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Tariff Authority for Major Ports

G.No.483 **New Delhi,** **21 December 2017**

NOTIFICATION

In exercise of the powers conferred by Section 49 of the Major Port Trusts Act, 1963 (38 of 1963), the Tariff Authority for Major Ports hereby disposes of the proposal of Mormugao Port Trust (MOPT) for revision of its Estate Rentals following the amended Land Policy Guidelines for Major Ports, 2014, as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports

No. TAMP/38/2017–MOPT

Mormugao Port Trust - - - **Applicant**

QUORUM:

(i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Rajat Sachar, Member (Economic)

O R D E R

(Passed on this 14th day of November 2017)

This case relates to the proposal dated 21 April 2017 received from Mormugao Port Trust (MOPT) for revision of its Estate Rentals. The MOPT in, its proposal dated 21 April 2017, has also proposed to revise lease rentals for various structures of Port. The MOPT has filed the proposal under the amended Land Policy Guidelines, 2014 issued by Ministry of Shipping (MOS).

2.1. Before dealing with the current proposal filed by MOPT, it is relevant to bring out the approval granted by this Authority for the existing lease rent of port lands and structures.

2.2. This Authority vide its Order No.TAMP/8/2012-MOPT dated 02 May 2012, has approved the revised Schedule of Rent (SOR) for the Estate Rentals of MOPT. The same has been notified in the Gazette of India, Extraordinary (Part III Section 4) on 18 May 2012 vide Gazette No.130. The revised SOR of Estate Rentals of Mormugao Port Trust was made effective after expiry of 30 days from the date of notification of the Order in the Gazette of India. Accordingly, it came into effect from 17 June 2012 subject to 2% annual escalation as proposed by the port. The validity of the revised lease rent was prescribed for 5 years i.e. upto 16 June 2017.

2.3. The MOPT subsequently requested for review of the lease rental approved in May 2012 relating to Mormugao Harbour and Head land Sada based on the differential value of land within the Mormugao Harbour and Head land Sada. This Authority vide its Order No.TAMP/8/2012-MOPT dated 8 August 2012 has approved the lease rental proposed by MOPT in its review application. The Order was notified in the Gazette of India, Extraordinary (Part III Section 4) on 1 October 2012 vide Gazette No.215. The revised SOR for Estate Rentals of Mormugao Port Trust was made effective from the date the tariff Order dated 2 May 2012 was implemented and valid for the period of 5 years. The lease rental approved by this Authority in the said review Order is as under:

I. LICENSE FEE ON PORT LAND FOR OFFICE BUILDING AND OTHER STRUCTURES:

Description	Rate per 10 sqm. or part thereof per calendar month or part thereof (in ₹)
Licence fee on Port land for maintaining office bldgs. and other structures at:	
(a). Mormugao Harbour and Vasco Da Gama - Bay. (i) Land surveyed under Chalta no. 3 of P.T Sheet no.7 (ii) Land other than at (i) above	 300.00 500.00
(b). Head Land Sada (i) Land surveyed under Chalta no. 2 of P.T Sheet no.54 (ii) Land other than at (i) above	 250.00 400.00
(c). Baina	500.00
(d). Vasco Da Gama - City	2500.00
(e). Dabolim	300.00

II. CHARGES FOR OCCUPATION OF FORESHORELAND

Sr. No.	Description	Rate (in ₹)	Unit
1.	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose at Vasco Da Gama bay. (i). Land surveyed under Chalta no. 3 of P.T Sheet no.7 (ii). Land other than at (i) above.	 300.00 500.00	Per 10 sqm. or part thereof per calendar month or part thereof.
2.	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-	350.00	- do -

	Commercial purpose beyond Vasco Da Gama bay upto the port limits (Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore).		

III. WAY LEAVE CHARGES:

Sr. No.	Description	Rate per 10 sqm. or part thereof per calendar month or part thereof (in ₹)
	Way leave charges at:	
(a).	(a). Mormugao/ Vasco Da Gama - Bay. (i). Land surveyed under Chalta no. 3 of P.T Sheet no.7 (ii). Land other than at (i) above	 300.00 500.00
(b).	(b). Head Land Sada/ Bogda. (i). Land surveyed under Chalta no. 2 of P.T Sheet no.54 (ii). Land other than at (i) above	 250.00 400.00
(c).	Baina	500.00
(d).	Beyond Vasco Bay upto Port limit, Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore	350.00

Note :

1. For the purpose of way leave charges, the area occupied by single pipelines should be calculated based on the diameter and length of those pipelines. Incase of multi-layer pipeline stacks, the physical area occupied by the multilayer pipeline stacks should 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 should 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 should be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges.

2. The way leave charges at Land surveyed under Chalta no. 3 of P.T Sheet no.7 as prescribed at (a)(i) above would stand revised to ₹500/- per 10 sqm. or part thereof per calendar month or part thereof, immediately upon the MOPT reclaiming the rear seaside of the said portion of land.

3. The way leave charges at Land surveyed under Chalta no. 2 of P.T Sheet no.54 as prescribed at (b)(i) above would stand revised automatically to ₹400/- per 10 sqm. or part thereof per calendar month or part thereof, immediately shifting of the garbage plant from the said portion of land.

4. The Licence Fees for water area shall be charged 50% of the licence fee of abutting land.

5. The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum after expiry of each year from the effective date of implementation of the Scale of Rates and the escalated rates shall be considered as the prevailing Scheduled Rent for the concerned year. The rate so arrived is rounded off to nearest Rupee.

3.1. Subsequently, the MOPT has filed a proposal in September 2014 for fixation of lease rental for a commercial building owned and constructed by the MOPT near Vasco Railway Station. The proposal was disposed of by this Authority vide Order No.TAMP/57/2014-MOPT dated 10 June 2015 and the same has been notified on 2 July 2015 vide Gazette No.233. The lease rent for commercial building as Vasco Railway Station was made effective after 15 days from the date of notification of the Order, as the MOPT has expressed its urgency as the premises was lying vacant. The validity of the lease rental was prescribed co terminus with the validity of the Estate Rentals approved vide Order dated 2 May 2012 i.e., upto 16 June 2017. The lease rental approved by this Authority in the said Order dated 10 June 2015 is as under:

Lease Rental for Premises:

Description	Rate Per Month or Part thereof (in ₹)
Commercial Building near Railway Station at Vasco	2,01,698.00

3.2. Thereafter, the MOPT vide its proposal dated 27 April 2015 sought approval of 36 Structures of Port following the Land Policy Guidelines, 2014. This Authority vide its Order No. TAMP/32/2015-MOPT dated 27 February 2016 has approved the lease rentals of various Port Structures based on the proposal filed by the MOPT. The same has been notified on 13 April 2016 vide Gazette No.133. The revised lease rentals for the various port structures of MOPT was made effective after expiry of 30 days from the date of notification of the Order in the Gazette of India. Thus, it came into effect from 13 May 2016. The validity of lease rent for 36 Structures is prescribed for 5 years i.e. valid upto 12 May 2021. The Lease rental for premises (36 structures) approved by this Authority as proposed by MOPT is given below:

Sr. No.	Description	Lease rent per sq. mtr. per month or part thereof (in ₹)
1.	Ground floor R.C.C. framed structure, building known as V1 shed, off. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa.	75.00
2.	Basement+ground+upperground+first floor R.C.C framed structure, 100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	200.00
3.	Ground floor R.C.C framed structure, building known as V3 shed, off. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa	75.00
4.	Ground floor R.C.C framed structure, building known as V2 shed, opp Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa	75.00
5.	Ground floor R.C.C framed structure, building known as T1 shed (Transit Shed), Near Berth No.10, inside custom bound area, Mormugao Port Trust, Vasco at Goa.	75.00
6.	Ground floor R.C.C framed structure, building known as T2 shed (Transit Shed), Near Berth No.10, inside custom bound area, Mormugao Port Trust, at Goa	75.00
7.	Ground floor R.C.C framed structure, building known as T3 shed (Transit Shed), Near Berth No.10, inside custom bound area, Mormugao Port Trust, at Vasco-Goa	75.00
8.	Ground+2 upper floor, building which is known as G.C.B building near berth no.11 at Harbour, MPT, Goa.	180.00
9.	Ground floor with balcony R.C.C framed structure, building known as Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	160.00
10.	Ground +2 upper floor building which is known as old CME's office building, MPT at Jetty, Goa.	180.00
11.	Ground +2 upper floor R.C.C framed structure, building known as Sports Academy, MPT at Baina, Goa.	275.63
12.	Ground+3+partly 4th upper floor R.C.C framed structure, building known as "Old Administrative Building" inside custom bound area at Harbour, MPT, Vasco.	202.50
13.	Ground floor R.C.C framed structure, building known as MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	140.00
14.	Three No's of Ground+1 upper floor R.C.C framed structure Commercial cum Residential building known as MPT Shopping Complex at Headland, MPT, Sada, Vasco.	485.76
15.	Ground floor R.C.C framed structure, building known as old Primary Health Centre, MPT at Headland Sada, Goa.	180.00
16.	Ground floor R.C.C framed structure, building known as Dr. Ambedkar Voacational centre at Headland, MPT, Goa.	180.00
17.	Ground floor R.C.C framed structure, known as CHLD Community Building at Headland, MPT, Goa.	180.00
18.	Ground+2 upper floor R.C.C framed structure building known as Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	367.00
19.	Ground floor R.C.C framed structure, known as 'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	135.00
20.	Ground floor load bearing structure, building known as Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT), Goa.	75.00
21.	Ground floor R.C.C framed structure, Building known as Information Centre (SBI ATM) at Headland, Mormugao Port Trust (MPT), Goa.	390.00
22.	Ground +1 upper floor R.C.C framed structure, Building known as HRD Centre, Mormugao Port Trust (MPT) at Headland, Goa	300.00
23.	Ground floor load bearing & Ground +1 upper floor R.C.C framed structure known as Office Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco, Goa.	225.00
24.	Flat No 191/1/4 on ground floor, building known as "A" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	140.00
25.	Flat No 205 (2/2) on 1st floor, building known as "B" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	140.00

26.	Ground floor R.C.C framed structure, building known as T4 shed (Transit Shed), Near Gate No.1, inside custom bound area, Mormugao Port Trust (MPT) at Vasco, Goa.	75.00
27.	Flat No 148 on ground floor, building known as "C" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	140.00
28.	Flat No A on ground floor, building known as "D" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	140.00
29.	Ground + 1 upper floor bunglow for Head of Department at Headland, Vasco Goa.	275.00
30.	Developed land parcel, proposed used for C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT), Goa.	67.50
31.	Ground+3 upper floor building, R.C.C framed structure building known as Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco , Goa.	202.50
32.	Ground floor R.C.C framed structure, building known as Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	180.00
33.	Land with existing old structure which is known by 'Old MPT Hospital Building', behind Sanjeevani Hospital and Anand Square Building, at Baina, Mormugao Port Trust (MPT), Goa.	75.00
34.	Land with existing old structure which is known by 'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	100.00
35.	Developed land with existing building, which is known as 'MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	1,158.90
36.	Stilt + 6 Upper floor R.C.C framed Structure, building known as " IOCL/Port Users Building", inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	247.50

(ii). The existing note no. 5 under Part III Estate Rental to be replaced with the following:

"(ii). The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum for land at I, II and III and by 5% per annum for Lease Rentals for Premises at IV at V after expiry of each year from the effective date of implementation of the Scale of Rates and escalated rates shall be considered as the prevailing Scheduled Rent for the concerned year. The rate so arrived is rounded off the nearest Rupee".

(iii). Insert the following note no 6 after note no. 5 in the existing Part III Estate Rental:

"The Special Rate prescribed at PART – V of the general revision of Scale of Rates approved by the Authority vide Order No. TAMP/43/2012-MOPT dated 14 June 2013 shall not be applicable to the Lease Rent for Premises (36 structures) prescribed at Schedule V above".

(iv). Insert the following note no 7 in the existing Part III Estate Rental:

"The lease rent prescribed for structures at V above shall be valid for 5 years from the date this order comes into effect".

3.3. With reference to the Order dated 27 February 2016, the MOPT vide its proposal dated 8 August 2016 requested for an amendment in the lease rental applicable for one of the premises i.e., Headland Sada Shopping Complex building in view of some error noticed while assessing the market value of the said building. This Authority has passed an Order No. TAMP/32/2015-MOPT dated 4 January 2017 amending the lease rent for headland Sada Shopping Complex building as proposed by MOPT. The amended lease rental approved by this Authority is as under. The validity of the amended lease rental was prescribed from the date the revised lease rental approved by this Authority vide Order No.TAMP/32/2015-MOPT dated 27 February 2016.

Sr. No.	Description	Lease rent per sq. mtr. per month or part thereof (in ₹)

14.	Three No's of Ground+1 upper floor R.C.C framed structure Commercial cum Residential building known as MPT Shopping Complex at Headland, MPT, Sada, Vasco.	260.00

3.4. The MOPT had vide its proposal dated 28 May 2012 MOPT requested for revision of licence fee in respect of foreshore land beyond Vasco Da Gama approved by this Authority vide Order No.TAMP/8/2012-MOPT dated 8 August 2012, from ₹350/- per 10 sq. mtr. per month to ₹120/- per 10 sq. mtr. per month. This Authority has passed an Order No. TAMP/23/2017-MOPT dated 21 July 2017 amending the licence fee prescribed at Serial No.2 under Schedule II charges for occupation of foreshore land as proposed by the MOPT. The validity of the amended licence fee was prescribed from 17 June 2012 validity till 16 June 2017. The amended lease rental approved by this Authority is as under.

II. CHARGES FOR OCCUPATION OF FORESHORELAND

Sr. No.	Description	Rate (in ₹)	Unit
1.	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose beyond Vasco Da Gama bay upto the port limits (Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore).	120.00	Per 10 sq. mtr. or part thereof per calendar month or part thereof.

4.1. In view of the expiry of validity of the lease rentals of Port land approved by this Authority vide Order dated 2 May 2012 and lease rent for commercial building at Vasco approved vide Order dated 10 June 2015 both which has validity till 16 June 2017 as explained earlier, the MOPT under cover of its letter dated 21 April 2017 has filed its proposal for revision of its Estate Rentals. As stated earlier, the MOPT has also proposed to revise the lease rentals for 36 port structures whose validity is till 12 May 2021. The main points made in its proposal are summarized as follows:

(i). The Scale of Rates revised during June 2012 did not include the rates for Building / Sheds. A separate proposal was sent to TAMP after the approval of the Board. TAMP vide its Order No.TAMP/32/2015-MOPT dated 27 February 2016 has approved the lease rentals of various Port Structures and the same has been notified in the Gazette No.134. The fixation of Lease Rentals of various Port Structures was effective from 13 May 2016.

(ii). It is proposed to consolidate the rate revision proposal on land rentals and rentals for various Port Structures.

(iii). The method of fixation of lease rent has to be as per clause 18(b) based on the market value determined as per clause 18(a) of the Land Policy Guidelines, 2014. The market value of the land has to be assessed as per the five factors prescribed in clause 18(a) of the Land Policy Guidelines.

(iv). The Port has appointed M/s. Kanti Karamsey and Co., approved land valuer to value the various land and buildings of the Port. Accordingly, the valuer has valued the land, foreshore area and buildings. The summary of the Land Valuation furnished by the approved valuer is tabulated hereunder:

A.	**LAND**	**Valuation of Land**				**Monthly Rent of the Property @ 6% (₹. per 10 sq. mtr.)**	**Any Other Relevant Factor (Current Rent / SOR) /(₹. per 10 sq. mtr.) (16 June 2017)**
Sr. No.	**Zone/Location**	**Market Value as per Approved Valuer (₹. per sq. mtr)**	**Rate As Per State Govt Reckoner (₹. per sq. mtr)**	**Relevant Transactions in Port's Vicinity**	**Highest Tender-cum-Auction Rate (₹. per 10 sq. mtr per annum)**		
1	Mormugao Harbour & Vasco Bay	11800.00	3500.00	0.00	0.00	590.00 *	590.00
2	Baina	11800.00	3500.00	0.00	0.00	590.00	590.00
3	Vasco	58000.00	3500.00	0.00	0.00	2900.00	2950.00
4	Dabolim	14000.00	3500.00	0.00	0.00	700.00	354.00
5	Headland Sada	9250.00	3500.00	0.00	0.00	462.50	472.00
6	Bogda	9375.00	3500.00	0.00	5970.00#	468.75	472.00

***** [11800 x 6% ÷ 12 months = 59 x 10 sq. mtr = 590 per 10 sq. mtr. per month]

[The MOPT subsequently vide its email dated 16.10.2017 has furnished the details regarding highest tender-cum-auction rate for Bogda Plot]

B.	**FORESHORE**						
Sr. No.	**Zone/Location**	**Fair Rent as per Approved Valuer (₹. per sq. mtrs. per year)**	**Rate As Per State Govt Reckoner ₹. per sq. mtr per year**	**Relevant Transactions In Port's Vicinity**	**Highest Tender-cum-Auction Rate (₹. per 10 sq. mtr per annum)**	**Monthly Rent of ₹. per 10 sq.mtr.**	**Any Other Relevant Factor (Current Rent / SOR) / (16 June 2017) ₹./10 sq. mtr.**
1	Foreshore Area at Vasco & Betul	135.00	120.00	0.00	0.00		
2	Foreshore Area at Betul	135.00	120.00	0.00	0.00	112.50	132.50

C.	**BUILDINGS**	**Valuation of Structures**						
Sr. No.	**Zone/Location**	**Market Value as per Approved Valuer (₹. Per Sq. Mtr)**	**Rate As Per State Govt Reckoner ₹. Per Sq. Mtr**	**Relevant Transactions In Port's Vicinity**	**Highest Tender-cum-Auction Rate**	**Rent of The Property @ 6% ₹. per Sq. mtr. Per month**	**Any Other Relevant Factor Current Escalated SOR ₹./per sq. mtr. per month (16 June 2017)**	**Remarks**
1	100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	22500.00	3500.00	0.00	0.00	112.50 **	210.00	There is garbage dump next to Hospital. The latest valuation is less than the previous valuation.
2	"B" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	28000.00	3500.00	0.00	0.00	140.00	147.00	
3	"C" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	28000.00	3500.00	0.00	0.00	140.00	147.00	
4	Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) AT Vasco Goa.	45000.00	3500.00	0.00	0.00	225.00	225.75	
5	"Old Administrative Building" Outside custom bound area at Harbour, MPT, Vasco.	31500.00	3500.00	0.00	0.00	157.50	212.63	For custom house agents, a rent of ₹60/- per sq. mtrs. per month upto 40 sq. mtrs.
6	Port Users Building (IOCL), inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	31500.00	3500.00	0.00	0.00	157.50	259.88	The Building is inside the Custom bound area, hence not accessible to the Public.
7 (a)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Ground floor**	47000.00	3500.00	0.00	0.00	235.00	273.00	
7 (b)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Upper floor**	28000.00	3500.00	0.00	0.00	140.00	273.00	
8 (a)	Commercial building, Near Vasco railway station, Vasco, Goa – **Ground Floor**	93000.00	3500.00	0.00	0.00	465.00	377.00 (MOPT subsequently vide its letter dated 4 September 2017 reported	

							correct figure as 326.67 per sq.mtr per month)	
8 (b)	Commercial building, Near Vasco railway station, Vasco, Goa – **<u>Other than Ground Floor</u>**	72000.00	3500.00	0.00	0.00	360.00	377.00 (MOPT subsequently vide its letter dated 4 September 2017 reported correct figure as 326.67 per sq.mtr per month)	
9	MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	60000.00	3500.00	0.00	0.00	300.00	1216.85	Less demand for the Building.
10	V2 & V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa	13500.00	3500.00	0.00	0.00	67.50	78.75	Less demand for the Building.
11	Transit Shed, Near Berth No. 10, inside custom bound area, Mormugao Port Trust, Vasco at Goa	13500.00	3500.00	0.00	0.00	67.50	78.75	
12	G.C.B building near berth no.11 at Harbour, MPT, Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
13	Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	32000.00	3500.00	0.00	0.00	160.00	168.00	
14	Old CME's office building,MPT at Jetty, Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
15	Sports Academy, MPT at Baina, Goa.	45000.00	3500.00	0.00	0.00	225.00	289.41	
16	MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	28000.00	3500.00	0.00	0.00	140.00	147.00	
17	Old Primary Health Centre, MPT at Headland Sada, Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
18	Dr. Ambedkar Voacational centre at Headland, MPT, Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
19	CHLD Community Building at Headland, MPT, Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
20	Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	32000.00	3500.00	0.00	0.00	160.00	385.35	
21	'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	27000.00	3500.00	0.00	0.00	135.00	141.75	
22	Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT), Goa.	15000.00	3500.00	0.00	0.00	75.00	78.75	
23	Information Centre (SBI ATM) at Headland,	78000.00	3500.00	0.00	0.00	390.00	409.50	

	Mormugao Port Trust (MPT), Goa.							
24	HRD Centre, Mormugao Port Trust (MPT) at Headland, Goa	60000.00	3500.00	0.00	0.00	300.00	315.00	
25	Officers Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco, Goa.	45000.00	3500.00	0.00	0.00	225.00	236.25	
26	"A" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	28000.00	3500.00	0.00	0.00	140.00	147.00	
27	"D" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	28000.00	3500.00	0.00	0.00	140.00	147.00	
28	Bungalow for Head of Department at Headland, Vasco Goa.	55000.00	3500.00	0.00	0.00	275.00	288.75	
29	C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT), Goa.	13500.00	3500.00	0.00	0.00	67.50	70.88	
30	Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco, Goa.	40500.00	3500.00	0.00	0.00	202.50	212.63	
31	Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	36000.00	3500.00	0.00	0.00	180.00	189.00	
32	'Old MPT Hospital Building', behind Sanjeevani Hospital and Anandf Square Building, at Baina, Mormugao Port Trust (MPT), Goa.	15000.00	3500.00	0.00	0.00	75.00	78.75	
33	'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	10000.00	3500.00	0.00	0.00	50.00	105.00	

A sample calculation in respect of land mentioned at (A) Sr. No.2 i.e. Baina and building mentioned at (C) Sr. No. 1 – 100 bedded Hospital in above table from the valuation report is given below:

<u>Valuation for Baina:</u>
Mentioned below are the factors considered for the purpose of valuation.

a. Extent of land area
b. Title of land
c. Location and Road Frontage (100 to 150 feet)
d. Level of Infrastructure (Approx. 18 mt. wide four lane road is very close to the subject property)
e. Present state of development (Industrial land)
g. Agricultural / Non Agricultural land (Non Agricultural in this case)
h. Proximity to civic Amenities

Considering a base rate of ₹13,200/- per sq. mt. of land area, suitable premium/discounts to the above mentioned influencing factors are considered in order to arrive at a FSI rate for the subject property.

Influencing Factors	Premium / Discount
Extent of land area	-15%
Accessibility	-10%
Existing Infrastructure- Road, Rail, Sea & Arial	15%
Total	-10%
Base rate for FSI (₹./sq.mt.)	13,200
Adjustment (₹./sq.mt.)	-1320
Adjusted rate (₹./sq.mt.)	11,880
Say (₹./sq.mt.)	11,800

Hence, considering all the above mentioned factors, a rate of ₹11,800/- per sq.mtr. of non-agricultural land area is considered to be reasonable as on date of valuation.

So the fair market value of Baina will be : 22,610 sq mtr area x ₹11,800 = ₹26,67,98,000/-

Thus, considering all the above mentioned factors, the valuer is of the opinion that the fair market value of the said property is ₹26,67,98,000/- /- (Rupees Twenty Six Crores Sixty Seven Lakhs Ninety Eight Thousand only) as on the date of valuation i.e. 22 December 2016.
Applying 6% on ₹11,800/-, lease rent comes to ₹708/- per annum for the said land. When converted into per month per 10 sq. mtr. it works out to ₹590/- per month. (₹708 / 12 months*10 sq. mtr.)

<u>** Valuation For Building- Basement+ground+upperground+first floor R.C.C framed structure, 100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa.</u>

Mentioned below are the factors considered for the purpose of valuation.

a. MOPT Port Area
b. Existing Infrastructure Road, Rail, Sea and Arial
c. Extent of Construction Area
d. Present Usage (Hospital)
e. Location (Distance from Vasco City)
f. Near Garbage Treatment Plant

Considering a base rate of ₹90,000/- per sq. mt. of land area, suitable premium/discounts to the above mentioned influencing factors, further noted recent demonetization drive has further dampened the real estate market place where fewer transaction have been witness for the past 2 to 3 months and time taken to realize has increased is considered in order to arrive at a unit rate for the subject property.

Influencing Factors	Premium / Discount
MOPT Port Area	5%
Existing Infrastructure- Road, Rail, Sea & Arial	5%
Extent of Construction Area	-20%
Present Usage(Hospital)	-20%
Location(Distance from Vasco City)	-20%
Near Garbage Treatment Plant	-25%
Total	-75%
Base rate for FSI (₹./sq.mt.)	90,000
Discount (₹./sq.mt.)	67,500
Adjusted rate (₹./sq.mt.)	22,500

Hence considering all the above mentioned factors, considering the location, type of construction, specification of building material used and making enquiries in the vicinity a unit rate of ₹22,500/- per sq.mtr. of build up area is considered to be reasonable as on date of valuation.

So the fair market value of MOPT Hospital will be: 11,839 sq mtrs of area x ₹22,500/- sq mtr = ₹26,63,77,500/-

Thus, considering all the above mentioned factors, the valuer is of the opinion that the fair market value of the said property is ₹26,63,77,500/- (Rupees Twenty Six Crores Sixty Three Lakhs Seventy Seven Thousand Five Hundred only) as on the date of valuation i.e. 10 February 2017. Applying 6% on ₹22,500/-, Lease rent comes to ₹1,350/- per annum for the said land. When converted into per month per sq. mtr. it works out to ₹112.50/- per month. (₹1350 / 12 months.)

(v). The Land Policy Guidelines stipulate the rentals to be fixed at a minimum of 6% of the latest market value. Based on the above valuations, the monthly rentals for Port land, foreshore area and buildings excluding Service Tax have been worked out at 6% of the highest of valuation arrived at as per the Land Policy or the Current rent / Licence fee as per SOR whichever is higher. The rent so fixed for land and Foreshore Area shall be escalated by 2% per annum and rent for building to be escalated by 5% per annum.

(vi). The matter was placed before the Land Allotment Committee which met on 11 April 2017. The MOPT has forwarded a copy of the Minutes of the meeting of the Land Allotment Committee (LAC) comprising of Dy. Chairman, FA & CAO, Chief Engineer and Traffic Manager held on 18 April 2017 for recommending revised lease rentals for port lands, foreshore area and various port structures. The LAC has considered the valuation report of the LAC approved valuer. The main observation/ recommendations contained in the said minutes of the meeting of the LAC are given below:

(a). Scale of Rates (SOR) in respect of estate rentals were revised in June 2012 and in respect of premises w.e.f. May, 2016. As per the Land Policy Guidelines, the SOR has to be revised every 5 years. Rent for the 36 premises has been notified in the Gazette of India, on 13 April 2016 and stipulates that the SOR in respect of premises will be revised every five years.

(b). During the discussion on revision of Estate Rentals, Chairman desired to have a common revision date for land and as well as premises. Accordingly, it is proposed that the proposal for revision of SOR for premises as well as land shall be submitted to TAMP for its notification.

(c). The LAC noted that the Land Policy Guidelines, 2014 has given the factors for fixing the revised Scale of Rates and one of the factors is the value of the property. As per the Land Policy, the annual lease rent shall not be less than 6% of the latest market value. The Port has appointed M/s. Kantikaramsey & Co. to value the properties through tendering. M/s. Kantikaramsey & Co, Mumbai has submitted the valuation report for all the listed land / premises as well as foreshore area at Mormugao and Betul.

(d). The LAC members observed that the rate per sq. mtr. in respect of premises inside custom bound area will be on higher side considering that access to the subject building in custom bound area is restricted and only Port Users will be interested in taking the subject building. The LAC members further observed that rate per sq. mtr. for new cruise building at Harbour is higher as compared to the other buildings.

(e). FA&CAO informed that higher in case of Cruise building is due to the construction cost / valuation of the subject building.

(f). The LAC members were of the opinion that the rate per sq. mtr. per month for new cruise building should be less since the subject building will be used only when cruise liners visit the Port and the rates for other building i.e. A.O. building at Harbour and new cruise building should be the same.

(g). The LAC members observed that current rate for the premises outside custom bound area is ₹202.50 per sq. mtr. per month and ₹247.50 per sq. mtr. per month inside custom bound area. The premises inside custom bound area are lying vacant due to the higher rent as well as there is no demand from Port Users.

(h). The LAC also noted that earlier in November 2016, Goa Customs House Agents Association, represented to the Chairman referring the letter addressed to Hon'ble Union Minister of Shipping, wherein they have stated that the base rent of ₹202.50 per sq. mtr. per month is exorbitant. They have also drawn reference to the circular dated 15.02.2005 issued by Directorate of Municipal Administration, Govt. of Goa, Panaji, on revision of rent of Mormugao Municipal Council for Commercial premises. As per the circular, the rate applicable for commercial premises is ₹25/- per sq. mtr. Another letter from Chief Officer, Mormugao Municipal Council dated 23.11.2016 states that same circular is in force as on date. In fact, the notification was dated 15.02.2005, which is 12 years old. The escalated rent @ 5% per annum from 2004-05 to 2017-18 for 13 years works out to ₹44.90. Committee observed that these Port Users, in the past, have paid rent ranging from ₹124/- to ₹153/- per sq. mtr. per month. Hence, reducing drastically to ₹44.90 may not be appropriate. A meeting was held with Customs House Agents Association on 18.04.2017. During the meeting, these Agents expressed their concern about high rate and requested that they being the Customs House Agents and having a vital link with the Port for Exim trade, they should not be burdened with high rent.

(i). The recommendation of the LAC are summarized below:

(a). Recommended the market value of the land as given by the approved valuer for arriving at the proposed lease rental. The lease rentals is arrived at 6% on the market value of the land. A summary of the market value of land and the proposed lease rent recommended by LAC is given below:

LAND				
Sr. No.	**Zone / Location**	**Market Value of land as per Approved Valuer (₹. per sq. mtr.)**	**Any Other Relevant Factor (Current Rent/ SOR/ 16 June 2017) [₹./10 sq. mtr.]**	**Proposed Lease Rent (₹. Per 10 Sq. m.)/ month**
1.	Mormugao Harbour & Vasco Bay	11,800.00	590.00	590.00
2.	Baina	11,800.00	590.00	590.00
3.	Vasco	58,000.00	2,950.00	2,950.00
4.	Dabolim	14,000.00	354.00	700.00
5.	Headland Sada	9,250.00	472.00	472.00
6.	Bogda	9,375.00	472.00	500.00

FORESHORE				
Sr. No.	**Zone / Location**	**Fair Rent as per Approved Valuer (₹. Per Sq. Mtr. Per year)**	**Any Other Relevant Factor (Current Rent/ SOR/ 16 June 2017) [₹./10 sq. mtr.]**	**Proposed Rate (₹. Per 10 Sq. m.)/ month**
1.	Foreshore Area at Vasco & Betul.	135	132.5	133.00
2.	Foreshore Area at Betul	135	132.5	133.00

BUILDINGS					
Sr. No.	**Zone / Location**	**Market Value of structures as per Approved Valuer (₹. Per Sq. Mtr.)**	**Any Other Relevant Factor Current Rent/ SOR/ (16 June 2017) [₹./10 sq. mtr.]**	**Proposed Rate (₹. Per Sq. m.)/ month**	**Remarks**
1.	100 bedded hospital building near garbage treatment plant at Headland, Sada for MOPT at Goa.	22,500.00	210.00	113.00	There is garbage dump next to Hospital. The latest valuation is less than the previous valuation.
2.	“B” type Quarters at Headland, Mormugao Port Trust (MOPT), Vasco, Goa.	28,000.00	147.00	147.00	
3.	“C” type Quarters at Headland, Mormugao Port Trust (MOPT), Vasco, Goa.	28,000.00	147.00	147.00	

4.	Cruise Terminal Building at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	45,000.00	225.75	225.00	
5.	“Old Administrative Building” Outside custom bound area at Harbour, MOPT, Vasco.	31,500.00	212.63	213.00	For Custom House Agents, a rent of ₹60/- per sq. mtrs. per month upto 40 sq. Mtrs.
6.	“Port Users Buidling (IOCL)”, inside custom bound area at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	31,500.00	259.88	158.00	The building is inside the Custom bound area, hence not accessible to the public.
7. (a).	MOPT Shopping Complex at Headland, MOPT, Vasco, **Ground Floor**.	47,000.00	273.00	273.00	
7. (b).	MOPT Shopping Complex at Headland, MOPT, Vasco, **Upper Floor**.	28,000.00	273.00	273.00	
8. (a).	Commercial building, Near Vasco Railway Station, Vasco, Goa – **Ground Floor**.	93,000.00	377.00	465.00	
8. (b).	Commercial building, Near Vasco Railway Station, Vasco, Goa – **Other than Ground Floor.**	72,000.00	377.00	360.00	
9.	“MPT Institute”, adjacent to Swatantra path, Next to Bank of Baroda, Mormugao Port Trust (MOPT), Vasco, Goa.	60,000.00	1216.85	300.00	Less demand for the Building.
10.	V2 & V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust (MOPT), Vasco, Goa.	13,500.00	78.75	68.00	Less demand for the Building.
11.	Transit Shed inside custom bound area, Mormugao Port Trust (MOPT), Vasco, Goa.	13,500.00	78.75	78.75	
12.	G.C.B. Building Near Berth No.11 at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	36,000.00	189.00	189.00	
13.	Sayantara Auditorium, Mormugao Port Trust (MOPT), Vasco, Goa.	32,000.00	168.00	168.00	
14.	Old CME’s office building, MOPT at Jetty, Goa.	36,000.00	189.00	189.00	
15.	Sports Academy, MOPT at Baina, Goa.	45,000.00	289.41	289.41	
16.	MOPT Shopping Complex at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	28,000.00	147.00	147.00	
17.	Old Primary Health Centre, Mormugao Port Trust (MOPT), Vasco, Goa.	36,000	189.00	189.00	
18.	Dr. Ambedkar Vocational Centre at Headland, MOPT, Goa.	36,000	189.00	189.00	
19.	CHLD Community Building at Headland, MOPT, Goa.	36,000	189.00	189.00	
20.	Port Users Building inside custom bound area, Major Bunder, MOPT, Vasco, Goa.	32,000	385.35	385.35	
21.	‘Old Power House’ Building near Berth No.11 at Harbour, MOPT, Vasco, Goa.	27,000	141.75	141.75	
22.	Sub Standard Quarters at Desterro, MOPT, Vasco, Goa.	15,000	78.75	78.75	
23.	Information Centre (SBI ATM) at Headland, MOPT, Vasco, Goa.	78,000	409.50	409.50	
24.	HRD Centre, MOPT at Headland, Goa.	60,000	315.00	315.00	
25.	Officers Club Buildings, Near Main Bus-stop at Headland, MOPT, Vasco, Goa.	45,000	236.25	236.25	

26.	"A" type Quarters at Headland, MOPT, Goa.	28,000	147.00	147.00	
27.	"D" type Quarters at Headland, MOPT, Goa.	28,000	147.00	147.00	
28.	Bungalow for Head of Department at Headland, Vasco, Goa.	55,000	288.75	288.75	
29.	C.F.S., which is owned by 'Mormugao Port Trust', near AC Plant, ganesh Benzo Plast Tanks, at Bagda, MOPT, Goa.	13,500	70.88	70.88	
30.	Cruise Business Centre (Old CHLD Building) at Harbour, MOPT, Vasco, Goa.	40,500	212.63	212.63	
31.	Civil Engineering Maintenance Site Office at Headland, MOPT, Goa..	36,000	189.00	189.00	
32.	'Old MOPT Hospital Building', behind Sajeevani Hospital and Anand Square Building, at Baina, MOPT, Goa.	15,000	78.75	78.75	
33.	'Old Palace Hotel Building', inside custom bound area at Harbour, MOPT, Goa.	10,000	105.00	105.00	

(b). In case of other premises, the present notified SOR to be charged.

(c). Recommended a concessional rent for licensed Customs House Agents @ ₹60/- per sq. mtr. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) till expiry of the present lease tenure and for new customer the rate applicable is @ ₹60/- per sq. mtr. per month upto an area of 40 sq. mtr. For area more than 40 sq. mtr., rent will be charged as per rate prescribed at Sr. no.5 and 30 for Old Administrative Building and Cruise Business Centre (Old CHLD Building) respectively.

(d). The rent for land and Foreshore Area shall be escalated by 2% per annum and rent for building to be escalated by 5% per annum.

(vii). The proposal was placed before the Board on 21 April 2017 and the same was approved by the Board. The Board Resolution is being finalized and will be submitted. [Subsequently, MOPT has furnished Board Resolution which is brought out in subsequent para].

(viii). Accordingly, based on the recommendations of the LAC and approval of its Board the MOPT has proposed lease rent for the port land, foreshore area and various port structures for approval alongwith the proposed lease rent schedule as given below:

(a). Land :

Sr. No.	Zone/Location	Lease Rent per 10 sq. mtr per month or part thereof (in ₹)
1	Mormugao Harbour & Vasco Bay	590.00
2	Baina	590.00
3	Vasco	2950.00
4	Dabolim	700.00
5	Headland Sada	472.00
6	Bogda	500.00

(b). Foreshore :

Sr. No.	Zone/Location	Lease Rent per 10 sq. mtr per month or part thereof (in ₹)
1	Foreshore Area at Vasco & Betul	133.00
2	Foreshore Area at Betul	133.00

(c). Buildings :

Sr. No.	Zone/Location	Proposed Rate (per sq.m. per month)(in ₹)
	Residential/Hospital (Institutional/Social Infra in Headland Sada)	
1	100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	113.00
2	"A" type Quarters at Headland, Mormugao Port Trust (MPT),Goa.	147.00
3	"B" type Quarters at Headland, Mormugao Port Trust (MPT),Vasco,Goa.	147.00
4	"C" type Quarters at Headland, Mormugao Port Trust (MPT),Vasco,Goa.	147.00
5	"D" type Quarters at Headland, Mormugao Port Trust (MPT),Goa.	147.00
6	Bungalow for Head of Department at Headland, Vasco Goa.	288.75
7	Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT),Goa.	78.75
	MPT Colony - Commercial Establishments, Shops, etc.	
8	Sports Academy, MPT at Baina, Goa.	289.41
9	Old Primary Health Centre, MPT at Headland Sada, Goa.	189.00
10	Dr. Ambedkar Vocational centre at Headland, MPT, Goa.	189.00
11	CHLD Community Building at Headland, MPT, Goa.	189.00
12 (a)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Ground floor**	273.00
12 (b)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Upper floor**	273.00
13	Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	168.00
14	Information Centre (SBI ATM) at Headland, Mormugao Port Trust (MPT), Goa.	409.50
15	HRD Centre, Mormugao Port Trust (MPT) at Headland,Goa	315.00
16	Officers Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco,Goa.	236.25
17	Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	189.00
	Cruise Bldg	
18	Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) AT Vasco Goa.	225.00
	Port Users' Bldg - Inside & Outside Harbour	
19	"Old Administrative Building" Outside custom bound area at Harbour, MPT, Vasco.	213.00
20	Port Users Building (IOCL), inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	158.00
21	G.C.B building near berth no.11 at Harbour, MPT, Goa.	189.00
22	Old CME's office building, MPT at Jetty, Goa.	189.00
23	MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	147.00
24	Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	385.35
25	'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	141.75
26	Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco, Goa.	212.63
27	'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	105.00
	Cargo godowns/warehouse - Inside & Outside	
28	V2 & V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa	68.00
29	Transit Shed, Near Berth No. 10, inside custom bound area, Mormugao Port Trust, Vasco at Goa	78.75
	Vasco - Commercial	
30 (a)	Commercial building, Near Vasco railway station, Vasco, Goa – **Ground Floor**	465.00
30 (b)	Commercial building, Near Vasco railway station, Vasco, Goa – **Other than Ground Floor**	360.00
31	MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	300.00

32	'Old MPT Hospital Building', behind Sanjeevani Hospital and Anandf Square Building, at Baina, Mormugao Port Trust (MPT), Goa.	78.75
CFS Paved Area - Bogda		
33	C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT), Goa.	70.88

Note: (i). The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum for Land and Foreshore Area and the rates for building shall get automatically escalated by 5% per annum after expiry of each year from the effective date of implementation of the Scale of Rates.

(ii). For licensed Custom House Agents, the rent applicable is ₹60/- per sq. mtrs. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) mentioned at Sr. nos.19 and 26 respectively till expiry of present lease tenure. For fresh leases, rent is ₹60/- per sq. mtr per month applicable upto an area of 40 sq. mtrs.

4.2. To summarise, the MOPT has sought revision in Estate Rental for Land, Foreshore Area, Way Leave Charges, Commercial Building near Vasco Railway Station and Cruise Terminal Building at Harbour.

4.3. The MOPT has also proposed lease rent for new structure viz., Cruise Terminal Building at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa and proposed the tariff at ₹225 per sq. mtr per month.

4.4. The MOPT has also proposed bifurcation in lease rent for Commercial building near Vasco Railway Station, Vasco – Ground Floor and Other than Ground Floor at ₹465 per sq. mtr per month or part thereof and ₹360 per sq. mtr per month or part thereof respectively as against existing lease rent approved by this Authority on monthly basis for the entire commercial building at ₹201698 per month or part thereof vide Order No.TAMP/57/2014-MOPT dated 10 June 2017.

4.5. A note is also proposed by MOPT for concessional rent for licenced Custom House Agents at structures.

5.1. Subsequently, the MOPT has, vide its letter dated 03 May 2017 furnished a copy of Board Resolution. The Board has approved the lease rent as recommended by the LAC in the Board meeting held on 21 April 2017 and the rent for land and foreshore area shall be escalated by 2% per annum and rent for building to be escalated by 5% per annum.

5.2. At our request vide our letter dated 02 May 2017, the MOPT has vide its letter dated 10 May 2017, forwarded a copy of Valuation Report. The MOPT vide its email dated 25 May 2017 has also forwarded the proposal along with the valuation report to all the users / user associations with a copy endorsed to us. The MOPT also stated that the proposal alongwith the Valuation Report has been hosted on the MOPT's website.

6. In accordance with the consultative procedure prescribed, the proposal dated 21 April 2017 of MOPT was forwarded vide our letter dated 2 May 2017 to the concerned users/ user organisations seeking their comments. We have received comments only from Indian Molasses Company Limited (IMCL) vide its email dated 9 May 2017 and Goa Custom House Agents Association (GCHAA) vide its letter dated 9 May 2017 which were forwarded to MOPT for comments. The MOPT has responded to the comments of IMCL and GCHAA.

7. A joint hearing in this case was held on 30 May 2017 at the MOPT premises. At the joint hearing, the MOPT made a power point presentation of its proposal. The MOPT and the concerned users/ user organizations/ lessees have made their submissions.

8. Based on the preliminary scrutiny of the proposal dated 21 April 2017, the MOPT was requested to furnish information / clarification on a few points vide our letter dated 3 August 2017. The MOPT vide its letters dated 4 September 2017 and letter dated 29 September 2017 after the Joint hearing has responded to the information/ clarifications sought by us. A summary of the information/ clarifications sought by us and the response of MOPT is tabulated below:

Sl. No.	Information/ Clarifications sought by us	Response from MOPT
(I).	After completion of the entire consultation process and after the Joint hearing held on the subject proposal,	The SOR for Way Leave Charges are same as land rent and the valuation and other

<table>
<tr><td></td><td>the MOPT vide letter dated 26 July 2017 has stated that Way Leave Charges were inadvertently not included in its earlier proposal and has requested to insert the Way Leave Charges. Further, it is seen that the MOPT has also revised (upwards) the lease rent proposed for land in comparison to its earlier proposal dated 21 April 2017. The proposal of the MOPT for inclusion of Way Leave Charges and the revised lease rent proposed for the land in its proposal of 26 July 2017 are not accompanied with recommendation of the Land Allotment Committee (LAC) and approval of the Board of Trustees of MOPT which required to be submitted by the Port. The port to immediately furnish the recommendation of LAC and Board approval for inclusion of Way Leave Charges and revised lease rent for land.</td><td rowspan="2">parameters of land rent are applicable. Further annual escalation of 2% per annum as other parameter, w.e.f. June 2017 was incorporated, is only an arithmetical change. Therefore, it is requested not to insist for fresh Land Committee minutes and board approval for the revision proposal.</td></tr>
<tr><td>(II).</td><td>It is seen that the MOPT letter dated 26 July 2017 states that the revised lease rent for land and Way Leave is arrived based on the highest of the “Monthly rent of the Property @ 6% per 10 sq. mtr.” and “Any Other Relevant Factor”. In this regard, since the valuation of land by the approved valuer is of December 16 / February 2017, the relevance of applying 2% escalation on the lease rent on land proposed by MOPT earlier is not found to be in line with the guideline position. Further, as regards the method “Any Other Relevant Factor” our query at point no.II (ii) (b) (i) may be referred. The MOPT may therefore, relook at its proposal dated 26 July 2017 and furnish the recommendation of LAC and Board approval for its modified proposal.</td></tr>
<tr><td>(III).</td><td><u>General:</u></td><td></td></tr>
<tr><td>(1).</td><td>The proposal of the MOPT covers revision of lease rent in respect of the lease rent approved by the Authority for the following:</td><td></td></tr>
<tr><td>(i).</td><td>Order No.TAMP/8/2012-MOPT dated 2 May 2012, revising Estate Rentals of MOPT land and the review application Order dated 8 August 2012. The revised lease rent was effective from 17 June 2012 subject to 2% annual escalation with validity till 16 June 2017.</td><td>Factual</td></tr>
<tr><td>(ii).</td><td>Order No.TAMP/57/2014-MOPT dated 10 June 2015 fixing lease rental for a commercial building owned and constructed by the MOPT near Vasco Railway Station. The lease rent made effective from 17 July 2016 subject to 5% annual escalation. The validity of the approved lease rental is co terminus with Order dated 2 May 2012 i.e., upto 16 June 2017.</td><td>Factual</td></tr>
<tr><td>(iii).</td><td>Order No.TAMP/32/2015-MOPT dated 27 February 2016 fixing lease rentals of 36 Port Structures and an amendment Order dated 4 January 2017 in respect of lease rent for headland Sada Shopping Complex building as proposed by the port. The approved lease rentals are effective from 12 May 2016 and is valid upto 11 May 2021.
In respect of (iii), the validity of the approved lease rent prevails till 11 May 2021. The port has in the proposed revision i.e. reduction in lease rent in respect of the following items of the 36 structures covered in the said Order citing that the Chairman of the port has desired to have a common revision date for land as well as premises. The port has also included lease rent for a new item which is given in the subsequent table herein below:
<table>
<tr><td colspan="6">BUILDINGS</td></tr>
<tr><td>Sr. No.</td><td>Zone / Location</td><td>Market Value as per Approved Valuer (₹ Per Sq. Mtr.)</td><td>Any Other Relevant Factor Current Rent/ SOR/ (April 2017)</td><td>Proposed Rate (₹. Per Sq. m.)/ month</td><td>Remarks of MOPT</td></tr>
</table>
</td><td></td></tr>
</table>

			[₹./10 sq. mtr.]		
1.	100 bedded hospital building near garbage treatment plant at Headland, Sada for MOPT at Goa.	22,500.00	210.00	113.00	There is garbage dump next to Hospital. The latest valuation is less than the previous valuation.
2.	"Old Administrative Building" Outside custom bound area at Harbour, MOPT, Vasco.	31,500.00	212.63	213.00	For Custom House Agents, a rent of ₹60/- per sq. mtrs. per month upto 40 sq. Mtrs.
3.	"Port Users Buidling (IOCL)", inside custom bound area at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	31,500.00	259.88	158.00	The building is inside the Custom bound area, hence not accessible to the public.
4.	"MPT Institute", adjacent to Swatantra path, Next to Bank of Baroda, Mormugao Port Trust (MOPT), Vasco, Goa.	60,000.00	1216.85	300.00	Less demand for the Building.
5.	V2 shed, opp. Menezes Braganza Road, Mormugao Port Trust (MOPT), Vasco, Goa.	13,500.00	78.75	68.00	Less demand for the Building.
6.	V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust (MOPT), Vasco, Goa.	13,500.00	78.75	68.00	Less demand for the Building.

New entry proposed in the lease rent

Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) AT Vasco Goa.	225.00

	In this regard, the port to furnish clarification on the following items:	
(a).	The Land Policy Guidelines do not require the period of validity of lease rent for entire port estate (Land and Buildings) need to be the same. Please furnish specific reasons for the port proposing to have common revision date.	The Port has desired to have a common revision date for land as well as premises for the following reasons: (i). The entire proposal for land and premises will be revised after every 5 years which is convenient and also beneficial to the Port in terms of expenditure towards valuation. (ii). rate for some of the premises are required to be revised.
(b).	It appears that the proposal of the port to include the revision of lease rent of the structures which were approved in February 2016 in the current proposal, may lead to extend the validity of the lease rent for the structures beyond existing prescribed validity for five years which is prescribed till 11 May 2021 by more than one and half year. This may result in deviation from clause 13 (c) of the amended LPG, 2014 which requires to refix the SOR every 5 years. The MOPT, therefore, to furnish justification for deviation from this clause of the LPG issued by the MOS.	The reasons for revising the rates for structures before the expiry of validity is clarified at (a) above. However, TAMP may take a view.
(c).	It is seen that of 32 structures, the port has proposed revision i.e. reduction in respect of the above 6 items. For the remaining structures, the port has proposed the lease rent to continue at the lease rent approved by the Authority in February 2016 Order. The port may consider to delink the revision of lease rent for these 6 structures which has validity till May 2021 from the current proposal and seek separate amendment in respect of the structures for which port has sought revision i.e. reduction in the existing lease rent for the reasons cited by the port. This will also enable port to comply with clause 13(c) of the amended LPG 2014.	As suggested by TAMP, revision of rates for 32 structures may be delinked.
(2).	In February 2016 Order, the Authority has approved lease rent for 36 structures. As against that, the current proposal of the MOPT includes revision of lease rent of 32 structures approved in February 2016 Order and 1 new structure. The current proposal does not include all the 36 structures. For example – It does not cover the structure Ground Floor of building known as T4 Shed and Ground floor of building known as V1 shed for which the lease rent is approved by the Authority based on the proposal of the MOPT in the Order dated 27 February 2016 at ₹75 each. The port to furnish the reasons for mismatch in number of structures for which lease rent is approved in February 2016 Order and the structures which are covered in the current proposal. The port also to furnish reasons for exclusion of these two structures and other structures on examination by the port and also clarify the lease rent that will be applicable for these structure in the absence of rates not included by MOPT in the current proposal.	V1, V2 & V3 Sheds have the same place and rate in previous SOR and also in proposed SOR. Also, T1, T2, T3 & T4 Sheds have the same place and rate in previous SOR and also in proposed SOR. Therefore, V1, V2 & V3 Sheds is clubbed under the head "V2 & V3 Shed" mentioned at Sr. No. 28 and T1, T2, T3 & T4 Sheds is clubbed under the head "Transit Shed" mentioned at Sr. No.29 of the draft SOR.
(3).		
(i).	The MOPT to furnish Form – 1, giving details relating to the estate activity.	The Form – 1 relating to estate activity is furnished.
(ii).	It is seen that description of some of the structures are proposed to be modified in the current proposal. The port, therefore, to give a comparative statement of the lease rent as approved in February 2016 Order for the 36 structures, the existing lease rent with reference to the lease rent approved in May 2012 and 10 June 2015 Orders, the existing lease rent as on date and juxtapose it with the description in the current proposal, proposed lease rent and also furnish percentage increase/ decrease as required to be submitted as part of Form 1.	Comparative statement of the lease rent is furnished.
(iii).	As mentioned at Note nos.1, 2 and 3 respectively to Form – 1, the MOPT to furnish the following:	

(a).	A certificate confirming that its proposal for fixing lease rentals is in conformity with the amended Land Policy for Major Ports, 2014 approved by the Government of India.	It is confirmed that the proposal for fixing lease rentals is in conformity with Clause 13 (a) & (b) of the amended Land Policy for Major Ports, 2014 approved by the Government of India. Certificate is furnished.
(b).	A certificate to the effect that the land leased (zone-wise) is as per the port's Land Use Plan.	The Certificate to the effect that the land leased zone-wise is in accordance with the Port's land use plan is furnished.
(c).	If on any matter the present proposal deviates from the amended Land Policy Guidelines 2014 referred above, MOPT to furnish the details thereof justifying the reasons for deviations.	Not Applicable.
(IV).	**Valuation**:	Valuation :
(i).	The existing lease rent approved by the Authority based on Review Application filed by the MOPT vide Order dated 8 August 2012 prescribes two different set of rentals within the (a) Mormugao Harbour/ Vasco Da Gama-Bay and (b). Head Land Sada respectively based on the two different valuation of lands as proposed by MOPT. The two different set of rentals are for (i) Land surveyed under Chalta No.3 of P.T. Sheet No.7 and (ii) the Land other than (i) above. In the current proposal, however, the port has proposed a single lease rental for lands at (a). Mormugao Harbour & Vasco Bay and (b). Headland Sada. The MOPT to furnish the reasons for proposed change in the current proposal and percentage increase/ decrease at the proposed rate for each of the existing two areas.	In the year 2012 during the preparation of Estate Rental proposal, small plots were selected for valuation. During the preparation of current Estate Rental proposal, bigger plots are considered for valuation and the rent fixed is as per the valuation report submitted by Valuer. As such a uniform rate has been proposed based on area-wise/zone-wise.
(ii).		
(a).	There is wide variation noticed in the market value of lands as per the Government of Goa notifications reported at ₹3500/sq. mtr. and valuation of land given by the approved valuer which varies in the range of ₹9,375/sq. mtr. to ₹58,000/sq. mtr. in respect of MOPT lands. Please clarify the reason for the wide variation in these two land valuations.	The stamp duty ready reckoner for any state is a guideline rate for the purpose of stamp and registration issued by the inspector General of Stamp and registration for the specific state. It may or may not reflect the market rate for properties (land and built up space) in the particular region. But, it generally forms a minimum benchmark rate for property below which the stamp and registration department shall not register any property transaction.
(b).	Under the method "Any other relevant factor", the port has stated that it is the Current/SOR reflecting April 2017. The lease rent approved by the Authority in May 2012 Order and June 2015 Order and lease rent till its validity as on 16 June 2017 vis-à-vis that shown by the MOPT is tabulated below. A. Order No.TAMP/8/2012-MOPT Order dated 8 August 2012.	

Description	Lease rent as approved by the Authority (Rate per 10 sqm. or part thereof per calendar month or part thereof (in ₹)	Lease rent as on 16 June 2017 after applying 2% annual escalation	Current rent as of April 2017 indicated by the MOPT for arriving at the proposed lease rent (Rate per 10 sqm. or part thereof per calendar month or part thereof (in ₹)
Licence fee on Port land for maintaining office buildings and other structures at:			
(a). Mormugao Harbour and Vasco Da Gama – Bay. (i). Land surveyed under Chalta No.3 of P.T. Sheet no.7. (ii). Land other than at (i) above.	300.00 500.00	325.00 541.00	590
(b). Head Land Sada (i). Land surveyed under Chalta No.2 of P.T. Sheet No.54. (ii). Land other than at (i) above.	250.00 400.00	271.00 433.00	472
(c). Baina.	500.00	541.00	590
(d). Vasco Da Gama – City	2500.00	2706.00	2950
(e). Dabolim	300.00	325.00	354

(f). Bogda	Not prescribed in last SOR	-	472

Charges for occupation of Foreshore Land:

Sr. No.	Description	Per 10 sqm. or part thereof per calendar month or part thereof. (in ₹)	Lease rent as on 16 June 2017 after applying 2% annual escalation (₹ per month/ 10 sq. mtr)	Current rent as of April 2017 indicated by the MOPT for arriving at the proposed lease rent (₹ per month/ 10 sq. mtr)
1.	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose at Vasco Da Gama bay. (i). Land surveyed under Chalta No. 3 of P.T. Sheet No.7. (ii). Land other than at (i). above.	 300.00 500.00	 325.00 541.00	Fore Shore area at Vasco and Betul – ₹112.50
2.	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose beyond Vasco Da Gama bay upto the port limits (Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore).	350.00	378.00	Fore Shore area at Betul – ₹112.50

B. Order No.TAMP/57/2014-MOPT Order dated 10 June 2015.

Sr. No.	Description	Rate per month or part thereof approved in June 2015 Order (in ₹)/ month	Lease rent as on 16 June 2017 after applying 5% annual escalation (in ₹)/ month	Current rent as of April 2017 indicated by the MOPT as of the five factors for arriving at the proposed lease rent (Rate per 10 sqm. or part thereof per calendar
(i).	Commercial building near railway station at Vasco	2,01,698.00	2,22,372.00	(a). Ground Floor ₹377/- (b). Other than (a) ₹377/-

(i).	It is seen from the above two tables (A & B) that the Current lease rent furnished by the MOPT do not match with the current lease rent applicable as per the Orders of the Authority after applying the applicable annual escalation factor. Since the lease rent proposed by the MOPT in the current proposal is based on any other factor for land as well as for fore shore area, the MOPT to relook at its proposal in the light of the above observation.	The current lease rent is arrived after applying the applicable annual escalation factor and the Special Rate Levy of 9% which was levied earlier.
(ii).	It is further seen from the above table that the description of Foreshore area is proposed to be modified in the current proposal. The port to furnish the reasons for the proposed modification and also explain impact of the proposed modification in the existing areas covered under fore shore area.	In the year 2012 during the preparation of Estate Rental proposal, small plots were selected for valuation. During the preparation of current Estate Rental proposal, bigger plots are considered for valuation and the rent fixed is as per the valuation report submitted by Valuer. As such a uniform rate has been proposed based on area-wise/zone-wise.
(iii).	In the current proposal, the MOPT has proposed the lease rentals for foreshore area at Vasco Bay and beyond Vasco Da Gama bay at ₹133 per 10 sqm. or part thereof per calendar month or part thereof. In this connection, it is relevant here to state that the MOPT had filed a separate proposal dated 3 March 2017, wherein the port has proposed reduction in lease rent	Lease rent of ₹133/- per 10 Sq. mtr. per month is arrived after escalating the rate ₹120/- (approved w.e.f. June, 2012) @ 2% per annum till June, 2012 without adding special rate levy of 9%. Hence, after adding 9% pension levy, the revised rate will worked out to ₹145/- per 10 Sq. mtr. per month. This rate

<table>
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<td>in respect of Sl. No.2 i.e. charges for occupation of fore shore area beyond Vasco Da Gama from the prescribed lease rent of ₹350 per 10 sqm. per month to ₹120 per 10 sqm. per month with effect from 17 June 2012 subject to 2% annual escalation per annum. The said proposal of the MOPT has been already approved by the Authority and is in the process of notification in the Gazette of India. The lease rentals for the foreshore area at Sl. No. 2 as per the said proposal of the MOT is ₹120 per 10 sq. mtr. month retrospectively from June 2012 as proposed by the port. After applying the applicable annual escalation factor of 2%, the license fee in respect of Sl. No.2 will be 130 per 10 sq. mtr. per month as on 16 June 2017 after rounding off. It is noted that in the current proposal, the port has proposed lease rent at ₹133 per 10 sqm. per month which is lower than the existing lease rent as on 17 June 2017 i.e. the reduced lease rent as per the proposal of the MOPT and approved by the Authority. The port to justify the reasons for proposing reduction in the existing license fee in respect of this item.</td>
<td>will be included in the revised draft of SOR. The workings area as follows:
<table>
<tr><th>Year</th><th>Rate per 10 sq. mtr. per month</th></tr>
<tr><td>1st year</td><td>120.00</td></tr>
<tr><td>2nd year</td><td>122.00</td></tr>
<tr><td>3rd year</td><td>124.00</td></tr>
<tr><td>4th year</td><td>127.00</td></tr>
<tr><td>5th year</td><td>130.00</td></tr>
<tr><td>6th year</td><td>133.00</td></tr>
<tr><td>Add: Special Rate levy of 9%</td><td>12.00</td></tr>
<tr><td>Revised Rate</td><td>145.00</td></tr>
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<tr>
<td>(iv).</td>
<td>As regards the item at Sl. No.1 under Fore shore area, at Vasco da Gama, the existing lease rent is ₹325/- and ₹541/- per 10 sq. mtr. per month for (a) land surveyed under Chalta No.3 of P.T. and and Sheet No.7 (b) other than (a) respectively. While processing the MOPT proposal of 3 March 2017, the MOPT has stated that there will not be any change in rates for Sl. No.1 Vasco bay as at present, as there is no ship repair activities taking place at Vasco bay. mentioned at Sr. No.1 and land other than that respectively. However, in the current proposal, the port has proposed reduced lease rent at ₹133 per 10 sq. mtr. per month for both the area which result in reduction by 59% and 75% from the existing lease rent. Neither the Board approval nor the LAC report furnish any reasons for reduction in the lease rent from the existing level in respect of these Fore shore areas. The MOPT to furnish the reasons for proposing reduction in the lease rentals for foreshore area at Sl No 1 at Vasco Da Gama Bay by 59% to 75% from the prevailing lease rent.</td>
<td>There is no reduction in the rates for the area from Mormugao Harbour to Vasco. There is reduction in the rates for the area beyond vasco Bay & Betul and the rates are arrived based on the valuation report submitted by Valuer.</td>
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<td>(v).</td>
<td>The Lease rent schedule for Commercial Building near Vasco Railway Station approved vide Order No.TAMP/57/2014-MOPT Order dated 10 June 2015 is ₹201698/- per month or part thereof. The prevailing lease rent as on 16 June 2017 after applying the annual escalation factor of 5% is 2,22,372/- per month or part thereof. In this regard, the port to furnish the following:</td>
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<td>(a).</td>
<td>The present lease rentals being levied for the said commercial building.</td>
<td>Commercial building at Vasco is vacant since construction.</td>
</tr>
<tr>
<td>(b).</td>
<td>The lease rent under “Any Other Relevant Factor” furnished by the MOPT states current escalated lease rent as of April 2017 at ₹377 per sq. mtr. per month. This does not match with the lease rent approved by the Authority in the said Order and escalated by applicable escalation factor which comes to ₹2,22,372/- per month or part as on June 2017. The port, therefore, to explain as to how the existing lease rent is considered by MOPT at ₹377 per sq. mtr. per month matches with the existing lease rent of ₹ 2,22,372/- per month for the Commercial building as per the approval accorded by the Authority.</td>
<td>The lease rent under “Any Other Relevant Factor” furnished by MOPT is erroneously entered as ₹377/- per sq. mtr. per month instead of ₹326.67/- per sq. mtr. per month.
[Port has not explained the reason for mismatch between ₹377 and ₹2,22,372]</td>
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</table>

(c).	Justify separate lease rental for Ground Floor and other than Ground Floor at ₹465 and ₹360 per sq. mtr. per month respectively in the current proposal as against the existing lease rent which is for the entire commercial building at Vasco Railway Station.	There are no takers for the entire building. In order to enable to lease out the building on part basis, it is proposed to have rates for different floors. As per the valuation report, different values are mentioned for "Ground Floor" and "Other than Ground Floor". Therefore, it is proposed two separate rates for "Ground Floor" and "Other than Ground Floor".
(iii).	It is seen that the valuer in its report has taken base value for constructed areas and adjusted it with suitable premium/discounts for various influencing factors and arrived at the adjusted rate per sq. mtr. for each of the structures. From the adjusted per sq. mtr. rate, the construction cost of each of the structures is arrived at. The valuer report in the concluding para has stated that the value is the reinstated value as on 9/10 February 2017. With reference to the above methodology adopted by the MOPT, the following points are to be clarified:	
(a).	Please clarify the meaning of the term "reinstatement value" referred in the valuation report in the concluding para for valuation done for each of the structures.	The word reinstated value in the concluding para of the valuation report is a typographical error; please read the same as "fair market value" of the said property instead of the reinstatement value of the said property.
(b).	It may be clarified whether the "reinstatement value" implies current cost of construction.	Please refer to (iii) (a) above.
(c).	These premises are old and depreciated, on which the Port would have already considered repairs and maintenance cost, depreciation and return thereof in its general revision proposal last disposed vide Order no.TAMP/38/2016-MOPT dated 17 November 2016 and earlier general revision orders. Therefore, please certify that consideration of the return at 6% in terms of lease rent on the value of premises in the current proposal and that too at the reinstated value will not tantamount to double counting of return on the same assets. If return in terms of lease rent on the premises tantamount to double counting of return on the same assets, the MOPT to effect suitable adjustments in the proposed rates of lease rent supported with calculations.	Expenditure on rentable buildings was not considered in the General Revision of Scale of Rates. Hence, there is no double counting of return on the assets.
(iv).		
(a).	The MOPT has proposed lease rentals for new structure viz. Cruise Terminal Building at harbour, Mormugao Port Trust at Vasco at ₹225 per sq. mtr. per month. However, under the method "Any other relevant factor" the port has indicated the current lease rent as on April 2017 at ₹225.75 per sq. mtr. per month. The Authority has not approved lease rent for this new structure nor has MOPT approached the Authority earlier seeking approval of lease rent for this new building. Hence the position reported by the MOPT in the statement is not found to be factually correct.	The Cruise Terminal Building is a new building whose construction is substantially completed. Board has approved rate of ₹225.75/- per sq. mtr. per month. This was considered as other relevant factor.
(b).	The valuation report shows that Cruise building is under construction. The port to confirm whether the construction of the said building is completed. The port to furnish the following details:	
(i).	Date of completion of construction of the said building	Date of completion of construction of the Cruise Terminal Building is 31.03.2017 and part of the ancillary facilities of the building have been completed on 10.07.2017.
(ii).	Gross Value of the subject building premises.	Gross Value of the subject building is ₹7.67 Crores ("Approx.) as the final bill of the work is not paid awaiting for approval of the Competent Authority.
(c).	From the valuation report it is seen that the valuer taken the base value as ₹ 90,000 per sq. mtr as done for many other structures and adjusted it with suitable	Land valuation is not part of the cost of construction. The cost of construction works out to ₹78,302/- per sq. mtr.

	premium/discounts for various influencing factors and arrived at the adjusted rate per sq. mtr. at ₹45,000/- per sq. mtr. The port to clarify that why the base value of building is considered at ₹90,000 per sq. mtr and not based on the actual construction cost by the port when this building is newly constructed by the port.	
(v).	As regards, Sl. No.7 (a) and (b) of the comparative statement furnished by the approved valuer for "MPT institute", the valuation report indicates land value at ₹47,000 per sq. mtr. for ground floor and for first floor at ₹29000 per sq. mtr. However, the market valuation considered for arriving the lease rental for first floor is ₹28,000 per sq. mtr. (Sl. No.7 (b) of Annexure-II to the proposal). The MOPT to correct this mismatch and make necessary correction in the said annexure.	Sl. No. 7 (a) and (b) of the comparative statement pertains to "MPT Shopping Complex at Headland Sada" for Ground and Upper Floor respectively and not "MPT Institute". The Valuation Report submitted by Valuer indicates land value at ₹47,000/- per sq. mtr. and ₹28,000/- per sq. mtr. for Ground and Upper Floor respectively and the valuation considered for arriving the lease rental for first floor is ₹47,000/- per sq. mtr.
(V).	**<u>Proposed Scale of Rates:</u>**	
(1).	The following general notes may be included in the draft proposed SOR:	
(i).	All the conditions/ notes prescribed in the existing Scale of Rates/ Schedule of License Fees and Lease Rentals shall apply to the extent they are not inconsistent with the conditions prescribed in the amended Land Policy for Major Ports, 2014 issued by the Government. In case of disagreement, the conditions prescribed by the Government in the Land Policy for Major Ports 2014 shall prevail.	This note has been included in the draft proposed SOR.
(ii).	The proposal of the port does not prescribe the validity of the proposed rates. The port may propose a suitable note relating to the date of application of the proposed lease rent and the validity period.	The Scale of Rates shall be valid for five years as per the Land Policy Guidelines. Accordingly, this note has been included in the draft proposed SOR.
(2).	The lease rent for Old administrative Office building and Cruise Business Centre (Old CHD Building) arrived and proposed by the Port at Sl. Nos.19 and 26 is ₹213 and ₹212.63 per sq. mtr. per month based on the market valuation of the these structures. The note (ii). proposed by MOPT under the schedule of lease rent for structures, however, states that for Licensed Custom House Agents, rent applicable is ₹60 per sq. mtr. per month for Old administrative Office building and Cruise Business Centre (Old CHD Building) [Sl. Nos.19 and 26] till expiry of present lease tenure. For fresh leases, rent is ₹60 per sq. mtr. per month applicable for area upto 40 sq. mtrs. In this regard, the port to furnish clarification on the following points:	
(i).	Furnish adequate reasons for incorporation of the proposed note.	This is as per the request of Custom House Agents.
(ii).	Clause 11.2(h) of the amended Land Policy Guidelines, 2014, stipulates concession in lease rent may be granted by Major Port Trust to security agencies and Government Department only upto 50% of the annual lease rent. In respect of land to be allotted to Government departments which are essential to functioning of the port like customs, electricity department, health department and for core security functions, concessions upto 75% of lease rent can be considered by the port trust. The amended Land Policy Guidelines, 2014 further states that such concession can be given for only small extent of land required for core operational purposes imperative for Port functioning and not otherwise. The port to examine and clarify as to how its proposal of granting rebate in the lease rent to Licensed Custom House Agents falls in line with clause 11.2(h) of the amended Land Policy Guidelines, 2014 issued by the MOS after the approval of the Cabinet. The port may consider to review the proposed note in light of the stipulation in clause 11.2(h) in the amended LPG, 2014.	TAMP may take appropriate view.

9. The MOPT has vide its letter dated 26 July 2017 submitted revised draft Scale of Rates (SOR) of Estate Rentals. The main submissions by MOPT are as given below:

(i). In the draft Scale of Rates of Estate Rentals proposal (Annexure - V), the heading (3rd Column) "**Lease Rent per 10 sq. mtr. per month or part thereof (in ₹)**" was proposed. However, for better clarity it is proposed to keep the heading as per the existing SOR. Therefore, it is proposed to replace the heading (3rd Column) to "**Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)**" only for Land and Foreshore Area.

(ii). While submitting the proposal, Way Leave Charges were inadvertently not included. Therefore, proposed Way Leave Charges as furnished now is to be included in the revised Scale of Rates of Estate Rentals. The port has requested that the Way Leave Charges are to be inserted after Charges for Foreshore Land which is brought out in subsequent paragraphs:

(iii). Also, in the draft Scale of Rates of Estate Rentals proposed (Annexure - V) on para 2, Note (i), it is proposed to replace with (i) The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum for Land, Foreshore Area and Way Leave Charges and the rates for buildings shall get automatically escalated by 5% per annum after expiry of each year from the effective date of implementation of the Scale of Rates.

(iv). The Port has also requested to insert the following notes relating to Way Leave Charges in the draft Scale of Rates of Estate Rentals:

(a). For the purpose of way leave charges, the area occupied by single pipelines should 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 should 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 should 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 should be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges.

(b). The Licence Fees for water area shall be charged 50% of the licence fee of abutting land.

(v). The MOPT has stated that rate proposed for Land and Way Leave Charges for locations at Mormugao Harbour & Vasco Bay, Baina, Vasco & Headland Sada is arrived based on the highest of "Monthly Rent of the Property @ 6% per 10 Sq. mtr." and "Any Other Relevant Factor" and is valid upto 31.05.2017. Hence, 2% escalation is applied to the rates for Land and Way Leave Charges and the draft Scale of Rates is revised.

(vi). The rates proposed in the Revised Draft Scale of Rates (SOR) of Estate Rentals are given below:

LAND		
Sr. No.	**Zone/Location**	**Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)**
1	Mormugao Harbour & Vasco Bay	602.00
2	Baina	602.00
3	Vasco	3009.00
4	Dabolim	700.00
5	Headland Sada	481.00
6	Bogda	500.00

FORESHORE	

Sr. No.	Zone/Location	Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)
1	Foreshore Area at Vasco & Betul	133.00
2	Foreshore Area at Betul	133.00

WAY LEAVE CHARGES		
Sr. No.	**Zone/Location**	**Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)**
1	Mormugao & Vasco Bay	602.00
2	Head Land Sada & Bogda	500.00
3	Baina	602.00
4	Beyond Vasco Bay upto Port limit, Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore	145.00

BUILDINGS		
Sr. No.	**Zone/Location**	**Proposed Rate (per sq.m. per month)(in ₹)**
	Residential/Hospital (Institutional/Social Infra in Headland Sada)	
1	100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	113.00
2	"A" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00
3	"B" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	147.00
4	"C" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	147.00
5	"D" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00
6	Bungalow for Head of Department at Headland, Vasco Goa.	288.75
7	Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT), Goa.	78.75
	MPT Colony - Commercial Establishments, Shops, etc.	
8	Sports Academy, MPT at Baina, Goa.	289.41
9	Old Primary Health Centre, MPT at Headland Sada, Goa.	189.00
10	Dr. Ambedkar Voacational centre at Headland, MPT, Goa.	189.00
11	CHLD Community Building at Headland, MPT, Goa.	189.00
12 (a)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.**- Ground floor**	273.00
12 (b)	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Upper floor**	273.00
13	Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	168.00
14	Information Centre (SBI ATM) at Headland, Mormugao Port Trust (MPT), Goa.	409.50
15	HRD Centre, Mormugao Port Trust (MPT) at Headland, Goa	315.00
16	Officers Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco, Goa.	236.25
17	Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	189.00
	Cruise Bldg	
18	Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) AT Vasco Goa.	225.00
	Port Users' Bldg - Inside & Outside Harbour	
19	"Old Administrative Building" Outside custom bound area at Harbour, MPT, Vasco.	213.00

20	Port Users Building (IOCL), inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	158.00
21	G.C.B building near berth no.11 at Harbour, MPT, Goa.	189.00
22	Old CME's office building, MPT at Jetty, Goa.	189.00
23	MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	147.00
24	Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	385.35
25	'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	141.75
26	Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco, Goa.	212.63
27	'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	105.00
Cargo godowns/warehouse - Inside & Outside		
28	V2 & V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT),at Goa	68.00
29	Transit Shed, Near Berth No. 10, inside custom bound area, Mormugao Port Trust, Vasco at Goa	78.75
Vasco - Commercial		
30 (a)	Commercial building, Near Vasco railway station, Vasco, Goa – **Ground Floor**	465.00
30 (b)	Commercial building, Near Vasco railway station, Vasco, Goa – **Other than Ground Floor**	360.00
31	MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	300.00
32	'Old MPT Hospital Building', behind Sanjeevani Hospital and Anandf Square Building, at Baina, Mormugao Port Trust (MPT),Goa.	78.75
CFS Paved Area - Bogda		
33	C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT),Goa.	70.88

Note: (i). The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum for Land, Foreshore Area and Way Leave Charges and the rates for building shall get automatically escalated by 5% per annum after expiry of each year from the effective date of implementation of the Scale of Rates.

(ii). For licensed Custom House Agents, the rent applicable is ₹60/- per sq. mtrs. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) mentioned at Sr. nos.19 and 26 respectively till expiry of present lease tenure. For fresh leases, rent is ₹60/- per sq. mtr per month applicable upto an area of 40 sq. mtrs.

(iii). For the purpose of way leave charges, the area occupied by single pipelines should 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 should 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 should 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 should be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges.

(iv) The Licence Fees for water area shall be charged 50% of the licence fee of abutting land.

[*The revised rates proposed by the MOPT is not accompanied with the recommendation of the LAC and approval of the Board of Trustees of the MOPT for the revised rates*]

10. The MOPT vide its email dated 4 September 2017 has furnished the following comparative position of the existing lease rent after applying applicable annual escalation and revised lease rent proposed by port vide its letter dated 26 July 2017 alongwith % increase/ decrease.

LAND - Licence fee on Port land for maintaining office bldgs. and other structures at:					
Sr. No.	**Zone / Location**	**Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)**			**Percentage Increase / Decrease**
		Existing	**Revised rate proposed by MOPT**		
		Lease rent duly escalated as on the date prior to the date when revision is sought i.e. as on 16.06.2017 (excluding pension levy)	**Zone/Location**	**Revised Proposed Lease Rent**	
1	Mormugao Harbour and Vasco Da Gama - Bay. (i) Land surveyed under Chalta no. 3 of P.T Sheet no.7 (ii) Land other than at (i) above	325.00 541.00	1. Mormugao Harbour & Vasco Bay	602.00	11.28%
2	Baina	541.00	2. Baina	602.00	11.28%
3	Vasco Da Gama - City	2706.00	3. Vasco	3009.00	11.20%
4	Dabolim	325.00	4. Dabolim	700.00	115.38%
5	Head Land Sada (i) Land surveyed under Chalta no. 2 of P.T Sheet no.54 (ii) Land other than at (i) above	271.00 433.00	5.Headland Sada	481.00	11.09%
	-	-	6. Bogda	500.00	-

FORE SHORE					
Sr. No.	**Zone/Location**	**Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)**			**Percentage Increase / Decrease**
		Existing	**Proposed lease rent**		
		Lease rent duly escalated as on the date prior to the date when revision is sought i.e. on 16 June 2017	**Zone/Location**	**Proposed lease rent by MOPT**	
1	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose at Vasco Da Gama bay. (i) Land surveyed under Chalta no. 3 of P.T Sheet no.7 (ii) Land other than at (i) above	130.00	1. Foreshore Area at Vasco & Betul	145.00	11.54%
2	For the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose beyond Vasco Da Gama bay upto the port limits (Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore).	130.00	2. Foreshore Area at Betul	145.00	11.54%

WAY LEAVE CHARGES					
(₹. per 10 sq. mtr. or Part thereof or per calendar month or part thereof)					
Sr. No.	**Zone/Location**	**Existing way leave charges duly escalated as on the date prior to the date when revision is sought i.e. on 16.06.2017 excluding pension levy**	**Zone/Location**	**Proposed rate by MOPT (in ₹)**	**Percentage Increase / Decrease**
1	Mormugao Harbour and Vasco Da Gama - Bay. (i) Land surveyed under	325.00 541.00	1. Mormugao & Vasco Bay	602.00	11.28%

	Chalta no. 3 of P.T Sheet no.7 (ii) Land other than at (i) above				
2	Head Land Sada (i) Land surveyed under Chalta no. 2 of P.T Sheet no.54 (ii) Land other than at (i) above	271.00 433.00	2. Head Land Sada & Bogda	500.00	15.47%
3	Baina	541.00	3. Baina	602.00	11.28%
4	Beyond Vasco Bay upto Port limit, Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore	130.00	4. Beyond Vasco Bay upto Port limit, Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore	145.00	11.54%

BUILDINGS

(In ₹.per sq. mtr. per month)

Sr. No.	Zone/Location	Existing lease rent duly escalated.	Proposed lease rent		
			Zone/Location	Revised proposed Rate.	Percentage Increase / Decrease
Residential/Hospital (Institutional/Social Infra in Headland Sada)					
1	Basement+ground+uppergro und+first floor R.C.C framed structure,100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	210.00	100 bedded hospital building near garbage treatment plant at Headland, Sada for MPT at Goa	113.00	-46.19%
2	Flat No 191/1/4 on ground floor, building known as "A" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00	"A" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00	0.00%
3	Flat No 205 (2/2) on 1st floor, building known as "B" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00	"B" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	147.00	0.00%
4	Flat No 148 on ground floor, building known as "C" type Quarters at Headland, Mormugao Port Trust (MPT), Vasco, Goa.	147.00	"C" type Quarters at Headland, Mormugao Port Trust (MPT),Vasco,Goa.	147.00	0.00%
5	Flat No A on ground floor, building known as "D" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00	"D" type Quarters at Headland, Mormugao Port Trust (MPT), Goa.	147.00	0.00%
6	Ground + 1 upper floor bunglow for Head of Department at Headland, Vasco Goa.	288.75	Bungalow for Head of Department at Headland, Vasco Goa.	288.75	0.00%
7	Ground floor load bearing structure, building known as Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT), Goa.	79.00	Sub Standard Quarters at Desterro, Mormugao Port Trust (MPT), Goa.	78.75	-0.32%
MPT Colony - Commercial Establishments, Shops, etc.					
8	Ground +2 upper floor R.C.C framed structure, building known as Sports Academy, MPT at Baina, Goa.	289.41	Sports Academy, MPT at Baina, Goa.	289.41	0.00%
9	Ground floor R.C.C framed structure, building known as old Primary Health Centre, MPT at Headland Sada, Goa.	189.00	Old Primary Health Centre, MPT at Headland Sada, Goa.	189.00	0.00%
10	Ground floor R.C.C framed structure, building known as Dr.Ambedkar Voacational centre at Headland, MPT, Goa.	189.00	Dr. Ambedkar Voacational centre at Headland, MPT, Goa.	189.00	0.00%
11	Ground floor R.C.C framed structure, known as CHLD Community Building at Headland, MPT, Goa.	189.00	CHLD Community Building at Headland, MPT, Goa.	189.00	0.00%

12 (a)	Three No's of Ground+1 upper floor R.C.C framed structure Commercial cum Residential building known as MPT Shopping Complex at Headland, MPT, Sada, Vasco.	273.00	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Ground floor**	273.00	0.00%
12 (b)	Three No's of Ground+1 upper floor R.C.C framed structure Commercial cum Residential building known as MPT Shopping Complex at Headland, MPT, Sada, Vasco.	273.00	MPT Shopping Complex at Headland, MPT, Sada, Vasco.- **Upper floor**	273.00	0.00%
13	Ground floor with balcony R.C.C framed structure, building known as Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	168.00	Sayantara Auditorium, MPT, Headland Sada, Vasco-Goa.	168.00	0.00%
14	Ground floor R.C.C framed structure, Building known as Information Centre (SBI ATM) at Headland, Mormugao Port Trust (MPT), Goa.	409.50	Information Centre (SBI ATM) at Headland, Mormugao Port Trust (MPT), Goa.	409.50	0.00%
15	Ground +1 upper floor R.C.C framed structure, Building known as HRD Centre, Mormugao Port Trust (MPT) at Headland, Goa	315.00	HRD Centre, Mormugao Port Trust (MPT) at Headland, Goa	315.00	0.00%
16	Ground floor load bearing & Ground +1 upper floor R.C.C framed structure known as Office Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco, Goa.	236.25	Officers Club Buildings, near main bus- Stop at Headland, Mormugao Port Trust (MPT) at Vasco, Goa.	236.25	0.00%
17	Ground floor R.C.C framed structure, building known as Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	189.00	Civil Engineering Maintenance Site Office at Headland, Mormugao Port Trust (MPT), Goa.	189.00	0.00%
Cruise Bldg					
18	-	-	Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) AT Vasco Goa.	225.00	-
Port Users' Bldg - Inside & Outside Harbour					
19	Ground+3+partly 4th upper floor R.C.C framed structure, building known as "Old Administrative Building" inside custom bound area at Harbour, MPT, Vasco.	213.00	"Old Administrative Building" Outside custom bound area at Harbour, MPT, Vasco.	213.00	0.00%
20	Stilt + 6 Upper floor R.C.C framed Structure, building known as " IOCL/Port Users Building", inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	260.00	Port Users Building (IOCL), inside custom bound area at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa	158.00	-39.23%
21	Ground+2 upper floor, building which is known as G.C.B building near berth no.11 at Harbour, MPT, Goa.	189.00	G.C.B building near berth no.11 at Harbour, MPT, Goa.	189.00	0.00%
22	Ground +2 upper floor building which is known as old CME's office building, MPT at Jetty, Goa.	189.00	Old CME's office building, MPT at Jetty, Goa.	189.00	0.00%
23	Ground floor R.C.C framed structure, building known as MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	147.00	MPT shopping complex at Harbour, MPT, Sada, Vasco, Goa.	147.00	0.00%
24	Ground+2 upper floor R.C.C framed structure building known as Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	385.35	Port Users Building inside custom bound area, Major Bunder, MPT at Vasco, Goa.	385.35	0.00%

25	Ground floor R.C.C framed structure, known as 'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	141.75	'Old Power House" building near berth No.11 at Harbour, Mormugao Port Trust, Vasco, Goa.	141.75	0.00%
26	Ground+3 upper floor building, R.C.C framed structure building known as Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco ,Goa.	212.63	Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, Vasco, Goa.	212.63	0.00%
27	Land with existing old structure which is known by 'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	105.00	'Old Palace Hotel Building', inside custom bound area at Harbour, Mormugao Port Trust (MPT), Goa.	105.00	0.00%
Cargo godowns/warehouse - Inside & Outside					
28	Ground floor R.C.C framed structure, building known as V1, V2 & V3 shed, off. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT),at Goa	79.00	V2 & V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust, Baina (MPT), at Goa	68.00	-13.92%
29	Ground floor R.C.C framed structure, building known as T1, T2, T3 & T4 shed (Transit Shed), Near Berth No.10,inside custom bound area, Mormugao Port Trust, Vasco at Goa	78.75	Transit Shed, Near Berth No. 10, inside custom bound area, Mormugao Port Trust, Vasco at Goa	78.75	0.00%
Vasco - Commercial					
30 (a)	Developed land with existing building, Near Vasco railway station, bearing P.T. sheet no. 103, Chalta no. 308, Mormugao Port Trust (MPT), Vasco, Goa.	2,01,698.00 per month or part thereof for entire building. [The MOPT has modified rate to per sq.m per month to ₹326.67]	Commercial building, Near Vasco railway station, Vasco, Goa – **<u>Ground Floor</u>**	465.00	42.35%
30 (b)	Developed land with existing building, Near Vasco railway station, bearing P.T. sheet no. 103, Chalta no. 308, Mormugao Port Trust (MPT), Vasco, Goa.	2,01,698.00 per month or part thereof for entire building. [The MOPT has modified rate to per sq.m per month to ₹326.67]	Commercial building, Near Vasco railway station, Vasco, Goa – **<u>Other than Ground Floor</u>**	360.00	10.20%
31	Developed land with existing building, which is known as 'MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	1,217.00	MPT Institute', adjacent to Swatantra Path, Next to Bank of Baroda, Mormugao Port Trust (MPT), Vasco, Goa.	300.00	-75.35%
32	Land with existing old structure which is known by 'Old MPT Hospital Building', behind Sanjeevani Hospital and Anand Square Building, at Baina, Mormugao Port Trust (MPT), Goa.	78.75	'Old MPT Hospital Building', behind Sanjeevani Hospital and Anand Square Building, at Baina, Mormugao Port Trust (MPT), Goa.	78.75	0.00%
CFS Paved Area - Bogda					
33	Developed land parcel, proposed used for C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT), Goa.	70.88	C.F.S, which is owned by 'Mormugao Port Trust', near AC plant, Ganesh Benzo Plast Tanks, at Bogda, Mormugao Port Trust (MPT), Goa.	70.88	0.00%

11. When the case was in advanced stage of finalisation, the MOPT vide email dated 8 November 2017 has forwarded minutes of the LAC dated 28 September 2017 which states that LAC

has recommended further revision of rates for land, foreshore area, Cruise Terminal for approval of the Board. The Port has not forwarded the Board approval for further revision of rates.

12. The proceedings relating to consultation in this case are available on records at the office of this Authority. An excerpt of the comments received and arguments made by the concerned parties will be sent separately to them. These details will also be made available at our website http://tariffauthority.gov.in.

13. With reference to the totality of the information collected during the processing of this case, the following position emerges:

(i). The existing schedule of lease rent of Mormugao Port Trust (MOPT) land and structures were last approved by this Authority based on separate proposals filed by MOPT at different time period for different validity period as brought out in the earlier paragraph. The revision of lease rent sought by the MOPT in the current proposal is briefly recapitulated below:

(a). Revised rentals for Port lands, office building and other structures, foreshore land and way leave charges approved vide Order dated 2 May 2012 and amended vide Order dated 8 August 2012 based on review application filed by the MOPT whose validity period is prescribed till 16 June 2017.

(b). Revision of lease rental for a commercial building owned and constructed by the MOPT near Vasco Railway Station approved by this Authority vide Order No.TAMP/57/2014-MOPT dated 10 June 2015 whose validity was prescribed coterminus with the validity of the lease rent approved vide Order dated 2 May 2012 i.e. up to 16 June 2017.

(c). Mid-term Revision (i.e. reduction) of lease rentals of 4 Port Structures out of 36 Port Structures whose lease rent was approved by this Authority vide Order No.TAMP/32/2015-MOPT dated 27 February 2016 and which came into effect from 13 May 2016 and is valid for five years i.e. upto 12 May 2021.

(d). Proposed lease rent for new structure viz. new cruise building.

(ii). Before proceeding to analyse this case, it is relevant here to state about the revision of lease rent sought by the port for the 36 structures. This Authority vide Order No. TAMP/32/2015-MOPT dated 27 February 2016 approved lease rentals of 36 Port Structures and an amendment Order dated 4 January 2017 passed in respect of lease rent for Headland Sada Shopping Complex building based on the proposal of the port. The lease rentals approved for 36 structures came into effect from 13 May 2016 and is valid upto 12 May 2021. During the mid-term, when the valid lease rent for the 36 Port Structures prevails till 12 May 2021, the MOPT has, in the current proposal, included revision of rental for the port structures for the following reasons:

(a). To have a common revision date for land as well as premises and to have consolidated revision in lease rent.

(b). The entire proposal for land and premises will be revised after every 5 years which is convenient and also beneficial to the Port in terms of expenditure towards valuation.

(c). The rate for some of the premises are required to be revised.

In this regard, it is relevant to draw reference to clause 13 (c) of the amended LPG, 2014 which requires to refix the SOR every 5 years. As stated earlier, the lease rentals approved for 36 structures which came into effect from 13 May 2016 is valid upto 12 May 2021. The proposal of the MOPT to include revision of lease rent for 36 structures in the current proposal along with revision of lease rent for land and other premises for reasons cited in para (a) and (b) above may lead to extend the validity of the lease rent for the structures beyond existing prescribed validity for five years till 12 May 2021 by around one year. Further, this may result in deviation from clause 13 (c) of the amended LPG, 2014 which requires to refix the SOR every 5 years. Further, the Land Policy Guidelines do not require the period of validity of lease rent for entire port estate (Land and Buildings) need to be the same. When these points were brought out to the notice of MOPT, the port has not insisted on the mid-term revision of rentals for the structures and left the matter to this Authority to take a view. In view of the reasons brought out above, the proposal of the MOPT for reduction of rentals in respect of the following structures is considered which is based on the recommendation of the LAC and has the approval of the MOPT Board:

		As per Lease rent approved vide Order No.TAMP/32/2015-MOPT dated 27 February 2016		**Revision i.e. reduction proposed by MOPT in the current proposal with reference to the following structures out of 36 structures approved vide Order dated 27 February 2016.**			
Sr. No.	**Zone / Location**	**Lease rent approved vide Order dated 27 Feb 2017 and effective from 13 May 2016 (₹ per Sq. m.)/ month**	**Existing Lease rent after applicable annual escalation @ 5% per annum (₹ per Sq. m.)/ month from 13 May 2017**	**Market Value as per Approved Valuer in the current proposal (₹ per Sq. Mtr.)**	**Any Other Relevant Factor Current Rent/ SOR/ (13 May 2017) [₹ per sq. mtr.]**	**Proposed Rate (₹ per Sq. m.)/ month**	**Reasons given by MOPT for proposing reduction in the lease rent as considered by LAC and approved by Board of Trustees of MOPT**
1.	100 bedded hospital building near garbage treatment plant at Headland, Sada for MOPT at Goa.	200.00	210.00	22,500.00	210.00	113.00	There is garbage dump next to Hospital. The latest valuation is less than the previous valuation.
2.	"Port Users Building (IOCL)", inside custom bound area at Harbour, Mormugao Port Trust (MOPT), Vasco, Goa.	247.50	259.88	31,500.00	259.88	158.00	The building is inside the Custom bound area, hence not accessible to the public. [Restricted access may impact market value]
3.	"MPT Institute", adjacent to Swatantra path, Next to Bank of Baroda, Mormugao Port Trust (MOPT), Vasco, Goa.	1158.90	1216.85	60,000.00	1216.85	300.00	Less demand for the Building.
4.	V2 and V3 shed, opp. Menezes Braganza Road, Mormugao Port Trust (MOPT), Vasco, Goa. **	75.00	78.75	13,500.00	78.75	68.00	Less demand for the Building.

** In existing SOR, lease rent for V2 and V3 are prescribed separately at Sl. No.3 and 4. Port has clubbed under one category.

For the other structures, the port has maintained present status in the lease rent except for some modification in description by shortening it which does not materially impact the approved lease rent in the February 2016 Order.

Thus, in short, as regards the revision sought by MOPT for the 36 structures, the analysis and the proposal of the MOPT in the foregoing paragraphs is restricted to the above mentioned 4 structures taking cognizance that the LAC has, for the reasons cited, recommended reduction in the existing lease rent for these structures and the Board of Trustees has approved the recommendation of the LAC.

Further, the port has also proposed a note in respect of Sl. No.2 relating to Old Administrative Building outside custom bound area at Harbour, MOPT, Vasco. The note proposed by the port also covers lease rent proposed for Cruise Business Centre (Old CHLD Building) at Harbour, Mormugao Port Trust, though the port has not given any specific remarks for this item. The Port has not proposed any reduction in lease rent except minor rounding off which is already allowed as per the note already prescribed in the existing lease rent schedule.

Sr. No.	Zone / Location	As per Lease rent approved vide Order No. TAMP/32/2015-MOPT dated 27 February 2016		Proposed in the current proposal			
		Lease rent approved vide Order dated 27 Feb 2017 and effective from 13 May 2016 (₹ per Sq. m.)/ month	**Existing Lease rent after applicable annual escalation @ 5% per annum (₹ per Sq. m.)/ month from 13 May 2017**	**Market Value as per Approved Valuer in the current proposal (₹ per Sq. Mtr.)**	**Any Other Relevant Factor Current Rent/ SOR/ (13 May 2017) [₹ per sq. mtr.]**	**Proposed Rate (₹ per Sq. m.)/ month**	**Remarks of MOPT for proposing reduction in the lease rent.**
2.	"Old Administrative Building" Outside custom bound area at Harbour, MOPT, Vasco.	202.50	212.63	31,500.00	212.63	213.00	For Custom House Agents, a rent of ₹60/- per sq. mtrs. per month upto 40 sq. Mtrs.

Hence, the note proposed by the MOPT is being dealt with separately in subsequent paragraphs.

(iii). Additional information/ clarification was sought from MOPT vide our letter dated 3 August 2017. The port has furnished the requisite information/ clarification vide its letter dated 4 September 2017.

Subsequently, the MOPT vide its letter dated 26 July 2017 has furnished revised proposed Scale of Rates wherein the port has applied 2% annual escalation in the rates proposed by the port in its original proposal. In this regard, it is relevant to state that the validity of the lease rent approved in the last tariff Order is till 16 June 2017. The Port has also admitted that current proposal of the port is for revision of last approved lease rent due for revision from 17 June 2017 for period of 5 years i.e. till 16 June 2022. As per clause 13(c) of the amended Land Policy Guidelines 2014, the annual escalation (not less than 2%) will apply after completion of one year of the revised rates coming into effect i.e. from 17 June 2018.

Clause 13(a) read with 13(b) and 13(c) of the amended Land Policy Guidelines, 2014 stipulates that the port shall file proposal to the TAMP following the factors prescribed for valuation of land with minimum annual lease rent at 6% of the market value of land. The original proposal of the MOPT dated 21 April 2017 complied with the said provision of the amended Land Policy Guidelines, 2014. The revised proposal dated 26 July 2017 is not as per the valuation report furnished by the MOPT following the different methods prescribed in the amended Land Policy Guidelines. Thus, the revised lease rent proposed by the MOPT vide its letter dated 26 July 2017 is not found to be in compliance with the amended Land Policy Guidelines, 2014.

When the matter was in the advanced stage of finalisation, the MOPT sent an email dated 8 November 2017 forwarding a copy of the minutes of the LAC dated 28 September 2017. In the said LAC report, the LAC has recommended revised rates for land, fore shore area and way leave charges for approval of the Board of Trustees of the MOPT. It is seen in the said LAC report that, the current lease rent has been escalated by 2% per annum. Consequently, the proposed lease rent is also modified considering the revised current lease rent which is one of the factors considered by the port in arriving at the lease rent. The port has not furnished approval of the Board of Trustees for the revised recommendation of the LAC. The amended LPG requires this Authority to consider the proposal of the MOPT for revision of lease rent which has the approval of the Board of Trustees of the Port Trust. Moreover, the stakeholder's consultation has not taken place on the revised proposal of the MOPT based on the revised recommendation of the LAC. The Joint hearing with stakeholders was held on April 2017 proposal and not on the revised proposal of MOPT. As the letter of MOPT 8 November 2017 MOPT is not accompanied with Board approval which is pre-requisite for revision of lease rent as per Land Policy Guidelines, 2014, this Authority is not be in a position to consider the same.

This, however, does not put MOPT into any disadvantageous position on principles since current lease rent as on 17 June 2017 after considering an escalation of 2% due on 17 June 2017 as considered by the LAC in the revised recommendation dated 28 September 2017 or the 6% of the market value of land whichever is higher is considered except for the license fee for foreshore area for Vasco where the MOPT has proposed license fee at par with license fee Beyond Vasco and Betul.

(iv). It is also pertinent to mention that the existing lease rent approved by this Authority vide Order dated 2 May 2012 as amended vide Order dated 8 August 2012 prescribed lease rentals for sub categories of land within the (a) Mormugao Harbour/ Vasco Da Gama-Bay and (b). Head Land Sada respectively based on the different valuation of lands as then proposed by MOPT. The two subcategories for which lease rentals are prescribed in the existing SOR are for (i) Land surveyed under Chalta No.3 of P.T. Sheet No.7 and (ii) the Land other than (i). have been dispensed with and a single lease rental for lands at (a). Mormugao Harbour & Vasco Bay and (b). Headland Sada has been proposed by MOPT based on the valuation report.

To our specific clarification sought in this regard, the MOPT has stated that in the year 2012 during the preparation of Estate Rental proposal, small plots were selected for valuation. During the current revision of Estate Rental proposal, bigger plots are considered for valuation and the rent fixed is as per the valuation report submitted by Valuer. As such, a uniform rate has been proposed based on area-wise/zone-wise. The same has been considered by the LAC and subsequently approved by the Board of Trustees of the MOPT vide its Board meeting held on 21 March, 2017. The Zoning and Categorisation of the Port Trust Land is prerogative of the concerned Port Trust and it does not fall under the domain of this Authority. Therefore, the proposal of the port for revision of lease for the two broad categories of land, amongst other items, is considered in this analysis.

(v). (a). The amended Land Policy Guidelines 2014, clearly lays down the procedure and the methodology to be adopted for determining the market value and the latest Scale of Rates of the port lands.

(b). As per clause 11.2(e) of the amended Land Policy Guidelines 2014, a Land Allotment Committee (LAC) shall be constituted by the Port Trust Board consisting of Deputy Chairman of the Port, and Heads of Departments of Finance, Estate and Traffic.

The MOPT has constituted the LAC under the Chairmanship of Dy. Chairman, MOPT and comprising of other members viz. Chief Engineer, Traffic Manager, Financial Advisor and Chief Accounts Officer. Thus, the MOPT has complied with the stipulation of the formulation of the LAC as per the amended Land Policy Guidelines, 2014.

(vi). (a). **Valuation of land and structures**:

As per Clause 13(a) of the amended Land Policy Guidelines of 2014, the LAC shall determine the market value of land taking into account highest of the five factors like (i) State Government's ready reckoner value if available for similar classification/ activities, (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 (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., (iv) rate arrived at by an approved valuer and (v) any other relevant factors as is identified by the port. In case the LAC is not choosing the highest factor, the guidelines requires the reasons for the same have to be recorded in writing.

As per clause 13 (c) read with clause 13(a) and (b) of the amended Land policy guidelines of 2014, the port shall file a proposal to this Authority for fixation of latest SOR of the land based on the market value of land recommended by the LAC which will normally take into account the highest of the five factors for market value of land stipulated in Para 13 (a) amended Land policy guidelines of 2014.

As mentioned above, this Authority is mandated to follow the Land Policy Guidelines issued from time to time by the Government of India. The amended Land Policy Guidelines, 2014 prescribe methodology for fixing the market value and lease rentals for port land. The guidelines do not specifically prescribe the methodology for fixing the market value and for prescribing lease rentals for premises.

The port had earlier while seeking approval for fixation of lease rent for commercial building near railway station at Vasco da Gama and for fixation of lease rent for 36 structure referred to Section 2(k) of the MPT Act, 1963 which stipulates "land" includes the bed of the sea or river below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth, premises or structures and justified that it also qualifies as land as per the Land Policy Guidelines. The port had then stated that it has arrived at valuation of structures considering the total value of land and constructed areas adopting the five factors prescribed in the Land Policy Guidelines 2014.

As per section 49 (1) of the MPT Act, 1963 this Authority is mandated to fix lease rent of the property of the port. The commercial building and other structures are the property of the MOPT. Further, section 2 (k) of the MPT Act, 1963 defines land as including, amongst others, things attached to the earth or permanently fastened to anything attached to the earth implying that building premises also comes under the definition of land. Even the MOPT had then rightly argued that building premises comes under the definition of land. In view of the above mentioned mandate, the MOPT had sought to argue at the relevant point of time that, this Authority will have to fix the lease rentals of the structures as well.

In the absence of methodology prescribed in the amended Land Policy Guidelines, 2014 for valuation of premises, the MOPT had considered the cost of construction of the building and suitably discounted for various factors for fixation of lease rent for commercial building near railway station at Vasco da Gama and for fixation of lease rent for 36 structures.

This Authority had, in the Order TAMP/32/2015-MOPT dated 27 February 2016, held that the methodology prescribed in clauses 13(a) to 13(c) of the amended Land Policy, 2014 to determine the lease rent for land will have to be applied mutantis-mutandis for determination of lease rent for premises also.

Flowing from the decision of this Authority earlier, the current proposal of MOPT seeking approval of lease rent for commercial building near railway station at Vasco, new building and amendment in the lease rental for the few structures following the methodology prescribed in amended Land Policy, 2014 is considered as proposed by the MOPT.

(b). Of the five factors prescribed in the amended Land Policy Guidelines, 2014 for arriving at the market value of the land, the MOPT has assessed the value of land under the five methods as summarised below:.

(i). State Government ready reckoner of land values in the area:

The LAC has not considered Gazette of Govt. of Goa rate at ₹3500 per sq. mtr. for land and ₹3500 per sq. mtr. for foreshore on the ground that the stamp duty ready reckoner for any state is a guideline rate for the purpose of stamp and registration issued by the inspector General of Stamp and registration for the specific state. It may or may not reflect the market rate for properties (land and built up space) in the particular region.

(ii). Highest rate of Relevant Transactions in Port's Vicinity:

The LAC has observed that there were no transactions recorded at MOPT in the past 3 years and hence recorded that land valuation is not available under this option.

(iii). Highest accepted tender cum auction rate of port land:

Under the third option, the LAC has considered the tender cum auction rate for Bogda plot at ₹5970 per 10 sq. mtr. per annum. For all the other land and structures, there is no valuation available under this option, according to the LAC.

(iv). Rate arrived at by an approved valuer:

The approved valuer has done valuation on the basis of market approach comprising of 2 broad methods, direct comparison method and residual land value method.

Under the Direct Comparison Method, a comparison of the subject property to similar properties that have actually sold in arms-length transaction or are offered for sale (if any) has been done. Due to absence of any significant land transactions, the valuer has adopted residual land valuer method to assess the value of land and port property.

In a Residual Land Value Method, the valuer has arrived at the base rate of the land as per market survey with local developers. The valuer has taken into consideration the influencing factors like extent of land area, title of land, location and road frontage, level of infrastructures, present state of development, agriculture and non-agriculture land, proximity to civil amenities, connectivity and accessibility, existing infrastructure – road, rail , sea and arial. The base rate of land area is discounted in view of the influencing factors to assess the fair market value of the land.

For structures, the valuer has assessed the base rate and a suitably discounted the base rate for the influencing factors like, port area, existing infrastructure road, rail, sea and arial, extent of construction area, present usage (hospital), location (distance from vasco city), near garbage treatment plant. The valuation done by the approved valuer is broadly following the methodology followed for assessing the market value of the 36 structures which was considered and approved by this Authority vide Order No.TAMP/32/2015-MOPT dated 27 February 2016. Hence, the same approach followed by the MOPT in the current proposal is considered as proposal by the Port.

(v). Any other relevant factor as identified by the port:

Under the fifth option, any other relevant factor, LAC has considered the current lease rental as per Scale of Rates of the MOPT prior to the date of revision as one of the factors for arriving at the proposed lease rent.

(vii). Clause 13 (b) of the revised Land Policy Guidelines 2014, stipulates that lease rent should not be less than 6% of the market value of land recommended by Port Trust. For arriving at the proposed lease rentals for port structures, the LAC has considered the market value of land and structures as assessed by approved valuer and applied 6% on the market value of land as per stipulation in clause 13 (b) of the amended Land Policy Guidelines 2014. The LAC has also considered the current lease rent market value of land and structures under any other factor. The LAC has recommended lease rent at 6% of the market value of the land and structures as assessed by the Approved valuer or the current lease rent as on 16 June 2017 whichever is higher (except in the case of the four structures explained above where the port has proposed for reduction in the existing lease rent for the reasons cited by the port). The recommendation of the LAC is also approved by the Board of Trustees of the Port. The proposal of the MOPT is in compliance with the amended Land Policy Guidelines.

A comparative position of the market value of land under different methods and the proposed lease rent by MOPT for land, foreshore area, commercial building near Railway Station at Vasco whose validity has expired on 16 June 2017 as well as in respect of four structures whose lease rent was approved by this Authority vide Order dated 27 February 2016 for which port has sought reduction in the lease rent and for the new Cruise Building is attached at **Annex – I.**

(viii). It is relevant here to state that the current lease rent under any other factor considered by the LAC and approved by the Board do not match with the current lease rent applicable as per the Orders of this Authority after applying the applicable annual escalation factor. Since the current lease rent furnished by the MOPT in the current proposal under any other factor forms one of the basis for arriving at the proposed lease rent, the mismatch was brought to the notice of the MOPT with a request to relook at its proposal. In this context, the MOPT has stated that the current lease rent is arrived after applying the Special Rate Levy of 9% which was levied earlier, apart from 2% annual escalation.

It is relevant here to state that this Authority while approving the general revision of the Scale of the Rates of the MOPT vide Order No.TAMP/43/2012-MOPT dated 14 July 2013 had approved the special rate of pension levy to meet the short fall in the Pension Fund Liability assessed in the said Order. The pension levy was approved as a special rate to meet the pension liability accrued upto 31st March 2013 based on the actuarial valuation made by the LIC. A note in the general revision of SOR of July 2013 Order prescribed that special rate shall be applicable on the estate rental charges as well subject to certain conditions prescribed.

Subsequently, the port in its general revision proposal filed under the Tariff Policy 2015 had proposed to do away with the then existing special rate towards pension levy as stipulated in clause 2.11 of the Working Guidelines issued to operationalise the Tariff Policy 2015. Accordingly, the proposal of the MOPT which was in line with the Tariff Policy, 2015 and the Working Guidelines was approved by this Authority in the Order No.TAMP/38/2016-MOPT dated 17 November 2016.

In fact, relevant extract from para 11.1 (iii)of the Order No.TAMP/32/2015-MOPT dated 27 February 2016 relating to the proposal of the MOPT for fixation of estate rental for 36 structures containing submissions by the MOPT with is reproduced below:

> "*The subject matter was placed before the Land Allotment Committee for deliberation and decision to revise the proposed lease rentals for the various port structures. The Land Committee in its meeting held on 29 September 2015 deliberated on the issue and noted the fact that as per the Policy for determination of Tariff Authority for Major Port, 2015, there is no provision for the Special Rate (Pension Levy) which is currently at 9% and valid only upto 31.03.2016 and after 01.04.2016, the special rate (pension) levy cannot be charged separately as per the revised tariff guidelines and accordingly, the LAC has recommended to dispense with the proposed levy of 9% towards special rate (pension levy) on the above proposed lease rentals for 36 port structures. The same has been approved by the Land Committee during the meeting*."

Thus, it is seen that the LAC constituted by the MOPT for fixation of lease rent for 36 structures had proposed to dispense with special rate i.e. pension levy @ 9% for 36 structures. The LAC had recorded that there is no provision for the Special Rate (Pension Levy) as per the Policy for Determination for Tariff for Major Port Trusts, 2015. Further, citing that special rate (pension Levy) @ 9% is applicable only upto 31 March 2016 as per the rates approved, the LAC had recommended to dispense with the pension levy proposed for the 36 structures. This was also approved by the Board of Trustees of the MOPT.

Thus, in short, the Pension levy is not applicable from the date the SOR under the general revision Order came into effect.

However, in the current proposal the port, while arriving at the current lease rent as one of the factors for proposing revised lease rent, has considered 9% pension levy as well for all items (except for the structures). The MOPT has proposed 6% of the market value of land as given by the approved valuer or the current lease rent as on date prior to the revision date whichever is higher, for arriving at the proposed lease rent. Since the current lease rent considered by MOPT includes pension levy in respect of all items (except for structures), the current lease rent is modified considering the applicable escalation factor.

As regards foreshore area, the approved valuer has assessed fair rent at ₹112.50 per 10 sq. mtr /month. The port has, however, proposed rent for fore shore area at ₹133/- per 10 sq. mtr. / month considering the current lease rent at 132.50 per 10 sq. mtr /month.

A comparative position of lease rent at 6% of the market value of land assessed by approved valuer, fair rent assessed by approved valuer in case of foreshore area, the existing lease rent as on 16 June 2017 (including pension fund levy of 9% furnished by the MOPT), lease rent proposed by the MOPT being higher of the two and the current lease rent as per lease rent approved by this Authority in the Order dated 8 August 2012 duly escalated by 2% to arrive at lease rent as on 17 June 2017 and the modified lease rent being the higher of the two as per our analysis following the approach of MOPT in respect of land is attached as **Annex - II**.

In respect of way leave, the port has not furnished such comparison and hence not included in the above Annex. This Annex is limited to those items where there is mismatch in the current lease rent arrived by MOPT and lease rent as per the rates approved by this Authority duly escalated.

Thus, based on the position brought out in the above Annex - II, the lease rent in respect of Vasco is approved by this Authority at ₹2900/- per 10 sq. mtr./ month as against ₹2950/- per 10 sq. mtr./ month proposed by MOPT, and for Headland Sada ₹462.50/- rounded off to ₹463/- per 10 sq. mtr./ month is approved as against ₹472/- per 10 sq. mtr./ month proposed by MOPT.

The lease rent proposed by MOPT for Bogda is ₹500 per 10 sq. mtr./ month which is a new entry. The existing SOR does not prescribe lease rent for this land. That being so, the current lease rent indicated by MOPT at ₹472/- per 10 sq. mtr./ month is not the correct position as this Authority has not approved lease rent for this land. The lease rent at 6% of the market value of land for this item is arrived by the MOPT at ₹468.75/- per 10 sq. mtr./ month. The MOPT has, however, proposed lease rent at ₹500 /-per 10 sq. mtr./ month based on the highest tender rate received by the Port. Since the lease rent proposed for Bogda is based on the recommendation of the LAC and approval of the Board, the same is approved as proposed by the port.

For foreshore area, as stated earlier, the existing SOR prescribes rent for the purpose of carrying out launch/ barge repairs workshop or any other industry including Commercial/ Non-Commercial purpose at two main areas viz. (1). Vasco Da Gama bay and (2) beyond Vasco Da Gama bay upto the port limits (Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul. Further, there are two sub categories for which different license fee are proposed. In the current proposal, the port has proposed rent for foreshore for two areas i.e. (1) Vasco and Betul, (2) Betul. On enquiring the description of Betul twice, it is understood from the MOPT that description is (1). Vasco and (2) Beyond Vasco and Betul. This is in-line with the existing broad description and hence accordingly considered. The port has proposed uniform rate for both the areas. For both the fore shore areas, the lease rent based on the fair rent assessed by approved valuer is ₹112.50 per 10 sq. mtr./ month. The port has proposed rate for both the fore shore areas at ₹133/- considering the current license fee at 132.50 per 10 sq. mtr./ month.

Subsequently, while furnishing response to the clarification sought, the MOPT has stated that the Lease rent of ₹133/- per 10 Sq. mtr. per month is arrived after escalating the rate ₹120/- (approved w.e.f. June, 2012) @ 2% per annum till June, 2017 without adding special levy of 9%. Hence, after adding 9% pension levy on ₹133/- the revised rate is computed by port at ₹145/- per 10 sq. mtr. per month. As already stated, pension fund levy is dispensed with from the general revision of SOR of MOPT in the Order dated 17 November 2016 as per the proposal of MOPT.

As regards Sl. No.2, it is relevant to state that the MOPT had filed a proposal dated 3 March 2017 for revision i.e. reduction in licence fee in respect of foreshore land beyond Vasco Da Gama from ₹350/- per 10 sq. mtr. per month to ₹120/- per 10 sq. mtr. per month. This Authority has passed an Order No.TAMP/23/2017-MOPT dated 21 July 2017 amending the lease fee prescribed at Serial No.2 retrospectively from June 2012 as proposed by the port. After applying the applicable annual escalation factor of 2% of the revised rate, the license fee in respect of Sl. No.2 will be 133 per 10 sq. mtr. per month as on 17 June 2017 after rounding off (i.e. ₹120 *1.02*1.02*1.02*1.02*1.02). Based on the approach followed by the MOPT, the highest license fee is ₹133.00 per 10 sqm. per month. The same is approved. This is found to be at par with the license fee of ₹133 per 10 sqm. per month proposed by the port in its original proposal.

As regards the item at Sl. No.1 under Foreshore area, at Vasco da Gama, the existing license fee is ₹325/- and ₹541/- per 10 sq. mtr. per month for (a) land surveyed under Chalta No.3 of P.T. and Sheet No.7 (b) other than (a) respectively. While processing the MOPT proposal of 3 March 2017, the MOPT had stated that there will not be any change in rates for Sl. No.1 Vasco bay at that juncture, as there is no ship repair activities taking place at Vasco bay mentioned at Sr. No.1. However, in the current proposal, the port has proposed reduction in license fee at ₹133 per 10 sq. mtr. per month for the area at Vasco which results in reduction by 59% and 75% from the existing license fee. Neither the Board approval nor the LAC report furnishes any reasons for reduction in the license fee from the existing level in respect of these Foreshore areas. On being asked to clarify, the port has clarified that there is no reduction in the rates for the area from Mormugao Harbour to Vasco. There is reduction in the rates for the area beyond Vasco Bay & Betul and the rate is arrived based on the valuation report submitted by Valuer. The point made by MOPT that there is no reduction in rates for area from Mormugao to Vasco is with reference to land. For Foreshore Area, the Port has proposed uniform rent for both the areas as explained above. Since the proposal of the MOPT for reduction in license fee in respect of Sr. No.1 is based on the valuation of the approved valuer as stated by the port and is recommended by the LAC and has been approved by the Board of Trustees of the MOPT, the proposal of the port for reduction in the license fee is approved. The port has proposed uniform license fee for Vasco and Beyond Vasco and Betul citing the approved valuer has arrived at reduced rates. That being so, as done for Sl. No. 2, license fee at ₹133.00 per 10 sqm. per month for Sl. No.2 is approved for Sl. No.1 in line with the approach followed by the MOPT of uniform license fee forshore area for both these areas.

(ix). The port has, after the consultation process and joint hearing on the proposal, stated that while submitting the proposal, Way Leave Charges were inadvertently not included and has proposed to include Way Leave Charges in the Scale of Rates of Estate Rentals. The port has stated that rates proposed for Way Leave Charges are same as the rent proposed for the land in the corresponding area and the valuation and other parameters of land rent are applicable. That being so, lease rent for land recommended for approval is approved for way leave charges based on the clarification of the MOPT. The way leave charges proposed by MOPT for Mormugao and Vasco Bay, Baina is proposed by the Port at par with the lease rental for land proposed for the corresponding location. As regards Headland Sada and Bogda, the port has proposed way leave charges at par with the license fee proposed for Bogda which is higher than the license fee for Headland Sada. As regards, way leave charges for the location beyond Vasco Bay upto port limit Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore, the port has proposed way leave charges at par with the license fee for foreshore area beyond Vasco Bay and Betul. The approach followed by MOPT is followed by us while prescribing way leave charges subject to modification done in way leave charges on account of modification done in lease rents / license fee for land and foreshore area for some of the locations for the reasons explained in the earlier paragraph.

(x). Apart from lease rental for land, foreshore area and way leave charges, the MOPT has also proposed revision in lease rent for commercial building owned by MOPT near railway station at Vasco which was approved by this Authority vide its Order No.TAMP/57/2014-MOPT dated 10 June 2015 at ₹2,01,698/- per month or part thereof which is valid till 16 June 2017. The said lease rent is for the entire building.

In the current proposal, the port has, based on the recommendation of the LAC and approval of the Board of Trustees of MOPT, proposed lease rental separately for Ground Floor and other than Ground Floor at ₹465 per sq. mtr. per month and ₹360 per sq. mtr. per month respectively as against the existing lease rent which is for the entire commercial building at Vasco Railway Station.

The lease rent under "Any Other Relevant Factor" furnished by the MOPT considering current escalated lease rent as of 16 June 2017 at ₹377 per sq. mtr. per month did not match with the lease rent approved by this Authority. When the port was requested to explain the reason for mismatch, the port has stated the existing lease rent is erroneously entered as ₹377/- per sq. mtr. per month instead of ₹326.67/- per sq. mtr. per month. It is seen from the valuation report that the total built up area of this building is 680.72 sq. mtrs. Accordingly, the existing lease rent arrived by MOPT on per sq. mtr. per month basis is ₹326.67/- per sq. mtr. per month (i.e. 201698/- per month *1.02*1.02= ₹2,22,372/- per month/ 680.72 sq. mtrs.).

The prevailing lease rent as on 16 June 2017 after applying the annual escalation factor of 5% comes to 211783/- per month or part thereof. The MOPT has applied two escalation of 5% instead of one escalation due on 16 July 2016. Accordingly, as per us the lease rent as on 16 June 2017 on the date of expiry comes to ₹311.12/- per sq. mtr. per month (i.e. 211783/- per month/ 680.72 sq. mtrs.).

The port has stated that there are no takers for the entire building. In order to enable to lease out the building on part basis, Port has proposed to have lease rent separately for different floors. As per the valuation report, different values are mentioned for "Ground Floor" and "Other than Ground Floor". Therefore, the port has proposed two separate rates for "Ground Floor" and "Other than Ground Floor. Based on the clarification of the port and since the proposal is based on the recommendation of the LAC and the approval of the Board of Trustees the lease rent for the "Ground Floor" and "Other than Ground Floor" as proposed by the port is approved.

(xi). (a). As regards the lease rent for four structures included in the 36 structures approved by this Authority vide Order dated 27 February 2016, as stated in the earlier paragraphs, the MOPT has sought revision i.e. reduction in the existing lease rent for four structures for the reasons cited by the MOPT which have been already brought out in earlier paragraphs and hence not repeated for the sake of brevity. The port has, in compliance with the amended LPG 2014, got the valuation done by the approved valuer for the structures. The proposed lease rent is at 6% of the revised valuation by the approved valuer for these four structures. It is seen that the LAC headed by the Dy. Chairman of MOPT, F.A. & C.A.O, Chief Engineer and Traffic Manager as members of LAC constituted by the MOPT as required under clause 11.2 (e) of the amended Land Policy Guidelines, 2014 has, recommended reduction in the existing lease rent as seen from the minutes of the LAC Meeting held on 11 April 2017. The Board of Trustees of MOPT has approved the recommendation of LAC for reduction in license fee for the four structures out of 36 structures.

In light of the above and bearing in mind that the LAC headed by Dy. Chairman and comprising of Head of Departments of the port trust has, after considering the valuation as per the amended Land Policy Guidelines, 2014 and also recognizing that the Board of Trustees of MOPT has approved the revised reduced lease rental for the four structures and that the proposal filed by MOPT complies with the two main pre-requisite of internal approval process by LAC and the Board of Trustees for fixation of lease rent as per the amended Land Policy Guidelines, 2014, the reduction in the existing license fee for the four structures as proposed by the port is approved.

(b). As stated earlier, the port has, in the current proposal, included mid-term revision of rates for all the structures which were approved in February 2016 through their validity is in force till 12 May 2021. For reasons stated earlier, the proposal of the MOPT considered for approval is restricted for the four structures.

(c). The port has clubbed the lease rent for V2 and V3 sheds prescribed in the existing SOR at Sr. No.3 and 4. When sought clarification, the port has clarified that the sheds V1, V2 & V3 Sheds (i.e. Sr. No 1, 3 and 4 in the existing SOR) have the same place and rate in previous SOR and also the same in the proposed SOR. Therefore, V1, V2 & V3 Sheds is stated to be clubbed under the head "V2 & V3 Shed". The revised schedule furnished by the port does not mention about V1 shed. However, based on the clarification furnished by the port that V1, V2 and V3 are clubbed under the head V2 and V3 and recognising that even in the existing SOR, the lease rent for all the V1, V2 and V3 sheds are the same though there are separate entries, the description of the area is slightly modified to include V1 also in the description given by MOPT. This is based on the clarification of the MOPT. In view of the above, the entry at Sl. No.1, V1 shed in the existing lease rent schedule approved in the Order dated 27 February 2016 stands deleted.

Further, in view of the above and consequent to clubbing of lease rent for V1, V2 and V3 sheds for which lease rent are prescribed at Sl. No.1, 3 and 4 in the existing SOR under one category, the Sl. No. 2 to 36 prescribed in the existing lease rent schedule are renumbered as Sl. No. 1 to 34.

(d). As stated earlier, the port has sought reduction in the lease rent for the 4 structures in mid-term during the validity of the rates prevailing till 12 May 2021. The Port has not specified the applicable date for revision, despite specific request. The revised lease rent for these four structures is approved by this Authority prospectively which may come into effect after expiry of 30 days from the date of notification of the Order in the Gazette. A suitable note in this regard is inserted under the schedule.

(e). The validity of the revised lease rent for the four structures shall continue to be co-terminus with the validity of the lease Rentals approved by this Authority for various port structures vide Order No.TAMP/32/2015-MOPT dated 27 February 2016. A suitable note in this regard is inserted under the schedule.

(f). The lease rent approved in the Order dated 27 February 2016 for 36 structures is valid from 13 May 2016 to 12 May 2021. The validity of lease rent approved for MOPT land in the current Order is prescribed till 16 June 2022. The MOPT may decide to have a comprehensive revision for Port land and structures when the lease rent for structures become due for revision in May 2021.

(xii). (a). The port has also proposed lease rent for a new building viz. Cruise Terminal Building at Vasco based on the recommendation of the LAC and approval of Board of Trustees of MOPT.

The Cruise Building is a new building whose construction was completed on 31 March 2017. The gross value of the building is ₹7.67 Crores. The Board of Trustees has approved rate of ₹225.75 per sq. mtr. per month.

The port, in its proposal under the method "Any other relevant factor", has indicated the current lease rent as on April 2017 at ₹225.75 per sq. mtr. per month. This Authority has not approved lease rent for this new structure nor did MOPT approach this Authority earlier seeking approval of lease rent for this new building. Hence, the position reported by the MOPT in the statement indicating the current lease rent is not found to be factually correct.

It is seen from the valuation report that the valuer has taken the base value as ₹90,000 per sq. mtr, as considered for many other structures, and has adjusted it with suitable premium/ discounts for various influencing factors and arrived at the adjusted rate per sq. mtr. at ₹45000 per sq. mtr. The port was, therefore, requested to clarify that as to why the base value of building is considered at ₹90,000 per sq. mtr. and not based on the actual construction cost by the port when this building is newly constructed by the port. The port has clarified that the cost of construction works out to ₹78,302/- per sq. mtr. and it does not include value of land.

The lease rent arrived by the valuer and recommended by the LAC is based on the valuation of the structure at ₹45000 per sq. mtr. as against the cost of construction works reported by the MOPT at ₹78,302/- per sq. mtr. Despite specifically pointed out as to why the port has not considered the actual cost of construction of the building, the port has retained the lease rent at ₹225 per sq. mtr./ month (i.e. ₹45000 *6% / 12 months = is ₹225 per sq. mtr./ month) as proposed in its original proposal based on the valuation of the new Cruise Building considered in the report at ₹45000 per sq. mtr. If we strictly go by the actual cost of construction of this new building reported at ₹78,302/- per sq. mtr., the lease rent applying 6% return will work out to ₹391.51per sq mtr/ month (i.e. ₹78302 *6% / 12 months).

It is, however, seen that the LAC has observed in their report that the rate per sq. mtr. for new cruise building at Harbour is higher as compared to the other buildings due to the construction cost / valuation of the subject building. The LAC is of the opinion that the rate per sq. mtr. per month for new cruise building should be less since the subject building will be used only when cruise liners visit the Port and the rates for other building i.e. A.O. building at Harbour and new cruise building should be the same. Thus, the LAC has recommended the lease rental for new cruise building at ₹225/- sq. mtr per month, which is also approved by the Board of Trustees of MOPT. Since the proposed lease rent for the new cruise building which is based on the recommendation of the LAC for the reasons recorded in writing and has been approved by the Board of the Trustees, the lease rent for the new cruise building is approved as proposed by the port at ₹225/- sq. mtr. per month.

(b). The construction of the new cruise building was completed in March 2017. The port has not specified any specific date for implementation of lease rent for the new building. It is to state that the Orders of this Authority generally come into effect after expiry of 30 days from the date of notification of the Order in the Gazette of India unless otherwise different arrangement is specifically mentioned in the respective tariff orders. Since the lease rent is fixed for the new building and in the absence of any specific date proposed by the port, lease rent for the new cruise building is approved from the date the building was ready for occupation. The validity of the lease rent for the new Cruise building is prescribed coterminus with the lease rent for land, foreshore area etc., so that revision of lease rent for the new Cruise Building can be done comprehensively along with the port land. A suitable note in this regard is inserted in the schedule of rent.

(xiii). The port has proposed a note as regards the lease rent approved by this Authority in February 2016 Order for the Old Administrative Building" Outside custom bound area at Harbour and for Cruise Business Centre (Old CHLD Building) at Harbour, whose lease rent are prescribed at ₹202.50 per sq. mtr. per month

The LAC report states that earlier in November 2016, Goa Customs House Agents Association, represented to the Port that the base rent of ₹202.50 per sq. mtr. per month is exorbitant. They have also drawn reference to the circular dated 15.02.2005 issued by Directorate of Municipal Administration, Govt. of Goa, Panaji, on revision of rent of Mormugao Municipal Council for Commercial premises. As per the circular, the rate applicable for commercial premises is ₹25/- per sq. mtr. Another letter from Chief Officer, Mormugao Municipal Council dated 23.11.2016 states that same circular is in force as on date. The LAC has noted that the notification was dated 15.02.2005, which is 12 years old. The escalated rent @ 5% per annum from 2004-05 to 2017-18 for 13 years works out to ₹44.90. The LAC observed that these Port Users, in the past, have paid rent ranging from ₹124/- to ₹153/- per sq. mtr. per month. Hence, the LAC viewed that reducing lease rent drastically to ₹44.90 may not be appropriate. The LAC report states that during the meeting, these Agents expressed their concern about high rate and requested the Port that they being the Customs House Agents and having a vital link with the Port for Exim trade, should not be burdened with high rent. The LAC has thus recommended a concessional rent for licensed Customs House Agents @ ₹60/- per sq. mtr. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) till expiry of the present lease tenure and for new customer, the rate applicable is @ ₹60/- per sq. mtr. per month upto an area of 40 sq. mtr. For area more than 40 sq. mtr., rent will be charged as per rate prescribed in the schedule of rate for

Old Administrative Building and Cruise Business Centre (Old CHLD Building) respectively. The recommendation of the LAC in this regard has been approved by the Board of Trustees of the MOPT.

The port has, accordingly, based on the approval of the Board proposed to insert a note stating that for licensed Custom House Agents, the rent applicable is ₹60/- per sq. mtrs. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) till expiry of present lease tenure. For fresh leases, rent is ₹60/- per sq. mtr per month applicable upto an area of 40 sq. mtrs. For area more than 40 sq. mtr., rent will be charged as per rate prescribed in the schedule of rate for Old Administrative Building and Cruise Business Centre (Old CHLD Building) respectively.

With reference to the proposed note, the Indian Molasses Company Limited (IMCL) has requested to reduce the rates or at least charge them at par with Custom House Agents, a rent of ₹.60/- per square metre per month based on the concession given to license customs house agents. However, the MOPT has clarified that the concession is proposed only for licensed Custom House Agents. There are other lessees also on the same building for whom the prescribed lease rent of ₹213/ sq. mtr. will be charged.

Clause 11.2(g) of the amended Land Policy Guidelines states that concession upto 75% may be granted to government schools and colleges. Clause 11.2 (h), stipulates that concession in lease rent may be granted by Major Port Trust to security agencies and Government Department only upto 50% of the annual lease rent. In respect of land to be allotted to Government departments which are essential to functioning of the port like customs, electricity department, health department and for core security functions, concessions upto 75% of lease rent may be considered by the port trust. The amended Land Policy Guidelines, 2014 further states that, such concession can be given for only small extent of land required for core operational purposes imperative for Port functioning and not otherwise. Further, the said clause states that the issue of granting of concession and the quantum is to be decided by the port Trust Board after recording reasons in writing when port enters into a joint venture for improving port connectivity or port development with any public authority.

Referring to the above clause, the port was specifically requested to examine and clarify as to how its proposal of granting rebate in the lease rent to Licensed Custom House Agents falls within the ambit of amended Land Policy Guidelines, 2014 issued by the MOS. The port was requested to consider to review the proposed note in light of the provisions of the amended LPG, 2014.

Despite specific point raised in view of the guideline position, the port has not clarified as to how its proposal of granting rebate in the lease rent to Licensed Custom House Agents falls in line with amended Land Policy Guidelines, 2014 issued by the MOS and the MOPT has stated that this Authority may take appropriate view. Admittedly, the note proposed by the MOPT has the recommendation of the LAC and approval of the Board of Trustees of the MOPT. However, the concessional rate proposed by MOPT to licensed Custom House Agents does not fit into the provisions stipulated for concession in the lease rent allowable to specific categories of allottees prescribed as per clause 11.2(g) and (h) of the amended Land Policy Guidelines, 2014 issued by the MOS. Therefore, this Authority is not be in a position to prescribe the proposed note. The MOPT may chalk out appropriate ways and means in this regard following the provisions of the amended Land Policy Guidelines, 2014.

(xiv). The existing SOR of the MOPT prescribes a note stating that all the conditions / notes prescribed in the existing Scale of Rates / Schedule of License Fees and Lease Rentals shall apply to the extent they are not inconsistent with the conditions prescribed in the Land Policy for Major Ports 2010 announced by the Government on 13 January 2011. In case of disagreement, the conditions prescribed by the Government in the Land Policy for Major Ports 2010 shall prevail. The MOPT in its proposed SOR has, however, not proposed this note.

A general note is inserted that all the conditions/ notes prescribed in the existing Scale of Rates/ Schedule of License Fees/ Lease Rentals and Way Leave Charges shall apply to the extent they are not inconsistent with the conditions prescribed in the amended Land Policy Guidelines of 2014 issued by the Ministry of Shipping, and as is amended from time to time. In case of disagreement, the conditions prescribed by the

Government in the amended Land Policy for Major Ports 2014 shall prevail. This is in line with the note prescribed in the lease rent schedule of other Major Port Trusts.

(xv). The port has retained the existing note as regards computation of area occupied by single pipelines, multilayer pipeline/ conveyor stacks which states that for the purpose of Right of Way leave charges, the area occupied by single pipelines should 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 should be considered and the respective users should be billed on pro-rata basis on the basis of the diameter and length of their pipelines passing through that area. With respect to the area shared with road, rail, jetties etc., the respective users should 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 should be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges. The proposed are in line with the terms and conditions in the annexure attached to the amended Land Policy Guidelines, 2014 and hence is approved as proposed by MOPT. The amended Land Policy Guidelines, 2014 also prescribes other broad terms and conditions for issuance of Right of Way Permission for laying pipelines/ conveyors which are not incorporated in the SOR by the MOPT. A general note is already prescribed that all the conditions / notes prescribed in the existing Scale of Rates / Schedule of License Fees, Lease Rentals and Way Leave Charges shall apply to the extent they are not inconsistent with the conditions prescribed in the amended Land Policy Guidelines of 2014 issued by the Ministry of Shipping, and as is amended from time to time which will take care of the broad terms and conditions prescribed for Right of Way in the amended Land Policy Guidelines, 2014.

(xvi). The port has proposed to retain the existing note that licence fees for water area shall be charged 50% of the licence fee of abutting land. This is in line with clause 12(I) of the amended Land Policy Guidelines 2014 and hence is prescribed as proposed by the port.

(xvii). (a). Clause 13(c) of the amended Land Policy Guidelines 2014 gives flexibility to Ports to fix rate of annual escalation which should not be less than 2% with the approval of the Port Trust Board.

(b). The port has proposed a note the rates provided in the Schedule of Rent shall get automatically escalated by 2% per annum for Land, Foreshore Area and Way Leave Charges and the rates for building shall get automatically escalated by 5% per annum after expiry of each year from the effective date of implementation of the Scale of Rates. Since the annual escalation in lease rent at 2% and 5% is recommended by the LAC and approved by the Board and is found to be in line with the amended Land Policy Guidelines, 2014, the proposed note is approved.

(xviii). (a). The MOPT has not prescribed the validity of the proposed rates. The port was, therefore, specifically requested propose a suitable note relating to the date of application of the proposed lease rent and the validity period. The MOPT has stated that it has included a note stating that the Scale of Rates shall be valid for five years as per the Land Policy Guidelines. The note proposed by the port does not state the date of the implementation of the proposed lease rent. The port has, however, during the processing of the case, stated that the lease rent approved last is due for revision in June 2017.

Section 49 of the Major Port Trusts Act, 1963 calls for fixation of rates from time to time. For fixation of lease rent, this Authority is bound by the Land Policy guidelines issued by the Government for arriving at the lease rental for Major Port Trusts land. Clause 13(c) of the Amended Land Policy Guidelines of 2014 stipulates that the Scale of Rates will be revised every five years.

As stated earlier, the lease rent approved by this Authority in the Order No.TAMP/8/2012-MOPT dated 02 May 2012 and amended vide Order dated 8 August 2012 came into effect from from 17 June 2012 and validity of the rates was prescribed for five years i.e. till 16 June 2017. The port has also stated that the lease rent is due for revision from 17 June 2017. That being so, and taking into consideration the guideline position which stipulates revision in lease rent after every five years, the revised rates in respect of Land, foreshore area, Commercial Building near Vasco Railway Station and way leave charges whose validity expired on 16 June 2017 is given retrospective effect from 17 June 2017. The lease rent approved shall remain valid for five years i.e. till 16 June 2021. A suitable note is, therefore, inserted to this effect in the rent schedule.

In fact, this approach is being followed not only in the case of the MOPT but also in the rent revision proposals of other Major Port Trusts like VPT, VOCPT, NMPT, etc.

It is also made abundantly clear that the revised rates approved by this Authority with retrospective effect from 17 June 2017 can apply in the existing leases subject to provision for periodic revision of rents agreed in the surviving lease agreements and it is for the MOPT to ensure that all the leases/ licences granted by MOPT contain a suitable provision regarding retrospective revision of lease rentals.

(b). As regards lease rent for the new Cruise Building as stated earlier, the lease rent is made effective from the date the building was ready for occupation. The validity will be coterminus with the lease rent for land, foreshore area and way leave charges approved in this Order. Suitable notes are inserted in the relevant schedule of rent. Where the MOPT has, during of the currency of the validity of the existing rates, sought reduction in mid-term, for the reasons explained above, the lease rent approved is made effective after expiry of 30 days from the date of notification of the Order in the Gazette of India and shall remain valid co-terminus with the validity of the lease Rentals approved by this Authority for various port structures vide Order No.TAMP/32/2015-MOPT dated 27 February 2016. Suitable notes are inserted in the relevant schedule of rent.

14.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the following:

(i). Revised lease rentals for estate of MOPT alongwith the conditionalities attached as **Annex - III**.

(ii). Revised lease rent with reference to the lease rent approved by this Authority vide Order No.TAMP/32/2015-MOPT dated 27 February 2016 and amended vide Order dated 4 January 2017 attached as **Annex - IV**.

14.2. The MOPT is directed to accordingly amend its Schedule of Estate Rental.

(T.S. Balasubramanian)
Member (Finance)

Annex-I

Statement of Market Value of land, Foreshore Area and Port Buildings and Lease Rent Proposed by MOPT based on the approval of Board

A. LAND

Sr. No.	Zone/Location	Valuation of Land				Any other relevant factor (current rent/ SOR/ ₹.Per10 Sq. Mtr.) (16 June 2017)	Monthly Rent of the Property@ 6% of the Market Value of land (₹. Per 10 Sq. Mt / Per Month)	Lease Rental proposed by MOPT (₹. Per 10 Sq. Mt / Per Month)
		Market Value as per Approved Valuer (₹. Per sq. mtr.)	Rates as per State Government Reckoner (₹. Per sq. mtr.)	Relevant Transactions in Port's Vicinity	Highest Tender-cum-Auction Rate (₹. Per sq. mtr)			
1	Mormugao Harbour & Vasco Bay	11800	3500	0	0	590	*590	590
2	Baina	11800	3500	0	0	590	590	590
3	Vasco	58000	3500	0	0	2950	2900	2950
4	Dabolim	14000	3500	0	0	354	700	700
5	Headland Sada	9250	3500	0	0	472	462.50	472
6	Bogda	9375	3500	0	5970	# 472	468.75	500

*** Note :11800 x 6% ÷ 12 months = 59 x 10 sq. mtr = 590 per 10 sq. mtr. per month**

 # Bogda is a new entry proposed by MOPT in the current proposal. No lease rent is approved by the Authority for this land. Hence ₹.472/- considered by MOPT as current lease rent is not found to be factual position.

B. FORESHORE

Sr. No.	Zone/Location	Valuation of Land				Any other relevant factor (current rent/ SOR/₹. Per 10 Sq. Mtr.) (16 June 2017)	Fair Rent as per Approved Valuer (₹. Per 10 Sq. Mt / Per Month)	Lease Rental proposed by MOPT (₹. 10 Sq. Mt / Per Month)
		Fair Rent as per Approved Valuer (₹. Per sq. mtr. Per annum)	Rates as per State Government Reckoner (₹. Per sq. mtr.)	Relevant Transactions in Port's Vicinity	Highest Tender-cum-Auction Rate (₹. Per sq. mtr)			
1	Vasco	135	120	0	0	132.5	112.50	133
2	Beyond Vaso and Betul	135	120	0	0	132.5	112.50	133

C. COMMERCIAL BUILDING

Sr. No.	Zone/Location	Valuation of Land				Any other relevant factor (current rent/ SOR/ Sq. Mtr./month) (16 June 2017)	Monthly Rent of the Property@ 6% of the Market Value of land (₹. Per Sq. Mt / Per Month)	Lease Rental proposed by MOPT (₹. Per Sq. Mt / Per Month)
		Market Value as per Approved Valuer (₹. Per sq. mtr.)	Rates as per State Government Reckoner (₹. Per sq. mtr.)	Relevant Transactions in Port's Vicinity	Highest Tender-cum-Auction Rate (₹. Per sq. mtr)			
1	Commercial Building Near Vasco Railway Station, Vasco Goa - Ground Floor.	93000	3500	0	0	*326.67	465	465
2	Commercial Building Near Vasco Railway Station, Vasco Goa - Other than Ground Floor.	72000	3500	0	0	326.67	360	360

NOTE:

(i). * Port vide letter dated 4 Sept 2017 has stated that ₹.377 in its original proposal is an inadvertant error. The figure is ₹.326.67.

(ii). The Lease rent approved by the Authority in the Order dated 10 June 2015 for Commercial Building near Vasco Railway Station is ₹.201698/- per month or part thereof which is for the entire building. The said Order is effective from 17 July 2015. The valuation report stated that the total built up area of this building is 680.72 sq. mtrs. Accordingly, the existing lease rent arrived by MOPT on per sq. mtr. per month basis at ₹.326.67/- per sq. mtr. per month is (201698/- per month *1.02*1.02= ₹.2,22,372/- per month/680.72 sq. mtrs.)

(iii). The MOPT has applied two escalation of 5% instead of one escalation due on 16 July 2016. Accordingly, the lease rent as on 30 June 2017 on the date of expiry comes to ₹.311.12/- per sq. mtr. per month i.e. (₹.211783/- per month / 680.72 sq. mtrs) instead of ₹.326.67/- per sq. mtr. per month indicated by MOPT.

D. NEW STRUCTURE CRUISE TERMINAL BUILDING

Sr. No.	Zone/Location	Valuation of Land				Any other relevant factor (current rent/ SOR/ Sq. Mtr./month) (16 June 2017)	Monthly Rent of the Property@ 6% of the Market Value of land (₹. Per Sq. Mt / Per Month)	Lease Rental proposed by MOPT (₹. Per Sq. Mt / Per Month)
		Market Value as per Approved Valuer (₹. Per sq. mtr.)	Rates as per State Government Reckoner (₹. Per sq. mtr.)	Relevant Transactions in Port's Vicinity	Highest Tender-cum-Auction Rate (₹. Per sq. mtr)			
1	Cruise Terminal Building at Harbour, Marmugoa Port Trust, Vasco, Goa.	45000	3500	0	0	0	225	225

E. MARKET VALUE OF LAND AND REVISED (REDUCED LEASE RENT) FOR THE FOLLOWING 4 STRUCTURES PROPOSED BY MOPT OF 36 STRUCTURES APPROVED BY THE AUTHORITY VIDE ORDER NO.TAMP/32/2015-MOPT DATED 27 FEB 2016.

Sr. No.	Zone/Location	Valuation of Land				Any other relevant factor (current rent/ SOR/ Sq. Mtr/month.)	Monthly Rent of the Property@ 6% of the Market Value of land (₹. Per Sq. Mt / Per Month)	Lease Rental proposed by MOPT (₹. Per Sq. Mt / Per Month)
		Market Value as per Approved Valuer (₹. Per sq. mtr.)	Rates as per State Government Reckoner (₹. Per sq. mtr.)	Relevant Transactions in Port's Vicinity	Highest Tender-cum-Auction Rate (₹. Per sq. mtr)			
1	100 Bedded hospital building near garbage treatment plant at Headland Sada for MPT at Goa	22500	3500	0	0	210.00	112.50	113.00
2	Port Users Building (IOCL), inside custom bound area at Harbour, MOPT at Vasco, Goa	31500	3500	0	0	259.88	157.50	158.00
3	MPT Institute adjacent to Swatantra Path, Next to Bank of Baroda, MOPT, Goa	60000	3500	0	0	1216.85	300.00	300.00
4	V2 and V3 Shed, opp. Menezes Braganza Road, MOPT, Vasco, Goa,	13500	3500	0	0	78.75	67.50	68.00

Annex - II

COMPARATIVE STATEMENT OF LEASE RENTAL APPROVED BY AUTHORITY VIDE ORDER DATED 2 FEB 2012 & AMENDED ORDER DATED 8 AUGUST 2012, FOR LAND AND FORESHORE AS PROPOSED BY MOPT AND MODIFIED BY TAMP

(₹./10 Sq. Mtr. Per Month)

Sr. No.	Zone/Location	PROPOSAL OF MOPT				CONSIDERED BY TAMP	
		Lease rent approved vide Order No. TAMP/8/2012-MOPT DT 02/02/2012 & 08/08/2012.	Current lease rent as on 16.06.2017 considered by MOPT including 9% pension levy	Lease Rental at 6% of Market Value considered by MOPT	Lease Rental being the higher of current lease rent vis-à-vis 6% of the market value of land i.e. higher of column 4 or 5 proposed by MOPT and considered by TAMP	Lease rent approved vide Order dated 2.2.2012 and 8.8.2012 after due escalation by 2% per annum to arrive at lease rent as on 17.06.2017 annum	Lease rent (to be) approved by TAMP based on higher of lease rent as on 17.06.2017 vis-à-vis 6% of market value of land higher column 5 or 7
1	2	3	4	5	6	7	8
I	LAND						
a	Marmugoa & Vasco Bay	500	590	590	590	552	590
b	Baina	500	590	590	590	552	590
c	Vasco	2500	2950	2900	2950	2760	2900
d	Dabolim	300	354	700	354	331	700
e	Headland Sada	400	472	463	472	442	463
f	Bogda	-	# 472	468.75	500	-	500

Bogda is a new entry proposed by MOPT in the current proposal. No lease rent is approved by the Authority for this land. Hence ₹.472/- considered by MOPT as current lease rent is not found to be factual position.

II	FORESHORE AREA						(₹./10 Sq. Mtr. Per Month)
Sr. No.	Zone/Location	Current lease rent as on 16.06.2017 considered by MOPT including 9% Pension Levy (in ₹.Per 10 sq.mt /month)					
		Lease rent approved By vide Order No. TAMP/8/2012-MOPT DT 02/02/2012 & 08/08/2012.	Current lease rent as on 16.06.2017 considered by MOPT including 9% pension levy	Fair rent as per approved valuer	Lease rent proposed by MOPT	Lease rent approved vide Order dated 2.2.2012 and 8.8.2012 after due escalation by 2% per annum to arrive at lease rent as on 17.06.2017 annum	Lease rent (to be) approved by TAMP based on proposal of the port for uniform lease rent for (a) and (b) based on the current lease rent for sl No (b).
1	2	3	4	5	6	7	8
a	Vasco	(i). 300 (ii).500	*132.50	112.50	133.00	#(i). 331 (ii).552	133
b	Beyond Vasco and Betul	120	*132.50	112.50	133.00	133	133

*** The valuer's report and the Board approval furnished by MOPT states current lease rent at ₹132.50. But, the MOPT has subsequently stated that the current lease rent including 9% pension levy it is ₹145/- per 10 sq mtr. month.**

 # As regards Sl No (a) for Vasco, the lease rent for fore shore area is prescribed under two subcategories. The current lease rent given by the MOPT for sl No (a) is not in line with the existing lease rent approved by the Authority.

Annex – III

Scale of Rates (SOR) for Estates of Mormugao Port Trust

General Note:

All the conditions / notes prescribed in the existing Scale of Rates / Schedule of License Fees, Lease Rentals and Way Leave Charges shall apply to the extent they are not inconsistent with the conditions prescribed in the amended Land Policy Guidelines of 2014 issued by the Ministry of Shipping, and as may be amended from time to time. In case of disagreement, the conditions prescribed by the Government in the amended Land Policy for Major Ports 2014 shall prevail.

I. LICENCE FEE ON PORT LAND FOR BUILDING AND OTHER STRUCTURES:

Sr. No.	Zone/Location	Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)
1	Mormugao Harbour & Vasco Bay	590.00
2	Baina	590.00
3	Vasco	2900.00
4	Dabolim	700.00
5	Headland Sada	463.00
6	Bogda	500.00

II. CHARGES FOR OCCUPATION OF FORESHORE LAND:

Sr. No.	Zone/Location	Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)
1	Foreshore Area at Vasco	133.00
2	Foreshore Area Beyond Vasco and at Betul	133.00

III. WAY LEAVE CHARGES:

Sr. No.	Zone/Location	Rate per 10 sq. mtr. or part thereof per calendar month or part thereof (in ₹)
1.	Mormugao & Vasco Bay	590.00
2.	Head Land Sada & Bogda	500.00
3.	Baina	590.00
4.	Beyond Vasco Bay upto Port limit, Dabolim/ Chicalim/ Sancoale/ North of Zuari River/ Betul Foreshore	133.00

IV. LEASE RENT FOR PREMISES - COMMERCIAL BUILDING NEAR VASCO RAILWAY STATION:

Sr. No.	Zone/Location	Rate Per sq. mtr. per Month (in ₹)
1.	Commercial building, Near Vasco railway station, Vasco, Goa – **Ground Floor**	465.00
2.	Commercial building, Near Vasco railway station, Vasco, Goa – **Other than Ground Floor**	360.00

V. CRUISE TERMINAL BUILDING:

Sr. No.	Zone/Location	Rate Per sq. mtr. per Month (in ₹)
1.	Cruise Terminal Building at Harbour, Mormugao Port Trust (MPT) at Vasco, Goa.	225.00

Note:

(i). The rates prescribed in Schedule I, II, III and IV above shall be applicable with effect from 17 June 2017. The rates prescribed in Schedule V above will come into effect from the date the building is ready for occupation.

(ii). The rates prescribed in Schedule I,II, III and IV above above shall remain valid for five years i.e. till 16 June 2022. The rate prescribed in Schedule V will be coterminous with the rates prescribed Schedule I, II, III and IV above i.e. till 16 June 2022.

(iii). The rates provided in the Scale of Rates shall get automatically escalated by 2% per annum for Land, Foreshore Area and Way Leave Charges. The rates for premises i.e. Commercial Building at Vasco Railway Station prescribed above shall get automatically escalated by 5% per annum after expiry of each year from the effective date of implementation of the Scale of Rates.

(iv). For the purpose of way leave charges, the area occupied by single pipelines should 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 should 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 should 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 should be counted 50% of the product of diameter and length, for the purpose of levy of way leave charges.

(v). The Licence Fees for water area shall be charged 50% of the licence fee of abutting land.

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Annex – IV

1. **The amendment to the existing lease rental for structures listed at Sr. No.2, 3, 4, 35 and 36 vide Order No.TAMP/32/2015-MOPT dated 27 February 2016 and subsequent amendment Order No.TAMP/32/2015-MOPT dated 4 January 2017 under Schedule – V – Lease Rent for premises (36 structures) under Part III – Estate Rentals is as given below:**

Approved vide Order No TAMP/32/2015-MOPT dated 27 February 2016			AMENDED AS PROPOSED BY MOPT		
Sr. No.	**Zone/Location**	**Rate Per sq. mtr. per Month (in ₹)**	**Sr. No (New)**	**Zone/Location**	**Rate Per sq. mtr. per Month (in ₹)**
2.	Basement+ground+upperground+first floor R.C.C. framed structure, 100 bedded hospital building near garbage treatment plant at Headland Sada for MOPT at Goa	200.00	1.	100 bedded hospital building near garbage treatment plant at Headland Sada for MOPT at Goa.	113.00
3.	Ground floor R.C.C. framed structure, building known as V3 Shed, opp. Menezes Braganza Road, MOPT, Baina, at Goa.	75.00	2.	V1, V2 and V3 Shed, opp. Menezes Braganza Road, MOPT, Baina, at Goa.	68.00
4.	Ground floor R.C.C. framed structure, building known as V2 Shed, opp. Menezes Braganza Road, MOPT, Baina, at Goa.	75.00			
35.	Developed land with existing building which is known as MPT Institute adjacent to Swatantra Path, Next to Bank of Baroda, MOPT, Vasco, Goa.	1,158.90	33.	MPT Institute adjacent to Swatantra Path, Next to Bank of Baroda, MOPT, Vasco, Goa.	300.00
36.	Still + 6 Upper floor R.C.C. framed Structure building known as “IOCL/Port Users Building” inside custom bound area at Harbour, MOPT at Vasco, Goa	247.50	34.	Port Users Building (IOCL) inside custom bound area at Harbour, MOPT at Vasco, Goa	158.00

2. **Sl. no 1- Ground floor R.C.C. framed structure, building known as V1 shed, off Menezes Braganza Road, Mormugao Port Trust (MPT), at Goa stands deleted as it is clubbed with V2 and V3 sheds at Sl. No 2. (New Sr. No 1). Consequent to clubbing of lease rent prescribed at Sl. No 1, 3 and 4 in the existing SOR as Sl. No.2, the Sr. Nos. 2 to 36 in the existing lease rent schedule are renumbered as 1 to 34.**

3. **Insert the following as note no 8 in the existing lease rent schedule for premises**

   (ii). The amended lease rent approved for the above structures will come into effect after expiry of 30 days from the date of notification of the Order in the Gazette of India. The validity of lease rent for the above structures is coterminus with the validity of the lease Rentals for other port structures approved by the Authority vide Order No. TAMP/32/2015-MOPT dated 27 February 2016.

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SUMMARY OF THE COMMENTS RECEIVED FROM THE PORT USERS / DIFFERENT USER ORGANISATIONS AND ARGUMENTS MADE IN THIS CASE DURING THE JOINT HEARING BEFORE THE AUTHORITY.

TAMP/38/2017-MOPT : Proposal received from Mormugao Port Trust (MOPT) for revision of its Estate Rentals

A summary of the comments received from users / users association and comments of MOPT thereon is given below:

Sr. No.	Comment of users/ user Association	Comments of MOPT
1.	**Indian Molasses Company Limited (IMCL)**	**Indian Molasses Company Limited (IMCL)**
(i).	MOPT was kind enough to allot us 159.95 M^2 of office premises in Port Users' Complex, Mormugao Harbour on 27.07.1998. We had set up our administrative office and have been operating for about 19 years continuously. We have been promptly making all applicable payments to MOPT and more importantly until date there are no defaults.	The concession is proposed only for licensed Custom House Agents.
(ii).	Our import/export activities have been badly affected due to change in Government policies from time to time. As you are aware, during recent years, Government of India has been gradually liberalizing the economy and import/export policies with a view to globalize the India economy. Goa Government have imposed Cess @ ₹250/PMT for transporting of liquid cargoes from Goa State to other states. From the year 2013 Goa State Government has introduced Entry Tax of ₹500/- to ₹1000/- per trip of non Goa tankers entering/leaving the state. This increases the financial burden of our clients for transporting raw material from our storage terminal to their plants.	
(iii).	Many of our clients have stopped importing their raw material through our tanks and some are shifting to neighbouring states where the taxes are relatively low. The quantum of volume of imports/exports have drastically come down.	
(iv).	We have surrendered 62.05 M^2 on 31.10.2016. Presently, we are operating from 97.90 M2 of office premises.	
(v).	We are paying rentals @ ₹202/- per square metre per month which is not affordable. On the contrary, the proposed rate of ₹213/- per square metre per month is very much on the higher side and it is not viable to us to operate at this huge rate.	

(vi).	We request you to reduce the rates or atleast charge us at par with Custom House Agents, a rent of ₹60/- per square metre per month.	
2.	**The Goa Custom House Agents Association(GCHAA)**	
(i).	We wish to bring to your kind notice with regards to point No.10 of MOPT letter No.FA/Cost/125/2017/18 dated 21.04.2017 where it is mentioned that 'it was decided to propose a concessional rent for licensed custom house agents @ ₹60/- per Sq. mtr. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) till expiry of the present lease tenure and for the new customers @ 60/- per sq. mtr. per month upto an area of 40 Sq. mtr. For area more than 40 Sq. mtr., rent will be charged as per rate prescribed at Sr. No.5 and 30 for Old Administrative Building and Cruise Business Centre (Old CHLD Building) respectively.'	The Goa CHAA has requested to maintain the rentals at the rate of ₹60/- per sq. mtr. per month for all licensed custom brokers, who are presently occupying premises in the Port Users Complex and Cruise Business Centre irrespective of the area occupied by them.
(ii).	At the meeting held on 18.04.2017 called by the Chairman, MOPT it was unanimously agreed that the rentals of ₹. 60/- per sq. mtr. per month for Old Administrative Building and Cruise Business Centre (Old CHLD Building) would be charged for existing licensed custom house agents who are presently occupying the premises, irrespective of the area allotted to them and it was also agreed that any new customers (CHA) the rate of ₹60/- per Sq. mtr. per month upto an area of 40 Sq. mtr. would be charged.	The rent proposed for licensed Custom House Agents is ₹60/- per sq. mtrs. per month for Old Administrative Building and Cruise Business Centre till the expiry of present lease tenure and for fresh lease, the rent applicable is ₹60/- per sq. mtr. per month upto an area of 40 sq. mtrs. for area more than 40 sq. mtr., rent will be charged as per rate prescribed for Old Administrative Building and Cruise Business Centre. The above mentioned rate alongwith the rates for other Buildings is approved by the Board, has been submitted to TAMP. Your request to maintain the rentals at the rate of ₹60/- per sq. mtr. per month for all licensed custom brokers, who are presently occupying premises in the Old Administrative Building and Cruise Business Centre irrespective of the area occupied by them cannot be agreed to as it amounts to discriminatory pricing.
(iii).	Charging rentals at differential rates for existing licensed custom brokers, who are already occupying premises in the aforesaid building is a highly discriminatory practice, which should not be brought into effect. We have strong objection regarding the same, which may kindly be noted.	
(iv).	We request your good-self to consider our above submission and maintain the rentals at the rate of ₹60/- per square meter per month for all licensed custom brokers, who are presently occupying premises in the aforesaid buildings i.e. Port Users Complex and Cruise Business Centre irrespective of the area occupied by them. We also would like to make a representation during joint hearing in this matter and as such request you to kindly intimate to us the date of the joint hearing.	

2. A joint hearing in this case was held on 30 May 2017 at the MOPT premises. At the joint hearing, the MOPT made a power point presentation of its proposal. The MOPT and the concerned users/ user organizations/ lessees have made the following submissions at the joint hearing:

Mormugao Port Trust (MOPT)

(i). Estate rental was last revised in May 2012 and effective from June 2012. The lease rent approved in the last revision is due for revision in June 2017.

(ii). We have done valuation under five methods prescribed in the amended Land Policy Guidelines 2014. We have appointed approved valuer to value various port land and buildings.

(iii). Government Ready Reckoner rate is ₹3,500/ sq. mtr.

(iv). Lease rent is proposed at 6% of the market value of land as per the Land Policy Guidelines, 2014.

(v). We have to give 2% escalation in the proposed lease rent.

(vi). As regards 36 structures, the lease rent was approved by the Authority in February 2016 and came into effect in May 2016. In the current proposal, we propose revision in all 36 structures as well to have uniformity in the date of revision and to have consolidated revision in lease rent.

(vii). For hospital building, it is near garbage area. There are no takers. We have again gone for valuation of the building and proposed lease rent at ₹113.00 per sq. mtr./ month.

(viii). As regards quarters, the proposed lease rent are not applicable for MOPT employees as the rental for their quarters is governed by Government Rules. The proposed lease rent is for others who are given lease of the unoccupied quarters.

(ix). We have constructed new cruise terminal building. First and second floor is proposed to be leased out for which ₹225/- is proposed.

(x). Escalation in lease rent for land and foreshore is proposed at 2% per annum and for buildings by 5% per annum.

(xi). For licensed Custom House Agents, there is a request to charge lower lease rent. That being so, for licensed Custom House Agents in respect of Old Administrative Building and Cruise Business Centre (Old CHLD building), lease rent of ₹60/ sq. mtr. per month is proposed till expiry of the present lease tenure. For fresh leases, ₹60/ sq. mtr. per month will be applicable upto an area of 40 sq. mtrs. Beyond 40 sq. mtrs. area, the proposed lease rent will apply. This is mutually agreed with the Custom House Agents.

(xii). The concessional lease rent is only for licensed Custom House Agents. There are other lessees also on the same building for whom the proposed lease rent of ₹213/ sq. mtr. will be charged.

Goa Custom House Agents Association (GCHAA)

(i). We have evidence to show that the rate in Government Gazette Notification is ₹25/ sq. mtr. It was mutually agreed in a meeting with Chairman MOPT that for licensed Custom House Agents, lease rent will be ₹60 per sq. mtr. for all existing occupant irrespective of area of 40 sq. mtrs.

(ii). Our request is that the agreed concessional lease rent should be applied irrespective of the area allotted to the licensed Custom House Agents.

(iii). We are not occupying huge area. Maximum area occupied by Licensed Custom House Agents is 70 sq. mtrs.

(iv). The rate charged by the Government of Goa rate in heart of city is ₹25/- sq. mtrs. There is likelihood of it being further reduced.

(v). We are maintaining the building entirely in terms of cleaning, etc.

(vi). Our request is ₹60 should be applied irrespective of size for old administrative building of harbour and new cruise building.

Goa Custom House Agents Association (GCHAA)

(i). Our purpose of occupying these buildings is because it is opposite to Customs and hence it facilitates trade.

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