is also uniformly resolved by the Board that anything contained in this resolution/agenda shall not in any manner prejudice the right of the Board to evict the occupants of the subject shops, subject to final approval/sanction thereof by the competent authority.

60. **RESOLUTION:**

Matter discussed at length. The Board was informed that the matter was forwarded to the LMA for joint checking and examination from security aspect. During the deliberation, it was discussed that earlier building plan for the said bungalow was sanctioned during the year 2007 by the Cantonment Board Agra vide its CBR No. 17 dt. 15.05.2007, which however, could not be constructed, hence fresh building application has been proposed. Board discussed the issue on major observation related to security point of view on part of LMA as mentioned in agenda side. Board Members also deliberated the fact that the proposed building plan is only for the reconstruction of the existing main bungalow building, within the same existing plinth area, and the bungalow is in human habitation since past many years and the applicant is the recorded H.O.R since 1959. The Board agreed that there are no issues from security point of view, as per the report of Local MES after scrutinizing the building plan in detail, at the behest of the LMA. The proposed re-construction building plan has been technically evaluated by the competent Engineering authority of MES Agra from the perspective of proposed re-construction plan which was found to be in consonance with the Agra Cantonment Building-byelaws and Cantonments Act, 2006, which permit re-construction of main building of the bungalow. Since the proposed plans of re-construction has been verified by the technical (Engineering) Section of Cantonment Board Agra and Local MES Agra authority as directed by Station Headquarters Agra Cantonment (LMA) and found to be in permissible limits, as per Building-byelaws, there is no security implications which impinge upon the sanctioning of the proposed re-construction plan from the security point of view. The LMA shared the views based on examination of the case and allied aspects of security and deliberated that the proposed reconstruction building plan does not create any security concerns, as long as, no norms are violated. Adm. Comdt. stated that there is no issue in the re-construction building plan from LMA from security and allied aspects of security, as long as all norms are duly followed. Further, Board unanimously resolved to sanction the proposed reconstruction building plan, under Section 238 of Cantonments Act 2006, contingent to the conditions that all Rules, Byelaws and instructions to be adhered to strictly.

61. **RESOLUTION:**

Matter discussed at length. The Board was informed that the matter was forwarded to the LMA for joint checking and examination from security aspect. During the deliberation, the Board discussed the issue on major observation related to security point of view on part of LMA as mentioned in agenda side. Board Members also deliberated the fact that the proposed building plan is only for the reconstruction of the existing main bungalow building, within the permissible plinth area, as per 1995 Land Policy and the bungalow is in human habitation since past many years and the applicant is the recorded H.O.R. of this bungalow. The Board agreed that there are no issues from security point of view, as per the report of Local MES after scrutinizing the building plan in detail, at the behest of the LMA. The proposed re-construction building plan has been technically evaluated by the competent Engineering authority of MES Agra from the perspective of proposed re-construction plan which was found to be in consonance with the Agra Cantonment Building-byelaws and Cantonments Act, 2006, which permit re-construction of main building of the bungalow. Since the proposed plans of re-construction has been verified by the technical (Engineering) Section of Cantonment Board Agra and Local MES Agra authority as directed by Station Headquarters Agra Cantonment (LMA) and found to be in permissible limits, as per Building-byelaws, there is no security implications which impinge upon the sanctioning of the proposed re-construction plan from the security point of view. The LMA shared the views based on examination of the case and allied aspects of security and deliberated that the proposed reconstruction building plan does not create any security concerns, as long as, no norms are violated. Adm. Comdt. stated that there is no issue in the re-construction building plan from LMA from security and allied aspects of security, as long as all norms are duly followed. Further, Board unanimously resolved to sanction the proposed reconstruction building plan, under Section 238 of Cantonments Act 2006, contingent to the conditions that all Rules, Byelaws and instructions to be adhered to strictly.

62. **RESOLUTION:**

Matter discussed at length. During the discussion, it was pointed out that the construction at site is in a commercial fashion and the layout is that of shops along with shutters and hence, change of purposes is apparently involved at site as per the site inspection report and party has not made any changes in the structure despite the matter being taken up in the board meetings. Hence, Board resolved to reject the proposed composition plan and issue notice under Section 320 of the Cantonments Act, 2006 for further necessary action.

63. **RESOLUTION:**

Matter discussed at length. Two points were considered by the Board that firstly due to availability of Ganga water in the Cantt area has significantly reduced the demand for water from RO Water ATMs and secondly, since the COVID pandemic spread, the usage of Public Water ATM points has further gone down. After long detailed deliberation, Board resolved that M/s. Brain Power shall be responsible to run the contract till the

finalization of fresh tender and all dues shall be recovered from the contractor as per existing Terms and conditions for the contract. Further resolved that a fresh tender be invited for this work and the process to be finalized preferably within two months and MRP to be also decreased accordingly.

64. **RESOLUTION:**

Matter discussed at length. After long detailed deliberation, Board discussed resolved that M/S M.R. Enterprises, Mantola, Agra shall be responsible to run the contract till the finalization of fresh tender and all dues shall be recovered from the contractor as per existing Terms and conditions for the contract. Further resolved that a fresh tender be invited for this work and MRP be also decreased accordingly.

65. **RESOLUTION:**

Matter discussed at length. After long detailed deliberation, Board discussed resolved that Shri Puneet Agarwal shall be responsible to run the contract till the finalization of fresh tender and all dues shall be recovered from the contractor as per existing Terms and conditions for the contract. Further resolved that a fresh tender be invited for this work and MRP be also decreased accordingly.

66. **RESOLUTION:**

Matter discussed at length. CEO informed the Board that due to COVID – 19, advertisement business is badly affected and contractor has already taken over the site for 03 years. Further it was brought about in the meeting that due to the Visit of President of the USA Mr. Donald Trump in the month of Feb 2020, massive damage was done to the hoardings by Distt admin and the same has been plead for by the contractor several times in the office. Hence, keeping in view the two aspects, Board resolved that 40% of license fee be waived during the months of October , November and December 2020. Further resolved that an affidavit be taken from the firm for not claiming any further exemption in future on account of loss due to visit of Hon'ble President of the USA.

67. **RESOLUTION:**

Matter discussed at length. CEO informed the Board that due to COVID – 19, advertisement business through LED is badly affected and contractor has already taken over the site for 05 years. Hence, keeping in view the, Board resolved that 25% of license fee be waived during the months of October , November and December 2020.

68. **RESOLUTION:**

Considered and resolved to approve the honorarium of Rs. 35,000/- per month for two years for the CA. Board has approved with ex-post facto sanction from 1st January 2020 to 31st December 2022.


69. **RESOLUTION:**

Vice President and all Elected Members pointed out that Shri Hariom, retd Headmaster of Cantt Board School, is frequently contacting them and creating pressure on them for their signature on his representation. Member Secretary/CEO explained his case before the board and drew the attention of the board to the multiple replies that have been sent time-to-time, explaining all the details and nuances, on this matter. Further board resolved that matter is subjudice in the Hon'ble Court. Therefore, no action may be taken in this case until the disposal of the court case.

GENERAL DISCUSSION POINTS:

During the board meeting following points were discussed as under:

1. To conduct Deepawali Mela in Sadar Bazar and other areas of Cantt Board : On this point, it was unanimously decided not to conduct Deepawali Mela in light of Covid – 19 during the current year.
2. To consider the matter of leases of Sultanpura shops. Ward Member Shri Durgesh Upadhyay raised this issue for consideration. CEO informed that this case will be examined on its own merit separately.
3. Central Sponsored Scheme: On this point CEO explained the position of Centrally Sponsored Schemes and briefed and requested all the Elected Members to take personal interest for helping residents for availing schemes like Old Age Pension Scheme, Disabled Welfare Scheme and Amrut Yojana.
4. e-Chhawani Portal : During the discussion CEO informed the Board that in the near future on E-Chawani portal facility shall be open to the public for Trade License, Grievance Redressal etc. from their home through the said online portal.
5. School Recognition : During the discussion CEO pointed out that in the present education session Cantonment Board have applied for 3 School recognition, one of them Rainbow Cantonment School English Medium upto 08th standard.
6. Tender for Civil Conservancy : This was informed to the Board that in compliance of the Board Resolution vide CBR 47 dated 06/08/2020, a fresh e-tender has been uploaded on Govt. portal for comprehensive cleaning and sanitization in Cantonment Civil Area and after the finalization of due procedure on the e-tender, the matter shall be put up before the board.


Member Secretary
Cantonment Board, Agra
(Jyoti Kapoor, IDES)


President
Cantonment Board, Agra
(Brig. A.D. Saha, SM)

DATED 13.10.2020