

Procedure for grant of permission for construction u/s 46 of MPT Act

Under Section 46(1) of MPT Act, prior permission of KoPT Board is required for making, erecting or fixing within the port limits or port approaches any wharf, dock, quay, stage, jetty, pier, erection or mooring or undertaking any reclamation of foreshore within the said limit. The port limit is that part of River Hooghly and shores thereof as are within 45.7 mtrs. of High Water Mark at Spring Tide and extends from Jangipur in the North to Sandheads in the South. Considering the large number of private and public properties in the entire stretch, the following procedures and guidelines have been drawn up for grant of permission u/s 46 of MPT Act :-

1. The Board may permit construction of public utilities, parks, gardens, beautification, bathing ghats, jetties and other activities which essentially require a waterfront. Apart from these, any permanent construction as per Municipality approved plan may also be permitted subject to the following :-

i) The developer/land owner/authorized agency would undertake bank protection works based on detailed study report/recommendation of any of the three reputed institutes in Bengal, viz. Jadavpur University, BESU or IIT, Kharagpur. Presence of KoPT's Surveyor would be essential during inspection for drawing up the recommendation/study report. Concurrence of KoPT to the methodology recommended by the Institutes would be necessary. The bank protection work should be executed by the party and certified by the concerned Institute. The periodical maintenance of bank protection would have to be carried out by the developer/land owner/authorised agency as per plan to be given by the above institutes.

ii) No changing of bank line will be allowed and no encroachment into the river will be allowed in the name of bank protection work.

iii) For conservancy purposes, a paved clear corridor fit for vehicular movement of 11 mtrs. (3-lane width) from High Water Mark at Spring Tide should be maintained by the developer/land owner/authorized agency and provide access to the said corridor. Depending upon erosion potential of a particular stretch of river bank, the 11 mtrs. clear corridor may also be increased.

iv) Restriction on construction of deep tube well within port limits would apply, depending on location.

v) In case of any unprecedented hydromorphological changes in the river, KoPT shall not be responsible in any manner for any consequential effect on the construction and stability of the structures falling within the port limits.

vi) The above conditions would be applicable in respect of all future constructions, irrespective of existence of already sanctioned plans from concerned Municipality.

2. KoPT may invoke Section 46(2) for removal of any construction done without prior permission of the Board.
3. In cases of permission granted to developers for authorized construction, foreshore occupation charge for 30 years will be recovered as one time upfront value from the developer.
4. While applying for permission u/s 46, a processing fee of Rs. 11,000/- per application plus applicable taxes will be payable. Apart from the processing fee, other applicable dues/charges like foreshore occupation charge, fee for beautification, inspection charge, etc. would be payable.
5. An Inspection fee of Rs. 1.10 lakh will be payable on grant of permission for construction.
6. Both Processing Fee and Inspection Fee would be reviewed after every 2 years. Service tax and any other applicable tax/cess would be payable over and above the fees.
7. Attempts will be made to process applications accompanied by requisite map, plan, drawing in the prescribed format within three weeks of getting relevant documents. For time bound processing of applications, the same should be submitted as per proforma attached.

Proforma application for grant of construction
permission u/s 46 of the MPT Act, 1963

The Secretary,
General Administration Department,
Kolkata Port Trust,
15, Strand Road,
Kolkata – 700 001.

Sub: Request for construction within port limits.

Sir,

I/we propose to construct------(brief description of the proposed construction) at ----- (name of area). I/We am/are authorized to undertake the construction activity being owner of the land/public utility concern/.... (any other authorization). Necessary information/documents as required for processing the application for grant of permission u/s 46 of MPT Act, 1963 is furnished as follows :-

- I. Area of proposed construction demarcated on latest Hydrographic Survey Chart of KoPT which is available for sale at the DMD's Drawing Office. 5 copies of such location chart with a copy of money receipt towards payment of cost of chart to be furnished with the application.
- II. Detailed project plan with engineering drawing, where applicable, clearly showing area falling within 45.7 m. of High Water Mark at Spring Tide (5 copies) and protrusion of structure into the river from the bank.
- III. Tentative period of construction.
- IV. Purpose of construction.
- V. Complete address of applicant, PAN/TAN and contact numbers (both mobile & land line) for communication. In case of firm/company, name, address and phone number of Proprietor/Partner/Director to be furnished.

2. I/We hereby declare that Kolkata Port Trust will not be held responsible for any dispute over the land on which construction is proposed.

3. I/We hereby agree to pay processing fee of Rs. 11,000/- (Rupees Eleven Thousand) with applicable taxes and other applicable charges like Hydrographic Survey Charges, Impact Assessment Study Charges, Foreshore Occupation Charge, Beautification Fee, Inspection Charge with applicable taxes as may be claimed by Kolkata Port Trust. I/We also undertake that I/We will abide by all the rules/regulations as well as terms/conditions of Kolkata Port Trust and other statutory bodies and local authorities in connection with the proposed construction.

4. I/We also hereby declare that no construction will be carried out by us until valid permission is granted to me/us by KoPT. It is requested that our/my application may be considered favourably.

Yours faithfully,
Signature
(Name of the applicant)