



Item No. 27 : Allotment of land to MMRDA for Mumbai Trans Harbour Link.



At the commencement of Meeting, the Company Secretary requested the Board to first discuss Item No.27 pertaining to allotment of land to MMRDA for Mumbai Trans Harbour Link Project; as both Directors viz; Shri Rahul Asthana, Metropolitan Commissioner, MMRDA and Shri Manu Kumar Srivastava, PS(UD)-1, have another important meeting at Mantralaya in the afternoon.

With the permission of the Hon'ble Chairman, this subject was taken up first for deliberation.

While taking up the subject, Shri Rahul Asthana apprised the Board that MMRDA is the implementing agency for the development of Mumbai Trans Harbour Link (MTHL) Project.

MMDRDA has the following land requirement:

- i) Land required for right of way of the road (RoW) - 96.36 Ha.
- ii) Land required for casting yard on Leave & Licence basis - 22.94 Ha.
- iii) Land required for commercial development - 8.80 ha

The Metropolitan Commissioner also informed that MMRDA's contribution to this project in terms of viability gap funding is about Rs.2000 crores. MMDRA is also spending Rs.700 crores for further connectivity to MTHL. The bidding parameter of the MTHL project is the viability gap funding and hence land from CIDCO is required for real estate component, which is a requirement as part and parcel of the bids to ensure that the bids are received below 40% of viability gap.

He apprised that the estimated total project cost is approximately Rs 10000 crores in which MMRDA's contribution will be Rs.2000 crores in terms of viability gap funding and contribution on behalf of Govt. will be Rs.2000 crores and balance amount of Rs.6000 crores would be through concessionaire.

MTHL project would be a vital connectivity to the Navi Mumbai International Airport Project of CIDCO. Therefore, CIDCO will be immensely benefited due to MTHL connectivity, whereas MMRDA will not get any benefit directly even after spending Rs. 2700 crores.

In this regard, a power point representation was also shown to Board by the Additional Metropolitan Commissioner Ms. Ashwini Bhide, Addl. Metropolitan Commissioner.

The Metropolitan Commissioner also informed the following to the Board:

That the Project feasibility study for MTHL has been carried out by MMRDA.



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- That in the financial study, MMRDA has not considered the cost of land required for ROW and the same has also not included in the total project cost.
- That in order to see that the project specifies the criteria of getting viability gap funding from the Central Government, 7.5 ha land needs to be given free of charge with FSI 1.5 to the concessioner and land required for the casting yard need to be given at Leave and Licence fee of Re. 1/- for the entire period of 5 years.

He also informed that, he has requested CIDCO to consider the following:

- To handover free of cost the possession of 65.30 ha land already acquired by CIDCO for ROW.
- To handover free of cost 18.97 ha of land required for Casting Yard, which shall be returned to CIDCO.
- To handover free of cost the commercial land of 7.5 ha, which shall be transferred by MMRDA to the successful bidders.
- That MMRDA is agreeable to pay the land acquisition cost for land still to be acquired by MMRDA & also agreeable to pay the cost of the land required for allotment under 12.5 % scheme.

While discussing the present proposal, VC & MD stated that earlier in the year 2006, the CIDCO Board had only approved proposal of allotment of land on lease for a period of 60 years for the purpose of construction of road and for no other purposes. Whereas, besides land required for ROW, now MMRDA has requested free of charge, transfer of additional land for casting yard as well as commercial purposes to meet the viability gap funding.

VC & MD also informed that in a recent meeting held on 15th June, 2012 under the chairmanship of Hon'ble Chief Secretary, GOM, all the above issues have been discussed and the Chief Secretary, GOM has instructed VC & MD, CIDCO to finalize the valuation of land required (for ROW, Casting yard & Commercial purpose) to be transferred to MMRDA for MTHL project and place the matter in the Board meeting.

VC & MD also apprised the Board that with regard to acquisition/handing over of the land required for MTHL project, a meeting was also held on 27 July 2012 under the Chairmanship of Addl. Chief Secretary, Urban Development Department, GOM. In that meeting, Addl. Chief Secretary, UDD has directed to submit the following before the Board of CIDCO. Accordingly, the Board note has been prepared and brought in today's meeting.

- i. That 65.30 ha. land already acquired by CIDCO and in possession required for ROW shall be handed over to MMRDA free of cost for execution of the Project.





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That Land already acquired and in possession of CIDCO shall be handed over to MMRDA for casting yard, free of cost, and after completion of the project, the same would be handed over to CIDCO.

- iii. That CIDCO shall handover 7.5 ha land for commercial use for the purpose of MTHL project to MMRDA. Since the said plot of land use is residential, necessary steps shall be taken by CIDCO to change the use to R + C. And after Board decision, CIDCO shall handover the said plot to the successful bidder of MTHL directly on recommendation by MMRDA.
- iv. That MMRDA shall pay extra cost of land acquisition and 12.5% scheme land for 27 ha of land still to be acquired by MMRDA for MTHL project.

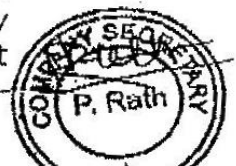
While elaborating about the initial developments on this project, VC&MD stated that in 2006, following resolutions were passed by the Board of CIDCO for transfer of land to MSRDC:

BR No. [9535 dtd 21 Dec 2006] "RESOLVED THAT considering the agenda note, the Board do and hereby approves the allotment of about 95-49-8 H.A. of land to MSRDC (excluding the Forest Land) or the land that would be found out after actual measurement on site from the villages Gavhan, Jasai and Chirle as demanded by them only for the purpose of construction of road in Navi Mumbai, under Mumbai Trans Harbor Sea Link Project from Sewree to Nhava at the actual land acquisition cost plus the amount of basic infrastructure development cost of 12.5% scheme to be implemented for allotment of plots to the concerned land owners as stated in the Agenda Note".

"RESOLVED FURTHER THAT the land should be allotted on lease for a period of 60 years only for the purpose of construction of road and for no other purpose on usual terms and conditions of the New Bombay Disposal of Land Regulations 1975 so far as they are applicable for the construction of a road on an yearly lease rent of Rs.100/-."

"RESOLVED FURTHER THAT an amount of Rs.135 crores may be accepted from the MSRDC as initial payment of the land on account of partial Lease Premium as agreed by the Managing Director of MSRDC in the meeting held on 01.11.2006 as mentioned in the Agenda Note. The actual cost of compensation including other components paid or became payable for acquisition of the land will be worked out after acquisition of the entire land in due course of time by CIDCO".

"RESOLVED FURTHER THAT a specific condition should be inserted inter alia in the Agreement to Lease to be executed with MSRDC that in case of any increase in land acquisition cost in future and as shown in the Agenda Note, due to enhancement of compensation by any Court, or for any other reason, the difference between the amount





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initially paid and become payable due to enhancement in the land acquisition cost, including the other components as per the Land Acquisition Act 1984 shall be paid by MSRDC within 15 days from the date of informing such amount to them by CIDCO".

"RESOVED FURTHER THAT considering the fact that the land is to be allotted to MSRDC, a Govt. Company, for construction of a road under Mumbai-Trans-Harbor-Sea-Link Project from Sewree to Nhava in Navi Mumbai which is a Project of State Govt. and also beneficial to CIDCO, the Water Distribution Betterment Charges (WDBC) being recovered by CIDCO, be and are hereby waived in this case as requested by them".

"RESOVED FURTHER THAT CIDCO may proceed further to acquire un-acquired private land and also get the land transferred to CIDCO owned by the Govt., JNPT and Central Railway falling in the proposed road and take over possession thereof in due course as per actual requirement and after taking over possession of the entire land and hand over the same to MSRDC".

"RESOVED FURTHER THAT the VC & MD or any other officer to whom VC & MD directs be and is hereby authorized to implement the above Resolution."

VC & MD further informed that while reviewing the status in meeting held on 2nd January 2007 with the then Hon'ble Chief Minister, the Hon'ble CM felt that there was a need to frame a policy wherein no land-acquisition cost be charged for lands used for infrastructure projects.

Therefore, CIDCO had requested Govt. in UDD to issue policy guidelines in this respects since the GDCR for Navi Mumbai did not have the provision for TDR. In absence of the guidelines from the U.D.D. the proposal was moved to compensate the land acquisition and allied cost by issuing development right certificate for equivalent land area that should be transferred by CIDCO to MSRDC for MTHL Project.

In view of this, the Board was apprised to forward a proposal for express approval of the State Government. Accordingly, in partial modification of the above BR No. 9535 dtd 21.12.2006, the Board has resolved the following Board Resolutions which are reproduced, as follows:

RESOLUTION NO:9568 (as confirmed)

"RESOVED THAT in partial modification to the B.R. No.9535 dated 21.12.2006 about 95-49-8 Ha of land required for Mumbai-Trans-Harbor-Sea-Link Project within Navi Mumbai project to be given to MSRDC on 60 years lease basis provided that Urban Development Department, Government of Maharashtra issues development right to CIDCO for about 95-49-8 Ha of FSI or the area of land actually handed over. The same will be used by CIDCO with prior approval of Government on un-allotted lands in CIDCO provided maximum FSI on any plot does not exceed 3.00".





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RESOLVED FURTHER THAT the VC & MD of CIDCO be and is hereby authorized to finalize the scheme for the use of this DRC in NMMC and CIDCO areas in consultation with the Urban Development Department and take necessary steps to amend the existing Development Control Regulation applicable to CIDCO".

The VC & MD informed that, the above proposal of CIDCO for allowing TDR in lieu of road area sent to the Govt. of Maharashtra was regretted vide letter on 17th Dec., 2007.

Since then, there were no developments on the part of CIDCO.

On the subject of present Land acquisition status, VC&MD apprised the following:

1. Out of the land required for the Right of Way (RoW) of 96.36 ha., CIDCO has land admeasuring 65.30 ha. in possession. The land admeasuring 27.80 ha. is under acquisition by MMRDA at different stages.
The Govt., Forest, JNPT and of Central Railway land totally admeasuring 3.26 ha. is required to be taken over by MMRDA directly.
2. The land admeasuring about 18.97 ha. for casting yard is in the possession of CIDCO and can be transferred for a period of 5 years to MMRDA against the request made by MMRDA in the meeting held on 27th July 2012. For this purpose total Lease rent for five years comes to Rs.53.92 crores. However MMRDA has requested to allot this Land free of Lease Rent as the Land will be returned to CIDCO after completion of the project.
3. MMRDA has requested for allotment of land admeasuring about 10. ha on the main land side in the vicinity of MTHL alignment with 1.5 FSI for commercial development stating that this project can only become viable if the bidder is allowed to develop real estate component to contribute towards the viability gap funding. However due to non availability of land, after keeping requirement for 12.5% scheme, Planning Department have suggested availability of 7.5 ha land only (with R+ C use) with 1.5 FSI, located at Sector 15 & 16 at Ulwe node. The total cost of this land works out to Rs. 400.56 crores.
4. There may be mangroves in the lands proposed for MTHL to be allotted to MMRDA and in that event, it will be the sole responsibility of MMRDA to get the necessary permissions / approvals from the Competent Authority.

VC & MD insisted that total cost for these Lands should be recovered from MMRDA as decided in the year 2006 in respect of allotment to MSRDC for MTHL project. And, if the request of MMRDA is considered for transfer of Lands free of cost, then CIDCO would be foregoing Rs. 400.56 crores (7.5 ha for R+C use), Rs. 53.92 crores (18.97 ha for Casting Yard for five years) and Rs. 135 crores (as decided in the year 2006 as partial lease premium recoverable from MSRDC for



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allotment of land for road construction and now requested by MMRDA for ROW purpose). However, considering the importance of this project, if Board feels that request of MMRDA to be considered for allotment of Land free of charges, then sanction of Government of Maharashtra will be required as per Regulation 25 of NMDLR-2008 as there is no provision in Navi Mumbai Disposal of Lands (Amendment) Regulations, 2008 for allotment of land free of cost.

While further discussing this subject Shri Namdeo Bhagat expressed the following views:

1. In these area, bulk pieces of land already given to NMSEZ.
2. Since last 5 years NMSEZ's activities are not visible. The Lands allocated by CIDCO for this Company is lying unutilized.
3. Local PAPs are not provided any job despite assurance given at various stages either by CIDCO or JNPT.
4. That till today, issues related to 12.5% are still pending for Lands acquired by CIDCO for JNPT way back in 1980. Therefore, he apprehended that in this project, if some lands are to be acquired by MMRDA, similar situation like JNPT may prevail here too, whereby the villagers will be deprived of their legitimate right to get necessary compensations for their land.
5. He feels that CIDCO would not be benefitted by this project as direct connectivity is not available to the site of proposed Navi Mumbai airport.
6. MMRDA should ensure 12.5% benefit for any additional land acquisition by them for this project.
7. In this area, many container yards have been developed without permission of CIDCO. Therefore, he urged that necessary action need to be initiated against them. CIDCO may encourage setting up of Container yards by Local PAPs.
8. Site must be visited by all the Directors to assess the present situation.

In response to the above, Shri Rahul Asthana informed that he has visited the site in the recent past. And Land acquisition under provisions of section 6 of the Land Acquisition Act is in progress and balance up to 27 Ha. need to be acquired. He also informed that for land acquisition by MMRDA, scheme of 12.5% will also be extended to the Local People in line with Government Resolutions and care will be taken by MMRDA to ensure that while acquiring Lands; no injustice is done to Land Owners.

He further informed that MMRDA has reached RFQ stage and; looking to the Rs.2700 crores expenditure plan of MMRDA, CIDCO must come forward as an Investment Partner in this project.

Responding to the views expressed by Shri Namdeo Bhagat, Shri Manu Kumar Srivastava, PS(UD-1) stated the following:

1. That it is necessary to have this project and for which RoW is necessary.





2. It is the responsibility of MMRDA to develop Mumbai Metropolitan Region and in this project, CIDCO has a role as partner to develop this hinterland area and for this, CIDCO should be a partner in this project.
3. As per policy regarding 12.5% scheme, the same would be applicable for RoW, if land is acquired by MMRDA also.
4. Further, this project will be the longest Sea Link Route (approximately 22 KM) in the country. This will ease the traffic on the existing JNPT road to SEZ / International Airport and also reduce the distance to South Mumbai drastically. This project will bring more fame to Navi Mumbai in addition to bring significant appreciation in market value of properties in this neighborhood and adjoining Nodes. This on the other hand will yield more revenue to CIDCO on its left out saleable components in Ulwe and Dronagiri Nodes.

At the end, Shri Namdeo Bhagat stated that he has no objection to send this proposal to the Government provided that all benefits and facilities for PAPs, as eligible, must be taken care of while acquiring additional land in future as well as for land already acquired for this project.

Thereafter, the Board passed the following Resolutions:

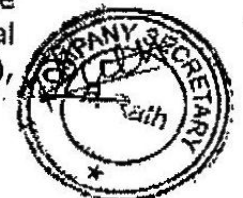
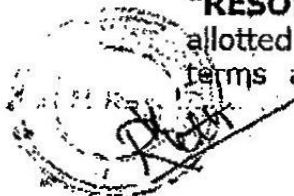
RESOLUTION NO. : 10680

"RESOLVED THAT the Board noted that in the Navi Mumbai Disposal of Lands (Amendment), Regulation 2008, no provision is made for allotment of land, free of cost, to any Organisations."

"RESOLVED FURTHER THAT looking into the importance of the Mumbai Trans Harbour Link (MTHL) project, the request of the MMRDA for transfer free of cost of the following lands which are in the possession of CIDCO for the development of MTHL by MMRDA as the implementing agency, be sent to Government of Maharashtra for approval in view of Regulation No.25 of Navi Mumbai Disposal of Lands (Amendment) Regulation, 2008."

Sr. No.	Particulars	Land in possession of CIDCO
1	Land required only for right of way (ROW) of the road.	65.30Ha.
2	Land required for Casting Yard on Leave & License basis for a period of Five Years free of mangroves	18.97 Ha
3	Land required for Residential plus Commercial use (R + C use) with 1.5 FSI located at Sector - 15 & 16 at Ulwe node.	7.5 Ha

"RESOLVED FURTHER THAT the land admeasuring 65.30 Ha shall be allotted only for the purpose of ROW; and for no other purpose on usual terms and conditions of Navi Mumbai Disposal of Lands (Amendment),



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Regulation 2008 and after the expiry of the concession period, the ownership of this Land shall vest with CIDCO."

"RESOLVED FURTHER THAT MMRDA shall acquire at their cost the additional Lands admeasuring 27.80 Ha for ROW, which is under acquisition by MMRDA ,and will also pay for the Land requirements for 12.5 % scheme."

"RESOLVED FURTHER THAT after the expiry of five years period, the land admeasuring 18.97 Ha. (for Casting Yard purpose) shall be handed over to CIDCO by MMRDA free of all encumbrance."

"RESOLVED FURTHER THAT after the expiry of concession period, the land admeasuring 7.5 Ha (for R + C use) with 1.5 FSI, along with all structures, buildings, road etc. will be returned to CIDCO by MMRDA & the Concessionaire free of all encumbrance."

"RESOLVED FURTHER THAT in future cost for additional land requirements except the lands mentioned at the above table for this project shall be borne by MMRDA."



"RESOLVED FURTHER THAT the VC & MD be and is hereby empowered to implement the above Resolutions."



To.....	M.M.T.I	Date.....	13.19.12
Approved by the Board vide			
Resolution No.....	1088	Dated.....	2.18.12
subject to modifications shown above.			
Draft Agenda Note/Underlying Papers/ Files etc. are returned here with.			
			<i>P. Rath</i> Company Secretary