

BADAMIBAGH CANTONMENT BOARD
MINUTES OF ORDINARY BOARD MEETING HELD ON 08.01.2018

ATTENDANCE

Members Present:-

1- Brig Arun Nair, SM, President	-	Ex-Officio
2- Shri Ab Sami Wani, Vice President	-	Elected Member-Ward No. 3
3- Shri Kapil Goyal, Chief Executive Officer	-	Member-Secretary
4- Lt. Col Sachin Jain, GE, 864	-	Ex-Officio
5- Shri Parvaiz Ahmad Dar	-	Elected Member-Ward No. 1
6- Shri Mohammad Ashraf Lone	-	Elected Member-Ward No. 2
7- Ms. Saima Shah	-	Elected Member-Ward No. 4
8- Shri Raies Ahmad Malik	-	Elected Member-Ward No. 5
9- Smt. Manjeet Kour	-	Elected Member-Ward No. 6
10- Shri Bilal Ahmad Wani	-	Elected Member-Ward No. 7

Members Absent:-

1- Brig Rajat Prakash, SEMO, Comdt. 92 BH	-	Ex-Officio
2- Shri Syed Abid Rashid Shah, DC Srinagar	-	Ex-Officio
3- Col. Pankaj Tuknait, SM, Adm Comdt	-	Nominated Military Member
4- Col. Biju Jacob, Col Q	-	Nominated Military Member

The meeting started in the Board Office with the PCB welcoming all the members present. At the outset, Shri Bilal Ahmad Wani, Member raised matter of pending works viz. appointment of Ophthalmologist, construction of ladies toilets, work orders to the contractor, survey of cattle, agreement with Chhotay Taray Foundation, construction of community hall. The CEO apprised the Board that all efforts are being made for completing all pending works at the earliest. The pending works are expected to be completed by the next Board meeting. It was further resolved that review of all these issues will be taken before the next Board meeting commences its proceedings.

With the permission of the President, following agenda were introduced and decided upon.

Agenda No. 1: MONTHLY ACCOUNTS

The Board may consider and approve monthly accounts for the months of November and December, 2017. The head-wise details are annexed as Annexure-A.

SUMMARY NOVEMBER, 2017

CASH ACCOUNT			
RECEIPT		EXPENDITURE	
Opening Balance	8,07,19,564	Total Expenditure	1,54,94,407
Total Receipts	3,23,91,779	Closing Balance	9,76,16,936
Total	11,31,11,343	Total	11,31,11,343

SUMMARY DECEMBER, 2017

CASH ACCOUNT			
RECEIPT		EXPENDITURE	
Opening Balance	9,76,16,936	Total Expenditure	1,36,91,656
Total Receipts	52,34,998	Closing Balance	8,91,60,278
Total	10,28,51,934	Total	10,28,51,934

Resolution No. 1:

Considered and approved.

Agenda No. 2: EXTENSION OF TERM OF SHRI NAZAR MOHD KHAN, CBLA

Refer CBR No.4 dated 29.12.2016 and application No. Nil dated 12.12.2017.

The term of Shri Nazar Mohd Khan as Cantonment Board Legal Advisor (CBLA) has expired on 31.12.2017. Therefore, the Board may consider extension of his term engagement for a further period of one year i.e. from 01.01.2018 to 31.12.2018 as Cantonment Board Legal Advisor on the earlier terms and conditions.

Resolution No. 2:

Considered and resolved to extend term of Shri Nazar Mohd Khan, CBLA for three months i.e. 01.01.2018 to 31.03.2018.

Agenda No. 3: MOHD ALTAF SHEIKH v/s CANTONMENT BOARD

Refer CBR No. 32 dated 10.10.2017

The Board vide CBR under reference proposed a quantum of sixty percent of pay and allowance to be paid to Shri Mohd Altaf Sheikh for a period of 3 years i.e. from 26.07.2005 to 25.07.2008 as per Fundamental Rule 54-A(2)(i), its proviso and Rule 54(7). Accordingly, Shri Mohd Altaf Sheikh was informed vide letter No. CB/Court Case/MAS/1699 dated 16.10.2017. No representation has been received from him within prescribed time period of two months.

Therefore, the Board may finally approve to pay sixty percent of pay and allowance as stated above to Shri Mohd Altaf Sheikh for a period of 3 years i.e. from 26.07.2005 to 25.07.2008.

Resolution No. 3:

Considered and approved.

Agenda No. 4: PROCUREMENT OF 160 KVA DG SET

Refer CBR No. 15 dated 24.05.2017

Bids were called through GeM portal (Bid No. GEM/2017/B/14782) for supply and installation of 160 KVA DG Set. Out of the two bids received, one was rejected for not complying with technical specifications. The qualified bidder M/s Electro Equipments quoted bid price of Rs. 13.30 lakhs.

The Board may approve. The connected documents are placed on the table.

Resolution No. 4:

Lt Col Sachin Jain, GE 864 apprised the Board that ED price of similar DG set is Rs. 16,45,600/-. Hence, the price obtained in bidding on GeM is reasonable. The Board considered and approved to procure 160 KVA DG set from M/s Electro Equipments at Rs. 13.30 lakhs received through GeM portal.

Agenda No. 5: PROCUREMENT OF 62.5 KVA DG SET

Refer CBR No. 36 dated 25.04.2017

Bids were called through GeM portal (Bid No. GEM/2017/B/18606) for supply and installation of 62.5 KVA DG Set. Out of the three bids received, one was rejected for not complying with technical specifications. The lowest bidder M/s Elmech Engineers quoted bid price of Rs. 8,49,900/-.

The Board may approve. The connected documents are placed on the table.

Resolution No. 5:

Lt Col Sachin Jain, GE 864 apprised the Board that ED price of similar DG set is Rs. 8,25,125/-. Hence, the price obtained in bidding on GeM is reasonable. The Board considered and approved to procure 62.5 KVA DG set from M/s Electro Equipments at Rs. 8,49,900/- received through GeM portal.

Agenda No. 6: EXECUTION OF REPAIR AND MAINTENANCE WORKS IN CIVIL AREAS

Refer complaint through e-mail by Residents of Iqbal Colony, Sector-3, Sonwar.

A complaint under reference has been received about attempts to install gate by some residents of Sonwar on a lane developed by the Board in 2014-15. The work - Repair of lane and drain from h/o Majaz Ahmad to h/o Ab Rashid Sonwar Ward No.5 - was approved by the Board vide CBR No. 5(16) dated 25.08.2014. A sum of Rs. 3,45,949/- was spent out of Cantonment Fund for such repairs.

As per clause (xvi) of Section 62 of the Cantonments Act, 2006 (hereinafter referred to as 'the Act'), the Board is duty bound to maintain and develop the value of property vested in, or entrusted to, the management of the Board. Further, as per clause (g) of Section 122 of the Act, subject to any special reservation made by the Central Government, all property of the nature hereinafter in Section 122 of the Act specified which has been acquired or provided or is maintained by a Board shall vest in and belong to that Board, and shall be under its direction, management and control, that is to say, all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

The Board, in the past, have continued to maintain lanes and streets in civil areas which lie on the land owned by private individuals. As per clause (g) of Section 122 of the Act, these lanes and streets vest in and belong to the Board. But, there are attempts by private individuals to install gates on these lanes and streets so as to enjoy them as their private property by disallowing the other members of public from using them. In order to avoid such incidence in future, it is recommended that the execution of repair works should be done by the Board either after the land in question is transferred to the Board by the concerned land owners or on payment by the concerned land owners to the Board towards cost of such execution of works.

Further, it is recommended that all the civil maintenance works that were approved earlier by the Board for execution at the cost of the Board which falls on private land should be kept pending.

The Board may decide. The connected documents are placed on the table.

Resolution No. 6:

The matter was discussed in detail. All the elected Board members said that since the Board is doing repairs and maintenance works of roads, lanes and drains since the inception of the Cantonment, it should not be stopped now. Further, no person will transfer their private land to the Cantonment because of which the work on public utilities will suffer. The Board should not insist on transferring the land to the Board.

The President said that since the land already vests in the Board as per clause (g) of Section 122 of the Cantonments Act, 2006, the Board should take all the measures to protect the public interest and stop the public from raising entry gates on land vested in the Board. Further, before repair and maintenance work is done on these lanes by the Board, an NOC from the owner of the house abutting that lane should be obtained.

All the elected members rejected obtaining NOC or transfer of ownership of the land involved in repair and maintenance works. Further, it was decided that the matter be referred to the PDDE, NC.

Agenda No. 7: DEVELOPMENT WORKS

The Board may consider and approve the following development works for execution:

S. No.	Description of Work	Cost (in lakhs)
1.	Extension of four rooms of Cantt Board Public School at Sonwar	19.35

Resolution No. 7:

Considered and approved. Further, Shri Tariq Ahmad Khadey, Engineer was directed to so plan the Cantt Board Public School building that it permits subsequent vertical extension of the building above the proposed two-storeys.

Shri Bilal Ahmad Wani apprised the Board that the some works proposed by the members have not been included in the agenda. The PCB asked the JE to read out the work proposed which included repair works of lanes and drains. After a detailed discussion, it was found that drainage works can be executed in accordance with sub-section (a) of section 198 of the Cantonments Act, 2006. Hence, following development works were allowed to be considered by the Board-

S. No.	Description of Work	Cost (in lakhs)
1.	Repair of lane from H/o Usman Majid to H/o Ab. Rashid Bhat, Indranagar, Ward No. 7	1.67
2.	Repair of lane from H/o Sh. Mohd Amin to H/o Mushtaq Ahmad, Indranagar, Ward No. 7	0.69
3.	Repair of existing drain by way of covering with iron grill from H/o Sh. Dara Singh up to H. No. 223 Indranagar, Ward No. 7	24.52
4.	Repair/ Covering of existing surface drain with iron trash from H/o Usman Majid to H/o Mr. Andrabi, Indranagar, Ward 7	5.12
5.	Covering of drain from H. No. 218 to H. No. 223, Indranagar	5.00
6.	Repair of lane from house of Shakeel Ahmad to Exchange road, Indranagar Ward 7	3.00

The development works listed above were approved by the Board. Further, Shri Bilal Ahmad Wani, Member apprised the Board that an original work, if any, should be done by the Board as per the prescribed procedure only which was seconded by all the members present.

Agenda No. 8: UNAUTHORISED CONSTRUCTION

To consider the report submitted by the field staff regarding un-authorized constructions carried by the below mentioned offenders who were asked to stop the un-authorized construction and notices under section 239 of the Cantonments Act, 2006 have already been issued. The offenders are liable to action warranted under section 247, 248 & 320 of the Cantonments Act, 2006.

S. No.	Name	Location	Type of Construction	Dimensions of Building
1	Sh. Zahoor Ahmad Dar S/o Ali Mohammad Dar	Batwara, Ward No. 1	Second Floor	44 feet × 35 feet
2	Sh. Nazir Ahmad Wani S/o Ghulam Nabi Wani	Shivpora near Hotel Shamas, Ward No. 3	Plinth	40 feet × 38 feet
3	Sh. M. S. Khan S/o G. S. Khan	H. No. 2, Indranagar, Ward No. 7	Ground Floor	52.6 feet × 23 feet
4	Sh. Nazir Ahmad Bhat S/o Ghulam Qadir Bhat	Shivpora, Ward No. 2	First Floor	27.4 feet × 19 feet
5	Sh. Rickey Singh C/o Woodland House School	Sonwar, Ward No. 4	Ground Floor	32 feet × 15 feet
6	Nazir Ahmad Rather S/o Mohammad Akbar Rather	Iqbal Colony, Sonwar	Ground Floor	44.6 feet × 20.6 feet
7	Ghulam Nabi Parray S/o Lt. Ghulam Rasool Parray	Palpora Sonwar, Ward No. 4	Ground Floor	28 feet × 32 feet

Resolution No. 8:

The Board considered and resolved that erection or re-erection mentioned on the agenda side has been done without obtaining permission from the Board and thus constitute an offence u/s 247 of the Cantonments Act, 2006. The Board resolved that all these unauthorised erection or re-erection be demolished u/s 248 of the Cantonments Act, 2006 and the offenders be prosecuted.

Further, a three member Committee of the Vice-President, Col Biju Jacob, Member and Shri Pervaiz Ahmad Dar, Member was constituted to find reasons of delay, if any, caused at various levels in processing building application of the offender at S. No. 7.

Also, it was decided that software developed for tracking status of building applications will be displayed in every Board meeting.

Agenda No. 9: BUILDING APPLICATION

Refer CBR No. 25 (n) dated 10.10.2017

To consider the application of Shri Abdul Gani Baba S/o Ghulam Baba R/o Shivpora for construction of godowns over existing shops. The Board vide CBR under reference resolved that BC2 along with the Vice-President shall visit the site and submit its recommendations. The recommendations of BC2 are placed before the Board for consideration.

The Board may decide. The case file is placed before the Board.

Resolution No. 9:

The Board considered the recommendations of BC2 and resolved that the Vice-President, the GE, 864 and the CEO shall visit the site and submit report for consideration of the Board.

Agenda No. 10: BUILDING APPLICATION

Refer CBR No. 34 dated 10.10.2017

The Board resolved vide CBR under reference that Building Committee 2 (BC2) shall visit the site and submit its report to the CEO. Accordingly, BC2 was requested to submit report with recommendations which, vide their report dated 03.11.2017 stated that measurements of site did not match with the drawing submitted by the applicant and recommended that applicant be asked for clarification. Accordingly, the applicants were asked the clarification vide letter No. CB/208/L&B/328/Shivpora/1815 dated 08.11.2017. The clarification submitted by the applicants was forwarded to the BC2 vide letter No. CB/Building App-Com/1964 dated 18.11.2017. The BC2 submitted the recommendation dated 14.12.2017 stating that the clarification furnished by the applicants is not to the satisfaction of the Committee and recommended for rejection of building application. The BC2 was requested to give the recommendations along with detailed justification, facts and figures vide letter No. CB/Building App-Com/4759 dated 23.12.2017 which is still awaited.

The Board may decide. The case file is placed before the Board.

Resolution No. 10:

The Board considered the final report submitted by BC2 and resolved that the BC2, the GE, 864 and the CEO shall visit the site and submit a report to the Board by 20.01.2018. The report should clearly mention the following-

- (a) Identification of land proposed for construction.
- (b) Identification of land around the land proposed for construction by its owner or occupier.
- (c) Verification with the land revenue records.

Agenda No. 11: EXTENSION OF BUILDING PERMISSION

Refer CBR No. 22(n) dated 06.07.2015

The Board vide CBR under reference sanctioned the construction of two storied residential building on Khasra No. 342/17 at Shivpora by Shri Fazil Yousuf Bhat S/o Mohammad Yousuf Bhat R/o Shivpora. The same was conveyed to the applicant vide letter No. CB/BP/14/Shivpora/1075 dated 12.10.2015. Shri Fazil Yousuf Bhat has now applied for extension of building sanction for the said construction as he could not commence the construction work due to reasons as stated in his application.

The Board may decide. The case file is placed before the Board.

Resolution No. 11:

Considered and approved to give one year extension subject to payment of Rs. 1,500/-.

Agenda No. 12: BUILDING BYE- LAWS

Refer CBR No. 17 dated 20.11.2017

The Building bye-laws for Badamibagh Cantonment have been re-drafted keeping in the Model Building Bye-laws forwarded by the DGDE, Building Regulations and Bye-laws (Kashmir Division), 2010 and Building Bye-laws, 2011 of Srinagar Municipal Corporation.

The Board may approve the bye-laws. The connected documents are placed on the table.

Resolution No. 12:

The matter was discussed in detail. Shri Bilal Ahmad Wani, Member again apprised the Board that he could not understand a word of the bye-laws. Shri Pervaiz Ahmad Dar, Member demanded that instead of G+2, maximum no. of storeys should be allowed to G+3. Shri Ab Sami Wani, Vice-President was of the view to allow for even more no. of storeys. Further, if the demands of the elected members are not met, they were in favour of rejecting the draft building bye-laws in toto.

The CEO apprised the Board that the model building bye-laws has been issued by the MoD. Further, for members who do not understand the bye-laws, each and every provision in the Board can be discussed and voted upon. The building bye-laws as approved can be sent to the higher authorities along with justifications. This was not accepted by the elected Board members.

The PCB asked all the elected members to come prepared in the next special meeting to be convened on 17.01.2018 for approving the bye-laws. Shri Raies Ahmad Malik, Member, Shri Bilal Ahmad Wani, Member and Ms Saima Shah, Member were given the task of studying the existing building bye-laws, building regulations of Kashmir division and building bye-laws of SMC respectively before the scheduled meeting.

With the permission of the President, following supplementary agenda were introduced.

Agenda No. 13: INDISCRETION BY TEC DURING TENDER EVALUATION

Three different online bids were called through e-procure portal vide tender Ids 2017_DGDE_272888_1, 2017_DGDE_280622_1 and 2017_DGDE_280566_1 for 30W LED, tyre for tippers and 30HP dewatering pump respectively.

During evaluation of bids called for 2nd time for 30W LED lights, the TEC did not open the envelopes containing tender cost and EMD submitted by M/s Ahaar Syndicates and M/s B U Combines but considered the money has been deposited based on photocopies only.

During evaluation of bids for Tyres, the TEC rejected certificate of M/s New Positive Associates but accepted similar certificate submitted by M/s Friendz Entreprises. The bid of M/s New Positive Associates was rejected and bid of M/s Friendz Enterprises was recommended to be accepted.

During evaluation of bids for 30 HP Pump, the TEC arrived at a conclusion that M/s Friendz Enterprises was offering the intended brand when the brand was not mentioned in the broucher submitted by the said firm. When asked for clarification, the TEC clarified that the TEC has verified the model number from internet and there was no need to get clarification from the bidder concerned. When TEC was asked to put a copy showing same model number of Kirloskar brand but of 25HP instead of 30HP was submitted by one of the member of the TEC.

From the above, the Board may observe that the TEC duly constituted by the Board is displaying indiscreet behaviour which may invite allegations of not performing the duties with utmost integrity. The Board may decide on the above as well as the mandate of the TEC.

The connected documents are placed on the table.

Resolution No. 13:

The TEC were asked for the clarification on the agenda. On the matter of considering the EMD and tender cost for supply of 30 W LED, Shri Bilal Ahmad Wani, Member said that since the hard copies of the EMD and tender cost were not required as per the terms of the tender, the hard copies were not opened. However, no satisfactory reply was provided on why the receipt of EMD and tender cost was considered correct only on the basis of scanned copies.

On the matter of considering certificate issued by an authorised dealer and not the OEM for supply of tyres for tippers, Shri Bilal Ahmad Wani, Member clarified that since the tender conditions did not mention that such certificate should be issued by only the OEM, certificate issued by any authorised dealer is valid. Further, there was no need for verifying whether the dealer that issued such certificate is an authorised dealer of OEM and whether such dealer is authorised to issue such certificate to another agency. The GE, 864 apprised the Board that normally the certificate of dealership is issued only be the OEM. Thus, no satisfactory explanation was given.

Further, on matter of supply of 30 HP pump, Shri Bilal Ahmad Wani, Member stated that there is no need of asking the documents from the bidders as the same can be easily verified on the

internet. The CEO stated that a document signed by Shri Raies Ahmad Malik, Member has been placed on the file which shows same model no. but with specifications different from the required ones. Thereafter, no satisfactory reply was given by the TEC.

The Board cautioned the TEC to be more careful hereafter and to perform its duties more diligently.

Sd/-
Chief Executive Officer
Badamibagh Cantonment Board

Sd/-
President
Badamibagh Cantonment Board