

DEENDAYAL PORT TRUST

MINUTES OF PROCEEDINGS OF MEETING NO.7 OF 2019-20 OF THE
BOARD OF TRUSTEES OF THE PORT OF DEENDAYAL HELD AT 10:30
HOURS ON TUESDAY, THE 17TH MARCH, 2020, AT GANDHIDHAM

P R E S E N T

Shri S.K. Mehta, IFS, Chairman
Shri Nandeesh Shukla, IRTS, Dy. Chairman

Trustees

Capt. R.K. Muduli
Shri L. Satyanarayan

Shri M.L. Bellani

Also present

Shri T. Venu Gopal, Secretary

1. Leave of absence: -

The following Trustees were granted leave of absence: -

Shri R.K. Agarwal, IAS, JS (Ports)
Shri Mukesh Kumar, IAS
Shri Manoj Kumar Srivastava, IRS
Shri Prabhat Kumar, IRTS
Shri Bibhash Kumar Thakur, IFS
DIG Rajesh Makwana
Cmde. Rajiv Ashok

3. Recovery of Rs.16.50 cr. and interest thereon from State Govt. of Gujarat which was given as grant-in-aid for the work of "Widening & Strengthening of N.H. 8A into four lane from KFTZ to Kandla W.G.No.1 (KM 362 to KM 371) to State Govt. of Gujarat – Decision of the Ministry that DPT may bear the cost of Rs.16.50 cr.

Resolution

116

Resolved to approve the Proposal to bear the cost of Rs.16.50 crores given as grant-in-aid to State Government of Gujarat for the work of "Widening & strengthening of NH 8A into four lanes from KFTZ to Kandla WG No.1 (KM 362 to KM 371) as per Ministry's decision communicated, vide letter No. PD-24015/41/2019-DPT/336844 dated 14-01-2020.

4. Board Note for grant of permission for laying of 02 nos. of 16" dia LPG pipeline from the Terminal of M/s. Aegis Logistics Ltd. at Plot No:6 to Oil Jetty No.1 to M/s. Aegis Logistics Ltd.

Resolution

117

Resolved to approve the proposal for grant of permission for Laying of 02 nos. of 16" dia LPG pipeline (with insulation 27") on common user basis from the Terminal of M/s. Aegis Logistics Ltd., at Plot No:6 to Oil Jetty No.1 to M/s. Aegis Logistics Ltd., with the terms and conditions to be incorporated in the policy to be framed for the grant of permission for pipelines to be laid from Oil Jetty to "Y" Junction and the policy in this regard will be abided with terms and conditions, as applicable, subject to obtaining all statutory permissions prior to commencement of work and compliance of all their requirements from time to time.

5. Transfer, Mortgage, Legal Mutations carried out by Gandhidham Township Land- Ratification thereof.

Resolution

118

Resolved to ratify the action taken by Divisional officer, Estate Division, Gandhidham Township, in respect of following Transfer, Mortgage and legal heir mutation cases as per {Annexure – 14 (P:62-81)} summarized below from 1.1.2019 to 31.12.2019:-

Sr. No.	Description	Period	No. of cases	Amount Realized
1	Transfer cases (Township Land)	01.01.2019 to 31.12.2019	13	1,02,32,132/-
2	Mortgage cases (Township Land)	01.01.2019 to 31.12.2019	304	11,71,987/-
3	Legal Heir Mutation	01.01.2019 to 31.12.2019	27	0

6. Refund of advance annual lease rent, security deposit and valuation of structures to M/s. Aarav Salt & Chemicals Private Limited, Gandhidham, in respect of Salt land admeasuring 439 acres.

Resolution

119

Resolved to approve the proposal to refund the advance lease rental amounting to Rs.2,77,30,291=00, Security Deposit amounting to Rs.5,54,50,187=00 and Value of existing assets amounting to Rs.93,50,187=00, as sought by M/s. Aarav Salt & Chemicals Private Limited in respect of salt land admg. 439 acres, subject to para 6.4. above.

7. Allotment of land admeasuring 3.00 acres (three acres) to M/s. GAIL (India) Limited on nomination basis for construction of GAIL Township at Gandhidham on 30 years' lease period

Resolution

120

Resolved to approve Allotment of Land admeasuring 03.00 acres (three acres) in NU-4, DC-5 (Residential) area at Gandhidham to M/s. GAIL (India) Limited on nomination basis for "Construction of GAIL Township at Gandhidham" on 30 years' lease period on provisional up-front Premium Basis of Rs.5,76,02,192/- plus applicable GST, and subject to following conditions:-

- i. Payment of nominal lease rent of Rs.1 per sq.mtr/per annum for the currency of the lease period.
 - ii. Submission of an Undertaking for payment of any differential amount of up-front Premium on final approval of rates by TAMP.
 - iii. The allotted area should be used only for the purpose for which it is allotted.
 - iv. The lease shall be non-transferable and no change in the use of the plot will be made.
 - v. After the expiry of the lease period, the party will hand over the land back to DPT.
 - vi. All Land Policy Guidelines and Scale of Rates from time to time will be strictly applicable.
8. Development of 13th Multipurpose Cargo (Other than Liquid/Container Cargo) Berth – Outcome of joint meeting held on 18.11.19 among committee of DPT & Representatives of Lenders

Resolution

121

Resolved to approve in-principally for payment of Rs.183,90,04,471=00 being 90% of the Debt Due to the lenders in accordance with Article 17.1(b) of the Concession Agreement read with Article 9.5(b) of the Concession Agreement.

9. Annual Rate Contract of Supply & Laying of HT/LT underground Cables at inside & outside Cargo Jetty area.

Resolution

122

Resolved to approve the proposal for extension of Contract of "Annual Rate Contract of Supply & Laying of HT/LT underground cables at inside & outside Cargo Jetty Area" for a further period of 12 twelve months or till finalization of new tender, whichever is earlier, w.e.f 29/10/2019, at a contract price of Rs.72,62,698/- i.e 53.86% excess of the tendered cost of Rs.1,34,84,687/-.

10. Extension of Supplementary Power Purchase Agreement between DPT and PGVCL for a further period of one year from 01/04/2020 to 31/03/2021.

Resolution

123

Resolved to approve the proposal to accept availing power from PGVCL at Contract Capacity of 2.5MW on the rate and terms & conditions of the offer submitted by PGVCL, Rajkot, and execute the Supplementary Power Purchase Agreement between DPT and PGVCL for a period from 01/04/2020 to 31/03/2021.

11. Transfer of Provident Fund Money of Shri Rajan Kondiram Gurav, Chief Operations Manager, DPT, to Deendayal Port Trust in terms of regulation – 12 of the Kandla Port Trust Employees (General Provident Fund) Regulations – 1964.

Resolution

124

Resolved to approve the proposal to accept the Provident Fund remittance received from Jawaharlal Nehru Port Trust in respect of Shri Rajan Kondiram Gurav, COM, DPT, and to post the same at his credit in the GPF Account, which shall be allotted to him by DPT as per Regulation-12 of the Kandla Port Employees (General Provident Fund) Regulations, 1964.

13. Waiver of Demurrage charges accrued on cargoes lying inside the Port area during the period of cyclone threat i.e. 12th to 14th June, 2019

Resolution

125

Resolved to approve the proposal for waiver of 80% of demurrage charges amounting to Rs.27,55,724/- (i.e. 80% of Rs.34,44,655/-) accrued on the cargoes lying inside during the Force Majeure period of Cyclone threat i.e. from 0600 hrs. of 12.06.2019 to 1800 hrs. of 14.06.2019. Interest on delayed payment, if any, on balance 20% will be charged, as per rules.

14. Framing of "Deendayal Port Trust Pilot (Training, Certification and Licensing) Regulations, 2020".

Resolution

126

Resolved to approve the Deendayal Port Trust Pilot (Training, Certification and Licensing) Regulations, 2020, as per the draft proposal placed at Annexure-II, under Section-28 of the Major Port Trusts Act, 1963, and send the necessary proposal to the Ministry for further approval of the Central Government under Section-124, ibid.

15. The proposal for transfer of Rs.1,45,338/- to Vishakhapatnam Port Trust towards interest on GPF balance upto the date of transfer of funds of Kum. Rajshree K. Dabke, Ex. Sr. Accounts Officer, DPT.

Resolution

127

Resolved to approve:-

1. Transfer of Rs.1,45,338/- to Visakhapatnam Port Trust towards interest on GPF balance for the period from 01/08/2018 to 31/03/2019 on account Kum. Rajshree Dabke, Ex. Sr. A.O.
 2. Interest for remaining period from 01/04/2019 to 30/11/2019 (upto the date of transfer of fund) will be transferred on finalization of GPF Interest rate for the year 2019-20 with the approval of Board.
16. Hiring of Power Transformer for 66 KV Substation- Final Variation thereof.

Resolution

128

Resolved to approve the Final Variation with the net excess of Rs.32,95,161.29 i.e. 286.54% above of the work order cost of Rs.11,50,000/- for the work of "Hiring of Power Transformer for 66 KV Sub-station".

Further, Board has expressed its serious displeasure over the said issue and decided to fix up responsibility on the concerned immediately for inaction. Directed Secretary to co-ordinate the issue.

17. Items for Information of the Board

- (I) Revision of Pension and other Pensionary benefits of Pre 01-01-2017 and Post 01-01-2017 retired Class – I & II Officers
- (II) Implementation of Pay Revision Order of Class – I & II Officers of Major Port Trusts and Dock Labour Boards effective from 01-01-2017
- (III) Review of Vigilance matters regarding – Periodic Progress of vigilance work/disciplinary cases in six months (DPE.GOI O.M. No.16 (48)/87-G dated 02-09-1996 and Ministry of Shipping, GOI, Ref. No.C-30019/22/2003-VIG dated 22-04-2004.
- (IV) Proposal for information to the Board regarding 80% concession on both VRC & CRC for coastal transportation of automobiles/vehicles through RO-RO Vessels/Ships
- (V) Award of work for nabbing of Monkeys from various sites in Kandla.

- (VI) Extension of engagement of Consultant for railway matters on contract basis for the further period of 03 months
- (VII) Assumption of charge of Dy.Chairman, Deendayal Port Trust, by Shri Nandeesh Shukla, IRTS.
- (VIII) Setting up of a Contaniner Terminal at Tuna – Tekra, Deendayal Port on BOT basis – Expenditure incurred for the project.

The Board noted the position.

18. Engineering, Procurement and Construction of Mechanized Bagging and Rake Loading Facility for Fertilizer at NG 34 in Deendayal Port, including O&M for 8 years – Approval of recommendation of the Conciliation Committee & Settlement Agreement between DPT and the Contractor, M/s.Rishi Shipping, Gandhidham.

Resolution

129

Resolved to approve:-

- (a) the recommendation of the Conciliation Committee for considering a period of 48 days for levy of L.D. to be attributed to M/s. Rishi Shipping, i.e., 50% of the L.D. amount withheld by DPT so far may be released and paid to contractor i.e. M/s. Rishi Shipping, as full and final settlement, without any further claim.
 - (b) Draft Settlement Agreement between DPT and M/s.Rishi Shipping, Gandhidham, authenticated by the Conciliation Committee constituted, as per Ministry's guidelines issued w.r.t the work of "Engineering, Procurement and Construction of Mechanized Bagging & Rake loading facility for fertilizer at Kandla Port including maintenance and operation for 8 years".
19. Execution of agreement between Deendayal Port Trust and Indian Railways

Resolution

130

Resolved to approve to enter into the agreement {Annexure – 89 (P:352-371)} with Railway to define working arrangement between Port Trust and Western Railway for running the Kandla Port Railway Dock Terminal (KPRK) inside the Port area.

20. The scheme of allotment of Port godowns to store import Fertilizers upto 3rd month on rental terms and further storage from 4th month and above on rental terms with 2 times penalty instead of demurrage charge

Resolution

131

Resolved to approve storage of imported fertilizer for a period of three months on rental terms, fertilizer occupying beyond three months will be treated as unauthorized occupation and levied 2 times of penal rent instead of demurrage charges from 1st March 2020 and same may be reviewed after a period of six months.

21. Revision of penalty charges for transfer of lease without prior approval of Deendayal Port Trust.

Resolution

132

Resolved to approve the proposal for revision of Penalty towards Transfer of lease without prior permission of DPT in partial modification to Resolution No. 202 of 10.3.2010 as under:

TABLE 'A'

(Applicable for Twelve months from the date of approval of the of the Board)

Sr. No.	Type of breaches	Proposed rates for Penalty
A.	<u>For Plot allotted by DPT & SRC</u> Additional fees for Compounding Breach Transferred without prior permission of Deendayal Port Trust.	<u>If unconstructed:</u> 100% of transfer fee or Rs. 10,000/- whichever is higher will be levied as penalty for every 5 years or part thereof. <u>If constructed:</u> 50% of transfer fee or Rs. 5,000/- whichever is higher will be levied as penalty for every 5 years or part thereof.

Note: The above charges are applicable to all applications wherein transfer/Sale agreement (with possession) has been carried out without prior permission of DPT and processed after the date of approval of the Board.

TABLE 'B'

(Applicable after Twelve months of date of approval of Board)

Sr. No.	Type of breaches	Proposed rates for Penalty
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A.	<u>For Plot allotted by DPT & SRC</u> Additional fees for Compounding Breach Transferred without prior permission of Deendayal Port Trust.	<u>If unconstructed:</u> 100% of transfer fee or Rs.50,000/- whichever is higher will be levied as penalty for every 5 years or part thereof. <u>If constructed:</u> 50% of transfer fee or Rs.25,000/- whichever is higher will be levied as penalty for every 5 years or part thereof.
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22. Levy of Port dues in case vessel arrives at different terminals of Deendayal Port with same voyage number

Resolution

133

Resolved to approve as under:-

1. Levy of Single Port Dues in case a vessel arrives at different terminals of Deendayal Port with same voyage number, whichever is higher and;
 2. Refund of Rs.23,62,516.00 to M/s. Cross Trade Shipping, Gandhidham, since in both the cases the vessel arrived at Tuna first and Port dues already recovered from the party at Tuna.
23. Acceptance of "Feasibility Report for the project of setting up another Dry Dock/Ship repair facility at Deendayal Port"

Resolution

134

Resolve to approve:-

- 1) to accept the Feasibility Report for the Project of "Setting Up another Dry Dock/Ship Repair Facility at Deendayal Port"
 - 2) to execute the project through PPP mode as per Para-14 of Board note
 - 3) In-principally approve to issue the RFQ for the project.
24. Amendment to the existing Recruitment Rules of Class-I & II Officers (from HoD to Class-II) for uniform designation in various departments of all Major Ports except Medical & Marine Departments

Resolution

135

Resolved to approve:-

- (i) the amendments to the Kandla Port Trust Employees' (Recruitment, Seniority and Promotion) Amendment Regulations, 2009 per the draft amendment proposal placed at {Annexure – 111 (P:580-619)}, as per Section-28 of the Major Port Trusts Act, 1963, subject to further approval of the Central Government under Section 124, *ibid*, and
- (ii) the change in designation of Class-II Officers and subsequent changes in the respective Recruitment Rules as per {Annexure – 112 (P:620-621)}

25. Item for information of the Board

Award of work of "Appointment of Technical Advisor for Revamping & Up-gradation of Fire Fighting System and associated facilities at Oil Jetties area, Kandla" to National Technology Centre for Ports, Waterways and Coasts (NTCPWC), IIT – Madras

The Board noted the position.

26. Development, Operation and Maintenance of Oil Jetties 9 to 11 on BOT basis under PPP mode - Approval of Draft Feasibility Reports of Oil Jetty-09 and Oil Jetty-10, along with their respective draft RFQ documents.

Resolution

136

Resolved to approve to the following:-

- A. To approve the draft Feasibility Reports of "Development, Operation & Maintenance of Oil Jetty 09 and Oil Jetty 10, on BOT basis under PPP Mode", with capacity of 3.50 MMTPA each and Investment by Concessionaire of Rs.123.40 Cr. and Rs.123.12 Cr. respectively, as submitted by the Transaction Advisor M/s. IDECK, Bangaluru.
- B. To approve the draft RFQ documents of "Development, Operation & Maintenance of Oil Jetty 09 and Oil Jetty 10, on BOT basis under PPP Mode", as submitted by the Transaction Advisor M/s. IDECK, Bangaluru.
- C. To issue the Global NITs for RFQs of both the OJ-9 & 10, under PPP Mode, by publishing it through leading Newspapers as per the Advertisement Policy of DPT and also by hoisting the same on DPT website.

- D. To Authorize the Chairman, DPT to approve the revised F.R.s and revised RFQs if any, amendment in schedules of bidding, draft Upfront/Reference Tariffs, draft SFC Memorandums along with bidding documents, Clarification to Queries/observation of RFQ applicants, bidders, TAMP, Ministries and forward the same to the respective RFQ applicants / bidders / TAMP / Ministries, etc. as the case may be, in case of proposed Oil Jetties 9 & 10. However, from time to time the Board will be informed in this regard by way of ratification thereof.
- E. To Authorize the Chairman, DPT to approve the draft Feasibility Report and draft RFQ document and its global issuance for the work "Development, Operation & Maintenance of Oil Jetty 11, on BOT basis under PPP Mode", along with amendment in schedules of bidding, draft Upfront/Reference Tariffs, draft SFC Memorandums along with bidding documents, Clarification to Queries/observation of RFQ applicants, bidders, TAMP, Ministries and forward the same to the respective RFQ applicants/bidders/TAMP/ Ministries, etc. as the case may be in case of proposed Oil Jetty No.11.

However, from time to time the Board will be informed in this regard by way of ratification thereof.

Due to urgency, the Board also confirmed the above Resolution.

27. Approval of Block Estimate for the work of "Construction of dome shaped storage sheds inside Cargo Jetty area - Phase-I" .

Resolution

137

Resolved to approve:-

- (i) To approve the Block Estimate amounting to Rs.6013 lakhs to execute work of "Construction of Dome Shaped Storage Sheds inside C. J. Area-Phase-I".
 - (ii) Authorize Chairman
 - a) To approve the Detail Estimate & DTP's and to issue the NIT.
 - b) To open the Technical bids, to Qualify/Disqualify bidders and to open the Price Bid of qualified bidders.
 - c) To issue a letter of acceptance to L1 Bidder and to commence the work.
 - d) The action taken by Chairman shall be ratified by the Board.
29. Extension of social security benefits to 136 daily rated workers and 45 daily rated persons appointed on compassionate grounds – Grant of equal matching contribution by DPT to those who have opted and/or opts for Tier-I Scheme under NPS thereof.

Resolution

138

Resolved to approve to remit DPT's matching contribution, every month, equal to the contribution made by 136 Daily-Rated Workers including 45 Daily-Rated Persons appointed on compassionate grounds, who have opted and/or opts for Tier-I Scheme under NPS, as a special case, as part of Social Security benefit, subject to 10% of scale of pay of post held on daily rated basis plus DA.

30. Item for information of the Board

Work assigned on Nomination basis to M/s. Mecon Limited (A Government of India Enterprise) for Amendment of terms of reference in connection with the proposal "Augmentation of Liquid Cargo Handling Capacity from 8 MMTPA to 23.8 MMTPA through Modernization of Existing Pipeline Network at Oil Jetty Area, DPT, Kandla – Additional work reg. _____

The Board noted the position.

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