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Tariff Authority for Major Ports

G.No. 167 **New Delhi,** **12 April 2021**

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 received from the Deendayal Port Trust (DPT) for revision of rate structure of Gandhidham Township Land for the period from 01 January 2014 to 31 December 2018 of DPT as in the Order appended hereto.

(T.S. Balasubramanian)
Member (Finance)

Tariff Authority for Major Ports
Case No. TAMP/39/2020-DPT

Deendayal Port Trust **- - - - -** **Applicant**

QUORUM

(i). Shri. T.S. Balasubramanian, Member (Finance)
(ii). Shri. Sunil Kumar Singh, Member (Economic)

O R D E R
(Passed on this 16th day of March 2021)

This case relates to the proposal received from the Deendayal Port Trust (DPT) for revision of rate structure of Gandhidham Township Land for the period from 01 January 2014 to 31 December 2018.

2.1. The lease rental for the Gandhidham Township Land of DPT was last revised by this Authority vide Order No.TAMP/20/2010-KPT dated 09 April 2012. The revised lease rental was valid for a period of five years from 01 January 2009 upto 31 December 2013 as proposed by the DPT.

2.2. At the request of the DPT, the validity of the existing rate structure for Gandhidham Township Land of DPT was extended from time to time and it was extended last vide Order No.TAMP/20/2010-KPT dated 07 September 2020 from the date of expiry till 31 December 2020 or till the date of effect of notification of the revised lease rentals based on the tariff proposal filed by the DPT, whichever is earlier.

2.3. While extending the validity of lease rent of Gandhidham Township Land, the annual escalation @ 2% was stipulated to continue to apply during the extended validity period of the rate structure for Gandhidham Township Land based on the note in the existing Schedule of lease rent prescribing annual escalation @ 2% in the lease rentals till such time the rates are revised by this Authority and in line with the guidelines issued by the Government. This is also based on the proposal of the DPT while seeking extension of lease rent for Gandhidham Township Land from time to time. Further, the extension Order also brought out that the extension of the existing lease rentals with an annual escalation of 2% is only a provisional arrangement to avoid a vacuum in the current scenario. It was also stipulated in extension orders that the lease rentals to be fixed for the Gandhidham Township based on the proposal to be filed by the DPT in this regard will have to be given retrospective effect, as requested by the DPT.

3.1. Before going into the current proposal filed by the DPT for revision of rate structure of Gandhidham Township Land for the period from 01 January 2014 to 31 December 2018, the course of action taken on the earlier proposal dated 07 April 2016 filed by the DPT for revision of lease rent of Gandhidham Township from 1 January 2014 till 31 December 2018 and the chronology of events on account of which the said proposal of DPT was closed by this Authority vide Order No.TAMP/25/2016-KPT dated 21 July 2017 is briefly brought out in the subsequent paragraph nos.3.2 to 3.12.

3.2. Following the provisions of PGLM 2015 (amended Land Policy Guidelines of 2014), the DPT had earlier submitted the proposal vide its letter dated 07 April 2016 for revision of rate structure of Gandhidham Township land for the period from 01 January 2014 to 31 December 2018. With reference to the said proposal of the DPT, the prescribed consultation process with the stake holders was completed. Further, joint hearing was also held on the said proposal of DPT.

3.3. Para 10 of the Land Policy Guidelines (LPG) 2014 published by Ministry of Shipping in January 2014 stipulated that the Policy is applicable for all Major Ports except for land relating to the Township areas of DPT, Mumbai Port Trust (MBPT) and Syama Prasad Mookerjee Port (SPMP) [the then Kolkata Port Trust (KOPT)] for which separate policy will be formulated. The same provision is there in clause 5 of the amended LPG 2014 published in July 2015. Hence, vide our letter No.TAMP/8/2014-Genl. dated 10 April 2014 and 9 February 2016, Ministry of Ports, Shipping and Waterways (MoPSW) (the then MOS) was requested to clarify under which LPG the revision of Township area of DPT will be governed till separate policy is formulated. This was followed up by letters No.TAMP/25/2016-KPT dated 22 April 2016, 28 June 2016 and 14 July 2016.

3.4. Further, we had vide our letter dated 16 May 2016 requested the DPT to clarify as to how its proposal fits under the ibid Land Policy Guidelines, 2014. The DPT vide its letter dated 03 June 2016 stated that the draft Land Policy Guidelines for Gandhidham Township, 2015 approved by the Board of Trustees of DPT vide its resolution No.172 dated 12 February 2016 has been forwarded vide its letter dated 15 March 2016 to MoPSW (the then MOS) for its consideration/ approval.

3.5. In the meanwhile, the MoPSW (the then MOS) vide its letter no.8/(19)/2016-TAMP dated 02 August 2016 has informed that a proposal seeking approval of the Union Cabinet on Land relating to Gandhidham Township is being prepared by the MoPSW (the then MOS). The MoPSW (the then MOS) had, therefore, requested to keep on hold the proposal of DPT for revision of rate structure of Gandhidham Township of DPT and take up after the MoPSW (the then MOS) conveys the policy in this regard. That being so, this Authority vide its Order No.TAMP/25/2016-KPT dated 21 July 2017 closed the April 2016 proposal of DPT as it was not appropriate for this Authority to keep the case pending indefinitely after registering the proposal as a “tariff case”. Para 8 of the said Order states that the revised proposal as and when received from DPT based on new policy to be communicated by MoPSW (the then MOS), will be treated afresh.

3.6. The DPT, however, vide its letter dated 21 October 2017, drawing reference to its Board resolution dated 6 March 2014 wherein the Board of Trustees of the DPT had approved to follow the Land Policy Guidelines for Major Ports in case of Gandhidham Township Land to the extent possible till the LPG for Gandhidham Township is approved by the Government, requested this Authority to approve rate structure of Gandhidham Township. It is to be noted that the DPT letter dated 03 June 2016 referring to Board resolution of DPT approving the draft Land Policy Guidelines for Gandhidham Township, 2015 forwarded by DPT to the MoPSW (the then MOS) is prior to the then MOS letter dated 02 August 2016 requesting this Authority to keep the proposal for revision of rate structure of Gandhidham Township of DPT on hold till the then MOS conveys the policy in this regard. That being so, the then MOS was requested to examine and advise us on the said matter vide our letter dated 03 November 2017.

3.7. Subsequently, the then MOS vide its letter No.PD-13017/2/2014-PD-IV dated 14 May 2018 has issued Clarification Circular (Land Management) No.1 of 2018. The clarification 1 to issue no.1 is given in respect of township areas of MBPT, DPT and (SPMP) [the then KOPT] excluding Haldia Dock Complex. The summary of the issue raised and relevant clarification i.e. para (iv) and (vi) given in the circular, among other things are reproduced below:

> <u>Issue</u>:
> Whether provisions of PGLM 2015 can be extended to the township areas of MBPT, DPT and (SPMP) [the then KOPT]? Leases in these townships have been given mainly for residential and commercial purposes and some of these leases have either expired or are going to expire.
>
> <u>Para (iv) of clarification:</u>
> Land can be allotted by way of fresh lease only for industrial, commercial purposes etc., through tender-cum-auction methodology through a competitive bidding process over the reserve price of such plots which shall be determined as per Para 13.
>
> <u>Para (vi) of clarification:</u>
> Allotment of land by way of fresh lease to entities mentioned in Para 11.2 (h) [Government entities] on nomination basis on market value as determined as per Para 13.

From the clarification issued by the then MOS vide its letter dated 14 May 2018 it was not explicit whether lease rent for Gandhidham Township at DPT is to be fixed following Para 13 of the Policy Guidelines for Land Management, 2015. In view of the above position, the then MOS, vide our letter dated 20 July 2018, was requested to examine and advise us on the matter whether lease rent for Gandhidham Township at DPT can be fixed following Para 13 of the amended Policy

Guidelines for Land Management, 2015 to enable us to take further action. This was followed by reminders dated 25 January 2019, 06 February 2019 and 18 April 2019.

3.8. In this regard, Under Secretary of Government of India, of the then MOS vide its letter No.PD-1301/1/2014-PD-IV/301170 dated 03 May 2019 has informed that in the meeting chaired by Secretary (S) in Mumbai on 21 August 2018 a decision on fixation of SOR for Township area of MBPT by TAMP has been taken. Similar action for the Township area of DPT may also be taken by TAMP.

3.9. The then MOS vide its letter dated 15 May 2019 has conveyed the following as regards MBPT:

(i). TAMP vide its letter dated 28 March 2019 amongst other things, has stated that it will abide by the directions of the then MOS with regard to fixation of lease rent/ license fee for the MBPT lands for the period from 01 October 2012 onwards, subject to MBPT withdrawing the writ petition.

(ii). In this context, it is informed that the matter was taken up in the Ministry and Competent Authority has decided to go by the decision taken with reference to issue in the meeting held on 21 August 2018 but after MBPT withdraws the writ petition from the Bombay High Court.

(iii). Accordingly, TAMP is hereby directed that consequent to the Policy Guidelines for Land Management, 2015 read with clarification on Policy Guidelines for Land Management, 2015 dated 14 May 2018, the SOR with effect from 01 October 2012 onward be fixed by TAMP for all areas of MBPT including Township Areas. The SOR shall be declared only after the writ petition is withdrawn by MBPT.

3.10. As desired by the DPT, a copy of said letter dated 15 May 2019 of the then MOS conveying decision taken on fixation of SOR for Township area of MBPT was forwarded to DPT vide our letter No.TAMP/25/2016-KPT dated 7 June 2019 for appropriate action followed by reminder dated 21 November 2019 as the DPT had not submitted a proposal for revision of rate structure for Gandhidham Township land.

3.11. Subsequently, the DPT, vide its email dated 18 June 2020 under cover of its letter dated 29 February 2020, has requested TAMP to expedite the subject matter and vide another letter dated 17 June 2020 sought approval to the proposal forwarded by the DPT vide its letter dated 07 April 2016 for revision of rates of Gandhidham Township for the period from 01 January 2014 to 31 December 2018 as approved by the DPT Board vide Resolution No.140 of 12 February 2016.

3.12. In response to that, the DPT was informed vide our letter dated 23 July 2020, that the said proposal of the DPT dated 07 April 2016 has been already closed vide Order No.TAMP/25/2016-KPT dated 21 July 2017 consequent to the then MOS letter dated 02 August 2016 and the concerned file has also been closed and hence, the DPT was requested to file the proposal for revision of rate structure of Gandhidham Township alongwith all the relevant documents as per the applicable Policy Guidelines of Land Management 2015 to enable TAMP to initiate a fresh consultation process with the concerned stakeholders. In the said letter it was also informed to the DPT that the DPT can also file its proposal dated 07 April 2016 as a fresh proposal with all the documents.

4. In the meanwhile, MoPSW (the then MOS) vide its letter dated 17 July 2015 issued amended Land Policy Guidelines of 2014 [hereinafter termed as Policy Guidelines for Land Management 2015 (PGLM 2015)]. Subsequently, the then MOS vide its letter dated 29 April 2019 has issued Clarification Circular (Land Management) No.1 of 2019-20 to ease the implementation of the Policy Guidelines dated 17 July 2015 (PGLM-2015) to the Chairmen of all the Major Port Trusts.

5.1. In this backdrop, subsequently, the DPT, vide its letter dated 03 September 2020 has filed the proposal for revision of rate structure of Gandhidham Township Land of DPT for the period from 01 January 2014 to 31 December 2018 treating its earlier proposal dated 07 April 2016 as a fresh proposal and has made the following submissions:

(i). Valuation Report dated 04 August 2014 prepared by M/s.K. M. Thacker & Associates being voluminous is not enclosed. However, same has been sent earlier vide letter dated 07 April 2016.

(ii). The Land Allotment Committee, during its meeting held on 04 July 2015, recommended the highest rate of all the factors to be considered as per amended Land Policy Guidelines, 2014 as Market rates as well as Lease rent for different categories of land with 2% escalation per annum (copy of Minutes of the said meeting of the Land Allotment Committee is attached).

(iii). The Board, in its meeting held on 12 February 2016, vide Board Resolution No.140 has resolved to recommend market rates and lease rentals of Gandhidham Township (copy of Board Resolution is attached).

(iv). The DPT has attached a copy of draft SOR and the list of stakeholders to be consulted in this case.

(v). Since the validity of existing rates has expired on 31 March 2020, the DPT has requested TAMP to extend the validity of existing rates for further period of one year i.e. 31 March 2021 or till the revised rates are approved, whichever is earlier.

(vi). In view of above, the DPT has requested TAMP to consider and approve the revised market value and lease rentals of Gandhidham Township of DPT with retrospective effect from 01 January 2014 to 31 December 2018 with 2% annual escalation and accord its approval under Section 49 of the Major Port Trust Act, 1963.

5.2. Since the proposal of the DPT to TAMP is to consider the earlier proposal filed by the port dated 07 April 2016 and to treat it as a fresh proposal, the main points made by the DPT in its earlier proposal dated 07 April 2016 are summarized below:

(i). The DPT has constituted the Land Allotment Committee (LAC) as per the Land Policy Guidelines comprising of Deputy Chairman, Secretary & FA&CAO (Statutory), Traffic Manager and Chief Engineer.

(ii). The DPT has appointed M/s.K. M. Thacker & Associates for valuation of Gandhidham township land. The valuer has submitted the Land valuation Report on 04 August 2014.

(iii). The Valuer has valued the Gandhidham Township land by five methods as follows:

(a). Based on the valuation of R. B. Shah & Associates who has made the valuation of the land in the year 2009 i.e. by increasing 5% p.a. as of 2009 to 2014.

(b). Based on the applicable lease rent for the year 2014 furnished by the DPT. For example: for a Sector, applicable lease rent is ₹437/ sq. mtr./ annum. From this, market value of land is arrived as 437 x 100 / 6 = ₹7283/ sq. mtr./ annum as the base market value for the year 2014. This is by considering 6% Return on Investment on the applicable lease rental for the year 2014.

(c). Based on the tenders for allotment of 283 plots in Gandhidham Township on 30 years lease.

(d). Based on the Government Stamp Duty rates (Jantry rates).

(e). Based on the transaction value in the latest sale deeds.

(iv). The approved valuer has recommended market value of land based on highest market value of land arrived on the above factors.

(v). (a). The LAC has considered the valuation of land of Gandhidham Township Land under the following five methods prescribed in the amended Land Policy Guidelines, 2014:

(i). State Government's ready reckoner of land values in the area, if available for similar classification/ activities.

(ii). Highest rate of actual relevant transactions registered in last three years in the ports 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 appointed for the purpose by the Port.

(v). Any other relevant factor as may be identified by the Port.

(b). A statement as furnished by the DPT as regards the valuation of land for Gandhidham Township considered by the LAC under the five factors furnished by DPT.

(c). From the statement it is seen that of the five factors, the valuation of land, under the two methods viz. (a). Highest accepted tender cum auction and (b) any other relevant factor is shown as "0" for all the areas.

(vi). After detailed discussions and deliberations, the LAC in its meeting held on 04 July 2015 has decided to recommend the highest of the five factors as market value of land for 33 sectors at Gandhidham Township with 2% escalation per annum. Copy of the minutes of the LAC has also been furnished by DPT.

(vii). The Board in its meeting held on 12 February 2016, vide Board Resolution No.140 has resolved to recommend Market value of land as recommended by the LAC and has also approved lease rent at 6% of the market value of the land for 33 Sectors.

(viii). Accordingly, Schedule of lease rent proposed by the DPT based on recommendation of the LAC and approved by its Board @ 6% of the market value of land with effect from 1.1.2014 with annual cumulative escalation @ 2% are as follows:-

(**₹ / sq. mtr.**)

Sr. No.	**Sector No.**	**Plots Abutting on**	**Market value of land recommended by LAC as on 1.1.2014**	**Lease Rentals proposed @ 6% per sq. mtr. per annum as on 1.1.2014**
1	1 (Residential)	200' W.Road	16758	1005
		150' TO 155' W.Road	15082	905
		80' W.Road	13574	814
		3 side frontage	17596	1056
		Other	12216	733
2	2 (Residential)	200' W.Road	13002	780
		80' W.Road	11701	702
		Other	9478	569
3	3 (Residential)	80' W.Road	11896	714

Sr. No.	Sector No.	Plots Abutting on	Market value of land recommended by LAC as on 1.1.2014	Lease Rentals proposed @ 6% per sq. mtr. per annum as on 1.1.2014
		3 side frontage	12490	749
		Other	10706	642
4	4(Residential)	150' TO 155' W.Road	24003	1440
		80' W.Road	21603	1296
		3 side frontage	25203	1512
		Other	19442	1167
5	5(Residential)	80' W.Road	10245	615
		60' W.Road	10245	615
		3 side frontage	10245	615
		Other	10245	615
6	6 (Residential)	150' TO 155' W.Road	7275	437
		80' W.Road	7020	421
		60' W.Road	7020	421
		3 side frontage	7913	475
		Other	6946	417
7	7 (Residential)	80' W.Road	11146	669
		3 side frontage	11146	669
		Others	10882	653
8	8 (Business/ Commercial)	200' W.Road	11997	720
		150' TO 155' W.Road	11487	689
		3 side frontage	14294	858
		Other	9572	574
9	9A (Office/ Commercial)	ON NH 8-A	27204	1632
		200' W.Road	27204	1632
		80' W.Road	27204	1632
		3 side frontage	28564	1714
		Other	24938	1496
10	9B (Office/ Commercial)	ON NH 8-A	24938	1496
		3 side frontage	24938	1496
		Other	24938	1496
11	9C (Office/ Commercial)	ON NH 8-A	24938	1496
		3 side frontage	24938	1496
		Other	24938	1496
12	10 (Light Inds/ Industrial.)	150' TO 155' W.Road	9261	556
		80' W.Road	9261	556
		3 side frontage	9724	583
		Other	9335	560
13	11 (Godown/ Industrial)	ON NH 8-A	5360	322
		150' TO 155' W.Road	5209	313
		Other	5209	313
14	12(Manufacturing/ Industrial)	200' W.Road	5209	313
		150' TO 155' W.Road	5209	313
		3 side frontage	5209	313
		Other	5209	313
15	13 (Residential)	ON NH 8-A	3829	230
		150' TO 155' W.Road	3701	222
		Other	3318	199
16	14 (Residential)	150' TO 155' W.Road	3829	230
		80' W.Road	3701	222
		60' W.Road	3446	207
		Other	3318	199

Sr. No.	Sector No.	Plots Abutting on	Market value of land recommended by LAC as on 1.1.2014	Lease Rentals proposed @ 6% per sq. mtr. per annum as on 1.1.2014
17	1-A (Composite)	200' W.Road	25653	1539
		80' W.Road	23484	1409
		Other	21895	1314
18	NU-10B (Residential)	200' W.Road	26510	1591
		110' W.Road	26510	1591
		80' W.Road	26510	1591
		3 side frontage	26510	1591
		Other	24302	1458
19	NU-3 (Residential) APNA NAGAR	110' W.Road	23615	1417
		150' TO 155' W.Road	23615	1417
		80' W.Road	23615	1417
		60' W.Road	23615	1417
		Other	21649	1299
20	NU-4 (DC -6) (Residential) SAPNA NAGAR	80' W.Road	7288	437
		60' W.Road	7159	430
		3 side frontage	8296	498
		Other	6637	398
21	NU-4 (DC -6) -MAIN	80' W.Road	8522	511
		60' W.Road	7670	460
		3 side frontage	8948	537
		Other	6903	414
22	DC-6 (Composite)	80' W.Road	6300	378
		60' W.Road	5967	358
		3 side frontage	7183	431
		Other	5733	344
23	NU-1 in DC-5 (Residential)	110' W.Road	6367	382
		150' TO 155' W.Road	6367	382
		80' W.Road	6367	382
		60' W.Road	6367	382
		3 side frontage	6685	401
		Other	6367	382
24	NU-2 in DC-5 (Residential)	110' W.Road	6367	382
		150' TO 155' W.Road	6367	382
		80' W.Road	6367	382
		60' W.Road	6367	382
		3 side frontage	6685	401
		Other	6367	382
25	NU-5 in DC-5 (Residential)	110' W.Road	6367	382
		150' TO 155' W.Road	6367	382
		80' W.Road	6367	382
		60' W.Road	6367	382
		3 side frontage	6685	401
		Other	6367	382
26	NU-3 in DC-5 (Residential)	110' W.Road	4339	260
		150' TO 155' W.Road	4339	260
		80' W.Road	4339	260
		60' W.Road	4339	260
		3 side frontage	4556	273
		Other	4339	260
27	NU-4 in DC-5 (Residential)	110' W.Road	4339	260

Sr. No.	Sector No.	Plots Abutting on	Market value of land recommended by LAC as on 1.1.2014	Lease Rentals proposed @ 6% per sq. mtr. per annum as on 1.1.2014
		150' TO 155' W.Road	4339	260
		80' W.Road	4339	260
		60' W.Road	4339	260
		3 side frontage	4556	273
		Other	4339	260
28	DC-5 Main (Commercial)	110' W.Road	7275	437
		150' to 155' W.Road	7275	437
		80' W.Road	7275	437
		60' W.Road	7275	437
		3 side frontage	7639	458
		Other	7275	437
29	Gopalpuri Colony (Residential)	80' W.Road	4457	267
		60' W.Road	4457	267
		3 side frontage	4457	267
		Other	4457	267
30	NU-5 IFFCO Colony (Residential)	80' W.Road	6656	399
		60' W.Road	6656	399
		3 side frontage	6656	399
		Other	6656	399
31	FCI Colony (Residential)	80' W.Road	4457	267
		60' W.Road	4457	267
		3 side frontage	4457	267
		Other	4457	267
32	P&T Colony (Residential): NU 10B	200’ W.Road	16351	981
		110’ W.Road	16351	981
		80’ W.Road	16351	981
		3 side frontage	17168	1030
		Other	16351	981
33	Administrative Office, DPT	200’ W.Road	10123	607
		150’ to 155’ W.Road	10123	607
		3 side frontage	10123	607
		Other	10123	607

Proposed conditionalities:

(a). Lease rental rates shall bear an escalation of 2% per annum.

(b). Lease rental rates shall come into effect retrospectively from 01 January 2014.

(c). Rates shall be effective for 5 years i.e. 01 January 2014 to 31 December 2018.

(d). The other conditions governing the lease rental / license fee shall be as per the Amended Land Policy Guidelines of 2014 issued by the Ministry of Shipping, Government of India.

5.3. A comparison of lease rent last approved by this Authority vide Order No.TAMP/20/2010-KPT dated 09 April 2012 effective from 01.01.2009, updated lease rent as on 31.12.2013 after applying 2% annual escalation and proposed lease rent in the instant proposal from 1.1.2014 is tabulated below:

Lease Rentals per sq. mtr. (in ₹)

Statement Showing the Details of Proposed Rate and % increase over lease rent as on 31.12.2013						
Sl. No.	**Sector No.**	**Plot Abutting on**	**Lease Rent approved vide Order No.TAMP/20/ 2010-KPT dated 09.04.2012 effective from 1.1.2009**	**Updated Lease Rent as on 31.12.2013**	**Proposed Lease Rent effective from 1.1.2014 as recommended by the LAC**	**Increase in % at proposed Lease Rent from 1.1.2014 over the lease rent as on 31.12.2013**
1	2	3	4	5	6	7
1	1(Residential)	200’ W.Road	420	455	1005	121%
		150’ TO’155’ W.Road	402	435	905	108%
		80’ W.Road	366	396	814	106%
		3 side frontage	438	474	1056	123%
		Other	348	377	733	95%
2	2(Residential)	200’ W.Road	420	455	780	72%
		80’ W.Road	366	396	702	77%
		Other	348	377	569	51%
3	3(Residential)	80’ W.Road	360	390	714	83%
		3 side frontage	426	461	749	63%
		Other	342	370	642	74%
4	4(Residential)	150’ to 155’ W.Road	396	429	1440	236%
		80’ W.Road	360	390	1296	233%
		3 side frontage	426	461	1512	228%
		Other	342	370	1167	215%
5	5(Residential)	80’ W.Road	324	351	615	75%
		60’ W.Road	312	338	615	82%
		3 side frontage	372	403	615	53%
		Other	294	318	615	93%
6	6(Residential)	150’ to 155’ W.Road	342	370	437	18%
		80’ W.Road	324	351	421	20%
		60’ W.Road	312	338	421	25%
		3 side frontage	372	403	475	18%
		Other	294	318	417	31%
7	7(Residential)	80’ W.Road	426	461	669	45%
		3 side frontage	486	526	669	27%
		Other	390	422	653	55%
8	8(Business/ Commercial)	200’ W.Road	564	610	720	18%
		150’ to 155’ W.Road	540	585	689	18%
		3 side frontage	672	727	858	18%
		Other	450	487	574	18%
9	9A(Office/ Commercial)	ON NH 8-A	-	-	1632	New
		200’ W.Road	396	429	1632	281%
		80’ W.Road	366	396	1632	312%
		3 side frontage	-	-	1714	
		Other	330	357	1496	319%
10	9B(Office/	ON NH 8-A	396	429	1496	249%

	Commercial)					
		3 side frontage	498	539	1496	178%
		Other	330	357	1496	319%
11	9C (Office/ Commercial)	ON NH 8-A	396	429	1496	249%
		3 side frontage	-	-	1496	New
		Other	330	357	1496	319%
12	10(Light Inds/Industrial)	150' to 155' W.Road	204	221	556	152%
		80' W.Road	186	201	556	176%
		3 side frontage	-	-	583	New
		Other	174	188	560	197%
13	11(Godown/ Industrial)	On NH 8-A	252	273	322	18%
		150 to 155' W.Road	234	253	313	23%
		Other	210	227	313	37%
14	12(Manufacturing /Industrial)	200' W.Road	228	247	313	27%
		150' to 155' W.Road	216	234	313	34%
		3 side frontage	240	260	313	20%
		Other	198	214	313	46%
15	13 (Residential)	On NH8-A	180	195	230	18%
		150 to 155' W.Road	174	188	222	18%
		Other	156	169	199	18%
16	14(Residential)	150' to 155' W.Road	180	195	230	18%
		80' W.Road	174	188	222	18%
		60' W.Road	162	175	207	18%
		Other	156	169	199	18%
17	1A(Composite)	200' W.Road	1206	1305	1539	18%
		80' W.Road	1104	1195	1409	18%
		Other	1002	1085	1314	21%
18	NU-10B (Residential)	200' W.Road	498	539	1591	195%
		110' W. Road	480	520	1591	206%
		80' W. Road	456	494	1591	222%
		3 side frontage	546	591	1591	169%
		Other	438	474	1458	208%
19	NU-3(Residential) APNA NAGAR	110' W. Road	762	825	1417	72%
		150' to 155' W.Road	-	-	1417	New
		80' W.Road	726	786	1417	80%
		60' W.Road	696	753	1417	88%
		Other	660	714	1299	82%
20	NU-4 (DC-6) (Residential) SAPNA NAGAR	80' W.Road	342	370	437	18%
		60' W.Road	324	351	430	22%
		3 side frontage	390	422	498	18%
		Other	312	338	398	18%

21	NU-4(DC-6) MAIN	80’ W. Road	342	370	511	38%
		60’ W.Road	324	351	460	31%
		3 side frontage	390	422	537	27%
		Other	312	338	414	23%
22	DC-6 (Composite)	80’ W. Road	-	-	378	New
		60’ W.Road	-	-	358	New
		3 side frontage	-	-	431	New
		Other	-	-	344	New
23	NU-1 in DC-5(Residential)	110’W.Road	312	338	382	13%
		150’ to 155’ W.Road	312	338	382	13%
		80’ W. Road	312	338	382	13%
		60’ W.Road	312	338	382	13%
		3 side frontage	312	338	401	19%
		Other	312	338	382	13%
24	NU-2 in DC-5(Residential)	110’W.Road	312	338	382	13%
		150’ to 155’ W.Road	312	338	382	13%
		80’ W. Road	312	338	382	13%
		60’ W.Road	312	338	382	13%
		3 side frontage	312	338	401	19%
		Other	312	338	382	13%
25	NU-5 in DC-5(Residential)	110’W.Road	312	338	382	13%
		150’ to 155’ W.Road	312	338	382	13%
		80’ W. Road	312	338	382	13%
		60’ W.Road	312	338	382	13%
		3 side frontage	312	338	401	19%
		Other	312	338	382	13%
26	NU-3 in DC-5(Residential)	110’W.Road	204	221	260	18%
		150’ to 155’ W.Road	204	221	260	18%
		80’ W. Road	204	221	260	18%
		60’ W.Road	204	221	260	18%
		3 side frontage	204	221	273	24%
		Other	204	221	260	18%
27	NU-4 in DC-5(Residential)	110’W.Road	204	221	260	18%
		150’ to 155’ W.Road	204	221	260	18%
		80’ W. Road	204	221	260	18%
		60’ W.Road	204	221	260	18%
		3 side frontage	204	221	273	24%
		Other	204	221	260	18%
28	DC-5 MAIN (Commercial)	110’ W. Road	342	370	437	18%
		150’ to 155’ W.Road	342	370	437	18%
		80’ W.Road	342	370	437	18%
		60’ W.Road	342	370	437	18%

		3 sider frontage	342	370	458	24%
		Other	342	370	437	18%
29	GOPALPURI COLONY (RESIDENTIAL)	80’ W. Road	-	-	267	New
		60’ W.Road	-	-	267	New
		3 side frontage	-	-	267	New
		Other	-	-	267	New
30	NU-5 IFFCO COLONY (RESIDENTIAL)	80’ W.Road	-	-	399	New
		60’ W.Road	-	-	399	New
		3 sider frontage	-	-	399	New
		Other	-	-	399	New
31	FCI COLONY (RESIDENTIAL)	80’ W. Road	-	-	267	New
		60’ W. Road	-	-	267	New
		3 side frontage	-	-	267	New
		Other	-	-	267	New
32	P&T COLONY (RESIDENTIAL: NU 10B	200’ W. Road	-	-	981	New
		110’ W. Road	-	-	981	New
		80’ W. Road	-	-	981	New
		3 side frontage	-	-	1030	New
		Other	-	-	981	New
33	ADMINISTRATIVE OFFICE, DPT	200’ W. Road	-	-	607	New
		150’ to 155 W.Road	-	-	607	New
		3 side frontage	-	-	607	New
		Other	-	-	607	New

5.4. It is seen from the LAC minutes that the LAC has recommended the highest market value of Gandhidham Township land out of the five factors as briefly explained below following the stipulations contained in Clause 13(a) of PGLM 2015:

(i). State Government ready reckoner rate i.e. Ready reckoner rate/Jantri rate after applying 2% annual escalation on 2011 Jantry rate to arrive at the market value for 2014.

(ii). Highest rate of actual relevant transactions as worked out by the approved valuer i.e. based on the highest land values in various sectors of Gandhidham amongst the transactions registered in sub-registrar’s office in 2011 and increased it by 5% per annum to arrive at the market value for the year 2014.

(iii). Highest accepted tender-cum-auction rate of port land for similar transactions. LAC has considered the market value as nil for all the Sectors under this method. Subsequently, the DPT, vide its email dated 30 December 2020, has confirmed that no allotment of plot has been done by auction for Gandhidham Township during the years 2014-2018.

(iv). Rate arrived at by an approved valuer wherein the valuer has proposed the highest rate amongst the 5 factors worked out by him under the five methods given in para 5.2.(iii) (b).

(v). Under any other relevant factor, the LAC has considered the market value as nil for all the Sectors.

6.1. In accordance with the consultation process prescribed, a copy of the DPT proposal dated 03 September 2020 was circulated vide our letter dated 06 October 2020 to the users/ user organisations seeking their comments. The comments received from the users/ user organisations were forwarded to DPT as feedback information. The DPT vide its letter dated 18 December 2020 has furnished its reply.

6.2. The Food Corporation of India (FCI) vide its letter dated 20 November 2020 has furnished the comments.

6.3. A copy of FCI letter dated 20 November 2020 was forwarded to DPT as feedback information and for port's comments. The DPT vide its letter dated 17 December 2020 has furnished its reply.

7. A joint hearing in this case was held on 18 November 2020 through Video Conferencing. At the joint hearing, DPT made a power point presentation of its proposal and forwarded a copy of the Power Point Presentation. The DPT and the concerned users/ user organizations have made their submissions at the joint hearing.

8. Based on the preliminary scrutiny of the proposal, the DPT was requested vide our letter dated 08 December 2020 to furnish information/ clarification on a few points by 14 December 2020. The DPT has furnished its reply on additional information/ clarification vide its email dated 30 December 2020 under cover of its letter dated 29 December 2020. A summary of information/ clarification sought by us and reply furnished by the DPT thereon is tabulated below:

Sl. No.	Information/ Clarification sought by us	Reply furnished by DPT
1.	**<u>Valuation of Land:</u>**	
(i).	Para 13 (a) of the PGLM 2015 stipulates that the LAC to be appointed by the Port Trust should normally take into account highest of the following five factors listed in the guidelines to determine the market value of the land. With reference to the valuation of land by DPT, the following information / clarification is sought: **<u>Rate arrived by the approved valuer:</u>** To arrive at the market value of land for Sector 10, the approved valuer has considered the tender realization valuation. With respect to market value of 'Other' plots (plots having uneven shapes) in Sector 10, the valuer has considered deduction of 10% value from the highest market value of land ₹9261/- per sq. mtr which works out to ₹8335/- per sq. mtr. Whereas, the market value of said land by approved valuer in the comparative statement on five factor presented during the joint hearing shows market value of land recommended by the approved valuer at ₹9,335/- per sq. mtr instead of ₹8,335/- per sq. mtr. and the same market value of land i.e. ₹9,335/- per sq. mtr is recommended by LAC and approved by the DPT Board for arriving at the proposed lease rent for sector 10 other plots. The DPT to confirm that there is no typographical error on this item as there is no mention about reason for this variation in the LAC report or in the Board approval.	The matter was enquired from the Valuer who in return vide his letter dated 16 December 2020 has submitted correct Page No.148 of the Report wherein the rate for other plot is ₹9,335/- per sq.mt. Hence, the rate considered as ₹9,335/- is in order. The reason is reflected by the valuer. [Revised Page No.148 of Valuation Report is furnished by the DPT]
2.	**<u>Scale of Rates:</u>**	
(i).	(a). It may be clarified whether the proposed lease rentals are leviable to the quarters at Gopalpuri colony, IFFCO colony, FCI colony, P & T	The proposed lease rentals are not applicable to Quarters allotted to port employees.

	colony and any other residential area considered for revision of lease rent under the current proposal wherein quarters to the port employees are provided.	
	(b). License fee for port quarters may have to be fixed following the relevant provision of applicable Fundamental Rules (FR)/ Supplementary Rules (SR) for Central Government employees as applicable to the Port Trusts. The port may, therefore, confirm that revision of lease rent for Gopalpuri colony (Quarters for port employees) and any other residential area considered for revision of lease rent under the current proposal wherein quarters to the port employees are provided will not be hit by FR/ SR of the Central Government employees.	The proposed rentals are also not applicable to the Gopalpuri Quarters and any other residential area.

9. 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 the relevant parties. These details will also be made available at our website http://tariffauthority.gov.in.

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

(i). The lease rent for Gandhidham Township land of Deendayal Port Trust (DPT) was last revised by this Authority vide Order No.TAMP/20/2010-KPT dated 09 April 2012. The lease rent approved by this Authority was given effect retrospectively from 1 January 2009 as sought by the DPT and validity prescribed for a period of five years i.e. till 31 December 2013. The said Order was notified in the Gazette of India vide Gazette No.119 dated 04 May 2012.

The current proposal filed by the DPT is for revision of lease rent of Gandhidham Township land applicable for the period from 01 January 2014 to 31 December 2018 following amended Land Policy Guidelines of 2014 i.e. Policy Guidelines of Land Management 2015 (PGLM 2015) issued by the Ministry of Ports, Shipping and Waterways (MoPSW) [the then Ministry of Shipping (MOS)].

(ii). The DPT had earlier filed a proposal dated 07 April 2016 for revision of rate structure of Gandhidham Township Land at DPT from 01 January 2014 for a period of five years i.e. till 31 December 2018. The background which led to closure of the April 2016 proposal filed by the DPT for revision of lease rent of Gandhidham Township from 01 January 2014 till 31 December 2018 by this Authority vide Order No.TAMP/25/2016-KPT dated 21 July 2017 in pursuance of the then MOS letter dated 02 August 2016 to the TAMP to keep the proposal of DPT for revision of lease rent on Gandhidham Township land on hold till finalization of Policy for Gandhidham Township land by the then MOS is brought out in the earlier paragraph nos.3.2 to 3.12 and hence not reiterated here for the sake of brevity. In the said Order, it was also stated that the revised proposal as and when received from DPT based on new policy to be communicated by MOS, will be treated afresh.

That being so, the current proposal of the DPT dated 03 September 2020 for revision of rate structure of Gandhidham Township Land at DPT from 01 January 2014 for a period of five years i.e. till 31 December 2018 treating its earlier proposal dated 7 April 2016 afresh is taken up for consideration afresh after following the usual consultation process with the stake holders and after giving opportunity of hearing to the stake holders in the joint hearing held through video conferencing.

(iii). The MoPSW (the then MOS) vide its letter No.PD-13017/2/2014-PD.IV dated 17 July 2015 has issued Policy Guidelines for Land Management (PGLM 2015) to the Chairmen of all the Major Port Trusts. Subsequently, the MoPSW has issued Clarification nos.1 and 2 to PGLM 2015. Thereafter, MoPSW vide its letter No.PD-13017/2/2014-PD.IV dated 29 April 2019 has issued Clarification Circular (Land Management) No.1 of 2019-20 for PGLM-2015 to the Chairmen of all the Major Port Trusts.

(iv). As brought out earlier, the MoPSW (the then MOS) vide its letter No.PD-1301/1/2014-PD-IV/301170 dated 03 May 2019 has clarified that the decision has been taken for fixation of rates for township area of MBPT by TAMP. In the said letter, the MoPSW (the then MOS) has directed to follow the Policy Guidelines for Land Management, 2015 read with clarification on Policy Guidelines for Land Management, 2015 dated 14 May 2018 for all areas of MBPT including Township Areas from 01 January 2012. The MoPSW (the then MOS) has directed that similar decision is to be applied for the township area of DPT at Gandhidham.

In this backdrop, the DPT, vide its letter dated 03 September 2020 has filed the current proposal wherein the port has requested to consider its earlier proposal dated 07 April 2016 as a fresh proposal for revision of rate structure of Gandhidham Township Land of DPT beyond the expiry of the original validity of lease rent last revised by this Authority i.e. for the period from 01 January 2014 to 31 December 2018. It is relevant here to state that the earlier proposal of the DPT dated 07 April 2016 also followed the amended LPG 2014 (i.e. PGLM 2015). That being so, this Authority goes ahead with the DPT proposal dated 03 September 2020 filed by DPT.

(v). (a). Clause 13 of the Policy Guidelines for Land Management 2015 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 revised PGLM 2015, 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 DPT has constituted the LAC under the Chairmanship of Dy. Chairman & other members viz., Secretary & FA&CAO (Statutory), Traffic Manager and Chief Engineer. Thus, the DPT has complied with the stipulation of the formulation of the LAC as per the PGLM 2015.

(c). The DPT has engaged M/s.K. M. Thacker & Associates, a Government approved land valuer for assessing the market value of the Gandhidham Township land as per Clause 13 (a)(iv) of PGLM 2015. The LAC after going through the recommendations of the approved valuer and after considering the methodology prescribed under Clause 13 (a) (i) to (v) of PGLM 2015 has recommended the market value and reserve price of the Gandhidham Township Land. Further, the proposal for fixing market value of land and reserve price in terms of annual lease rentals for Gandhidham Township has also been approved by the Board of Trustees of DPT in its Board meeting held on 12 February 2016 based on the recommendation of the LAC.

Thus, the proposal filed by the DPT which is supported with the copy of the Valuation Report of the approved valuer approved by the LAC constituted by the port recommending the market value of land and Reserve Price in terms of annual lease rent and which also has the approval of the DPT Board is found to be in compliance with the provisions of PGLM 2015 for fixation of scale of rates of port land and, therefore, relied upon for disposing of this case.

(vi). (a). Para 13 (a) of the PGLM 2015 prescribes the methodology for determination of market value of the land based on the five factors prescribed therein. As per the said para, the LAC may normally take into account the highest of the factors mentioned therein, viz. (i). State Government ready reckoner of land values in the area if available for similar classification/activities, (ii). Highest rate of actual relevant transactions registered in the last three years in the Port's vicinity (the vicinity of the Port is to be decided by the respective Port Trust Boards), updated 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 appointed for the purpose by the Port and (v). Any other relevant factor as may be identified by the Port. Clause 13 (a) of PGLM 2015 also stipulate that in case the LAC is not choosing the highest factor, the reasons for the same have to be recorded in writing.

(b). The valuation report of the approved valuer states that the valuation is based on market survey, the information and data gathered from government bodies and private print releases by independent agencies to assess the market value of land based on five factors prescribed in the Land Policy Guidelines.

(c). The DPT proposal dated 07 April 2016 shows that the LAC has considered the market value of land assessed by the approved valuer under the five methods prescribed in the Land Policy Guidelines 2015. The DPT has, in the current proposal, proposed lease rent for new plots in the existing sectors of 9A, 9C, 10 (Light Inds/ Industrial) and NU-3 (Residential) Apna nagar. Further, the DPT has proposed to introduce lease rent for 6 new sectors viz., DC-6 (Composite), Gopalpuri Colony, IFFCO Colony, FCI Colony, P&T Colony and Administrative Office DPT-Sector 8.

The valuation of Gandhidham Township land for all the 33 sectors considered by the LAC under the five methods prescribed in the Land Policy Guidelines is briefly explained hereunder:

(i). State Government ready reckoner rate:
Under the first option, the port has arrived at the State Govt. ready reckoner rate (Jantri rate) for the land as on 2014 by adding 2% escalation on the Jantri rates for open land available as of 2011.

(ii). Highest actual transaction:
Under this option, the valuer has arrived at the rate of highest transaction rate received for the land allotted in the vicinity applying 5% escalation over the base rate. For example - for Sector-1 (Residential) plots abutting 200 ft. wide road, the sale deed rate considered by the valuer is ₹15,200/- per sq. mtr. for the base year 2012. The valuer has applied 5% increase over the base year rate of 2012 to arrive at the market rate for the year 2014 at ₹16,758/- sq. mtr. (i.e. 15,200*1.05 *1.05 = 16,758)

(iii). Highest tender cum auction rate:
Under this option, the LAC has considered the market value as nil. The DPT has confirmed that no allotment of plot has been done by auction for Gandhidham Township during the years 2014 to 2018.

(iv). Rate arrived at by Approved valuer:

Generally the valuer has arrived at the market rate considering the highest market rate derived under five options viz., (i) the valuation done in 2009 by R. B. Shah & Associates is escalated @ 5% p.a. from 2009 to 2014, (ii) the applicable lease rent for the year 2014 furnished by the DPT considering 6% Return on Investment on the applicable lease rental for the year 2014, (iii) the tenders for allotment of 283 plots in Gandhidham Township on 30 years lease, (iv) the Government Stamp Duty rates (Jantri rates) and (v) the transaction value in the latest sale deeds.

(v). Any other factor identified by the port:
The port has not considered valuation of Gandhidham Township land under this factor.

The LAC, after detailed discussion in its meeting held on 4 July 2015 has recommended the market value of land and reserve price at 6% of the market value of land based on the highest market value assessed under all the factors for all the Sectors as proposed by the approved valuer except the rate for 'Other' plots in 5 Sectors.

For Other plots in 4 sectors i.e. 9A (Office/ Commercial), 9B (Office/ Commercial), NU-3 (Residential) Apna Nagar and NU-10B (Residential), the valuer citing the reason that the plots are uneven in shape has considered 10% reduction from the base value of abutting plots in the respective sector. To elucidate, for other plots in Sector 9A, as per the statement given by the DPT, the valuer has recommended the market value of land at ₹24,483/- per sq. mtr. i.e. 10% reduction over the ₹27,204/- citing that the plots in other area in 9A zone are uneven in shape.

But, the LAC has gone by the Jantri rate which is the highest among the five factors for other plots in 9A at ₹24,938/- per sq. mtr. arrived by LAC applying 2% escalation over the 2011 rate. Similar approach is followed by the LAC for recommending market value of land for Other plots in sectors 9B, NU–3 and NU-10B as well.

For sector 9C for all the plots including other plots, the rate recommended by the valuer is lower than the Jantri rate. The LAC has recommended the Jantri rate as on 2014 which is the highest rate of all the factors for all the plots in sector 9C.

(d). For the new sectors, approved valuer has arrived at the market value of land as briefly explained below:

(i). For sector DC-6 (Composite), the valuer has arrived at market value of land based on the lease rent rates for the year 2014 furnished by the DPT i.e. from lease rent for the year 2014, market value of land is arrived considering 6% Return on Investment on the applicable lease rental for the year 2014.

(ii). For Gopalpuri colony and IFFCO colony, since there is no transaction of transfer of property, the valuer has considered Govt. Stamp duty rates as market value of land for the both these sectors.

(iii). For FCI colony, the valuer has opined that market value of this land should be considered as good as Gopalpuri valuation.

(iv). For P&T colony, since no transaction rate is available, the valuer has considered the average of Jantri rate of neighbouring areas viz., 12C & NU-10B for the year 2011 and applied increase of 5% p.a. to arrive at market value of land for the year 2014.

(v). For Administrative Office area of DPT, based on the amount received by the DPT for the area allotted by it to the Ministry of Agriculture, Gandhidham in the year 2010, the market value for the year 2010 is arrived by the valuer. On the said value of the year 2010, the valuer has applied 5% increase per annum to arrive at the market value for the year 2014.

The LAC has recommended the market value of land for the six new sectors as proposed by the approved valuer. It is relevant here to mention that none of the users have raised any pointed objection to the lease rates proposed for these six new sectors by the DPT. The lease rates proposed by the DPT for the newly added sectors are relied upon.

(e). The DPT has furnished a statement showing details of market value of land as per five factors mentioned at Para 13 (a) of the PGLM-2015 and the rate recommended by the LAC.

A copy of statement of market value of land under the five factors and highest market value of land recommended by the LAC furnished by the DPT is attached as **Annex - I**. After detailed discussions and deliberations, the LAC in its meeting dated 04 July 2015 has recommended the highest of the factors as the market value of land for 33 sectors in Gandhidham Township.

(f). The DPT Board, vide its resolution dated 12 February 2016, has approved the market value of land recommended by the LAC in its meeting dated 04 July 2015 and approved the lease rent @ 6% of market value of land with effect from 01 January 2014.

(vii). The proposal of the DPT seeks approval of the market value of land and the reserve price in terms of annual lease rent. Clause 13 (c) of the Land Policy Guidelines 2015 stipulate that the port shall file a proposal to this Authority for fixation of reserve price in terms of annual lease rent at the rate not less than 6% of the market value of land proposed by the port.

Thus, as per the Land Policy Guidelines of 2015, this Authority is only required to approve the annual lease rent and not the market value of land. The Board of Trustees of the DPT has approved the market value of Gandhidham Township land as well as the reserve price in terms of annual lease rent applying 6% on the market value of land in its meeting dated 12 February 2016.

The proposal of the DPT is based on the recommendation of the LAC and is approved by the Board of Trustees of the DPT and complies with the provision of the Policy Guidelines for Land Management, 2015. That being so and in terms of Clause 13(c) of the Land Policy Guidelines 2015, this Authority is inclined to approve the annual lease rent as proposed by the DPT for 33 Sectors of Gandhidham Township land.

(viii). A comparative position of the market value of land considered by this Authority in the last tariff Order dated 09 April 2012 for arriving at lease rent as of 01 January 2009, lease rent approved as of 01 January 2009, lease rent as on 31 December 2013 after applying 2% annual escalation applicable, the market value of land and the reserve price in terms of annual lease rent as on 01 January 2014 as proposed by the DPT approved by this Authority along with impact of increase in terms of percentage is tabulated below:

(₹ / sq. mtr.)

Sr. No.	Sector No.	Plots Abutting on	Market value of land and lease rent approved in the last tariff Order of 09 April 2012 and indexed lease rent as on 31.12.2013			Market value of land and Reserve Price in terms of annual lease rent proposed by DPT w.e.f. 01.01.2014		Percentage increase over lease rent as on 31.12.2013
			Market value of land considered in the last tariff Order to arrive at lease rent (per sq mtr.)	Lease Rent per Sq. Mtrs. per annum as on 1.1.2009 (per sq mtr /annum)	Indexed lease rent as on 31.12.2013 taking 2% escalation p.a. (per sq mtr /annum)	Market value of land (per sq mtr.)	Reserve Price in terms of annual lease rent at 6% of the market value of land (per sq mtr /annum)	
1	2	3	4	5	6	7	8	9
1	1 (Residential)	200' W.Road	7000	420	455	16758	1005	121%
		150' TO 155' W.Road	6700	402	435	15082	905	108%
		80' W.Road	6100	366	396	13574	814	106%
		3 side frontage	7300	438	474	17596	1056	123%
		Other	5800	348	377	12216	733	95%
2	2 (Residential)	200' W.Road	7000	420	455	13002	780	72%
		80' W.Road	6100	366	396	11701	702	77%
		Other	5800	348	377	9478	569	51%
3	3 (Residential)	80' W.Road	6000	360	390	11896	714	83%
		3 side frontage	7100	426	461	12490	749	63%
		Other	5700	342	370	10706	642	74%
4	4(Residential)	150' TO 155' W.Road	6600	396	429	24003	1440	236%
		80' W.Road	6000	360	390	21603	1296	233%
		3 side frontage	7100	426	461	25203	1512	228%
		Other	5700	342	370	19442	1167	215%
5	5(Residential)	80' W.Road	5400	324	351	10245	615	75%
		60' W.Road	5200	312	338	10245	615	82%
		3 side frontage	6200	372	403	10245	615	53%
		Other	4900	294	318	10245	615	93%
6	6 (Residential)	150' TO 155' W.Road	5700	342	370	7275	437	18%
		80' W.Road	5400	324	351	7020	421	20%
		60' W.Road	5200	312	338	7020	421	25%
		3 side frontage	6200	372	403	7913	475	18%
		Other	4900	294	318	6946	417	31%
7	7 (Residential)	80' W.Road	7100	426	461	11146	669	45%
		3 side frontage	8100	486	526	11146	669	27%
		Others	6500	390	422	10882	653	55%
8	8 (Business/ Commercial)	200' W.Road	9400	564	610	11997	720	18%
		150' TO 155' W.Road	9000	540	585	11487	689	18%
		3 side frontage	11200	672	727	14294	858	18%
		Other	7500	450	487	9572	574	18%
9	9A (Office/ Commercial)	ON NH 8-A	-	-	-	27204	1632	New
		200' W.Road	6600	396	429	27204	1632	281%
		80' W.Road	6100	366	396	27204	1632	312%
		3 side frontage	-	-	-	28564	1714	New
		Other	5500	330	357	24938	1496	319%
10	9B (Office/ Commercial)	ON NH 8-A	6600	396	429	24938	1496	249%
		3 side frontage	8300	498	539	24938	1496	178%
		Other	5500	330	357	24938	1496	319%
11	9C (Office/ Commercial)	ON NH 8-A	6600	396	429	24938	1496	249%

Sr. No.	Sector No.	Plots Abutting on	Market value of land and lease rent approved in the last tariff Order of 09 April 2012 and indexed lease rent as on 31.12.2013			Market value of land and Reserve Price in terms of annual lease rent proposed by DPT w.e.f. 01.01.2014		Percentage increase over lease rent as on 31.12.2013
			Market value of land considered in the last tariff Order to arrive at lease rent (per sq mtr.)	Lease Rent per Sq. Mtrs. per annum as on 1.1.2009 (per sq mtr /annum)	Indexed lease rent as on 31.12.2013 taking 2% escalation p.a. (per sq mtr /annum)	Market value of land (per sq mtr.)	Reserve Price in terms of annual lease rent at 6% of the market value of land (per sq mtr /annum)	
1	2	3	4	5	6	7	8	9
		3 side frontage	-	-	-	24938	1496	New
		Other	5500	330	357	24938	1496	319%
12	10 (Light Inds/ Industrial.)	150' TO 155' W.Road	3400	204	221	9261	556	152%
		80' W.Road	3100	186	201	9261	556	176%
		3 side frontage		-	-	9724	583	New
		Other	2900	174	188	9335	560	197%
13	11 (Godown/ Industrial)	ON NH 8-A	4200	252	273	5360	322	18%
		150' TO 155' W.Road	3900	234	253	5209	313	23%
		Other	3500	210	227	5209	313	37%
14	12(Manufacturing/ Industrial)	200' W.Road	3800	228	247	5209	313	27%
		150' TO 155' W.Road	3600	216	234	5209	313	34%
		3 side frontage	4000	240	260	5209	313	20%
		Other	3300	198	214	5209	313	46%
15	13 (Residential)	ON NH 8-A	3000	180	195	3829	230	18%
		150' TO 155' W.Road	2900	174	188	3701	222	18%
		Other	2600	156	169	3318	199	18%
16	14 (Residential)	150' TO 155' W.Road	3000	180	195	3829	230	18%
		80' W.Road	2900	174	188	3701	222	18%
		60' W.Road	2700	162	175	3446	207	18%
		Other	2600	156	169	3318	199	18%
17	1-A (Composite)	200' W.Road	20100	1206	1305	25653	1539	18%
		80' W.Road	18400	1104	1195	23484	1409	18%
		Other	16700	1002	1085	21895	1314	21%
18	NU-10B (Residential)	200' W.Road	8300	498	539	26510	1591	195%
		110' W.Road	8000	480	520	26510	1591	206%
		80' W.Road	7600	456	494	26510	1591	222%
		3 side frontage	9100	546	591	26510	1591	169%
		Other	7300	438	474	24302	1458	208%
19	NU-3 (Residential) APNA NAGAR	110' W.Road	12700	762	825	23615	1417	72%
		150' TO 155' W.Road	-	-	-	23615	1417	New
		80' W.Road	12100	726	786	23615	1417	80%
		60' W.Road	11600	696	753	23615	1417	88%
		Other	11000	660	714	21649	1299	82%
20	NU-4 (DC -6) (Residential) SAPNA NAGAR	80' W.Road	5700	342	370	7288	437	18%
		60' W.Road	5400	324	351	7159	430	22%
		3 side frontage	6500	390	422	8296	498	18%
		Other	5200	312	338	6637	398	18%
21	NU-4 (DC -6) - MAIN	80' W.Road	5700	342	370	8522	511	38%
		60' W.Road	5400	324	351	7670	460	31%

Sr. No.	Sector No.	Plots Abutting on	Market value of land and lease rent approved in the last tariff Order of 09 April 2012 and indexed lease rent as on 31.12.2013			Market value of land and Reserve Price in terms of annual lease rent proposed by DPT w.e.f. 01.01.2014		Percentage increase over lease rent as on 31.12.2013
			Market value of land considered in the last tariff Order to arrive at lease rent (per sq mtr.)	Lease Rent per Sq. Mtrs. per annum as on 1.1.2009 (per sq mtr /annum)	Indexed lease rent as on 31.12.2013 taking 2% escalation p.a. (per sq mtr /annum)	Market value of land (per sq mtr.)	Reserve Price in terms of annual lease rent at 6% of the market value of land (per sq mtr /annum)	
1	2	3	4	5	6	7	8	9
		3 side frontage	6500	390	422	8948	537	27%
		Other	5200	312	338	6903	414	23%
22	DC-6 (Composite) (New Sector)	80' W.Road		-	-	6300	378	New
		60' W.Road		-	-	5967	358	New
		3 side frontage		-	-	7183	431	New
		Other		-	-	5733	344	New
23	NU-1 in DC-5(Residential)	110' W.Road	5200	312	338	6367	382	13%
		150' TO 155' W.Road	5200	312	338	6367	382	13%
		80' W.Road	5200	312	338	6367	382	13%
		60' W.Road	5200	312	338	6367	382	13%
		3 side frontage	5200	312	338	6685	401	19%
		Other	5200	312	338	6367	382	13%
24	NU-2 in DC-5 (Residential)	110' W.Road	5200	312	338	6367	382	13%
		150' TO 155' W.Road	5200	312	338	6367	382	13%
		80' W.Road	5200	312	338	6367	382	13%
		60' W.Road	5200	312	338	6367	382	13%
		3 side frontage	5200	312	338	6685	401	19%
		Other	5200	312	338	6367	382	13%
25	NU-5 in DC-5 (Residential)	110' W.Road	5200	312	338	6367	382	13%
		150' TO 155' W.Road	5200	312	338	6367	382	13%
		80' W.Road	5200	312	338	6367	382	13%
		60' W.Road	5200	312	338	6367	382	13%
		3 side frontage	5200	312	338	6685	401	19%
		Other	5200	312	338	6367	382	13%
26	NU-3 in DC-5 (Residential)	110' W.Road	3400	204	221	4339	260	18%
		150' TO 155' W.Road	3400	204	221	4339	260	18%
		80' W.Road	3400	204	221	4339	260	18%
		60' W.Road	3400	204	221	4339	260	18%
		3 side frontage	3400	204	221	4556	273	24%
		Other	3400	204	221	4339	260	18%
27	NU-4 in DC-5 (Residential)	110' W.Road	3400	204	221	4339	260	18%
		150' TO 155' W.Road	3400	204	221	4339	260	18%
		80' W.Road	3400	204	221	4339	260	18%
		60' W.Road	3400	204	221	4339	260	18%
		3 side frontage	3400	204	221	4556	273	24%
		Other	3400	204	221	4339	260	18%
28	DC-5 Main (Commercial)	110' W.Road	5700	342	370	7275	437	18%
		150' to 155' W.Road	5700	342	370	7275	437	18%
		80' W.Road	5700	342	370	7275	437	18%
		60' W.Road	5700	342	370	7275	437	18%

Sr. No.	Sector No.	Plots Abutting on	Market value of land and lease rent approved in the last tariff Order of 09 April 2012 and indexed lease rent as on 31.12.2013			Market value of land and Reserve Price in terms of annual lease rent proposed by DPT w.e.f. 01.01.2014		Percentage increase over lease rent as on 31.12.2013
			Market value of land considered in the last tariff Order to arrive at lease rent (per sq mtr.)	Lease Rent per Sq. Mtrs. per annum as on 1.1.2009 (per sq mtr /annum)	Indexed lease rent as on 31.12.2013 taking 2% escalation p.a. (per sq mtr /annum)	Market value of land (per sq mtr.)	Reserve Price in terms of annual lease rent at 6% of the market value of land (per sq mtr /annum)	
1	2	3	4	5	6	7	8	9
		3 side frontage	5700	342	370	7639	458	24%
		Other	5700	342	370	7275	437	18%
29	Gopalpuri Colony (Residential) (New Sector)	80' W.Road	-	-	-	4457	267	New
		60' W.Road	-	-	-	4457	267	New
		3 side frontage	-	-	-	4457	267	New
		Other	-	-	-	4457	267	New
30	NU-5 IFFCO Colony (Residential) (New Sector)	80' W.Road	-	-	-	6656	399	New
		60' W.Road	-	-	-	6656	399	New
		3 side frontage	-	-	-	6656	399	New
		Other	-	-	-	6656	399	New
31	FCI Colony (Residential) (New Sector)	80' W.Road	-	-	-	4457	267	New
		60' W.Road	-	-	-	4457	267	New
		3 side frontage	-	-	-	4457	267	New
		Other	-	-	-	4457	267	New
32	P&T Colony (Residential): NU 10B (New Sector)	200' W.Road	-	-	-	16351	981	New
		110' W.Road	-	-	-	16351	981	New
		80' W.Road	-	-	-	16351	981	New
		3 side frontage	-	-	-	17168	1030	New
		Other	-			16351	981	New
33	Administrative Office, DPT (New Sector)	200' W.Road	-	-	-	10123	607	New
		150' to 155' W.Road	-	-	-	10123	607	New
		3 side frontage	-	-	-	10123	607	New
		Other	-	-	-	10123	607	New

As can be seen from the above table, the percentage increase in lease rent as on 01 January 2014 over the lease rent as on 31 December 2013 is in the range of 13% to 319%. It is the conscious decision taken by the LAC and the Board of Trustees of DPT to propose the increase in lease rent as on 01 January 2014 over the indexed rate as on 31 December 2013. The percentage increase already absorbs 2% annual escalation over the rates prevailing as on 31 December 2013 which this Authority has permitted to escalate based on the proposal of DPT during the Orders extending the validity of rates.

(ix). (a). On the objection of Gandhidham Chamber of Commerce and Industry (GCCI) about the reported wrong and unilateral categorization of land by the DPT, the DPT has stated that the Gandhidham land is divided into sectors and wards as reflected in Master Plan approved by Gujarat Development Authority (GDA).

It is relevant here to mention that in the current proposal, the DPT has not made any change in the existing categories of land in the Gandhidham township. Further, the mandate of this Authority is to fix the SOR and conditionalities governing the rates for the use of port trusts land. The issue about categorisation of land falls under the domain of concerned port. In any case, the sector as reflected in Master Plan is approved by the Gujarat Development Authority.

(b). On the point made by the GCCI to reduce the existing rates of Township land considering recession since last 8-9 years and the present pandemic situation, the DPT has clarified that the rates are for the years 2014 to 2018 i.e. prior to 'Pandemic'.

(x). As regards the request made by GCCI to this Authority to issue direction to the DPT to withdraw the proposed hike of rates and formulate a new proposal with reduction of 20% to 30%, this Authority has noted from the minutes of the meeting held by LAC on 04 July 2015 that the LAC had held a series of meetings and sought clarifications from the valuer and the LAC had detailed discussions and deliberations before deciding to recommend the highest of the factors as market value and lease rental at 6% of the market value. The Board of the DPT has also approved the recommendation of the LAC. The proposal of the DPT follows the Land Policy Guidelines issued by the (then) MOS. Both this Authority and the Major Port Trusts are bound by the Land Policy Guidelines issued by the Government and are bound to follow the guidelines for fixation of lease rent for port lands. The current proposal filed by DPT follows the Land Policy Guidelines and complies with the procedure prescribed therein for formulating the proposal. In this circumstance, this Authority is not in a position to give any direction to the DPT to withdraw the proposed hike of rates and formulate a new proposal with reduced rates.

(xi). Food Corporation of India (FCI) has requested the DPT to grant special concession in the lease rent in respect of land allotted to FCI citing clause 16.2(h) of the Land Policy Guidelines 2014. The DPT has clarified that the matter referred by the FCI pertains to Kandla land and not Gandhidham land.

The clause 16.2(h) of Land Policy Guidelines 2014 referred by the FCI is retained at clause 11.2(h) in Land Policy Guidelines of 2015 issued by the MoPSW. As regards the request of FCI for grant of concessional lease rent for Kandla land, the matter is already dealt with in the tariff Order No.TAMP/15/2020-DPT dated 28 December 2020.

(xii). (a). Clause 13 (c) of the PGLM 2015 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.

The port has proposed a note that the rates shall be escalated by 2% every year. Since the annual escalation in lease rent at 2% is approved by the Board and is found to be in line with the Policy Guidelines for Land Management 2015, the proposed note is approved as proposed by the DPT. The annual escalation @ 2% will be effective from 1 January 2015 on the revised rates in the Order approved by this Authority.

(b). The port has proposed a note that the other conditions governing the lease rental/ license fee shall be as per the amended Land Policy Guidelines of 2014 issued by the Ministry of Shipping, Government of India. The said note is approved with slight modification to state that all the conditions governing the lease rental shall be as per the Policy Guidelines for Land Management 2015 read with Clarification/ Circulars issued/ to be issued by the MoPSW from time to time.

(xiii). (a). The proposal of the DPT seeks approval of market value of land and reserve price in terms of annual lease rent with retrospective effect from 01 January 2014 till 31 December 2018. The GCCI has stated that the revision with effect from 01 January 2014 sought by the DPT in its proposal dated 03 September 2020 read with proposal dated 07 April 2016 should not be made effective from retrospective date.

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 as well as Policy Guidelines for Land Management of 2015 (PGLM 2015) stipulate that the SOR will be revised every five years.

The lease rent approved by this Authority in the last tariff Order of April 2012 clearly mentions that the rates are effective from 01 January 2009 and will remain valid till 31 December 2013 and SOR will be reviewed after five years. The position that the lease rentals for the lands of DPT will be reviewed after expiry of five years i.e. from 01 January 2014 is in the knowledge of all the stakeholders. Even while extending the lease rent of the Gandhidham Township of DPT at the request of the DPT beyond its expiry, this Authority vide Orders dated 06 May 2016, 08 February 2017, 24 May 2017, 14 November 2017, 08 June 2018, 18 January 2019, 03 May 2019, 29 November 2019 and the last Order dated 07 September 2020 has categorically stated that this extension is only a provisional arrangement to avoid a vacuum and the revised rate when approved may have retrospective effect as proposed by the DPT. The DPT has, accordingly, sought approval to the revised rates retrospectively with effect from 01 January 2014 for a period of five years till 31 December 2018.

In view of above, the proposal of the DPT seeking retrospective revision of reserve price in terms of annual lease rent with effect from 01 January 2014 is approved.

The port has proposed a note prescribing the validity of the rates under the schedule of lease rent effective from 01 January 2014 to 31 December 2018. The DPT has also proposed a note stating that the lease rental rates will have retrospective effect from 01 January 2014. The proposed notes is approved.

(b). The annual lease rent for Gandhidham Township Land approved by this Authority with retrospective effect from 01 January 2014 will be made applicable in case of the existing lessees/ licensees subject to provision for periodic revision of rates agreed in the surviving lease agreements and in those cases of renewal/ allotment only if the respective lease agreement or letter of allotment, if no lease deed is still executed, explicitly provides for revision of lease rentals during the currency of the lease period.

(xiv). Para 13 (c) of PGLM 2015, *inter alia*, stipulates that the SOR would be refixed once in every 5 years by TAMP. A note in this regard, prescribing the applicable period of SoR, prevails in the existing SOR which is proposed to be retained by the DPT. Thus, SOR of Gandhidham Township land at DPT will be applicable with effect from 01 January 2014 till 31 December 2018 in compliance to the validity period stipulated in PGLM 2015 and as proposed by the DPT.

The DPT, during the joint hearing, has informed that the proposal for the next cycle is being formulated. The DPT is, therefore, advised to file the proposal for revision of lease rental for Gandhidham Township land for the period from 01 January 2019 onwards following the applicable Land Policy Guidelines within four months from the date of notification of the Order in the Gazette.

11.1. In the result, and for the reasons given above, and based on a collective application of mind, this Authority approves the revised lease rentals for 33 Sectors of Gandhidham Township Land of DPT alongwith the conditionalities attached as **Annex - II**.

11.2. The revised lease rent approved is for a period of five years from 01 January 2014 as proposed by the DPT with a validity period till 31 December 2018.

(T.S. Balasubramanian)
Member (Finance)

Annex - I

STATEMENT SHOWING RATES FIXED BY LAND VALUER VIS-À-VIS RATES PRESCRIBED BY OTHER AUTHORITIES FOR THE YEAR 2014-2018 IN RESPECT OF PLOTS ALLOTTED IN GANDHIDHAM TOWNSHIP

	Sector No.	Plots Abutting on	Jantri Rate as on 2014 of State Govt. for Open Land (arrived by adding 2% escalation on Jantri rates as on 2011)	HIGHEST RATES OF ACTUAL RELEVANT TRANSACTIONS	HIGHEST ACCEPTED TENDER CUM AUCTION	Rates received from Valuer as on 01.01.2014 (in sq. mtrs.)	Any other relevant factor as may be identified by the Port	Rates recommended by LAC (Highest of Col A to E)
			(A)	(B)	(C)	(D)	(E)	
1	1 (Residential)	ON NH 8-A	6420.000	0.00	0	0.00	0	0.00
		200' W.Road	6420.000	16758.00	0	16758.00	0	16758.00
		110' W.Road	6420.000	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6420.000	15082.00	0	15082.00	0	15082.00
		80' W.Road	6420.000	13574.00	0	13574.00	0	13574.00
		60' W.Road	6420.000	0.00	0	0.00	0	0.00
		3 side frontage	6420.000	17596.00	0	17596.00	0	17596.00
		Other	6420.000	12216.00	0	12216.00	0	12216.00
2	2 (Residential)	ON NH 8-A	6155.00	0.00	0	0.00	0	0.00
		200' W.Road	6155.00	13002.00	0	13002.00	0	**13002.00**
		110' W.Road	6155.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6155.00		0	0.00	0	0.00
		80' W.Road	6155.00	11701.00	0	11701.00	0	11701.00
		60' W.Road	6155.00	0.00	0	0.00	0	0.00
		3 side frontage	6155.00	0.00	0	0.00	0	0.00
		Other	6155.00	9478.00	0	9478.00	0	9478.00
3	3 (Residential)	ON NH 8-A	5651.00	0	0	0.00	0	0.00
		200' W.Road	5651.00	0.00	0	0.00	0	0.00
		110' W.Road	5651.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	5651.00		0	0.00	0	0.00
		80' W.Road	5651.00	11896.00	0	11896.00	0	11896.00
		60' W.Road	5651.00		0	0.00	0	0.00
		3 side frontage	5651.00	12490.00	0	12490.00	0	12490.00
		Other	5651.00	10706.00	0	10706.00	0	10706.00
4	4(Residential)	ON NH 8-A	6102.00	0.00	0	0.00	0	0.00
		200' W.Road	6102.00	0.00	0	0.00	0	0.00
		110' W.Road	6102.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6102.00	24003.00	0	24003.00	0	24003.00
		80' W.Road	6102.00	21603.00	0	21603.00	0	21603.00
		60' W.Road	6102.00	0.00	0	0.00	0	0.00
		3 side frontage	6102.00	25203.00	0	25203.00	0	25203.00
		Other	6102.00	19442.00	0	19442.00	0	19442.00
5	5(Residential)	ON NH 8-A	9392.00	0.00	0	0.00	0	0.00
		200' W.Road	9392.00	0.00	0	0.00	0	0.00
		110' W.Road	9392.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	9392.00		0	0.00	0	0.00
		80' W.Road	9392.00	7987.00	0	10245.00	0	**10245.00**
		60' W.Road	9392.00	7188.00	0	10245.00	0	**10245.00**
		3 side frontage	9392.00	8386.00	0	10245.00	0	**10245.00**
		Other	9392.00	6469.00	0	10245.00	0	**10245.00**
6	6 (Residential)	ON NH 8-A	6435.00	0.00	0	0.00	0	0.00
		200' W.Road	6435.00		0	0.00	0	0.00
		110' W.Road	6435.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6435.00	4278.00	0	7275.00	0	7275.00
		80' W.Road	6435.00	3850.00	0	7020.00	0	7020.00
		60' W.Road	6435.00	3465.00	0	7020.00	0	7020.00
		3 side frontage	6435.00	4492.00	0	7913.00	0	**7913.00**
		Other	6435.00	3119.00	0	6946.00	0	6946.00
7	7 (Residential)	ON NH 8-A	10218.00	0.00	0	0.00	0	0.00
		200' W.Road	10218.00	0.00	0	0.00	0	0.00
		110' W.Road	10218.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	10218.00	0.00	0	0.00	0	0.00
		80' W.Road	10218.00	4311.00	0	11146.00	0	11146.00
		60' W.Road	10218.00	0.00	0	0.00	0	0.00
		3 side frontage	10218.00	4527.00	0	11146.00	0	11146.00
		Other	10218.00	3880.00	0	10882.00	0	10882.00

8	8 (Business/ Commercial)	ON NH 8-A	6261.00	0.00	0	0.00	0	0.00
		200' W.Road	6261.00	6182.00	0	11997.00	0	11997.00
		110' W.Road	6261.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6261.00	5564.00	0	11487.00	0	11487.00
		80' W.Road	6261.00	0.00	0	0.00	0	0.00
		60' W.Road	6261.00	0.00	0	0.00	0	0.00
		3 side frontage	6261.00	6491.00	0	14294.00	0	14294.00
		Other	6261.00	4056.00	0	9572.00	0	9572.00
9	9A (Office/ Commercial)	ON NH 8-A	24938.00	14472	0	27204.00	0	**27204.00**
		200' W.Road	24938.00	13025.00	0	27204.00	0	27204.00
		110' W.Road	24938.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	24938.00	0.00	0	0.00	0	0.00
		80' W.Road	24938.00	11723.00	0	27204.00	0	27204.00
		60' W.Road	24938.00	0.00	0	0.00	0	0.00
		3 side frontage	24938.00	15210.00	0	28564.00	0	**28564.00**
		Other	24938.00	10551.00	0	24483.00	0	24938.00
10	9B (Office/ Commercial)	ON NH 8-A	24938.00	14472	0	17643.00	0	24938.00
		200' W.Road	24938.00	13025.00	0	0.00	0	0.00
		110' W.Road	24938.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	24938.00	0.00	0	0.00	0	0.00
		80' W.Road	24938.00	11723.00	0	0.00	0	0.00
		60' W.Road	24938.00	0.00	0	0.00	0	0.00
		3 side frontage	24938.00	15210.00	0	18525.00	0	24938.00
		Other	24938.00	10551.00	0	16761.00	0	24938.00
11	9C (Office/ Commercial)	ON NH 8-A	24938.00	14472	0	17643.00	0	24938.00
		200' W.Road	24938.00	13025.00	0	0.00	0	0.00
		110' W.Road	24938.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	24938.00	0.00	0	0.00	0	0.00
		80' W.Road	24938.00	11723.00	0	0.00	0	0.00
		60' W.Road	24938.00	0.00	0	0.00	0	0.00
		3 side frontage	24938.00	15210.00	0	18525.00	0	24938.00
		Other	24938.00	10551.00	0	16761.00	0	24938.00
12	10 (Light Inds/ Industrial.)	ON NH 8-A	8490.00	0.00	0	0.00	0	0.00
		200' W.Road	8490.00	0.00	0	0.00	0	0.00
		110' W.Road	8490.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	8490.00	0.00	0	9261.00	0	9261.00
		80' W.Road	8490.00	0.00	0	9261.00	0	9261.00
		60' W.Road	8490.00	0.00	0	0.00	0	0.00
		3 side frontage	8490.00	0.00	0	9724.00	0	**9724.00**
		Other	8490.00	0.00	0	9335.00	0	9335.00
13	11 (Godown/ Industrial)	ON NH 8-A	4775.00	3629.00	0	5360.00	0	5360.00
		200' W.Road	4775.00	0.00	0	0.00	0	0.00
		110' W.Road	4775.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	4775.00	2940.00	0	5209.00	0	5209.00
		80' W.Road	4775.00	0.00	0	0.00	0	0.00
		60' W.Road	4775.00	0.00	0	0.00	0	0.00
		3 side frontage	4775.00	0.00	0	0.00	0	0.00
		Other	4775.00	2143.00	0	5209.00	0	5209.00
14	12(Manufacturing/ Industrial)	ON NH 8-A	4775.00	0.00	0	0.00	0	0.00
		200' W.Road	4775.00	0.00	0	5209.00	0	5209.00
		110' W.Road	4775.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	4775.00	0.00	0	5209.00	0	5209.00
		80' W.Road	4775.00	0.00	0	0.00	0	0.00
		60' W.Road	4775.00	0.00	0	0.00	0	0.00
		3 side frontage	4775.00	0.00	0	5209.00	0	5209.00
		Other	4775.00	0.00	0	5209.00	0	5209.00
15	13 (Residential)	ON NH 8-A	0.00	0.00	0	3829.00	0	3829.00
		200' W.Road	0.00	0.00	0	0.00	0	0.00
		110' W.Road	0.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	0.00	0.00	0	3701.00	0	3701.00
		80' W.Road	0.00	0.00	0	0.00	0	0.00
		60' W.Road	0.00	0.00	0	0.00	0	0.00
		3 side frontage	0.00	0.00	0	0.00	0	0.00
		Other	0.00	0.00	0	3318.00	0	3318.00

16	14 (Residential)	ON NH 8-A	0.00	0.00	0	0.00	0	0.00
		200' W.Road	0.00	0.00	0	0.00	0	0.00
		110' W.Road	0.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	0.00	0.00	0	3829.00	0	3829.00
		80' W.Road	0.00	0.00	0	3701.00	0	3701.00
		60' W.Road	0.00	0.00	0	3446.00	0	3446.00
		3 side frontage	0.00	0.00	0	0.00	0	0.00
		Other	0.00	0.00	0	3318.00	0	3318.00
17	1-A (Composite)	ON NH 8-A	6447.00	0.00	0	0.00	0	0.00
		200' W.Road	6447.00	0.00	0	25653.00	0	25653.00
		110' W.Road	6447.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	6447.00	0.00	0	0.00	0	0.00
		80' W.Road	6447.00	0.00	0	23484.00	0	23484.00
		60' W.Road	6447.00	0.00	0	0.00	0	0.00
		3 side frontage	6447.00	0.00	0	0.00	0	0.00
		Other	6447.00	0.00	0	21895.00	0	21895.00
18	NU-10B (Residential)	ON NH 8-A	24302.00	0	0	0.00	0	0.00
		200' W.Road	24302.00	22360.00	0	26510.00	0	26510.00
		110' W.Road	24302.00	20124.00	0	26510.00	0	26510.00
		150' TO 155' W.Road	24302.00	0.00	0	0.00	0	0.00
		80' W.Road	24302.00	18111.00	0	26510.00	0	26510.00
		60' W.Road	24302.00	0.00	0	0.00	0	0.00
		3 side frontage	24302.00	24528.00	0	26510.00	0	26510.00
		Other	24302.00	14670.00	0	23616.00	0	24302.00
19	NU-3 (Residential) APNA NAGAR	ON NH 8-A	21649.00		0	0.00	0	0.00
		200' W.Road	21649.00		0	0.00	0	0.00
		110' W.Road	21649.00	18848.00	0	23615.00	0	23615.00
		150' TO 155' W.Road	21649.00	20942.00	0	23615.00	0	23615.00
		80' W.Road	21649.00	16963.00	0	23615.00	0	23615.00
		60' W.Road	21649.00	15267.00	0	23615.00	0	23615.00
		3 side frontage	21649.00	0.00	0	0.00	0	0.00
		Other	21649.00	13740.00	0	21300.00	0	21649.00
20	NU-4 (DC -6) (Residential) SAPNA NAGAR	ON NH 8-A	4882.00	0	0	0.00	0	0.00
		200' W.Road	4882.00	0.00	0	0.00	0	0.00
		110' W.Road	4882.00	0.00	0	0.00	0	0.00
		150' TO 155' W.Road	4882.00	0.00	0	0.00	0	0.00
		80' W.Road	4882.00	7288.00	0	7288.00	0	7288.00
		60' W.Road	4882.00	7159.00	0	7159.00	0	7159.00
		3 side frontage	4882.00	7652.00	0	8296.00	0	8296.00
		Other	4882.00	6443.00	0	6637.00	0	6637.00
21	NU-4 DC-6 (MAIN)	ON NH 8-A	0.00	0.00		0.00	0	0.00
		200' W.Road	0.00	0.00		0.00	0	0.00
		110' W.Road	0.00	0.00		0.00	0	0.00
		150' TO 155' W.Road	0.00	0.00		0.00	0	0.00
		80' W.Road	0.00	0.00		8522.00	0	8522.00
		60' W.Road	0.00	0.00		7670.00	0	7670.00
		3 side frontage	0.00	0.00		8948.00	0	8948.00
		Other	0.00	0.00		6903.00	0	6903.00
22	DC-6 (Composite)	ON NH 8-A	5041.00		0	0	0	0.00
		200' W.Road	5041.00		0	0	0	0.00
		110' W.Road	5041.00		0	0	0	0.00
		150' TO 155' W.Road	5041.00		0		0	0.00
		80' W.Road	5041.00		0	6300.00	0	6300.00
		60' W.Road	5041.00		0	5967.00	0	5967.00
		3 side frontage	5041.00		0	7183.00	0	7183.00
		Other	5041.00		0	5733.00	0	5733.00
23	NU-1 in DC-5(Residential)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	6367.00	0	6367.00
		150' TO 155' W.Road	0	0	0	6367.00	0	6367.00
		80' W.Road	0	0	0	6367.00	0	6367.00
		60' W.Road	0	0	0	6367.00	0	6367.00
		3 side frontage	0	0	0	6685.00	0	6685.00
		Other	0	0	0	6367.00	0	6367.00
24	NU-2 in DC-5(Residential)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	6367.00	0	6367.00
		150' TO 155' W.Road	0	0	0	6367.00	0	6367.00
		80' W.Road	0	0	0	6367.00	0	6367.00
		60' W.Road	0	0	0	6367.00	0	6367.00
		3 side frontage	0	0	0	6685.00	0	6685.00
		Other	0	0	0	6367.00	0	6367.00

25	NU-5 in DC-5(Residential)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	6367.00	0	6367.00
		150' TO 155' W.Road	0	0	0	6367.00	0	6367.00
		80' W.Road	0	0	0	6367.00	0	6367.00
		60' W.Road	0	0	0	6367.00	0	6367.00
		3 side frontage	0	0	0	6685.00	0	6685.00
		Other	0	0	0	6367.00	0	6367.00
26	NU-3 in DC-5(Residential)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	4339.00	0	4339.00
		150' TO 155' W.Road	0	0	0	4339.00	0	4339.00
		80' W.Road	0	0	0	4339.00	0	4339.00
		60' W.Road	0	0	0	4339.00	0	4339.00
		3 side frontage	0	0	0	4556.00	0	4556.00
		Other	0	0	0	4339.00	0	4339.00
27	NU-4 in DC-5(Residential)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	4339.00	0	4339.00
		150' TO 155' W.Road	0	0	0	4339.00	0	4339.00
		80' W.Road	0	0	0	4339.00	0	4339.00
		60' W.Road	0	0	0	4339.00	0	4339.00
		3 side frontage	0	0	0	4556.00	0	4556.00
		Other	0	0	0	4339.00	0	4339.00
28	DC-5 MAIN (COMMERCIAL)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	7275.00	0	7275.00
		150' TO 155' W.Road	0	0	0	7275.00	0	7275.00
		80' W.Road	0	0	0	7275.00	0	7275.00
		60' W.Road	0	0	0	7275.00	0	7275.00
		3 side frontage	0	0	0	7639.00	0	7639.00
		Other	0	0	0	7275.00	0	7275.00
29	GOPALPURI COLONY (RESIDENTIAL)	ON NH 8-A	4086.00	0	0	0.00	0	0.00
		200' W.Road	4086.00	0	0	0.00	0	0.00
		110' W.Road	4086.00	0	0	0.00	0	0.00
		150' TO 155' W.Road	4086.00	0	0	0.00	0	0.00
		80' W.Road	4086.00	0	0	4457.00	0	4457.00
		60' W.Road	4086.00	0	0	4457.00	0	4457.00
		3 side frontage	4086.00	0	0	4457.00	0	4457.00
		Other	4086.00	0	0	4457.00	0	4457.00
30	NU-5 IFFCO COLONY (RESIDENTIAL)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	0.00	0	0.00
		150' TO 155' W.Road	0	0	0	0.00	0	0.00
		80' W.Road	0	0	0	6656.00	0	6656.00
		60' W.Road	0	0	0	6656.00	0	6656.00
		3 side frontage	0	0	0	6656.00	0	6656.00
		Other	0	0	0	6656.00	0	6656.00
31	FCI COLONY (RESIDENTIAL)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	0.00	0	0.00
		110' W.Road	0	0	0	0.00	0	0.00
		150' TO 155' W.Road	0	0	0	0.00	0	0.00
		80' W.Road	0	0	0	4457.00	0	4457.00
		60' W.Road	0	0	0	4457.00	0	4457.00
		3 side frontage	0	0	0	4457.00	0	4457.00
		Other	0	0	0	4457.00	0	4457.00
32	P & T COLONY (RESIDENTIAL)	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	16351.00	0	16351.00
		110' W.Road	0	0	0	16351.00	0	16351.00
		150' TO 155' W.Road	0	0	0	0.00	0	0.00
		80' W.Road	0	0	0	16351.00	0	16351.00
		60' W.Road	0	0	0	0.00	0	0.00
		3 side frontage	0	0	0	17168.00	0	17168.00
		Other	0	0	0	16351.00	0	16351.00
33	ADMINISTRATIVE OFFICE, KPT SECTOR-8	ON NH 8-A	0	0	0	0.00	0	0.00
		200' W.Road	0	0	0	10123.00	0	10123.00
		110' W.Road	0	0	0	0.00	0	0.00
		150' TO 155' W.Road	0	0	0	10123.00	0	10123.00
		80' W.Road	0	0	0	0.00	0	0.00
		60' W.Road	0	0	0	0.00	0	0.00
		3 side frontage	0	0	0	10123.00	0	10123.00
		Other	0	0	0	10123.00	0	10123.00

Annex - II

Schedule of Reserve price in terms of annual lease rent for the Land at Gandhidham Township

Sr. No.	Sector No.	Description (Plots Abutting on)	Lease rentals per Sq. Mtrs. per annum as on 01.01.2014 (In ₹)
1	1 (Residential)	200' W.Road	1005
		150' TO 155' W.Road	905
		80' W.Road	814
		3 side frontage	1056
		Other	733
2	2 (Residential)	200' W.Road	780
		80' W.Road	702
		Other	569
3	3 (Residential)	80' W.Road	714
		3 side frontage	749
		Other	642
4	4 (Residential)	150' TO 155' W.Road	1440
		80' W.Road	1296
		3 side frontage	1512
		Other	1167
5	5 (Residential)	80' W.Road	615
		60' W.Road	615
		3 side frontage	615
		Other	615
6	6 (Residential)	150' TO 155' W.Road	437
		80' W.Road	421
		60' W.Road	421
		3 side frontage	475
		Other	417
7	7 (Residential)	80' W.Road	669
		3 side frontage	669
		Others	653
8	8 (Business/ Commercial)	200' W.Road	720
		150' TO 155' W.Road	689
		3 side frontage	858
		Other	574
9	9A (Office/ Commercial)	ON NH 8-A	1632
		200' W.Road	1632
		80' W.Road	1632
		3 side frontage	1714
		Other	1496
10	9B (Office/ Commercial)	ON NH 8-A	1496
		3 side frontage	1496
		Other	1496
11	9C (Office/ Commercial)	ON NH 8-A	1496
		3 side frontage	1496
		Other	1496
12	10 (Light Inds/ Industrial.)	150' TO 155' W.Road	556
		80' W.Road	556
		3 side frontage	583
		Other	560
13	11 (Godown/ Industrial)	ON NH 8-A	322
		150' TO 155' W.Road	313

Sr. No.	Sector No.	Description (Plots Abutting on)	Lease rentals per Sq. Mtrs. per annum as on 01.01.2014 (In ₹)
		Other	313
14	12 (Manufacturing/ Industrial)	200' W.Road	313
		150' TO 155' W.Road	313
		3 side frontage	313
		Other	313
15	13 (Residential)	ON NH 8-A	230
		150' TO 155' W.Road	222
		Other	199
16	14 (Residential)	150' TO 155' W.Road	230
		80' W.Road	222
		60' W.Road	207
		Other	199
17	1-A (Composite)	200' W.Road	1539
		80' W.Road	1409
		Other	1314
18	NU-10B (Residential)	200' W.Road	1591
		110' W.Road	1591
		80' W.Road	1591
		3 side frontage	1591
		Other	1458
19	NU-3 (Residential) APNA NAGAR	110' W.Road	1417
		150' TO 155' W.Road	1417
		80' W.Road	1417
		60' W.Road	1417
		Other	1299
20	NU-4(DC-6) (Residential) SAPNA NAGAR	80' W.Road	437
		60' W.Road	430
		3 side frontage	498
		Other	398
21	NU-4 (DC-6) - MAIN	80' W.Road	511
		60' W.Road	460
		3 side frontage	537
		Other	414
22	DC-6 (Composite)	80' W.Road	378
		60' W.Road	358
		3 side frontage	431
		Other	344
23	NU-1 in DC-5 (Residential)	110' W.Road	382
		150' TO 155' W.Road	382
		80' W.Road	382
		60' W.Road	382
		3 side frontage	401
		Other	382
24	NU-2 in DC-5 (Residential)	110' W.Road	382
		150' TO 155' W.Road	382
		80' W.Road	382
		60' W.Road	382
		3 side frontage	401
		Other	382
25	NU-5 in DC-5 (Residential)	110' W.Road	382
		150' TO 155' W.Road	382
		80' W.Road	382

Sr. No.	Sector No.	Description (Plots Abutting on)	Lease rentals per Sq. Mtrs. per annum as on 01.01.2014 (In ₹)
		60' W.Road	382
		3 side frontage	401
		Other	382
26	NU-3 in DC-5 (Residential)	110' W.Road	260
		150' TO 155' W.Road	260
		80' W.Road	260
		60' W.Road	260
		3 side frontage	273
		Other	260
27	NU-4 in DC-5 (Residential)	110' W.Road	260
		150' TO 155' W.Road	260
		80' W.Road	260
		60' W.Road	260
		3 side frontage	273
		Other	260
28	DC-5 Main (Commercial)	110' W.Road	437
		150' to 155' W.Road	437
		80' W.Road	437
		60' W.Road	437
		3 side frontage	458
		Other	437
29	Gopalpuri Colony (Residential)	80' W.Road	267
		60' W.Road	267
		3 side frontage	267
		Other	267
30	NU-5 IFFCO Colony (Residential)	80' W.Road	399
		60' W.Road	399
		3 side frontage	399
		Other	399
31	FCI Colony (Residential)	80' W.Road	267
		60' W.Road	267
		3 side frontage	267
		Other	267
32	P&T Colony (Residential): NU 10B	200’ W.Road	981
		110’ W.Road	981
		80’ W.Road	981
		3 side frontage	1030
		Other	981
33	Administrative Office, DPT	200’ W.Road	607
		150’ to 155’ W.Road	607
		3 side frontage	607
		Other	607

Notes:

(i). Lease rental rates shall come into effect retrospectively from 01 January 2014.

(ii). The lease rates prescribed above will be valid for a period of five years effective from 01 January 2014 to 31 December 2018 subject to annual escalation prescribed in note (iii).

(iii). The lease rent prescribed above will bear an escalation factor of 2% per annum. The first annual escalation shall be on 01 January 2015.

(iv). The other conditions governing the lease rental/ license fee shall be as per the Policy Guidelines for Land Management, 2015 read with Clarification/ Circulars issued/ to be issued by the Ministry of Ports, Shipping and Waterways from time to time.

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

F.No. TAMP/39/2020-DPT- **Proposal from Deendayal Port Trust (DPT) for revision of rate structure of Gandhidham Township Land for the period from 01.01.2014 to 31.12.2018 of DPT.**

1. A summary of the comments received from the users/ user organisations and reply furnished by DPT thereon is tabulated below:

Sl. No.	Comments received from the users/ user organisations	Reply received from the DPT
1.	**Gandhidham Chamber of Commerce and Industry**	
(i).	The Gandhidham Chamber of Commerce and Industry (GCCI) as the leading organization of the Trade and Industry of the Gandhidham - Kandla Complex are of strong opinion that the present Land Policy is wrongly formulated resulting in question on long term sustainability of the business of this Complex.	No comments furnished by the DPT.
(ii).	GCCI had called a joint meeting with all its Member Associations who have all strongly objected to the proposal of 2% hike by the DPT. In fact, looking to the present and upcoming economic scenario, GCCI strongly suggests that currently existing charges be reduced by at least 20-30% to be competitive to attract and maintain business.	
(iii).	GCCI requests TAMP to kindly look into the matter and issue the directives to the DPT to withdraw the proposed hike of rates and formulate a new policy with reduction of 20-30% in the best interest of business development and interest of the nation.	
(iv).	Present Land Policy should be reviewed and formulate new policy considering state Government land rates of surrounding area. At the time of formulation new policy, the opinion of stake holders should be considered.	Gandhidham Township Policy is already under formulation at Ministry level.
(v).	While fixing the land rates, State Government land rates, Railways land rates should be referred and considered. Rate should be encouraging for long survival of port connected business activities. The new policy should be flexible, with liberal terms & conditions and reasonable rates.	This is a policy matter. Hence no comments are offered.
(vi).	The valuation of Land shall be conducted on basis of the Guidelines of Gujarat Government vide their Resolution No. JNM/39 10/35 19/A1 [Appendix]. It is unfair to avoid these guidelines as it has deliberately been implemented for encouraging Trade and Business of the State. The valuation should also consider the current rate of rent charged by the Lease Holders. Last valuation has taken in 2Ol4 on basis of the same but this time it has not been considered by the valuer. The recent valuation has not considered the same.	This is again a policy decision. Hence no comments are offered.
(vii).	In 2014, at the time of rate revision, DPT has	It is not true that the rates have gone

	considered the then prevailing rent charged by lease holders. Now, these charges have gone down 70% and the occupancy shows downtrend by 80%. Hence, the same criteria needs to be considered in fixing the rates. Also, it is not viable/feasible that one outsider party/agency come to Kandla for valuation without knowing the geography, local factors, market value, State Jantry, rate of Railway Land and current land transactions etc.	down by 80%. The valuer has considered all the factors like current transactions, Jantri rates, etc. before submission of the report as per Land Policy.
(viii).	Under this policy, the stake holders and some PSUs were allotted land and subsequently more than 500% hike has been imposed on them which is totally unjustifiable. They have vacated and surrendered the land mainly due to higher lease rent. Recently, a well-known PSU- NDDB has scrapped their tank farm and surrendered the land bearing a huge financial loss. The same case happened with FCI and other PSUs. Port should be a facilitator and policy should be to develop port activities and not earn big money from land.	The example given for surrender of land pertains to Kandla Land and not Gandhidham land.
(ix).	On one hand, the Hon'ble CM of Gujarat has initially offered a land on token basis to attract industrialists from China, Japan and US. Recently, constituted High Power Committee headed by Shri Hasmukh Adhia has also suggested the same in his Final Report dated 12.06.2020. On another hand, the DPT has proposed the hike on already unbearable rates. The data considered for valuation by the Agency, may not be the factual condition referring to the prevailing Market Scenario, Geographical Distances, State Jantry Rate of surrounding Railway Land and current land transactions. These should be considered while valuation.	The offer of Hon'ble CM of Gujarat is current one after COVID whereas this proposal is for the period from 2014 to 2018 i.e.prior to COVID. Further, the Valuer has submitted his report considering the current transactions. Further, as per LPG, Clause 13, the rates have been proposed considering highest of the 5 factors i.e.Jantri, Highest of actual transaction, highest accepted tender cum auction rate, rate received from Valuer & any other relevant factor.
(x).	There is a growing resentment among the entire stake holder's spectrum about the wrong and unilaterally categorisation of land/plots without any statistical/practical parameters. It should be immediately withdrawn and prepare standard procedure hearing real concerns of the stake holders.	Gandhidham land has been divided in Sectors & Wards which is reflected in Master Plan approved by GDA. The instant proposal is for sectors.
(xi).	Valuation should be on public domain and stakeholders' real concerns should be addressed in the best interest of the sustainability of the development. Presently DFII has conducted auctions twice but any party has not come forward. More over more than 3 plots have been surrendered despite of losing their huge deposit money. Hence DPT and TAMP must have to reformulate the entire Land Policy.	As per LPG Guidelines, proposal has been processed by DPT. Valuation report is not required to be published on Public Domain for comments of users. The example of surrender does not pertain to Gandhidham land.
(xii).	The property is an asset and its rates are depending on the demand whereas the rates of Lease and Rent are not an asset and it is not attracting the demand/supply. Therefore, while fixing the rate, mechanism of rent/lease and its criteria is to be considered.	The lease rent is directly proportional to the market value of land and as per Policy, Lease rental is 6% of market value.
(xiii).	The Gandhidham Chamber has represented the genuine issue of Township Land to the Port	TAMP to reply.

	Authority several times as it affects the entire population of the town and it should be treated without any commercial aspect. GCCI is of strong opinion that the TAMP can review the rates of Kandla Land and not Gandhidham Township Rate.	
(xiv).	While reviewing the rates of ‘Kandla Land’, the ‘Jantri Rates’ which approved by the Govt.of Gujarat for Township Land should be considered.	Instant proposal is for Gandhidham land and for arriving at the rates, Jantri rates have also been considered.
(xv).	Considering 'Recession' since last 8-9 years and also present 'Pandemic' situation, the existing rates of Township Land shall also require to be reduced and not increased.	The rates are of 2014-18 i.e.prior to ‘Pandemic’. Further, call can be taken by TAMP.
(xvi).	Changes, if any, should not be from retrospective date but only from the prospective date.	The validity of the proposed rates is from 1.1.2014 to 31.12.2018.
(xvii).	GCCI requests TAMP to kindly look in this matter and issue the directives to the DPT to withdraw the proposed hike of rates and formulate a new policy with reduction of 20-30% for the best interest of business development for the National interest.	--

2.1. The Food Corporation of India (FCI) vide its letter dated 20 November 2020 has furnished the following comments:

(i). Land admeasuring to 1,49,613 Sq. Mtrs as Plot No.1, East of National Highway, Near Kandla Spl. Economic Zone, Gandhidham (Kandla Land) have been allotted by DPT to Food Corporation of India in 1982 on 30 years lease basis @ ₹2.70 per sq. mtr. for construction of godowns for storage of foodgrains. The lease agreement has expired in August 2012 and fresh agreement post 2012 is pending for execution.

(ii). The comments have been called by TAMP from concerned user organizations on proposal of DPT for revision of rate structure of Gandhidham Township Land for the period from 01 January 2014 to 31 December 2018. But in fact FCI is already paying the rent at revised rate ₹205.80 per sq. mtr. w.e.f. 01 August 2014 with escalation @ 2% per annum. Copy of compensation bill No.LW/PL/3073-IV/1358 dated 17 March 2015 is enclosed.

(iii). The DPT is claiming the rent as per order of TAMP under case No.TAMP/24/2014-KPT dated 13 November 2014. Copy of relevant pages alongwith comments of both FCI and DPT is attached. FCI is requesting DPT repeatedly to claim the leased rent of FSD at concessional rate as per Land Policy Guidelines 2014. DPT, vide its letter LW/PL/2013-IV/214 dated 30 June 2015, have informed that “request for grant of concessional lease rent, if applicable to Food Corporation of India, will be placed before the Board for consideration at the time of fresh allotment as per Land Policy Guidelines for Major Ports-2014.” Copy furnished.

(iv). The Land Policy Guidelines for Major Ports-2014 stipulates under the head Fresh Lease-16.2(h) that “Concession may be granted to Security agencies and Government Departments only upto 50% of the annual lease rent. However in respect of land to be allotted to government departments which are essential to the functioning of the port like customs, electricity, health department and for core security functions, concession upto 75% of the annual lease rental can be considered by the port.” Copies of relevant pages of guidelines attached. It is pertinent to mention here that the original lease of FSD Gandhidham is expired on 31 August 2012 and execution of fresh lease is pending. Further there is no outstanding amount of lease rent for payment of DPT.

(v). Since DPT did not respond to the request of FCI for granting and claiming concessional lease rent for FSD-Gandhidham, FCI(HQ)-New Delhi has taken up the matter with Ministry of Food and Public Distribution who in turn taken it with Ministry of Shipping vide Letter D.O.No.16-03/2017-Stglll dated 02.02.2017(Copy enclosed). Ministry of Shipping vide letter No.DO No.PD-24015/53/2017-PD_IV/325150 dated 16 December 2017 replied with wrong interpretation of the provisions of Land Policy Guidelines – 2014 that "the Land Policy Guidelines, 2014 do not prescribe any concessional rent to government organizations, which are not essential to core operational purpose of the Port. In fact the provision for core functionalities is specific concession, to whom upto 75% of the annual lease rental can be considered by the Port."

(vi). The above point for grant of 50% concession while renewal of lease of FSD for another period of 30 years w.e.f. 01 September 2012 has been taken up with the DPT/TAMP vide various communications last being dated 29 July 2016. Also even during the course of latest online meeting held with DPT/TAMP on 26 June 2020 for the discussion of rate revision for the period of 2019 to 2023, this office vide letter No.GIM/STG.Rent Revision/KPT/2020 dated 30 June 2020 requested to give the benefit of special concessionary rates to FCI.

(vii). In view of the above, the matter to be discussed with TAMP authority remains on above point for grant of concession for the government organizations. In spite of repeated persuasion and appeals, the DPT had not so far considered the above request since allotment of land and they have compelled to make payment as per the proposed rate structure 2014-2018.

2.2. A copy of FCI letter dated 20 November 2020 was forwarded to DPT as feedback information and for port's comments. The DPT vide its letter dated 17 December 2020 that the matter brought out by FCI pertains to Kandla land and not Gandhidham land.

3. A joint hearing in this case was held on 18 November 2020 through Video Conferencing. At the joint hearing, DPT made a power point presentation of its proposal and forwarded a copy of the Power Point Presentation. The DPT and the concerned users/ user organizations have made the following submissions at the joint hearing:

Deendayal Port Trust (DPT)

(i). Existing rate structure for Gandhidham Township Land was approved by TAMP in the year 2012. The validity of the prescribed rates is from 01 January 2009 to 31 December 2013. The validity of the lease rent has been extended from time to time by TAMP on the request of the DPT beyond its validity and presently it is valid till 31 December 2020 subject to 2% annual escalation.

(ii). As per Land Policy Guidelines (LPG), highest market value of five factors is to be considered.

(iii). DPT appointed an approved Government valuer. The valuer had submitted the valuation report in August 2014.

(iv). Copies of valuation report, LAC minutes and approval of the Board of Trustees for revision of lease rent of Gandhidham Township Land were forwarded to TAMP along with its proposal dated 07 April 2016 for revision of lease rent of Gandhidham Township Land.

(v). After the prescribed consultation process, in view of the then MOS letter dated 02 August 2016 to keep the proposal on hold till finalization of Policy for Gandhidham Township land, the earlier proposal of the DPT was closed by the TAMP by the Order dated 21 July 2017.

(vi). Subsequently, the MOS vide its letter dated 03 May 2019 communicated that the decision has been taken for fixation of rates for township area of MBPT by TAMP. Similar decision is to be applied for the township area of DPT at Gandhidham.

(vii). That being so, the current proposal is filed by the DPT for revision of rate structure for Gandhidham Township Land from the date of its expiry for five years i.e. from 01 January 2014 to 31 December 2018. The proposal of the DPT is to treat its earlier proposal dated 07 April 2016 afresh.

(viii). In the said proposal, the LAC, during its meeting held on 04 July 2015, has recommended the highest market value of all the factors as per the Land Policy Guidelines. The LAC has recommended lease rent at 6% of the market value of the land for all the 33 Sectors. The Board has approved the recommendation of the LAC and the proposed lease rent.

(ix). DPT requests TAMP to approve the proposal for revision of rate structure for Gandhidham Township for the period 01 January 2014 till 31 December 2018.

Food Corporation of India

(i). As per Clause 16.2 (h) of the Land Policy Guidelines there is a provision for the Major Port Trusts to grant concession upto 50% to security departments and Govt. departments.

(ii). Our contention is that we qualify for 50% concession in lease rent as per the Land Policy Guidelines. Hence we request DPT to consider the same.
[Member (F), TAMP: As per the Land Policy Guidelines, the issue of granting concession and the quantum may be decided by the Port Trust Board. The DPT may, therefore, examine the request of the FCI as per the Land Policy Guidelines].

Nirvasit Harijan Co-operative Housing Societies
Rayashi Ratad

(i). We have no comments.

Gandhidham Chamber of Commerce and Industry (GCCI)

(i). We had furnished comments earlier in July 2019.

(ii). We shall furnish the comments on the current proposal to TAMP and DPT.

(iii). Rates are high. We request TAMP to reduce the rates.

Deendayal Port Trust (DPT)

(i). For the next cycle, the proposal is being formulated.