

**MINUTES OF PROCEEDINGS OF ORDINARY BOARD MEETING HELD ON
27TH AUGUST 2020 AT 1100 HOURS IN THE OFFICE OF DALHOUSIE
CANTONMENT BOARD, DALHOUSIE CANTONMENT.**

Following were present

Col A. K. Mishra	-	President
Sh. Ravinder	-	Member Secretary
Sh. Avtar Singh Walia	-	Elected member (Ward No. 1)
Smt. Uma Devi	-	Elected member (Ward No. 2)
Sh. Anil Kumar Sud	-	Elected member (Ward No. 3)
Smt. Anuradha	-	Elected member (Ward No. 4)
Smt. Rajinder Kaur	-	Elected member (Ward No. 5)
Smt. Raman Kumari	-	Elected member (Ward No. 6)

Following were absent

Col. Atindra Sanyal, SEMO	-	Ex-officio member
Col. Rajesh Kumar	-	Nominated member (Military)
Sh. Jagan Thakur	-	Nominated member
Sh. Manish Kumar, Offg AGE (I), MES-	-	Ex-officio Member

59. ACCOUNTS

To read, consider and approve the statement of income and expenditure of Dalhousie Cantt Fund for the month of June and July 2020.

June, 2020

Opening balance as on 01-06-2020	-	Rs. 16550465.38
Receipt during the month	-	Rs. 30939.00
Total	-	Rs. 16581444.38
Expenditure during the month	-	Rs. 12746278.00
Balance at the close of the month	-	Rs. 3835126.38

July, 2020

Opening balance as on 01-07-2020	-	Rs. 3835126.38
Receipt during the month	-	Rs. 3732688.00
Total	-	Rs. 7567814.38
Expenditure during the month	-	Rs. 2677750.00
Balance at the close of the month	-	Rs. 4890064.38

In this connection account detail of Income and Expenditure along with cash book is placed on the table.

RESOLUTION:- CONSIDERED, CONCURRED AND APPROVED.

60. GRANT OF TRADE LICENCE

To consider the application (Sr.No. 01 to 15) of Trade Licence Register received from traders for grant of licences for carrying on trades & professions by them within the Cantonment during the year 2020-21 as per

section 277 of the Cantonments Act 2006. The details are summarized as follows :

क्रम सं.	आवेदक का नाम व पता	व्यवसाय	वर्तमान रेट	गत वर्ष मे प्राप्त राशि	प्रस्तावित रेट प्रतिवर्ष
01	श्री सी एम राय सपुत्र स्व श्री हरक बहादुर टिक्का लाईन डलहौजी छावनी	दूध विक्रेता	50/- रुपये	50/- रुपये	100/- रुपये
02	श्री सुरेन्द्र कुमार सपुत्र श्री श्री देस राज गांव मलूडा डाकधर बाथरी तहसील डलहौजी जिला चम्बा हि. प्र.	दूध विक्रेता	50/- रुपये	50/- रुपये	100/- रुपये
03	श्री सुशील कुमार सपुत्र स्व श्री जगदीश मित्र बैलून बाजार डलहौजी छावनी	दूध, फल सब्जी, अण्डे, बिस्कुट, मक्खन ब्रेड, आलू, प्याज, टैफी बीडी, सिगरेट आदि विक्रेता	50/- रुपये प्रति वस्तु	600/- रुपये	1000/- रुपये
04	श्री किशोरी लाल सपुत्र स्व श्री ज्योती राम बैलून बाजार डलहौजी छावनी	दूध, मक्खन, मिठाई, गर्म चाय, समोसा नमकीन विक्रेता	50/- रुपये प्रति वस्तु	200/- रुपये	1500/- रुपये
05	श्री किशोरी लाल सपुत्र स्व श्री ज्योती राम बैलून बाजार डलहौजी छावनी	सरसो तेल, रिफाईण्ड, आटा, चावल, गेहूं, चीनी दाले विक्रेता	50/- रुपये प्रति वस्तु	150/- रुपये	1500/- रुपये
06	मै. सुपर स्टोर, 4 बैलून बाजार डलहौजी छावनी	बिस्कुट, दूध, मक्खन, आलू, प्याज, एरियटड वाटर, चावल, आटा, चीनी, टैफी, डालडा, घी, दाले, साबुन, चिप्स, नमकीन, आदि विक्रेता	50/- रुपये प्रति वस्तु	650/- रुपये	2500/- रुपये
07	श्रीमति आदर्श गन्धोत्रा, बैलून बाजार डलहौजी छावनी	बिस्कुट, दूध, मक्खन, आलू, प्याज, एरियटड वाटर, चावल, आटा, चीनी, टैफी, डालडा, घी, दाले, साबुन, चिप्स, नमकीन, आदि विक्रेता	50/- रुपये प्रति वस्तु	500/- रुपये	2000/- रुपये
08	श्री हेम राज बैरी एण्ड अदर्ज बैलून बाजार डलहौजी छावनी	देसी रोटी, गर्म चाय, फास्ट फूड विक्रेता	50/- रुपये प्रति वस्तु	150/- रुपये	2500/- रुपये
09	श्री दिनेश कुमार सपुत्र श्री देव राज बैलून बाजार डलहौजी छावनी	नाई का व्यवसाय	50/- रुपये	..	100/- रुपये
10	मै. अचुज मैडीकल स्टोर बैलून बाजार डलहौजी छावनी	दवाई विक्रेता	50/- रुपये	50/- रुपये	1000/- रुपये

11	श्री विक्रम सिंह वर्मा सपुत्र श्री मदन लाल वर्मा तिब्बती मुहल्ला डलहौजी छावनी	मोबाईल सेल एण्ड रिपेयर का व्यवसाय	1000/- रुपये
12	मै. चावला जनरल स्टोर, 25 बैलून बाजार डलहौजी छावनी	बिस्कुट, आलू, प्याज, एरियटड वाटर, चावल, आटा, चीनी, टैफी, डालडा, घी, दाले, साबुन, चिप्स, नमकीन, जूते आदि विक्रेता	50/- रुपये प्रति वस्तु	550/- रुपये	1000/- रुपये
13	श्री मनोज कुमार सपुत्र श्री ओम प्रकाश बैलून बाजार डलहौजी छावनी	अण्डे, बिस्कुट, दूध, मक्खन, आलू, प्याज, फल, सब्जी, टैफी, चिप्स, नमकीन, व डेली नीड आदि विक्रेता	50/- रुपये प्रति वस्तु	650/- रुपये	1000/- रुपये
14	श्री राजेश कुमार सपुत्र श्री भगत राम 26 बैलून बाजार डलहौजी छावनी	अण्डे, बिस्कुट, दूध, मक्खन, टैफी, चिप्स, नमकीन, आदि विक्रेता	50/- रुपये प्रति वस्तु	350/- रुपये	1000/- रुपये
15	श्री तिलक राज शर्मा सपुत्र श्री ईच्छा राम 87 बैलून बाजार डलहौजी छावनी	बिस्कुट, गर्म चाय, मिठाई आदि विक्रेता	50/- रुपये प्रति वस्तु	500/- रुपये	700/- रुपये

It is pertinent to mention here that these rates have not been enhanced since 2017. These rates will be applicable for the FY 2020-21.

All the documents are placed on the table. Board may consider and approve.

RESOLUTION:- **CONSIDERED, CONCURRED AND APPROVED.**

61. INSTALLMENT OF TOLL TAX- EXEMPTION REGARDING.

Reference;- Letter no. nil dated 06th August 2020 received from M/s Malik Enterprises, Pathankot.

Vide above cited letter, M/s Malik Enterprises has requested for the following:-

- Review of the quarterly installment w.e.f. 01.07.2020 to 30.09.2020 as collection of toll tax has decreased in view of COVID-19.
- Exempt the proportionate amount of installment w.e.f. 01.07.2020 to 16.07.2020 as he has re-started the collection w.e.f. 17.7.2020 afternoon (letter dated 23.07.2020)

Office note:- Vide CBR No. 25 dated 27.08.2019 and CBR No. 45 dated 26.10.2019, the board allotted the vehicle entry toll tax collection rights to highest bidder i.e. M/s Malik Enterprises @ Rs. 73,50,786.00/- for a period 01.10.2019 to 30.09.2020.

As per terms and conditions of the tender/ agreement, the contractor has to submit the payment in 04 equal quarterly installments alongwith security, equivalent to 25% of the contract value, upfront.

In this regard, it is to inform the Board that the contractor has so far paid two installments i.e. upto 31.03.2020. Further the third installment w.e.f. 01.04.2020 to 30.06.2020 was waived off by the Board vide CBR No 56 dated 13.07.2020 considering non-operation of toll tax collection consequent to imposition of lockdown by Govt of Himachal Pradesh and Govt of India.

It is pertinent to mention here that M/s Malik Enterprises was asked to resume the collection telephonically on 25.06.2020, followed by the letters dated 03.07.2020 and 07.07.2020.

In view of above, it may be seen that:-

- (i) M/s Malik Enterprises has not collected toll tax w.e.f. 25.06.2020 out of its own will despite informed by the Office.
- (ii) The toll tax was auctioned to highest bidder. Hence, it is not a revenue sharing agreement between Cantt Bd and contractor. Therefore, the contractor is liable to bear all profits/ losses, as the case may be.

Accordingly, it is recommended that the M/s Malik Enterprises shall pay complete amount of 4th installment for the period 01.07.2020 to 30.09.2020.

The Board may consider and approve.

All the relevant papers are placed on the table.

RESOLUTION:- CONSIDERED, CONCURRED AND APPROVED THAT THE M/S MALIK ENTERPRISES SHALL PAY COMPLETE AMOUNT OF 4TH INSTALLMENT FOR THE PERIOD 01.07.2020 TO 30.09.2020.

62. STREAMLINING OF TENDERING PROCESS.

During the previous Board meeting few of the elected members raised the issue of streamlining the process of tenders in the Cantt Bd.

During the discussion, the CEO informed the Board that due process, as mentioned in GFR and other extant rules, is followed for all the tenders published by Cantt Bd.

In view of above, PCB has decided that:-

- (i) All the tenders be examined by standing committee comprising of all the elected members in view of GFR 2017 and other extant rules before publication.
- (ii) The report of this standing committee be submitted to CEO for further action.

- (iii) In addition to above, it has also been decided by the PCB that for a two bid system, the technical and financial committee(s) shall comprise of all the elected members. The technical committee shall submit its report to CEO, who shall take further action as per rules.

Board may consider and approve.

RESOLUTION:- CONSIDERED, CONCURRED AND APPROVED.

63. RESIGNATION FROM DUTIES BY THE ELECTED MEMBER(S) OF THE BOARD.

Recently, it was noticed that one of the elected Board member resigned from his/her duties assigned to him/her by the PCB.

This has been viewed seriously by the PCB as dereliction of duties. PCB has desired to inform the Board that no member, including elected members, can resign from the duties assigned to him. Any such action may make the member liable for removal under section 34(2) of the Cantonments Act 2006.

It is further to inform the Board that all members of the Board are are deemed to be public servant under section 36 of the Cantonments Act 2006.

Board may note.

RESOLUTION:- NOTED.

64. CONFIRMATION OF CIRCULAR AGENDA.

Reference:- Agenda by circulation no. 58 dated 10.08.2020.

Vide above cited circular agenda, the Board was informed about the extension of term of Cantonment Board for a period of 06 months beyond 10.08.2020 or till the date of constitution of the Board; whichever is earlier.

Board may confirm the above circular agenda.

All the relevant papers are placed on the table.

RESOLUTION:- CONFIRMED.

65. MUTATION CASE OF SH LALIT KHANNA AND SH JAGAT PRIYA KHANNA.

Reference:- (i) CBR no. 19 dated 12.03.2020.

(ii) CBR No. 17 dated 19th June 2020.

Vide CBR No. 17 dated 19th June 2020, Board resolved, *"considered and approved with the condition that the applicant shall submit legal heir certificate, affidavit from each legal heir in support of above said mutation, original will deed of his father and mutual agreement (in original) prior to making mutation entry."*

Further, vide CBR no. 19 dated 12.03.2020, the Board resolved, *"considered and deferred for next meeting"*.

Office note:-The brief timeline of events in the case is as follows:-

- (i) As per GLR record, both the properties (Sy. No. 88/131 and 102) are in the name of Late Sh Yoginder Jee Khanna.
- (ii) As per record available in the office of the Cantt Bd, Shri Yoginder Jee khanna expired on 10.02.2010.
- (iii) Vide letter dated 24th Jan, 2017 a notice u/s 297 of the Cantonment Act, 2006 was served to Sh Lalit Khanna, the occupier of the house for carrying out necessary repairs as the building posed a danger for the neighbours.
- (iv) Subsequently, when Sh Lait Khanna started the work, it was opposed by his brother Sh Jagat priya Khanna vide letter dated 06.03.2017 citing that a civil suit for the title of the property is pending in the Hon'ble Court. Accordingly, the said notice was withdrew and the work was stopped.
- (v) Vide notices dated 16.10.2017, both Sh Lait Khanna and Sh Jagat Priya Khanna requested for transfer of properties in their names as mentioned in above table. They also submitted a certified copy of the orders of the Hon'ble Court of Senior Civil Judge, Chamba vide which it has been conveyed that both the parties settled their disputes on mutually acceptable terms.
- (vi) The notices along with orders of the Hon'ble Court were sent to the Cantonment Legal Advisor (CLA) for opinion. The CLA has opined that **"the properties which as of date stands in the name of Late Sh Yoginder Jee Khanna may kindly be mutated in the name of Sh Jagat Priya Khanna and Sh Lalit Kumar Khanna as requested in the applications dated 16.10.2017."**
- (vii) Subsequently, the objections were invited from the public through public notices published in newspaper on 20th July, 2018. However, no objection was received from anyone.
- (viii) The proposal was submitted before Board for consideration in special Board meeting dated 13.01.2019. The Board resolved to defer the case for next Board meeting and also resolved to put up the case to PCB on file before next Board meeting.

(ix) Accordingly, the case was put-up before the Board and PCB made three observations. The observations made by the PCB alongwith point-wise reply of each observation is as under:-

Point No 1 :- That Status quo as directed by Hon'able court be maintained.

Reply :- The status quo was ordered by the Hon'able High Court of Himachal Pradesh on dated 22.09.2010. It is seen from the letter issued by Distt Judge Chamba on dated 14.10.2013 that the case was transferred by the High court of Himachal Pradesh vide letter no HHC/Jud1/Trans/Civil suit/2013-30158 dated 04/10/2013. In support of this another letter of Distt session Judge no DSJ/CBA/AHL/2013-5052 dated 18/19 Oct 2013 refers through which all the documents were handed over to The Senior Session Judge Chamba for disposal of the case. Both the parties i.e Sh Lalit Khanna and Jagat Praya Khanna came to an compromise in the court of senior Sub judge and the proceedings were signed by the Judge on dated 16.09.2017. So status quo is not in force as on date.

Point no 2:- The rules/ instructions regarding conversion of lease property in to free hold may be elucidated for clarity by CEO.

Reply:- The revised land policy for free hold was published in the year 1982. However the present case relates to mutation only rather that conversion of lease hold rights in to free hold.

Point no 3:-The will of the owner of lease may be considered as the same may stand scrutiny of law at a subsequent stage.

Reply: - For clarification this office forwarded the case to Cantt Board Legal Advisor on and he on dated 28/02/2018 advised this Board to carry out mutation in favor of Sh lalit Khanna and Jagat Priya Khanna. However a copy of the civil suit no.76/2010 filed by Lalit Khanna is also attached in which the will was challenged and decision came on the same application.

(x) All the above details as mentioned at sr no (i) to (ix) were submitted before the Board and Board vide its CBR No. 17 dated 19th June 2020, Board resolved, *"considered and approved with the condition that the applicant shall submit legal heir certificate, affidavit from each legal heir in support of above said mutation, original will deed of his father and mutual agreement (in original) prior to making mutation entry."*

(xi) Accordingly, in view of the legal heir certificate submitted by Sh Lalit Khanna, the objections were invited from all legal heir. In response, two of the legal heirs namely Mrs. Madhuri Sehgal and Mrs. Promila Chopra submitted their objections for such mutation.

(xii) Subsequently, the objections, alongwith all relevant documents of the case, were sent to Cantonment Board Legal Advisor, who vide letter dated 19-11-2019 has informed that, "properties mentioned in Survey No 88/131 can be mutated in the name of Sh Lalit Kumar Khanna while the Sy. No. 102 can be mutated in the name of Sh Jagat Priya Khanna."

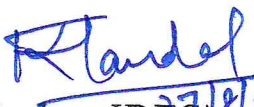
(xiii) The Cantonment Board Legal Advisor has further opined that name of Sh. Narender Kumar Khanna, brother of Sh Lalit and Jagat Priya Khanna, may be incorporated in remarks column to the effect that "Sh Narender Kumar Khanna will have the right to reside in the house contained in Survey No. 88/131 till his lifetime."

(xiv) All the above details were submitted to Board for consideration and Board vide its CBR No. 19 dated 12.03.2020, the Board resolved, "*considered and deferred for next meeting*".

In view of above, Board may consider and approve the mutation of Survey No 88/131 in the name of Sh Lalit Kumar Khanna and Sy. No. 102 in the name of Sh Jagat Priya Khanna with the remarks that Sh Narender Kumar Khanna will have the right to reside in the house contained in Survey No. 88/131 till his lifetime.

All the relevant papers are placed on the table.

RESOLUTION:- **CONSIDERED, CONCURRED AND APPROVED UNANIMOUSLY. THE MUTATION IS ONLY AN ADMINISTRATIVE/MUNICIPAL FUNCTION TO CORRECT OR UPDATE THE RECORDS OF THE BOARD TO BRING THE OCCUPANCY HOLD WITHIN AMBIT OF THE TERMS OF HOLDING. MUTATION OF PROPERTY DOES NOT CREATE OR EXTINGUISH TITLE AND WILL BE SUBJECT TO JUDICIAL SCRUTINY, IF ANY DISPUTE AROSE AT A LATER STAGE.**


(Ravinder, IDES) 27/8/2020
Chief Executive Officer
Member Secretary


(Col. A. K. Mishra)
President Cantonment Board