

PROCEEDINGS OF CIVIL AREA COMMITTEE MEETING HELD ON 18.12.2019

Members Present

Shri Kashinath Saha, VP, Chairman
Smt. Sikta Das, Member
Smt Tulilekha Ganguly, Member
Smt. Arpita Bhattacharjee, Member
Shri Shib Shankar Adhikari, Member
Shri Kalyan Choudhary, Member
Shri Madhusudan Shaw, Member

Members Absent

S.E.M.O
Maj Enoch Daniel, GE

Shri Anant Aakash, CEO- Member Secretary

**1. RENEWAL OF LEASE IN RESPECT OF SY. NO. 13/960, HOLDING NO. 71
INDIRA GANDHI (CHAPPAR) MAHAL, SADAR BAZAR, BARRACKPORE
CANTONMENT.**

To consider the application submitted by Jambu Lal Chowdhury dated 12.12.2019 seeking renewal of lease in respect of Sy. No.13/960, Holding No. 71, Indira Gandhi (Chappar) Mahal, Sadar Bazar, Barrackpore Cantonment.

The initial lease in respect of Holding No. 71, Indira Gandhi (Chappar) Mahal, Sadar Bazar, Barrackpore Cantonment, having Sy. No. 13/960, stands in the name of Chattoo Dhobi, admeasuring 300 sqft in Schedule VIII for 30 years, renewable at the option of the lessee up to 90 years w.e.f 01.12.1940. Second term of the said lease has been renewed vide GOC-in-Chief, EC letter no. 361341-LC4, dated 09.03.1972. The Second term renewal deed was executed in Schedule IV in the name of Chattoo Dhobi. Third term of the said renewal is due from 01.12.2000. Since then, lease has not been renewed till date.

It is pertinent to mentioned here that the Board vide CACR NO.1(d) dated 19.02.1976 as confirmed under CBR NO.2 dated 02.03.1976 mutated the holding No.71 Chapper Mahal in favour Jambulal Das and Mewa Lal Das. Subsequently, vide CBR NO.28 dated 27.08.2002 the Board felt that the matter of mutation of holding No.71, Chappar Mahal be examined in detail in CAC. As per decision of the Board a local enquiry was conducted by the members of the Board and submitted their report. The said report has been placed before the Board vide CACR NO.4 dated 23.09.2002 as confirmed under CBR NO.2 dated 24.10.2002 and the Board resolved that opinion of CBLA be taken as per decision of the


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


KASHINATH SAHA
CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

Board. CBLA opined that mutation accorded in 1976 cannot be cancelled as it is hopelessly barred by limitation but the entry in the GLR cannot be made until and unless the petitioners submit a fresh affidavit be sworn in stating all clear facts, indemnity bond, admission deed, an application for renewal of lease.

But in the meantime Jambulal Chowdhury alias Das himself filed a Title suit being No.259/2003 before the Ld. Fourth Court of Civil Judge (Jr. Div.) at Sealdah, so that Board cannot cancel his mutation accorded in the year 1976 and the said title suit is still pending.

Shri Jambu Lal Chowdhury vide letter dated 12.12.2019, requested to renew the lease jointly in favour of himself and Swapan Chowdhury. It is observed from the ibid letter that Chattoo Dhobi died insteate leaving behind his two sons Jambu Lal Chowdhury and Mewa lal Chowdhury (now deceased). And Mewa Lal Chowdhury died intestate leaving behind his only son Swapan Chowdhury.

As per report of CBLA, there is no impediment to process the case of renewal of Lease in jointly favour of all the legal heirs of ex-lessee.

The PD DE EC vide para 2 (a) of letter No.361972/LC-4/XV/21 dated 17.05.2019, has advised that *"in case any mutation is still pending at the DEO and Cantt. Board level, the proposal for renewal of leases may still be forwarded to the Dte for consideration. In such cases the renewal sanction by the Competent Authority may be given subject to the condition that execution of lease renewal deed can only take place once the mutation in favour of successor-in-interest has been done"*.

In this connection, it is to mention that the GOI, MOD (D.E.C.C.) vide para (a) of letter No.17934/II/LC-2 dated 18.06.1992, clarifies that *"Sanction issued by the Directorate for renewal of the expired leases are not issued in favour of any particular person. A renewal sanction is for renewal of a particular lease in favour of the lessee as recognized in terms of the lease provisions"*.

It is further to mention that the site has been inspected by the AE of the Board on 11.12.2019, and reported that there exists no unauthorized construction in the Holding, no encroachment made on Defence land by the lessee of the holding, no sub-division of site and no change of purpose involved in the said holding.

Hence, matter is put up before the Board to consider and recommend for renewal of lease for further period of 30 years w.e.f. 01.12.2000 for an area measuring 300 sq ft in Survey No. 13/960.

Relevant file is placed before the Committee for its perusal.



CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019



CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

RESOLUTION: Considered and approved. In view of the expiry of term of sixty years on 30.11.2000, the Board recommends that the lease be renewed in favour of Jambu Lal Chowdhury and Swapan Chowdhury for the 3rd and final term w.e.f. 01.12.2000 and accordingly necessary proposal for renewal be forwarded to competent authority for approval.

2. RENEWAL OF LEASE IN RESPECT OF SURVEY NO. 13/410, HOLDING NO. 26 KHUDIRAM (GOLA) MAHAL, SADAR BAZAR, BARRACKPORE CANTONMENT

To consider the application submitted by Shri Lalit Kumar Gupta dated 07.02.2019, seeking renewal of Lease in respect of above subject leased site.

The initial lease in respect of 26 Khudiram (Gola) Mahal, Sadar bazar, Barrackpore Cantonment having Sy. No. 13/410 stands in the name of Smt. Rama Devi, admeasuring 1352.25 sq ft in Schedule VI for 30 years, renewable at the option of the lessee up to 90 years wef 09.07.1930. second term of the said lease has been renewed vide GOC-in-Chief EC letter no. 33462/LC2, dated 02.11.1962. Second term renewal deed was executed in Schedule IV in the name of Dr. B K Ghosh. Third term of the said renewal is due from 09.07.1990. Since then, the lease has not been renewed till date.


It is observed that area shown in GLR are showing 1024.75 sq ft under Old Grant terms and 324.5 sq ft under lease hold terms instead of 1352.25 sq ft under lease hold terms. Further, the name of the HOR is showing Lalit Kumar Ghosh instead of Lalit Kumar Gupta.

The Board vide CACR No. 1 (1) dated 15.05.1987 as confirmed under CBR No. 4 dated 21.05.1987 mutated the subject lease site in favour of Shri Lalit Kumar Gupta.

It is further to mention that the site has been inspected by AE of this office and as per his inspection report dated 11.12.2019, there exists no unauthorized construction in the holding, no sub-division of site and no change of purpose involve in the said holding. But, a notice under section 248 of the Cantonments Act, 2006 has been issued by this office vide letter no. F/IG/26/CN-180/168, dated 29.06.2007 for construction of a brick wall of 5" thick and about 30' 0" long and 5'-0" height by encroaching the Govt. sweeper lane. A Title Suit bearing no. 175/2007 has been filed by Shri Lalit Kr. Gupta against Cantonment Board Barrackpore for issuance of ibid notice which is still pending in the Fourth Court of Ld. Civil Judge (Jr. Dvn.) at Sealdah.

As per report of CBLA, there is no impediment to renew the lease for the authorized lease area in respect of the subject leased site.


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

Hence, matter is put up before the Board to consider and recommend for renewal of lease for a further period of 30 years w.e.f. 09.07.1990 for authorized lease area measuring 1352.25 sq ft in Sy. No. 13/410 and correction in GLR in respect of area and name of HOR.

Relevant file is placed before the Committee for its perusal.

RESOLUTION: Considered and approved. In view of the expiry of term of sixty years on 08.07.1990, the Board recommends that the lease be renewed in favour of Lalit Kumar Gupta for the 3rd and final term w.e.f. 09.07.1990 and accordingly necessary proposal for renewal be forwarded to competent authority for approval. Further, considered and resolved that necessary correction entry be passed after taking approval from the competent authority in regard to area shown in GLR i.e. 1024.75 sq ft under Old Grant terms and 324.5 sq ft under lease hold terms instead of 1352.25 sq ft under lease hold terms and the name of the HOR is showing Lalit Kumar Ghosh instead of Lalit Kumar Gupta.

3. MUTATION U/S 81 OF THE CANTONMENTS ACT, 2006


- a) To consider the question of entering the names of the following persons in the Assessment Register of holding noted hereunder as required under provision of Section 81 of the Cantonments Act, 2006.

Sl. No.	Name of Person Claiming Mutation	Holding No.	On the strength of instrument/ inheritance	Date of Paper Publication	Whether any objection received? If yes, details thereof
1.	Debojit Saha	49 Bazaz	Inheritance	27.10.2019	No objection has been received within stipulated time period of 30 days.
2.	Dr. Nirmal Kumar Banerjee (Bandopadhyay)	33, Murgi	Instrument executed through court order	19.11.2019	No objection has been received till date of circulation of agenda.

- b) Reference CACR NO.1 (5), 1(6) and 1(10) dated 23.09.2019 as confirmed under CBR NO.1 dated 30.09.2019.

The Board vide ibid CACR & CBR referred the subject reference case to CBLA for legal advise upon the objection received by this office against the said mutation and thereafter the matter will be placed before the next CAC meeting along with report of CBLA.


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

As per report of CBLA in respect of CACR NO.1 (5) & 1 (6) dated 23.09.2019, the objector/ objectors have failed to obtain order/ orders from competent court of law to impede the process of mutation. But in respect of CACR NO. 1(10) dated 23.09.2019, the objector has received the order of Ld. 2nd Civil Judge Jr. Div. at Barrackpore stating therein that "**Not to change the nature and character and possession and recorded title**", as such mutation in respect of CACR NO.1 (5) & 1 (6) may be accorded by the Committee and in respect of CACR NO. 1(10) dated 23.09.2019, mutation cannot be accorded till pendency of the suit.

RESOLUTION: a) Considered and resolved that as no objection has been received in respect of the names mentioned in the agenda till the date of CAC and as such the names be mutated in the Assessment Register for the purpose of taxation in respect of the holdings in question. The mutation of the above said holding does not regularize any kind of violation of old grant terms such as unauthorized construction, change of purpose, sub-division site etc. Further resolved that a charge will be levied as per Section 81(6) of the Cantonments Act, 2006 for a sum of Rs.10,000/-, upon the persons named above, who have not intimated this office within stipulated time period as mentioned in Section 81(1) & (2) of the Cantonments Act, 2006.


(b). Considered and resolved that the names as mentioned in the agenda in respect of CACR NO.1 (5) & 1 (6) dated 23.10.2019 be mutated in the Assessment Register for the purpose of taxation in respect of holding in question. But in respect of CACR NO. 1(10) dated 23.09.2019, mutation cannot be accorded as the matter is sub-judice. The mutation of the above said holding does not regularize any kind of violation of old grant terms such as unauthorized construction, change of purpose, sub-division site etc. Further resolved that a charge will be levied as per Section 81(6) of the Cantonments Act, 2006 for a sum of Rs.10,000/-, upon the persons named above, who have not intimated this office within stipulated time period as mentioned in Section 81(1) & (2) of the Cantonments Act, 2006.

4. ISSUANCE OF TRADE LICENCE UNDER SECTION 277 (1) (t) OF CANTONMENTS ACT, 2006 (NON-FOOD ITEMS)

To consider issuance of Trade Licence under Section 277 (1) (t) of Cantonments Act, 2006.

Form No.	Name of Applicant	Address	Nature of Business	Name of Firm	Trade & Profession Tax to be Paid	Trade Licence Fees to be Paid	Total	NOC obtained from
235	Soma Banerjee	40 Kunjra Mahal	Gift Items	Mỹ Collection	Rs. 250	Rs. 500	Rs. 750	Tax Payer


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

223	Uttam Singh	40 Kunjra Mahal	Cycle Repairing Shop	Tullu Cycle Store	Rs. 25	Rs. 135	Rs. 160	Tax Payer
212	Gaurav Chandra Roy	1 Moorgi Mahal	Civil, Electric, Furniture Contractor & General Order Supplier	Roy Furniture & Enterprise	Rs. 650	Rs. 1,220	Rs. 1,870	HOR
208	Rahul Rai	116 Bakar Mahal	General Order Supplier	ROY & SON Trading	Rs. 200	Rs. 450	Rs. 650	HOR

As per report of TS, rent / tax in respect of the concerned site of business were paid up to 31.3.2019. In all the above cases, No Objection Certificates were obtained from House Owner / tax payer.

As per Report of AE, there is no encroachment of Govt. land in the above site of business. Further, the applicants have duly submitted affidavit in notarial form stating that the Board reserves the right to take action against unauthorized construction and breach of Old Grant or Lease terms if any found in the site of business. Further, the applicants indemnified themselves that none of their business objectives are / shall be delivered using plastic / polythene bags or similar materials that are hazardous to the environment.


Relevant file along with office report is placed before the Committee for further decision on the matter.

RESOLUTION: Considered and approved. ce

5. INTRODUCTION OF PROCESSING COST ON RENEWAL / ISSUANCE OF TRADE LICENCE

To consider introduction of Processing Cost on renewal / issuance of trade licence.

It is informed that most of the Trade Licence holders in Barrackpore Cantonment area are submitting their respective applications at the end or just before closing of the Financial year, causing unnecessary complications in work process.


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

To avoid this kind of situations, it is proposed that a sum of ₹ 1000 as Processing Cost on renewal / issuance of new Trade Licence may be introduced for the applications submitted after the month of April of the respective financial year.

RESOLUTION: Considered and resolved that a sum of Rs.250 as Processing Cost on renewal / issuance of new Trade Licence may be introduced for the applications submitted after the month of April of the respective financial year.

6. SOLID WASTE MANAGEMENT BYE LAWS IN RESPECT OF CANTONMENT BOARD, BARRACKPORE

Reference DG DE letter No. 76/38/Rules/MSW Rules/C/DE/17 dated 02.02.2019 as conveyed vide PD DE EC letter No. 362595/Swachh Bharat/LC-3/V/141 dated 06.12.2019.

Draft Solid Waste Management Bye-Laws in respect of Cantonment Board, Barrackpore is placed before the Committee for its consideration and approval.

RESOLUTION: Considered and approved. Necessary proposal be forwarded to Competent Authority for approval.


With the permission of the Chair following agenda points are included in the agenda for discussion.

7. REPAIRS TO BUILDINGS IN CANTONMENT AREAS.

Reference MoD letter no. 2(2)/2018 -D(Q&C), Dated 10.12.2019 and DGDE letter No. - 76/67/Expert Committee/C/DE/2018 Vol. IV FMS ID 66645, dated 11.12.2019.

Office Note: Section 235 of the Cantonments Act, 2006 lays down the specific provisions when sanction is required to be obtained by any person intending to erect or re-erect a building in a Cantonment. Such sanction is accorded by the CEO in civil areas, and by the Cantonment Board in area other than civil area as per prescribed procedure subject to building bye laws and land policy of Government as applicable.

The Expert Committee on Working of Cantonment Boards, in its report submitted to the Government has observed that the term 'repairs' appearing in the Land policy of 1995 has not been defined, leading to ambiguity. The Committee, while opining that the matter needs to be clarified has suggested a list of activities which may constitute 'repairs' for which notice to Cantonment Board u/s 235 of the Cantonments Act, 2006 may be not be required.



CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019

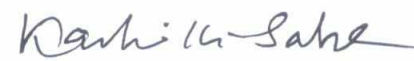

CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

The matter has been examined by the Government in consultation with DGDE and Army HQ (QMG Branch). It has been decided that in the context of Cantonment areas, in furtherance of provisions in section 235(2) of the Cantonments Act, 2006 and structural stability of the building, repair works to authorized buildings shall include the following, for which notice for sanction of erection or re-erection u/s 235 of the Cantonment Act 2006 may not be required:-

- (a) erection, re-erection, addition to, or alteration of :-
 - i. an internal partition wall which does not involve sub-division of property, or;
 - ii. a parapet wall or a cornice or chajja within the boundaries of the permissible setbacks & ground coverage area of the site. Provided that the total height of the parapet wall shall not be more than 1.20 m and width of the cornice or chajja shall not be more than 50 cm;
- (b) repairing of a staircase;
- (c) white washing or painting;
- (d) re-flooring of the surface of an existing floor;
- (e) minor repairs and recasting of an existing damaged roof without changing the character and dimension of such roof;
- (f) erection of a false ceiling in any floor for air-conditioning, lighting or decorative purposes;
- (g) plastering and patch work;
- (h) providing or closing an internal door or window or a ventilator not opening directly opposite a door or a window of another building;
- (i) replacing of fallen bricks or stones;
- (j) repairing or renewing existing plumbing, sanitary and other utility services;
- (k) repairing of boundary wall;
- (l) installation of air-conditioner/water tank/solar panels/solar water heater/etc;

Further it is stated that the Government has considered the suggestion of the Expert Committee regarding misinterpretation of the words 'material alteration' appearing in Section 235(2)(a) of the Cantonments Act, 2006, and it has accordingly been decided that the said term shall refer to substantial alteration which would include any works not listed in para (a) to (l) above; for which necessary sanction for erection or re-erection of building would be required under ibid provisions of the Act.


 CHIEF EXECUTIVE OFFICER
 CANTONMENT BOARD
 BARRACKPORE
 18.12.2019



 CHAIRMAN
 CIVIL AREA COMMITTEE
 CANTT BOARD, BARRACKPORE
 18.12.2019

necessary sanction for erection or re-erection of building would be required under ibid provisions of the Act.

DGDE vide its ibid letter also directed to place the said guidelines before the Board and suitable publicity be given for information to all concerned.

In this regards, all documents are put up before the committee for noting.

RESOLUTION: Noted and approved. Further resolved that wide publicity be made for the information of general public.


CHIEF EXECUTIVE OFFICER
CANTONMENT BOARD
BARRACKPORE
18.12.2019


CHAIRMAN
CIVIL AREA COMMITTEE
CANTT BOARD, BARRACKPORE
18.12.2019

