

DEENDAYAL PORT AUTHORITY

MINUTES OF THE MEETING NO.1 OF 2023-24 OF THE MEMBERS OF THE BOARD OF DEENDAYAL PORT AUTHORITY HELD AT 1100 HOURS ON THURSDAY, 6TH APRIL, 2023, AT GANDHIDHAM.

P R E S E N T

1. Shri S.K. Mehta, IFS,
Chairman, DPA
2. Shri Nandeesh Shukla, IRTS,
Dy. Chairman, DPA
3. Shri Sushil Kumar Singh, (Thro' VC)
Joint Secretary (Ports),
Ministry of Ports, Shipping & Waterways
4. Shri T.V. Ravi, IRS,
Commissioner of Customs
5. Shri Narendra A. Patil, IRTS, (Thro' VC)
Chief Freight Transportation Manager, W.R.
6. Cmde. Nitin Bishnoi
Naval Officer-in-Charge

Also present

Shri C. Harichandran, Secretary

1. Leave of absence: -

The following Member was granted leave of absence:-

1. Shri R.B.Barad, IAS,
Vice Chairman & CEO, GMB

3. Revised Estimates 2022-23 & Budget Estimates 2023-24

Resolution

01

Resolved to approve and confirm the Revised Estimates for the year 2022-23 and Budget Estimate for 2023-24 under Rule 3(6) of the Major Port Authorities (Audit and Accounts) Rules 2021 read with section 44 (1) of the MPA Act, 2021.

4. Relaxation on the monthly electricity consumption to Sarvajanik Navratri Mitra Mandal, Gopalpuri.

Resolution

02

Resolved to approve to extend 100 Units of electricity free per month to Sarvajanik Navratri Mitra Mandal, Gopalpuri.

5. Revision of Professional & Legal Fees of Port Advocate, M/s. K.V. Gadhia Associates, Ahmedabad, engaged to represent Deendayal Port Authority in the cases/references under adjudication before the Hon'ble Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad

Resolution

03

Resolved to approve:-

- (a). The revision of professional & legal fees of Port Advocate, M/s.K.V. Gadhia Associates, Ahmedabad, engaged to represent Deendayal Port Authority in the Cases/References under adjudication before the Hon'ble Central Govt. Industrial Tribunal-cum-Labour Court at Ahmedabad, as under:-

Sr. No.	Particulars	Revised Rate (Rs.) (#)
1	Professional & Legal fees per Case/Reference (as lump sum for each Case/Reference inclusive of Conference Charges, Clerkage, Stationary, Printing, Stenography, Out of Pocket and other Misc. Charges)	39,000/-
2	Filing of Caveat Application	7,000/-
3	Interim Relief/Stay Application/ Reply to the same, etc. hearing and drafting	7,000/-
4	legal opinion, as and when obtained (as lump sum, per legal opinion)	5,000/-

(#) Taxes, if applicable, be paid extra.

- (b). To make payment of the said professional & legal fees, as per the following payment cycle:-

Sr. No.	Particulars	Payment Cycle
1	At the time of filing Vakalatnama	30% of lump sum fee, i.e. Rs. 11,700/-
2	At the time of filing Written Statement	30% of lump sum fee, i.e. Rs. 11,700/-
3	On conclusion of Case/Reference and on receipt of Award	40% of lump sum fee, i.e. Rs. 15,600/-

- (c). To revise the said rates, with validity for a period of 4 years, from the date of approval of the Board; and in the pending Cases/References, in which either Vakalatnama or Written Statements or both, on behalf of the DPA, had already been filed and payments released for those cycles (i.e. either first cycle of 30% or second cycle of 30% or both cycles) based on prevailing rates of Rs.30,000/-, the remaining payments for second cycle (30%) and/or third cycle (i.e. 40%) be released proportionately on lump sum payment of Rs.39,000/- per Case/Reference, i.e. 30% and/or 40%, as the case may be, of Rs.39,000/- per Reference; and in new References in which Vakalatnama is/are yet to be filed, the lump sum professional & legal fee may be paid at the revised rate of Rs.39,000/- per Case/Reference, as per above payment cycle, with no changes in other existing terms & conditions.

6. Hiring of brand new make of 64 nos. of vehicles (Model-2023) EV/Diesel/Petrol, on monthly hired basis and hiring of vehicles not earlier than 2022 on "As and When required basis" for a period of 03 years - Ratification of action taken for award of contract to M/s.Rishabh Enterprises, Gandhidham

Resolution

04

Resolved to approve to ratify the taken action for placement of Letter of Intent and Work Order on M/s. Rishabh Enterprises, Gandhidham, amounting to Rs.44,48,147.00 per month (i.e. Rs. 16,01,33,292.00 for the period of 03 years – 17.16% below the Estimated Cost) (by considering rates as per Tender Condition No. 28.6) (inclusive of all Costs, Duties, salary and wages of staff, repair and maintenance cost, fuel cost, insurance and other incidentals etc. except Goods & Service Tax (GST), for the work of "Hiring of brand new make of 64 Nos. of vehicles (Model-2023) EV/Diesel/Petrol, on Monthly Hired Basis and Hiring of Vehicles not earlier than 2022 on "As and when required basis" for a period of 03 years".

7. Hiring of 02 nos. 60 T Bollard Pull Tugs for Deendayal Port, Kandla, for the period of 10 years, extendable for one year.

Resolution

05

Resolved to approve:-

- (i) To ratify the action taken to approve pre-bid clarification for the work of Hiring of 2 Nos. 60T Bollard Pull Tug for Deendayal Port, Kandla for the period of 10 years, extendable for one year placed at {Annexure – 16 (P:58-117)}.
- (ii) To ratify the action taken by the Chairman to accept the recommendations of the Tender Committee to technically qualify (i) M/s. Polestar Maritime Limited, Mumbai & (ii) M/s. Ocean Sparkle Ltd., Hyderabad.
- (iii) To award the work to the lowest evaluated bidder M/s. Ocean Sparkle Ltd., Hyderabad at the rate of Rs.287500/- per day per tug for Two (02) tugs i.e. Tug Dolphin 30 & Tug Ocean Challengers as against the estimated rate of Rs.290000/- per day per Tug with total award cost of Rs.209,87,50,000/- for 10 years.
8. Ratification of action taken by the Administration for grant of N.O.C for mortgage of lease hold land bearing Plot Nos.52 admeasuring 15000.00 sq.mtrs allotted to M/s. Shiv Shipping Services, Gandhidham, on 30 years' lease in favour of Small Industries Development Bank of India, Gandhidham, total amount of Rs.750 lakhs

Resolution

06

Resolved to ratify the action taken by the Administration for grant of NOC to M/s. Shiv Shipping Services, Gandhidham, for mortgage of Plot No.52, admeasuring 15000 sq. mtrs situated at Kandla for a loan amount of Rs.750 lakhs in respect of plot No. 52, admeasuring 15000 sq. mtrs in favour of Small Industries Development Bank of India, Gandhidham, by charging the mortgage fee of Rs.20,000/- as per the Mortgage Fee structure approved by the Board, subject to condition that Port retaining to first charge on them and the conditions of lease deed shall be applicable in the event of sale or foreclosure of the above mortgaged properties.

9. Ratification of legal expenses incurred for defending and filing court cases in various Courts, Tribunals and Forums for the period from October 2022 to December 2022.

Resolution

07

Resolved to ratify the action taken by the Administration for the payment of legal expenses, amounting to Rs.57,67,500.00 and for Arbitration fees, amounting to Rs.16,00,000.00 for the period October 2022 to December, 2022.

11. N.O.C for mortgage of lease hold land bearing Plot No.38 admeasuring 18750.00 sq.mtrs allotted to M/s. Shreeji Exports, Gandhidham, on 30 years' lease in favour of Small Industries Development Bank of India, Gandhidham, total amount of Rs.750 lakhs.

Resolution

08

Resolved to approve the recommendation of Land Allotment Committee for grant of NOC to M/s. Shreeji Exports. Gandhidham, for mortgage of Plot No. 38, admeasuring 18750.00 sq. mtrs situated at Kandla, for a loan amount of Rs.750 lakhs in respect of Plot No. 38, admeasuring 18750.00 sq. mtrs in favour of Small Industries Development Bank Of India, Gandhidham, by charging the mortgage fee of Rs.20,000/-, as per the Mortgage Fee structure approved by the Board, subject to condition that Port retaining to first charge on them and the conditions of lease deed shall be applicable in the event of sale or foreclosure of the above mortgaged properties.

12. Sprinkling System inside Cargo Jetty area for coal dust suppression in Coal Yard - Approval of Anticipated Variation Statement & extension of time limit – reg.

Resolution

09

Resolved to approve for the work "Sprinkling system inside cargo jetty area for coal dust suppression in coal yard" as under:-

- (i) Grant of extension of time limit from 15.04.2023 to 14.04.2024 i.e. for 12 (Twelve) months without LD.
- (ii) Approve the Anticipated Variation Statement No.1 with net saving of Rs.21,39,825.04 i.e. 1.48 % over the Tender amount of Rs.14,44,14,653.00.

13. Ratification of action taken by the Administration for grant of N.O.C for mortgage of lease hold land bearing Plot No.13 admeasuring 14550.00 sq.mtrs allotted to M/s. Gokul Agro Resources Ltd., Gandhidham, on 30 years' lease in favour of Central Bank of India, Mid Corporate Finance Branch, Ahmedabad, for a total amount of Rs.160 crores.
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Resolution

10

Resolved to ratify the action taken by administration for grant of NOC to M/s. Gokul Agro Resources Ltd., Gandhidham, for mortgage of Plot No.13, admeasuring 14550.00 sq. mtrs situated at near Jawahar Road, within the Kandla Port Limits, Kandla, for a loan amount of Rs.160 crores in respect of plot No.13 in favour of Central Bank of India, Mid Finance Branch, Ahmedabad by charging the mortgage fee of Rs.20,000.00/- as per the Mortgage Fee structure approved by the Board, subject to condition that Port retaining to first charge on them and the conditions of lease deed shall be applicable in the event of sale or foreclosure of the above mortgaged properties.

14. Grant of Pilotage Licence to Capt. Shishir Patange, appointed as Pilot on contractual basis for pilotage operations at Deendayal Port.
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Resolution

11

Resolved to approve the recommendations dated 15/03/2023 of the Examination Committee, Constituted for conducting the Examination of Pilots in accordance with the Chapter-III – Training and examination of the Guidelines for Authorisation & Licensing of Pilots in Major Ports as at Annexure-II for grant of Pilot License to Capt. Shishir Patange to carry out the pilotage operations at Deendayal Port Authority, as per the terms and conditions of the contract with immediate effect; subject to further approval of the Ministry of Shipping.

17. (1) Dredging in Nakti Creek and at Berthing Jetty of Tuna Bunder for 1 year at Deendayal Port and (2) development of Backup area and allied facilities at the existing Tuna Barge Jetty. – Discharge of proposal - req.

Resolution

12

Resolve to Approve:-

1. Acceptance of Following Reports:
 - (i) Mathematical Model Studies Report for Hydrodynamics and Sedimentation to Assess the Feasibility of Resumption of Lighterage at the existing Tuna Barge Jetty at Nakti Creek, Kandla, Gujarat" submitted by CWPRS, Pune.
 - (ii) Feasibility Report for "Assessment of Tuna Jetty for Lighterage Operations" submitted by M/s. AECOM India Pvt. Ltd, Gurgaon.
 2. Discharge of the following tenders/projects in connection with the Development of Barge Handling Facilities at Tuna:
 - (i) Dredging in Approach Channel of Nakti creek Leading to Barge Jetty of Tuna Bunder at Deendayal Port – Kandla
 - (ii) Development of backup area and allied facilities at the existing Tuna Barge Jetty.
 - (iii) Return the EMD of respective bidders of above two tenders.
18. Development, Operation and Maintenance of Oil Jetty No.09 for handling all types of Liquid Cargo at Old Kandla, under PPP Mode, for a concession period of 30 years – Ratifications to supplemental SFC Memo along with altered bidding documents i.e. RFP & DCA along with various RFP extensions - req.

Resolution

13

Resolved to ratify as under:-

- (a) The supplementary SFC Memo along with the altered bidding documents i.e. RFP & DCA {Annexure – 44 (P:319-746)}, modified based on the ASG opinion, and forwarded to the MoPSW, New Delhi, for its approval.
- (b) Extensions of the RFP Bid Due Date, latest up to 25/04/2023, vide amendment to the RFP Nos. 8 to 17
- (c) To confirm the Minutes of this Agenda Item, in view of urgency.

19. Approval to the expanding of the Panel of Port Advocates and Fee Structure payable to them.

Resolution

14

Resolved to approve the empanelment of following Advocates/Advocate Firm and the fees payable to them as under:-

NAME OF THE ADVOCATE FIRM	TERMS & CONDITIONS	PROPOSED PANEL ADVOCATE FOR
1. Legafin Law Associates	Board's Resolution No. 68 dtd. 09.10.2012 {Annexure - 45 (P:749-750)}	Arbitration, Delhi High Court, NCLT, Delhi, Legal Opinion
2. Vyas & Bhalval	Fees scheduled approved by the JNPA {Annexure - 46 (P:751-753)}	Arbitration, Bombay High Court
3. Law Point	Fees scheduled approved by the MbPA {Annexure - 47 (P:754-756)}	Arbitration, NCLT, Mumbai, environment, Legal Opinion
4. VMP Legal	Board's Resolution No. 68 dtd. 09.10.2012 {Annexure - 45 (P:749-750)}	High Court of Gujarat, NCLT, Ahmedabad
5. Adv. Ashu Dalal	Revised Fee schedule attached. {Annexure - 48 (P:757)}	Pre-litigation work Tender work PPP related

20. Proposal for empanelment of Divine Life Hospital, Adipur, to provide medical treatment facilities to the Port beneficiaries.

Resolution

15

Resolved to approve the proposal to do away with the procedure of inviting EOI and empanel Divine Life Hospital, Adipur, with DPA for providing medical facility to DPA beneficiaries at CGHS rates on cash less basis upto 13.11.2024, subject to submission of Performance Bank Guarantee of Rs.5.00 lakh (As applicable to other local multi-specialty hospitals) and entering into MOU with DPA

21. "Permission for laying of 2 Nos. 40" Dia. (24" Dia Pipeline + 16" Insulation) LPG Pipeline from Oil Jetty No.8 to IOCL Kandla Plant and installation of LPG Import Handling facility at Oil Jetty No.8 for handling of LPG to M/s. IOCL" - Ratification thereof.

Resolution

16

Resolved to ratify the following:-

"Permission For Laying Of 2 Nos 40" Dia. (24" Dia Pipeline + 16" Insulation) LPG Pipeline From Oil Jetty No. 8 to IOCL Kandla Plant and Installation of LPG Import Handling Facility at Oil Jetty No.8 for handling of LPG to M/s. IOCL on the same terms and conditions incorporated in the "Policy for grant of permission for laying and operating the pipelines in DPA limit".

22. Development of Four Lane Road Common Corridor from LC-236B to 16th CB along Railway Line(Phase-I) - Ratification of action taken for acceptance of L-I offer of M/s. Hariom Earthmovers & Transport

Resolution

17

Resolved to approve: -

- (a) To Ratify the action taken to approve the Estimate and DTPs, to issue NIT, open the Technical bids, Qualify bidders at Sr. No. i to v and disqualify Bidder at Sr. No.vi to viii, as mentioned below and to open the price bids of qualified bidders:-

Technically Qualify following Five bidders: -

- (i) M/s Baldaniya - Balaji JV, Anjar
- (ii) M/s Dharti Construction, Anjar
- (iii) M/s Bhimji Velji Sorathia Construction Pvt. Limited, Gandhidham.
- (iv) M/s Shree Ram Infrastructure, Adipur
- (v) M/s. Hariom Earthmovers & Transport, Anjar

Disqualify following Three bidders: -

- (vi) M/s B D Sorathia & Co, Vadodara
- (vii) M/s K.K.Sorathia JV Dhanjibhai K Patel, Bhuj
- (viii) M/s MMS Infratech Private Limited Anjar

- (b) To Ratify the action taken to accept the L1 offer of M/s Hariom Earthmovers & Transport amounting to Rs.38,46,53,311/- (GST extra as applicable) and issuing of Letter Of Acceptance for the work of Development of four lane road common corridor from LC236B to 16th CB along railway line(Phase-I)

23. Engagement of Shri Prakash G. Shahdadpuri, ex-Assistant Accounts Officer, Deendayal Port Authority in Finance Department as "Accounts Consultant" on contractual basis for a period of one year.

Resolution

18

Resolved to approve the proposal for engagement of Shri Prakash G. Shahdadpuri, ex-Assistant Accounts Officer, Deendayal Port Authority as 'Accounts Consultant' in Finance Department on contractual basis initially for a period of one year, extendable upto three years on a consolidated monthly remuneration based on the formula i.e. difference of "(last basic pay drawn plus VDA thereon) minus (Pension before commutation plus dearness relief on the date of retirement)", as applicable in case of retired Government officials and, as per the Terms & Conditions contained in the offer of engagement annexed as {Annexure – 64 (P:818-819)} to the Board Note.

24. Proposal for approval of "Carrying out the works under Corporate Social Responsibility for the year of 2022-23."

Resolution

19

Resolved to approve the activities / works to be undertaken under CSR Scheme amounting to Rs.70.00 Lakhs for the year of 2022-23, as recommended by CSR committee.

26. Survey-off the Compact Substation (02 Nos.) installed at AoB, Gandhidham

Resolution

20

Resolved to approve to declare the 02 Nos. Compact Substations installed at A.O. Building as unserviceable and the GFR 17 (Form – 10) at approximate loss of Rs.21.00 lakhs.

27. Implementation of Special Voluntary Retirement Scheme (SVRS)

Resolution

21

Resolved to introduce Special Voluntary Retirement Scheme (SVRS) in respect of Shore Worker and Dock Workers of the Traffic Department, as per the conditions prescribed in the Ministry's Standard Guidelines on SVRS dated 13/11/2020, subject to approval of the Ministry of Ports, Shipping and Waterways.

28. Approval for the Estimate & DTPs and invitation of tender for the "Capital Dredging at berth pocket of Oil Jetty No.8, maneuvering area and Kandla Creek Inner (Buoy No. 15A to Oil Jetty No.8) for future operational requirement from OJ -08 to OJ -11"

Resolution

22

It is resolved to approve:-

- (i) Estimate & DTPs and Invitation of Tender for the work of "Capital Dredging at Berth Pocket of Oil Jetty no. 8, Maneuvering Area and Kandla Creek Inner (Buoy No. 15A to Oil Jetty no. 8) for Future Operational Requirement from OJ -08 To OJ -11" at an Estimate and DTP cost of Rs.23,57,96,500/- and Rs.19,40,23,151/- respectively (worked out by NTCPCWC – IITM).
 - (ii) To authorize Chairperson-DPA to approve the addendum, Corrigendum, Pre-bid clarifications, qualification and evaluation of technical bids, opening of price bids, acceptance of lowest offer, issuance of Letter of Acceptance and any other clarifications.
 - (iii) To nominate / engage a suitable PMC and Third Party Survey Agencies for executing the said dredging work.
29. Approval to GFR-10 for 06 Nos. (E-233, E-234 & FF249 to F 252) Residential Quarters at Port Colony, Gopalpuri.

Resolution

23

Resolved to ratify the action taken by the Chairman to approve GFR-10 for 06 numbers quarters at Gopalpuri (Type-E (233-234) and Type-FF (249-252) at the tentative loss of Rs.6,98,785.43.

30. Mechanization of Bulk Cargo Handling at DPA-Ph-I: Mechanization of Berth Nos. 8 & 9- Approval for Techno Economic Feasibility Report (TEFR) submitted by Technical Consultant of the Project, as per the recommendation of Standing Investment Committee dated 30.03.2023.

Resolution

24

Resolved to accept the following, subject to decision at Para 30.6 above:-

- (i) To approve the TEFR submitted by Technical Consultant, and, the proposal for the "Mechanization of Berth Nos. 8 & 9" (Project-1) amounting to Rs.98.76 Cr. (Block estimated Capital Cost), under Mechanization of Bulk Cargo Handling at DPA based on the recommendation of the Standing Investment Committee of DPA, as per Maritime India Vision (MIV)-2030 directives of MoPSW.
- (ii) To Authorize the Chairman, DPA, to approve the detailed Estimate & DTPs, and Tendering stages for the project work. However, from time to time the Board will be informed in this regard by way of ratification thereof
- (iii) To refer the matter to the Ministry for concurrence.

32. Widening & Improvement of Existing 2/4- Lanes K.K. Road (Tentative Length: 10 km).
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Resolution

25

Resolved to approve as under for the work of "Widening & Improvement of Existing 2/4-Lanes K.K. Road (Tentative Length: 10 KM)":

- (i) Acceptance to the Feasibility report for the work of submitted by the Consultant M/s Monarch Surveyors and Engineering Consultants Pvt Ltd and go ahead as per Option-I of the report.
- (ii) Approval to the Block estimate for Rs.97.63 Crores.
- (iii) Authorize the Chairman to approve the Detailed Project Report, Detailed estimate, NIT, Draft Tender Papers for the subject work.
- (iv) Authorize the Chairman to approve the Pre-qualification of bidders for the subject work and award of work subject to ratification of the Board.

34. Conversion of leases from Leasehold to Freehold (Residential to Composite)
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Resolution

26

Resolved to approve the 09 Nos. of applications for conversion from Leasehold to Freehold (05 nos of DPA & 04 nos SRC) as per {Annexure – 96 (P:1107)} & {Annexure – 97 (P:1108)}.

35. Approval for Final Extension of time for completion of the "Supply, Installation, Testing & Commissioning of Sprinkling System for Coal Dust Suppression in 34-hectare Coal Yard with five years Operation & Comprehensive Maintenance Contract."
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Resolution

27

Resolved to approve the final extension of time-limit for 45 days from 17.02.2023 to 03.04.2023 may be granted to the Sprinkling system contractor M/s. Omkar Enterprise, for the work of "Supply, installation, testing & commissioning of Sprinkling System for coal dust suppression in 34-hectare coal yard with five Years Operation & Comprehensive Maintenance Contract", without levy of L.D. for the work. Operation & Maintenance of the system commences w.e.f. 04.04.2023.

36. Ratification towards decision taken by Competent Authority to levy Pipeline Usage Charges at Rs.5/- per MT for cargo handling of tankers berthed at Oil Jetty No.-07
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Resolution

28

Ratification towards decision taken by the Competent Authority to levy pipeline usage charges at Rs.5/- Per MT for cargo handling of tankers berthed at Oil Jetty No..07 from 23/01/2023, until further orders.

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