

**MINUTES OF PROCEEDINGS OF ORDINARY MONTHLY BOARD MEETING OF  
CANTONMENT BOARD ALLAHABAD HELD AT 1200 HOURS ON 29-12-2020  
IN ITS OFFICE**

**Members Present**

- |   |                                 |
|---|---------------------------------|
| 1. Brig. Ajay Pasbola, SC, PCB                  | 7. Shri Arun Kumar Sonkar, VP   |
| 2. Shri Mane Amitkumar Baburao, MS/CEO          | 8. Smt. Kusum Lata, EM          |
| 3. Brig. Sundeeep Bhandari VSM, SEMO/Ex-Officio | 9. Shri Jitendra Kumar, EM      |
| 4. Col. Sachin Gahlawat, NM                     | 10. Shri Mukesh Kumar Yadav, EM |
| 5. Col. Robert Pereira, NM                      | 11. Smt. Ranjana, EM            |
| 6. Shri M.P. Singh, ADM (F&R)                   | 12. Smt. Priti Jaiswar, EM      |

**Members Absent:**

1. Shri Devender Singh, GE(W)/Ex-Officio
2. Shri Jani Babu Sonkar, EM

**Special Invitees:** P.A. of Smt. Rita Bahuguna, MP, Prayagraj, Uttar Pradesh.

Before commencement of the Board proceedings Member Secretary on behalf of the Board expressed gratitude to Brig. A.K. Chaturvedi, officiating P.C.B. for his contribution to the Board. New P.C.B. Brig. Ajay Pasbola, Shaurya Chakra, took oath as a P.C.B., as required under Cantonment Act, 2006.

**1. CONFIRMATION OF THE LAST BOARD PROCEEDING DATED 24-11-2020.**

**CBR NO. 1: Member Secretary informed the Board about progress of the resolutions of Board meeting dated 24.11.2020. Board considered & confirmed the same. The important resolutions are as follows:-**

- (a) C.B.R. No: 3 dated 24.11.2020- Member Secretary informed that **Vehicle Entry Fee collection shall start on 01.04.2021, as till 31.03.2021, land will be under temporary management of Prayagraj Mela Authority, which is noted by the Board.****
- (b) C.B.R. No: 4 dated 24.11.2020- As decided by the Board **Cantonment General Hospital O.P.D. is now operational in 2 shifts from 01.12.2020.****
- (c) C.B.R. No: 5 dated 24.11.2020- As decided by the Board a committee for consideration of applications for appointment of compassionate grounds has been constituted vide Office Order No: 217 (Part-I) dated 18.12.2020.**
- (d) C.B.R. No: 6 dated 24.11.2020- Matter is placed before the Board in ongoing Board meeting.**
- (e) C.B.R. No: 7 dated 24.11.2020- As decided by the Board a legal opinion has been sought. Reply from C.B.L.A. has awaited.**

- (f) **C.B.R. No: 8 dated 24.11.2020-** As decided by the Board show cause notice has been served to all unauthorized shops running in the residential building.
- (g) **C.B.R. No: 9 dated 24.11.2020-** As decided by the Board eviction of illegal hawkers/ Thelas shall be commenced soon.
- (h) **C.B.R. No: 10 dated 24.11.2020-** As decided by the Board District Magistrate, S.S.P. & S.P. City has been requested to give their opinion from public convenience & law & order point of view related to imposition of license fee on entry of vehicles on Allahabad-Varanasi road at Fort Cantt, Allahabad. Reply is awaited.
- (i) **C.B.R. No: 11 dated 24.11.2020-** As decided by the Board 02 Anganwadi Centers have been opened at old building of Cantonment General Hospital.
- (j) **C.B.R. No: 12 dated 24.11.2020-** Vide **Office Order No: 219 (Part-I) dated 28.12.2020** this resolution is implemented.
- (k) **C.B.R. No: 13 dated 24.11.2020-** Member Secretary informed that all the works mentioned in agenda are under progress & payment shall be made from the grants received from 15<sup>th</sup> Finance Commission. Same is noted by the Board.
- (l) **C.B.R. No: 14 dated 24.11.2020-** Matter is referred to the Board in the ongoing Board meeting.
- (m) **C.B.R. No: 15 dated 24.11.2020-** As decided by the Board notice under Section 248 has been issued to University of Allahabad. University of Allahabad has submitted compounding plan for unauthorized construction on 04.12.2020. Proposal has been referred to Defence Estates Officer, Allahabad Circle as required under Section 238(3) of Cantonment Act, 2006. Reply from Defence Estates Officer, Allahabad is awaited.

## **2. CIRCULAR AGENDA [ AFTER 24-11-2020]**

- (A) **Circular Agenda dated 21-12-2020** - regarding compounding of unauthorized construction carried out by University of Allahabad, Allahabad on defence land comprising Sy.No.129/1/2, Old Cantt. Allahabad.

**CBR NO. 2: (A) Considered & noted by the Board.**

## **3. FINANCE COMMITTEE PROCEEDING**

To consider and approve the Finance Committee Proceeding dated 24-12-2020.

**CBR NO. 3: Considered & approved by the Board.**

**4. DEMARCATION OF ROADSIDE LAND FOR CREATION OF SHOPS AND AUCTION AS PER SECTION 267 OF CANTONMENT ACT, 2006**

During the course of periodic inspection of Fort the cantonment Allahabad it is observed that a large number of unauthorized commercial activities in form of illegal shops in the vicinity of Beni Bundh are being carried out. Cantonment Board being a municipal body is authorized to auction shops/immovable property under Section 267 of the Cantonment Act, 2006. In this respect it is required to demarcate the road side land for shops, which can be auctioned. It is thus proposed that a joint survey can be carried out with the involvement of Cantonment Board, DEO Allahabad and Local Military Authority.

Board to consider.

**CBR NO. 4: After a detailed discussion following decision were taken:-**

- (a) A committee consisting of Revenue staff shall be constituted to identify illegal shops running at Sangam, Fort Cantt & shall submit the report by 05.01.2021.**
- (b) A committee consisting of representatives of L.M.A. (Local Military Authority), Defence Estates Officer, Allahabad Circle & Cantonment Board, Allahabad shall be constituted for demarcation of land (C & B-4 land under Cantonment Board management) which can be used for erection of shops by the Board auction as per Cantonment Act, 2006.**
- (c) Prayagraj Mela Authority is to be requested to share revenue generated out of auction of shops other than 26 shops, as per 60:40 formula as mentioned in temporary license issued by Defence Estates Officer, Allahabad Circle to Mela Adhikari for the year 2021.**

**5. CANCELLATION OF MANPOWER SUPPLY FOR CANTONMENT BOARD OFFICE AND HOSPITAL FOR THE YEAR 2020-2021**

Reference Circular agenda No. 1 dated: 28.10.2020 and Cantt Board Resolution No. 06 dated: 24.11.2020

Reference Bid No 1. GEM/2020/B/711937 dated 15.07.2020 for Cantt Board Office, 2. GEM/2020/B/713987 dated 16.07.2020 for Cantonment General Hospital, Allahabad (Driver, Data Entry Operator), 3. GEM/2020/B/713969 dated 16.07.2020 for Cantonment General Hospital, Allahabad, invited through GeM (Government e-Marketplace) and sanctioned by Circular agenda No. 3, 4 & 5 dated 31.08.2020.

It is submitted that the successful bidders of the aforesaid mentioned bid numbers were given reminders on 07.09.2020 and 09.10.2020 for submission of Security money & Non Judicial stamp paper for contract agreement. Board decided to give last reminder to all the bidders vide CB Res No 06 dated 24.11.2020. Accordingly on 26.11.2020 a last reminder was sent to all the contractors but all the contractors failed to submit the same. Execution of the contract agreement is a statutory requirement as per the Cantonment Act, 2006. Therefore bids awarded to contractors for supply of contractual manpower in Cantonment Board Office and Cantonment General Hospital is required to be cancelled. Till further decision, required manpower shall be hired directly by the office as per the requirement.

The relevant documents are placed on the table. Board to consider the agenda.

**CBR NO. 5: Considered & approved by the Board.**

**6. PERMISSION FOR HDD/TRENCHING WORK AS WELL AS POLES AND JUNCTION BOX INSTALLATION**

Reference Ashoka Buildcon Limited, L-6, Sangam Palace Civil Lines, Prayagraj, letter No.ABL/SH&M/PSCL/101120/0083 dated 10.11.2020. (Copy attached)

2. Ashoka Buildcon Limited vide letter under reference stated that prestigious project of Prayagraj Smart City Limited to implement “Public Address System” in the city of Prayagraj at 206 locations has been awarded to Ashoka Buildcon Limited

3. Further, Ashoka Buildcon Limited requested for approval for HDD/trenching digging along with Poles and Junction box installation at the below mentioned four junctions which falls within Allahabad Cantonment limits.

<b>S.No.</b>	<b>Junction Name</b>	<b>Thana</b>
1	Sadar Bazar Chauraha	Cantonment
2	Ambedkar Chauraha, Sadar Bazar	Cantonment
3	Mahavir Ji Holdup	Daraganj
4	Trivani Ramp-Sangam Area	Daraganj

Relevant documents are placed on the table. Board to consider.

**CBR NO. 6: Member Secretary informed that based on the letter from Ashoka Buildcon Limited, letter has been written to Chief Executive Officer, Smart City, Prayagraj. Reply of which is awaited. Board decided to keep the matter pending till reply from Chief Executive Officer, Smart City, Prayagraj is received.**

**7. DISPOSAL OF TEMPORARY RIGHTS FOR PROVIDING SHARED COMMUNICATION TOWER INFRASTRUCTURE ON VARIOUS SITES AT ALLAHABAD CANTONMENT AREA**

Reference CBR No. 03 dated 27.11.2019, Circular Agenda dated 05.06.2020, Circular Agenda dated 12.10.2020 Indus Tower letter dated 29.01.2020, dated 24.03.2020, dated 14.07.2020, dated 28.07.2020, dated 29.10.2020 and dated 11.12.2020.

Board vide CBR under reference approved the highest bid for each location for disposal of temporary rights for providing shared communication tower infrastructure at 11 locations across Allahabad Cantt which included 08 sites comprising B-4 & C land under the management of Cantonment Board Allahabad, 02 sites comprising B-4 land under the management of Defence Estates Officer, Allahabad Circle, Allahabad and 06 sites comprising A-1 defence land. Board also decided that proposal be referred to PDDE, CC for C & B-4 land and to GOC-in-C, CC for A-1 land separately.

Accordingly, a detailed proposal dated 24.12.2019 was forwarded to Directorate, Defence Estates, Central Command, Lucknow Cantt for necessary sanction of Principal Director, Defence Estates, Central Command, Lucknow for installation of shared communication tower on 09 sites comprising B-4 & C land under the management of Cantonment Board Allahabad and 02 sites comprising B-4 land under the management of Defence Estates Officer, Allahabad Circle, Allahabad.

In connection to the subject tender, Station Commander/ President Cantonment Board convened a meeting of all qualified bidders of subject tender namely Indus Towers Limited, Ascend Telecom Infrastructure Pvt. Ltd. & Tower Vision India Pvt. Ltd (Tower Vision India is a highest bidder for one site comprising A1 defence land) in the office of Station Commander, HQ Purva UP & MP Sub Area, Allahabad on 25.01.2020 at 1200 hours. Meeting was held at Station Headquarters, HQ Purva UP & MP Sub Area, Allahabad on 25.01.2020 at 1200 hours under the chairmanship of Station Commander. Meeting was held to determine the actual area requirement for each site for erection of tower and regarding an undertaking from H1 bidder that they will erect tower at each site and quoted rates will remain same. Based on the discussions held, it was decided that Cantonment Board Allahabad will send a letter to successful H1 bidders to get actual area requirement details from H1 bidders for each site.

Accordingly, Cantonment Board Allahabad vide letter No. Misc/Cell Towers/CBA/2020/155 dated 25.01.2020 directed Indus Towers Limited, Ascend Telecom Infrastructure Pvt. Ltd. & Tower Vision India Pvt. Ltd to submit actual area requirement for each site with area less than or equal to 25 sqm by 27.01.2020.

Ascend Telecom Infrastructure Pvt. Ltd. vide e-mail dated 28.01.2020 submitted that Ascend Telecom Infrastructure Pvt. Ltd would require area of 25 sqm. approximately.

Indus Towers Limited vide e-mail dated 29.01.2020 submitted that Indus Towers Limited require minimum 12 sqm area and may require additional space at few locations but not more than 25 sqm.

Cantonment Board Allahabad vide letter No. Misc/Cell Towers/CBA/2020/461 dated 16.03.2020 again requested Indus Towers Limited to submit actual area requirement for each site with area less than or equal to 25 sqm within 07 days of receipt of the notice. In reply, Indus Towers Limited vide e-mail dated 24.03.2020 submitted that Indus Towers Limited would require 12 sqm area at 06 (six) locations and 25 sqm at 08 (eight) locations.

PDDE, Central Command raised few observations which were duly replied and finally, Board vide Circular Agenda dated 05.06.2020 resolved that one site comprising Sy. No. 48, Fort Cantt (designated as Location No. 15 at Sl. No. 15 of Table on Proposed Locations annexed as Appendix-A to Board Proceedings dated 29.09.2018) be dropped out from the proposal and sanction of PDDE, CC be solicited for remaining ten (10) locations.

Accordingly, Cantonment Board vide letter dated 12.06.2020 requested PDDE, Central Command, Lucknow Cantt for necessary sanction in respect of 10 sites comprising B-4 & C land.

Directorate, Central Command, Lucknow vide letter No. 58156/SCT/Allahabad dated 03.07.2020 conveyed the sanction of PDDE, CC, Lucknow for highest bids offered by Indus Towers Limited and Ascend Telecom Infrastructure Private Limited for installation of static mobile towers at 10 sites classified as "B-4" (06 sites) and "C" (04 sites) subject to following conditions:-

- i. Lease be issued for an area measuring 25 sq. mtrs. in respect to each tower initially for 10 years with provision for renewal after every 10 years, for a maximum period of 30 years.
- ii. Annual lease rent will be revised by 10 % after every 05 years. However, after expiry of each 10 years of lease period, the renewal for further 10 years period shall be at STR Rate/ Collector's Rate prevailing at such time or existing lease rent, whichever is higher.
- iii. No premium will be charged. However, one year lease rent shall be collected in advance.

- iv. The lease shall be executed under modified Schedule IX of CLA Rules, 1937.
- v. All existing terms and conditions mentioned in the Policy issued by Govt. of India, Min, of Defence vide letter No. F-11026/1/2005/D(Lands) dated 26.02.2018 may be strictly adhered to and the Static Towers sanctioned shall be removed on expiry of time period stipulated in the aforesaid Govt. Policy and confirmation in this regard may be sent to all concerned.

In pursuance of Dte, CC, Lucknow letter No. 58156/SCT/Allahabad dated 03.07.2020, Cantonment Board vide letter dated 08.07.2020 requested Indus Towers Limited and Ascend Telecom Infrastructure Pvt. Ltd. to submit total annual lease rent (of 25 sqm per site) and security deposit in form of NEFT/ Demand Draft and FDR respectively of any nationalized bank / Scheduled Commercial Bank drawn in favour of "Chief Executive Officer, Allahabad Cantonment Board" of 09 sites allotted to Indus Towers Limited and 01 site allotted to Ascend Telecom Infrastructure Pvt. Ltd. within 15 days of issue of the letter.

However, Indus Towers Limited vide e-mail dated 14.07.2020 stated that Indus Towers Limited would not require 25 sqm. area at all locations and requested to revise the Demand Note cum Letter of Award as per actual land requirement.

In reply, Cantonment Board vide letter 15.07.2020 intimated Indus Towers Limited that as per condition mentioned in letter of sanction of competent authority (PDDE, Central Command), **lease be issued for an area measuring 25 sq. mtrs in respect to each tower** initially for 10 years with provision for renewal after every 10 years, for a maximum period of 30 years. Indus Towers Limited was again requested to submit total annual lease rent (of 25 sqm per site) and security deposit in form of NEFT/ Demand Draft and FDR respectively of any nationalized bank / Scheduled Commercial Bank drawn in favour of "Chief Executive Officer, Allahabad Cantonment Board" of 09 sites allotted to Indus Towers Limited within 15 days of issue of this letter.

However, Indus Tower vide e-mail dated 28.07.2020 intimated that Indus Towers Limited has quoted lease rent per sqm and would not require 25 sqm. area at all locations.

Cantonment Board vide letter No. Misc/Cell Tower/CBA/2020/1400 dated 29.07.2020 forwarded the request letter of Indus Tower to Directorate, Defence Estates, Central Command, Lucknow for information and necessary directions.

Directorate, Defence Estates, Central Command, Lucknow vide letter No. 58156/SCT/ALD dated 07.08.2020 raised following observations:

- i. It may be clarified whether M/s the Indus Towers Ltd. And other participating bidders/ companies has quoted rates for 25 sqm or only per sqm.
- ii. What is the decision/ recommendation of Cantonment Board Allahabad in regards to the instant request of the M/s Indus Towers Ltd.
- iii. Whether Ascend Telecom Infrastructure Pvt. Ltd. Has complied with terms of the sanction.

It is intimated that as per Tender Terms & Conditions, Part (II), 6 a (1), space upto 25 sqm. in Allahabad Cantt per static tower was made available to bidder for bidding and there was no condition in the tender that bidder shall submit the annual lease rent for 25 sq. mtrs. in respect to each site i.e. bidders were required to bid in BOQ for annual lease rent for 1 sqm only not for 25 sqm. Accordingly, bidders quoted for annual lease rent per sqm of area in BOQ.

In connection to this, Cantonment Board vide letter No. Misc/Cell Towers/CBA/2020/1480 dated 11.08.2020 forwarded the brief of the subject matter to Shri Ajit Kumar Singh, Cantt Board Legal Adviser and intimated him that sanction of PDDE, Central Command, Lucknow for erection of cell towers has been conveyed subject to condition that lease be issued for an area measuring 25 sq. mtrs in respect to each tower. It was requested to furnish legal opinion on the issue whether Bidder can be allowed to submit annual lease rent per sqm based on their actual area requirement for each individual site as condition for payment of total annual lease rent (of 25 sqm per site) was not specified in the tender document published by Cantonment Board Allahabad.

Cantt Board Legal Adviser vide letter dated 01.10.2020 forwarded a detailed legal opinion which is reproduced below:

*“It would be relevant to point out here that bidder is under contractual obligation with Cantonment Board and both parties are bound to abide by the terms and conditions of tender documents. Since, in the tender documents, it has been specifically provided that only Class A-1, B-4 and C land will be licensed/ leased for placing of cell tower and minimum area for placing tower will be licensed/leased subject to a maximum of 25 sq. meter or “upto 25 sq. meter”, hence the bidder cannot be compelled to submit the annual lease rent for 25 sq. meters, rather he may be allowed to submit rent per sq. meter based on their actual area requirement for each individual site. However, the Cantonment Board would reserve his right to compel the bidder to fulfill the requirement mentioned in 6 (n) and 6 (o) of Part (II) of Tender Document i.e. the Cantonment Board can insist or compel the bidder to make foundation, plinth, prefabricated equipment room etc. as per requirement and to acquire or take over the area for all above mentioned purposes and submit annual lease rent for that area.*

*It is pertinent to mention here that in Government of India Tower Policy dated 26.02.2018, in Para 8(a) (ii) it has been specifically provided that “Land to be leased should be the minimum required for setting up such towers and related equipments, subject to a maximum area of 200 sq. meters”. Thus in Govt. of India Policy, the minimum limit for area of Cell Tower has not been given and the minimum limit is minimum requirement for setting up such Towers and related equipments, while, Principal Director, Defence Estates Central Command in his letter/order dated 03.07.2020 sent to the Chief Executive Officer, Cantt. Board, Allahabad Cantt has specifically mentioned that “The lease to be issued for an area measuring 25 sq. meters in respect of each Tower.....”. A close scrutiny of Govt. of India Policy dated 26.02.2018 and order/letter dated 03.07.2020 would show that Clause 2 (i) of order dated 03.07.2020 of PDDE, CC, is contrary to aforesaid Govt. of India Policy as in it, the area for Tower has been fixed as 25 sq. meters and it cannot be reduced or extended as per minimum requirement for setting up such Towers and related equipments. Thus it would be appropriate P.D.D.E. CC, Lucknow to reconsider his order dated 03.07.2020 in the light of aforesaid Govt. of India Policy. ”*

In view of the above, administrative approval of Board was solicited to allow successful bidders to submit the lease rent as per actual area requirement for each individual site with maximum area requirement limit as 25 sqm.

Board vide Circular Agenda No. 1 dated 12.10.2020 considered and approved that successful bidders be allowed to submit the lease rent as per actual area requirement for each individual site with maximum area requirement limit as 25 sqm. Also, necessary sanction of competent authority i.e. PDDE, CC, Lucknow Cantt be solicited for instant request of M/s Indus Towers Ltd.

Accordingly, Cantonment Board vide letter No. Misc/Cell Towers/CBA/2020/1932 dated 13.10.2020 requested Directorate, Defence Estates, Central Command, Lucknow Cantt that bidders may be allowed to submit lease rent as per actual area requirement for each individual site with maximum area requirement limit as 25 sqm. However, no directions are received in this office from Directorate, Defence Estates, Central Command, Lucknow Cantt yet.

Cantonment Board Allahabad vide letter No. Misc/Cell Towers/CBA/2020/1969 dated 20.10.2020 and No. Misc/Cell Towers/CBA/2020/1970 dated 20.10.2020 directed Indus Towers Limited and Ascend Telecom Infrastructure Pvt. Ltd. respectively to submit actual area requirement for erection of cell tower.

Indus Towers Limited vide letter No. IA/ALD/Def/20201023 dated 23.10.2020 stated that Indus Towers Limited would require only 9 (nine) sqm. area at all locations and requested to revise the Demand Note cum Letter of Award as per actual land requirement.

Cantonment Board vide letter No. Misc/Cell Towers/CBA/2020/2019 dated 27.10.2020 again intimated Indus Towers Limited that that as per condition mentioned in letter dated 03.07.2020 of sanction of competent authority (PDDE, Central Command), lease be issued for an area measuring 25 sq. mtrs in respect to each tower initially for 10 years with provision for renewal after every 10 years, for a maximum period of 30 years. Indus Towers Limited was directed to confirm whether Indus Tower Limited is ready to comply with condition of 25 sqm. area as stated in sanction letter dated 03.07.2020 of Competent Authority.

Indus Towers Limited vide letter No. IA/ALD/Def/20201029 dated 29.10.2020 submitted that Indus Towers Limited would require only nine (09) sqm. area at all locations and requested to revise the Demand Note cum Letter of Award as per actual land requirement. Thus, it is evident that Indus Towers Limited has changed its area (in sqm.) requirement at all locations.

Ascend Telecom Infrastructure Pvt. Limited vide e-mail dated 29.10.2020 submitted that Ascend Telecom Infrastructure Pvt. Limited will follow the terms and conditions agreed.

Since, submission of Indus Towers Limited vide e-mail 23.10.2020, dated 29.10.2020 and dated 25.11.2020, that Indus Towers Limited would require only 9 (nine) sqm. area at all locations, is in contravention to submission made by Indus Towers Limited through e-mail dated 29.01.2020 and 24.03.2020, Cantonment Board Allahabad vide letter No. Misc/Cell Towers/CBA/2020/2278 dated 02.12.2020 directed Indus Towers Limited to confirm whether Indus Towers Limited is ready to fulfill the commitments made by Indus Towers Limited through e-mail dated 29.01.2020 and dated 24.03.2020 regarding area requirements or not by 04.12.2020.

Indus Towers Limited vide e-mail dated 04.12.2020 and 07.12.2020 stated that Indus Towers Limited is occupied in merger process of Indus Towers Limited into Bharti Infratel Limited and need some time to communicate with their operators to know their current requirements of site. Indus Towers Limited also stated that they would require more time to respond to Cantonment Board letter and till then their last communication dated 25.11.2020 & 29.10.2020 remains valid.

Indus Towers Limited vide letter No. IA/ALD/Def/20201211 dated 11.12.2020 forwarded a detailed representation with two enclosures viz Annexure No-01 & Annexure No-02. From perusal of Annexure No-01 of the said letter, it is clear that Indus Towers Limited would require only 9 (nine) sqm. area at all locations.



From the above mentioned Paras, it is evident that Indus Towers Limited is not agreeing to its area requirement as per their letter dated 29.01.2020 and 24.03.2020.

Indus Towers Limited has also not submitted the annual lease rent and security deposit till date which is causing inordinate delay in realization of revenue to Cantonment Board.

Also, Ascend Telecom Pvt. Limited has also not submitted the annual lease rent and security deposit till date.

Relevant documents are placed on the table. Board to consider further course of action.

**CBR NO. 7: Member Secretary informed that Board of Officers (B.O.O.) vide its report dated 29.09.2018 has finalized the 17 locations & also gave clearance from security point of view. B.O.O. further recommended that height of each static Towers shall be 40 mtr. & area shall be 25 sqm.**

**Member Secretary further informed that based on the proposal forwarded to PDDE, Central Command, Lucknow. Sanction has been conveyed on 03.07.2020 in which it is mentioned that *'Lease be issued for an area measuring 25 sqm. in respect to each Tower initially for 10 years with provision for renewal after every 10 years for a maximum period of 30 years'*.**

**Indus Tower Limited vide e-mail dated 29.01.2020 mentioned that they require minimum 12 sqm. area & may require additional space at few location but not more than 25 sqm. Further Indus Tower Limited vide e-mail dated 24.03.2020 stated that they require 12 sqm. area at 6 locations & 25 sqm. at 8 locations (These locations include A-1 land also). Indus Tower Limited vide e-mail dated 28.07.2020 mentioned that they could not require 25 sqm. area at all location. Further Indus Tower Limited vide e-mail dated 23.10.2020, 29.10.2020 & 25.11.2020 mentioned that they require only 9 sqm. at all location. Member Secretary stated that although as per the tender terms & condition highest bidders are free to demand area up to 25 sqm., but Indus Tower Limited within a span of 4 months has changed the area requirement, which does not seem logical. Col. Sachin Gahlawat, NM stated that as per MoD policy minimum area is to be leased for installation of Mobile Towers.**

**Member Secretary shown the documents i.e. sketches submitted by Indus Tower Limited of installation of Mobile Tower for Gorakhpur Development Authority. Although area shown in the sketches is 9 sqm., it was submitted on 14.03.2020 which means Indus Towers Limited is well aware of the area required but as per their e-mail dated 24.03.2020 they requested 12 sqm at 6 location & 25 sqm. at 8 locations.**

**After detailed discussion Board decided to constitute a committee consisting of C.E.O., Shri Mukesh Kumar, EM & Col. Sachin Gahlawat, NM to look in to the matter i.e. invite highest bidder for a meeting, field inspection etc. & submit the report to the Board.**

**8. UNAUTHORISED CONSTRUCTION IN BUNGALOW NO. 3, SY. NO. 233/2, CASSELS ROAD, NEW CANTT ALLAHABAD**

Reference CBR No. 14 dated 24.11.2020.

Bungalow No. 3, Sy. No. 233/2, Cassels Road, New Cantt, Allahabad was inspected by the Engineering Section of this office and found that unauthorized construction in the form of repairs to the existing building and a partition wall was being carried out in the premises of Bungalow No: 03, Cassels Road, New Cantt. Allahabad. Show Cause Notices (SCN) dated 09.08.2018 and 05.10.2018 were issued to Ms. Rashmi Jaiswal, Mr. Amardeep Jaiswal and Dr. Ajit Jaiswal as to why action should not be taken under provisions of the Cantonments Act, 2006 within 07 days for committing the offence (under section 247 of the Cantonments Act, 2006) of carrying unauthorized construction without giving valid notice as required under section 235 of the Cantonments Act, 2006

and without obtaining the proper sanction from the Cantonment Board. In reply to the SCN dated 05.10.2018, Sh. Amardeep Jaiswal, one of the HoRs, stopped the repairs and submitted a reply dated 12.10.2018 in which he elaborated reasons justifying his repairs. He argued that these repairs do not fall under the definition of material alteration and re-erection and therefore does not require submission of prior notice to Cantonment Board under section 235 of the Cantonments Act, 2006. He further prayed that even if it is assumed that the unauthorized repair work falls under the definition of re-erection and material alteration, it may kindly be compounded under the provision 248 of the Cantonments Act, 2006. Simultaneously, he directly filed an appeal under section 340 (2) of the Cantonments Act, 2006. Accordingly, the appeal was received by the Cantonment Board on 10.12.2018.

Matter was placed before the Board and Board vide CBR No. 07 dated 02.03.2019 resolved to issue a notice u/s 248(1) of the Cantonments Act, 2006 be issued to the offenders to remove the unauthorised constructions within 30 days of receipt of the notice and thereafter Notice u/s 320 may also be issued to the offender. Accordingly, a notice u/s 248(1) of the Cantonments Act, 2006 vide this office letter No.G-29/ B.N:2/ Cassels Rd/2019/CB/ALD/1633 dated 15.06.2019 was issued to Ms. Rashmi Jaiswal, Mr. Amardeep Jaiswal & Dr. Ajit Jaiswal to remove the unauthorised construction within 30 days of receipt of the notice.

Against the notice us/ 248 of Cantts Act, 2006, Shri Amardeep Jaiswal preferred an Appeal under section 340 of Cantonments Act, 2006 before the GOC-in-C, Central Command, Lucknow. However, before Cantonment Board could forward the appeal to GOC-in-C, Central Command along with parawise comments, Shri Amardeep Jaiswal vide letter dated 19.10.2019 requested to withdraw his appeal and further requested to condone the offence. On perusal of compounding application dated 19.10.2019, it was found that building notice has not been enclosed and accordingly, Cantonment Board vide office letter dated 31.12.2019 directed him to submit building notice. In reply, Shri Amardeep Jaiswal vide letter dated 10.01.2020 has stated that unauthorised constructions mentioned in notice u/s 248 of the Cantonments Act, 2006 dated 15.06.2019 does not require permission under section 235 of Cantonments Act, 2006 as per MoD Order No. 2(2)/2018-D(Q&C) dated 10.12.2019. In reply, Shri Amardeep Jaiswal vide letter dated 10.01.2020 has stated that unauthorised constructions mentioned in notice u/s 248 of the Cantonments Act, 2006 dated 15.06.2019 does not require permission under section 235 of Cantonments Act, 2006 as per MoD Order No. 2(2)/2018-D(Q&C) dated 10.12.2019. Further, he was unaware of requirement of "building notice" or the provision (or the format in which) it is desired by Cantonment Board. Further, Cantonment Board convened a meeting in this office on 31.01.2020 in which Shri Amardeep Jaiswal was told to submit the requisite documents in proper format for processing the compounding application. Instead, Shri Amardeep Jaiswal vide letter dated 10.02.2020 requested to treat all matters with respect to unauthorised construction at Bungalow No. 3 & 3C as closed in view of submission made in the letter and in light of the MoD's Clarificatory Order/ Circular dated 10.12.2019.

Cantonment Board vide letter No. G-29/B.No. 02/Cassels Rod/CBA/2020/374 dated 03.03.2020 intimated Shri Amardeep Jaiswal that Govt of India, MoD, New Delhi Order dated 10.12.2019 cannot be applied retrospectively. Hence, unauthorised constructions carried out by Shri Amardeep Jaiswal as listed in Notice u/s 248 of Cantonments Act, 2006 dated 15.06.2019 attracts Section 235 & Section 248 of Cantonments Act, 2006. In reply, Shri Amardeep Jaiswal vide letter dated 09.03.2020 requested to proceed with compounding application dated 19.10.2019. However, since compounding application dated 19.10.2019 was in proper format as desired by this office, Cantonment Board vide letter dated 13.03.2020 requested Shri Amardeep Jaiswal to submit composition plan (in quadruplicate Size A-1 showing in distinctive colors authorized/ unauthorised constructions, which are to be compounded with measurements) and other requisite documents within 15 days of receipt of this notice. However, Shri Amardeep Jaiswal did not comply. In reply,

Shri Amardeep vide letter dated 27.03.2020 requested this office to seek legal opinion to ensure that neither this office nor Shri Amardeep Jaiswal is in violation of MoD Circular and to grant one month time for submission of documents due to lockdown and COVID-19. However, due to COVID-19 situation, Cantonment Board being an essential service provider could not be able to reply to Shri Amardeep Jaiswal letter dated 27.03.2020. However, it is submitted that sufficient time was given to Shri Amardeep Jaiswal to comply with this office letter No. G-29/B. No. 02/Cassels Road/CBA/2020/456 dated 13.03.2020.

Cantonment Board vide letter dated 23.05.2020 again requested Shri Amardeep Jaiswal to submit composition plan (in quadruplicate Size A-1 showing in distinctive colors authorized/ unauthorised constructions, which are to be compounded with measurements) and other requisite documents within 15 days of receipt of this notice.

In the meantime, Cantonment Board sought legal opinion of Cantt Board Legal Adviser (CBLA) as to whether Govt of India, MoD, New Delhi Order dated 10.12.2019 can be applied retrospectively. CBLA perused Govt of India, MoD, New Delhi Order dated 10.12.2019. CBLA intimated that in his opinion Govt of India, MoD, New Delhi Order dated 10.12.2019 cannot be operative from retrospective date rather it will be operative from the date of issue of Order and same was communicated to Shri Amardeep Jaiswal vide this office letter G-29/B.No.02/CaselsRoad/CBA/2020/688 dated 28.05.2020.

However, Shri Amardeep Jaiswal did not complied with this office letter dated 23.05.2020 and forwarded a representation through letter dated 07.06.2020. Cantonment Board vide letter dated 11.06.2020 forwarded a detailed reply to Shri Amardeep Jaiswal on points raised by him. Further, considering prevailing conditions due to COVID-19, this office granted him 30 days time to comply with letter No. G-29/B. No. 02/Cassels Road/CBA/2020/456 dated 13.03.2020 to submit requisite documents.

But, Shri Amardeep Jaiswal did not complied with the same and hence, Cantonment Board issued notice under section 320 of Cantonments Act, 2006 bearing No. G-29/B. No.02/Cassels Road/CBA/2020/1239 dated 13.07.2020.

Shri Amardeep Jaiswal vide e-mail dated 13.07.2020 intimated that due to lockdown on 11<sup>th</sup> & 12<sup>th</sup> July, 2020, he could not submit the plans and requested to ignore the minor delay and process his application for composition.

Compounding application dated 11.07.2020 of Shri Amardeep Jaiswal was received in this office on 14.07.2020. Since, subject site is situated outside notified civil area under management of DEO Allahabad Circle, Allahabad, Cantonment Board vide letter dated 21.07.2020 forwarded the application to DEO Allahabad Circle, Allahabad for necessary action under the provisions of section 238 (3) of Cantonments Act, 2006.

DEO Allahabad Circle Allahabad vide letter dated 24.07.2020 returned the compounding application with following observations:-

- i. Building application and plan is signed by one lessee while the property is held by 04 lessees. Application and plan should be signed by all the lessees.
- ii. Building application under section 235 of Cantonments Act, 2006 under which views from land point of view under provision of 238 (3) of Cantts Act, 2006 is required has not been found attached with plan.

In view of observations raised by DEO Allahabad Circle, Allahabad, Cantonment Board vide letter dated 29.07.2020 returned back the compounding application to Shri Amardeep Jaiswal and he was directed to resubmit the requisite documents within 03 weeks of receipt of the letter.

Shri Amardeep Jaiswal re-submitted the compounding application dated 06.08.2020 in this office on 19.08.2020.

In order to check the extant of unauthorised construction and whether unauthorized construction conforms to Building Byelaws of Allahabad Cantonment Board, sanctioned building plan is a pre-requisite.

Sanctioned building plan of subject site is not traceable in this office and Defence Estates Office, Allahabad Circle, Allahabad. Since, as per records available in this office, Allahabad Cantt was under management of DEO Lucknow Circle, Lucknow till 1980s, Cantonment Board vide letter dated 22.08.2020 requested to provide soft or hard copy of sanctioned building plan of subject site, if available. However, no communication has been received till date from DEO Lucknow Circle, Lucknow.

Cantonment Board vide letter dated 09.09.2020 also requested Director, Map Archive & Dissemination Centre, Hathibarkala Estate, New Cantt Road, Dehradun to provide soft or hard copy of sanctioned building plan of subject site, if available. Map Archive & Dissemination Centre, Hathibarkala Estate, New Cantt Road, Dehradun vide e-mail dated 11.09.2020 intimated that their office mainly deals with the collection and issue of records of topographical maps and building plan map and related records you want are not under the scope of this office.

Cantonment Board Allahabad vide letter No. G-29/B.N:2/CasselsRd/CBA/2020/244 dated 10.02.2020 requested Shri Amardeep Jaiswal to submit a copy of building plan sanctioned by Cantonment Board Allahabad of Bungalow No. 3, Sy. No. 233/2, Cassels Road, New Cantt, Allahabad. However, this office has not received the same. Also, Cantonment Board vide letter No. G-29/B.No:3/CasselsRd/CBA/2020/2147 dated 10.11.2020 also requested Dr. R.S. Jaiswal S/o Shri Mishri Lal Jaiswal, Smt. Rashmi Jaiswal D/o Shri Mishri Lal Jaiswal, Dr. Ajit Jaiswal S/o Shri Mishri Lal Jaiswal and Sh. Amardeep Jaiswal S/o Shri Mishri Lal Jaiswal (Recorded HORs of Sy. No. 233/2), Bungalow No. 2 & 3, Cassels Road, New Cantt, Allahabad to submit sanctioned building.

Due to non-availability of sanctioned building plan of the subject site, this office could not process the compounding application dated 06.08.2020 of Shri Amardeep Jaiswal & others.

Therefore, entire matter was referred to Board and Board vide CBR No. 14 dated 24.11.2020 resolved that DEO Allahabad Circle and DEO Lucknow Circle can be asked if sanctioned building plan of Bungalow No. 3, Sy. No. 233/2, Cassels Road, New Cantt, Allahabad is available with them.

In reply to Cantonment Board letter No. G-29/B.No:3/CasselsRd/CBA/2020/2147 dated 10.11.2020, Shri Amardeep Jaiswal vide letter dated 17.11.2020 which is received in this office on 23.11.2020 stated that he is not seized of the approved building plan and is therefore unable to make the same available.

In pursuance of CBR No. 14 dated 24.11.2020, Cantonment Board Allahabad vide letter No. G-29/B.No:3/CasselsRd/CBA/ 2020/2255 dated 27.11.2020 requested DEO Allahabad Circle, Allahabad to provide a copy of sanctioned building plan, if available, of Bungalow No. 3, Sy. No. 233/2, Cassels Road, New Cantt, Allahabad.

Cantonment Board Allahabad vide letter No. G-29/B.No:3/CasselsRd/CBA/ 2020/2256 dated 27.11.2020 also requested DEO Lucknow Circle, Lucknow to provide a copy of sanctioned building plan, if available, of Bungalow No. 3, Sy. No. 233/2, Cassels Road, New Cantt, Allahabad

DEO Allahabad Circle, Allahabad vide letter No. A-2/24/IV (FMS ID No:12083) dated 02.12.2020 intimated that sanctioned building plan in respect of Bungalow No. 3, Cassels Road is not traceable in the Office of DEO Allahabad Circle, Allahabad. However, no comments of DEO Lucknow Circle, Lucknow is received yet.

Relevant files are placed on the table. Board to consider.

**CBR NO. 8: Member Secretary informed that Defence Estates Officer, Allahabad Circle vide letter dated 02.12.2020 intimated that sanctioned building plan in respect of Bungalow No: 3 Cassels Road is not traceable & comments of Defence Estates Officer, Lucknow Circle has not received yet. Board decided to get Defence Estates Officer, Lucknow Circle's reply in writing & matter shall be referred to the next Board meeting.**

**9. CHANGE OF NAME OF LICENSEE IN RESPECT OF HALL NO.01 TRIVENI COMPLEX FIRST FLOOR, SADAR BAZAR, NEW CANTT. ALLAHABAD**

Reference CBR No.05 dated 02-03-2020 and application dated 12-10-2020 of Shri Jagram Yadav.

Board vide CBR No.05 dated 02-03-2020 approved the bid of Rs.10,600.00 quoted by Shri Jagram Yadav. He has paid the Rs.63,600.00 till December, 2020.

Shri Jagram Yadav vide letter dated 12-10-2020 stated that due to his ill health, he is not able to carry out business in the subject hall. He further stated that his son Udayapal Singh Yadav is helping him to run business in this hall.

He has requested to transfer the ibid hall in his son's name Udayapal Singh Yadav.

Relevant file is placed on the table. Board to consider.

**CBR NO. 9: Board decided to reject the request of Shri Jagram Yadav to transfer the ibid hall in his sons name. Smt. Kusum Lata, EM stated that bid quoted by Shri Jagram Yadav is less as compared to the area of the hall. Member Secretary stated that the bid received is through the open tendering & Board has no control over the highest bid. After a detailed discussion Board decided to levy higher license fee as the hall is being used for coaching classes which was not mentioned during the bidding process. Board decided to levy annual license fee of Rs. 10,000/-.**

## **10. INTEGRATED SOLID WASTE MANAGEMENT IN ALLAHABAD CANTONMENT**

Allahabad Cantonment Board is having 03 Cantonments i.e. New, Old and Fort under its municipal jurisdiction. Under Municipal Solid Waste Management Rules 2016, it is a duty of Board to manage solid waste in an integrated manner. As per the estimates, total daily collection from door to door is 3,5T-4T/day. Waste collected through Military Conservancy Agreement is approximately 34-35 T/day. Waste collected from military conservancy is mostly street garbage, soil, branches of trees etc. In door to door collection contract, Army messes/canteens are not covered.

Now, it is proposed that –

- 1.(a) Fresh tender to be issued for collection of door to door waste from all houses in civil and Army areas, Army Messes/Canteen etc. (Approx. 5-6 T/day).
- (b) For Segregation , processing, Composting etc. models adopted by Amritsar Cantonment Board, in which local have been employed. For this a waste management facility at R.A. Bazar can be utilized and enhanced.
2. For Military Conservancy Waste – units can be asked to maintain a Compost Pits in unit itself i.e.decentralized Composting. Rest dry/non-degradable waste can be processed in waste management facility.

Board to consider the further course of action.

**CBR NO. 10: Member Secretary informed that letter has been written to Commissioner, Nagar Nigam, Prayagraj for Solid Waste Management of garbage collected from the Cantonment area. Reply of which is awaited. Board decided to keep the matter pending till receipt of proposal from Nagar Nigam, Prayagraj.**

## **11. e-CHHAWANI POTAL - STANDARDIZATION OF TRADE LICENSE CATEGORIES & SUB CATEGORIES UOM/ RATES, PROCESSES AND TIMELINES FOR ISSUANCE OF TRADE LICENSE IN ALLAHABAD CANTONMENT.**

Ref : (a) DGDE letter NO.76/67/e-Chhawani/C/DE/2020 dated 09-12-2020 (Annexure- 'A')

(b) Dte DE CC letter No.58235/e-Chhawani/Vol-II dated 12-12-2020 (Annexure- 'B').

The Ministry of Defence has directed to develop a master portal of all the cantonment Boards with standardized content such as Trade License, mCollect, Public Grievance and Redressal, Water and Sewerage, Property Tax, etc. e-Chhawani project aims to provide online services to more than 20 lakh users, residing in 62 Cantonment across the country. The Objective of the e-Chhawani portal are to provide online services to citizens, improve the efficiency of the current system from paper based towards paperless, enhance the revenue through transparency, unification of multiple system on a single platform etc. In order to give effective implementation to the project, inter alia, a Domain Advisory Committee (DAC) was set up for process standardization, gathering business requirements, and exception handling. The report of the DAC comprised of details of portal for citizen/employee login (URL: <https://allahabad.cantt.gov.in>), list of documents and the standard process for issuance of Trade License has been presented to the Ministry of Defence and after due deliberation in the MoD, it has been decided to implement the recommendations of the DAC.

It is also directed to Cantonment Boards to adopt the standard categories, processes and follow the timelines for processing the trade License applications as given in the DAC report with due approval of the Cantonment Boards.

As per Section 277 of Cantonments Act 2006, the competent authority for grant of Trade License is the Cantt. Board. As per DAC recommendation, the Board may consider the matter for authorizing the CEO Allahabad Cantonment Board taking the decision for approval/ rejection of Trade License applications.

Relevant file alongwith the DAC report is put up for consideration.

**CBR NO. 11:** Board Approved the standard category, process & decided to follow the timelines for processing the trade license application as given in the Domain Advisory Committee (DAC) report. PCB stated that since ordinary Board meetings are scheduled every month there is no need to put additional burden on CEO related to taking the decision for approval/ rejection of Trade License application. Same is considered & approved by the Board.

**12. ANNUAL TRADE LICENSE FEE AND MONTHLY RENT FROM HAWKERS AT SABJI MANDI, SADAR BAZAR, NEW CANTT. ALLAHABAD**

Cantonment Board maintains a Vending Zone at Sadar Bazar [near marriage Hall] where fruits/vegetable hawkers and fast food joints operates. It is hereby proposed that trade license under Section 277 of the Cantonment Act 2006 can be issued to these hawkers as well as monthly rent/fee can be taken from them.

Board to consider.

**CBR NO. 12:** After a detailed discussion Board decided to levy a Trade License Fee of Rs. 500/- per year on Fruits & Vegetable hawkers & Fast food joints operating in Sadar Bazar vendor zone. Board further decided to levy monthly rent of Rs. 600/- from each hawkers operating at vending zone. Smt. Kusum Lata, EM noted her descent to the resolution.

**SD/-  
Mane Amitkumar Baburao  
Chief Executive Officer  
Cantonment Board, Allahabad**

**SD/-  
Brig. Ajay Pasbola, SC  
President  
Cantonment Board, Allahabad**

**29-12-2020**

**TRUE COPY**

**OFFICE SUPERINTENDENT  
CANTONMENT BOARD, ALLAHABAD**