



Item No.	13
Board Meeting No.	617
Date Of Meeting	18/2/19
Sponsoring HOD	CSSO

P/3
C/229

BOARD NOTE

Item No	17
Board Meeting No.	616
Date of Meeting	21.01.2019
Sponsoring HOD.	CSSO

A. **Subject:** Review of PCO Booth Policy in consonance with the directions of the Hon'ble Supreme Court of India in its judgment order dated 09/09/2013 and Government Resolution of revenue & forest department, M.S. dated 26.04.2001 & 25.07.2007.

B. Issue for Consideration:

- I. To grant permission to existing PCO Booth Holders to run additional commercial activities and subsequently renaming it from PCO Booth Centre to "Multi-Utility Centre operated by Persons with Disabilities".
- II. Enhancement of the area of existing PCO Booths from 4.8 sq.mtrs. (51.66 Sq Ft) upto 15.851 sq. mtrs. (200sq.ft.)
- III. Conversion of existing PCO Booths from Leave & License basis to 60 years Lease Basis.

C. Nature of Approval: (Please tick appropriate column)

Appraisal Note	Allotment	Adm. Approval	Financial Approval / Award of work	Policy	Others (Pl. specify)
				√	

[Handwritten Signature]

D. Details about the proposal:

1) Existing policies for allotment of site to set up PCO booth manned by Physically Challenged Persons is given below:

i. **Board Resolution No.4289 dated 1.2.1988 :-** CIDCO had evolved a Policy of allotment of sites admeasuring 8' X 6' Ft to Physically and visually handicapped persons for running manned PCO booths, on leave & license basis, at the nominal rent of Rs.100/- for 11 months in the year 1988 vide Board Resolution No.4289 dated 1.2.1988 with a view to achieve twin objectives -to provide the facility of manned telephone booth to the general public at all the strategic locations while on the other hand, provide the opportunity of attaining financial self supporting for the under privileged handicapped persons. The rent was escalated by 10% every couple of years and at present it is Rs.140/- for 11 Months.

ii. **Board Resolution No.7543 dated 12.9.1997:-** Further, CIDCO vide Board Resolution No.7543 dated 12.9.1997, reviewed PCO Booths policy and approved following amendments:

(a) The site admeasuring less than or upto 8' X 6', i.e. 4.8 sq. mtrs. which can be allotted without disturbing the pedestrians/vehicular traffic for establishing of full-fledged communication centers which shall have Local, STD & ISD telephone facilities, in addition such stalls can be used Fax, Telex, E-mail, Typing, Cyclostyling and Xerox, for sale of stationary items and flowers.

(b) The allottee shall have the liberty to opt the mode of allotment of the site, either on leave & license basis or on long term lease basis.

(c) Similarly, the allottee can convert the leave & license period into 60 years lease basis by paying the lease premium equivalent to 10 times the annual rent, at any point of time during the tenure of license period.



(d) Revision of Rates :

1. Outright purchase (Lease):

Sr No	Type of Nodes	Base Rates
1	Developed Nodes	350% of Reserve Price per sq. mtrs.
2	Developing Nodes	300% of Reserve Price per sq. mtrs.
3	Upcoming Nodes.	200% of Reserve Price per sq.mtrs.

The amount shall be recovered within one month from the date of allotment order, as is done in case of allotment of PCO Booths.

- 2. Leave & License Basis: - 10% of the Base rate at the rates indicated at (d)1 above for the term of one year. At the time of every renewal, the rate shall be enhanced by 10% of the rate prevalent at that time.
- 3. M (TS) shall be authorized to renew the agreement period from time to time by recovering the appropriate amount of rent, as stated above. All further renewals of leave & license agreement will be made at the revised rates indicated above by granting permission to convert the Booth into a full-fledged communication centre as indicated in Para ii (d) above.

iii. **Board Resolution No.8144 dated 05.05.2000:-** CIDCO vide Board Resolution No.8144 dated 05.05.2000, partially modified Board Resolution No. 7543 dated 12-09-1997 and permitted use of Public Call Office (PCO) Booth by the next survivor of the PCO allottee, in case of his death, on humanitarian ground.

iv. **BR No.10164 dated 10.08.2009:-** CIDCO vide this Resolution done partial modification to B.R.No.7543 dated 12/09/1997 and approved following amendments;

a. Revision of rent/premium for sites are allotted by the Corporation in Navi Mumbai for Milk Booth, PCO Booth and Cobbler stalls are as follows;

Rate of L&L Basis	10 % of RP
Rate of Outright purchase 60 years (Lease basis)	RP

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- b. In addition to communication facility such as STD, ISD, Fax, E-mail, typing, cyclostyling, Xerox, sell of stationary and florist, permission for sell of cold drink, mineral water, dry snacks and chocolates was granted.
- c. L & L agreement of milk booths, PCO booths and cobbler sites be executed for 3 years at a time by appropriately increasing the rent by 10% annually.
- v. As per above policies, in all together 179 stalls for PCO Booths are allotted in various nodes of Navi Mumbai by Social Service Department.
- vi. It is also mentioned here that in Railway forecourt area 8 PCO Booths were also allotted by GM (IT & SP) to Persons with Disabilities, as per record available in estate section out of 8, 3 are on Leave & License basis and 5 are on Lease basis.
- vii. Considering above points (v & vi) total stalls are allotted as below;

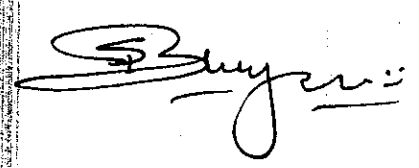
Sr. No	Area	L&L	Lease	Total
A	Social Service Department			
A.1	North (Airoli to CBD- Belapur)	45	51	96
A.2	South (Kharghar to New Panvel)	60	23	83
B	GM (IT & SP) Department	03	05	08
	Total	108	79	187

viii. Thus, out of 187 PCO Booths, 79 PCO Booths have been allotted on 60 years lease after clearance of Engineering and Planning Department and obtaining approval of Management.

2. Need for amendment in present policy:

(I) To grant permission to existing PCO Booth Holders to run additional commercial activities and subsequently renaming it from PCO Booth Centre to "Multi-Utility Centre operated by Persons with Disabilities":

- 1. As the activity of running PCO Booths has dwindled and no more viable due to increase in use of mobile phones which hamper earnings of disabled persons, we have



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permitted them to run additional commercial activities from these PCO Booths i.e. Fax, Telex, E-mail, Typing, Cyclostyling and Xerox, for sale of stationary items and flowers as well Sale of Cold drinks, mineral water, Dry Snacks and chocolates **only**.

2. In the judgment of Supreme Court of India dated 09/09/2013 (Maharashtra Ekta Hawkers Unions and others V/s Municipal Corporation, Greater Mumbai & Others), the court has given general directions that Physically Challenged Persons who were allowed to operate PCO's in terms of the judgment reported in (2009) 17 SCC 231 shall be allowed to continue to run their stalls and sell other goods because running of PCO's is no longer viable.
3. The PCO Booth holders vide various applications has requested the Corporation to permit them to run additional commercial activities like sale of train & mail ticket, tours & travels bookings, sale of readymade snacks, activities related to computer & mobile repairing, Paper/Book Stall stall, Sugar cane & Juice Centre, sale of dairy products, etc. through allotted PCO Booth sites.

(II) Enhancement of the area of existing PCO Booths from 4.8 sq. mtrs. (51.66 sq ft) upto 15.851 sq. mtrs. (200 sq.ft.):-

1. As per Section 43(b) of the Person with Disabilities (Equal Opportunities Protection of Rights and Full Participation), Act, 1995, the appropriate Governments and Local Authorities shall by notification frame Schemes in favor of Persons with Disabilities, for the preferential allotment of land at concessional rates for Setting up business.
2. Accordingly, The Revenue & Forest Department amended their land disposal Rule vide Notification dated 07.01.2008. As per this amendment (i. e. Rule 31A of Maharashtra Land Revenue (Disposal of Government Lands) (1st Amendment) Rules, 2008), Revenue Department made provision to allot land /build up premises upto 200 sq. ft. without auction and at concessional rates to Persons with Disabilities for running commercial activities.
3. As per Government resolution No.Jamin-1098/151524/pr.a.kra.75/98/ja-1 dated 26th April, 2001 and Jamin10/2003/pr.a.kra.401/J-1, dated 25 July,2007, if visually and Physically Challenged Persons want to start Juice Centre/ telephone booth/Xerox



Centre , etc. then as per the Maharashtra Land Revenue , Govt. Land Allotment Rule, 1971 Rule 31 as a special case plot of land of 200 sq.ft.is required to be allotted on Ownership OR on Lease without auction by charging concessional rates on prevalent market value.

4. Presently, as per the Policy of the Corporation (mentioned above in Para D.1), the sites admeasuring less than or upto 8' X 6', i.e. 4.8 sq. mtrs. which can be without auction and on concessional rates as decided by Corporation allotted to Persons with Disabilities. These sites can be allotted without disturbing the pedestrians/vehicular traffic. There is no provision in this existing policy regarding enhancement of additional area of allotted PCO Booths.
5. The PCO Booth holders vide various applications has requested the Corporation to apply same principle in their cases and demanded enhancement of the area of existing PCO Booths from 4.8 sq. mtrs. (51.66 sq. ft.) upto 15.851 sq mtrs. (200 sq.ft.).

(III) Conversion of existing PCO Booths from L&L to 60 years Lease Basis.

1. Presently, as per the approved Policy of the Corporation mentioned above in Para (D.1) , the allottee shall have the liberty to opt the mode of allotment of the site, either on leave & license basis or on long term lease basis as per rate decided by Corporation time to time, Similarly, the allottee can covert the leave & license period into 60 years lease basis by paying the lease premium equivalent to 10 times the annual rent, at any point of time during the tenure of license period.
2. As per above policies out of 187 PCO Booths, 79 PCO Booths have been allotted on 60 yrs lease after clearance of Engineering and Planning Dept. and obtaining approval of management.
3. The PCO Booth holders vide various applications has requested the Corporation to apply same principle in their cases and demanded enhancement of the area of existing PCO Booths from 4.8 sq. mtrs. (51.66 sq. ft.) upto 15.851 sq. mtrs. (200 sq.ft.).

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E. Proposal :-

The proposed amendments in present policy approved by Board vide (i) B.R.No. 4289 dated. 1.2.1988, (ii) Board Resolution No.7543 dated 12.9.1997 (iii) Board Resolution No.8144 dated 05.05.2000 and (iv) BR No.10164 dated 10.08.2009 towards allotment of the sites for PCO Booths manned by persons with Disabilities are as under;

I. To grant permission to existing PCO Booth Holders to run additional commercial activities and subsequently renaming it from PCO Booth Centre to "Multi-Utility Centre operated by Persons with Disabilities" :-

Presently, as per approved policy the Corporation has permitted to run only following additional commercial activities through these allotted PCO Booths.

- (a) E-mail, typing, cyclostyling, Xerox Centre,
- (b) Sale of Stationary and
- (c) Florist,
- (d) Sale of Cold drinks, mineral water, Dry Snacks and chocolates, only.

Proposal

Taking in to consideration of the facts mentioned in Para 2.(I) above, i.e. (i) the activity of running PCO Booths has dwindled and no more viable due to increase in use of mobile phones which hamper earnings of disabled persons and (ii) the general directions of the Supreme Court of India in the judgment dated 09.09.2013, (Maharashtra Ekta Hawkers Unions and others V/s Municipal Corporation, Greater Mumbai & Others) the Physically Challenged Persons who were allowed to operate PCO's shall be allowed to continue to run their stalls and sell other goods because running of PCO's is no longer viable.

In this regards, for the purpose of self employment of persons with disabilities the Navi Mumbai Municipal Corporation vides its policy dated 03.10.2017 allot land/ premises at concessional rates and on 30 years lease for running commercial activities. The NMMC has permitted PCO Booths, Florist, Sugarcane Juice Centre, Tailoring, Xerox Centers and other permissible activities in these premises.



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The Corporation may grant the permission to run additional commercial activities (in addition to existing activities) through these allotted PCO Booths. i.e.

- i) sale of train & mail ticket,
- ii) tours & travels bookings,
- iii) sale of readymade snacks,
- iv) tailoring,
- v) laundry & Drycleaners,
- vi) activities related to computer & mobile repairing,
- vii) paper/book Stall,
- viii) sugar cane &/or Juice Centre,
- ix) sale of dairy products.

These activities can be run by PCO Holders subject to prior approval/clearance & NOC of concerned appropriate and Competent Authority. Thus, it is also appropriate to rename these PCO Booth Centers as “Multi-Utility Centre operated by Persons with Disabilities”.

II. Enhancement of the area of existing PCO Booths from 4.8 sq. mtrs. (51.66 sq. ft.) upto 15.851 sq. mtrs. (200 sq.ft.) :-

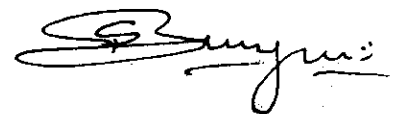
Presently, as per the approved Policy of the Corporation, the site admeasuring less than or upto 8' X 6', i.e. 4.8 sq. mtrs. which can be allotted without auction and on concessional rates as decided by Corporation. These sites can be allotted without disturbing the pedestrians/vehicular traffic. There is no provision in existing policy regarding enhancement of additional area of existing PCO Booths.

Considering the facts mentioned in Para 2(II) above, following proposal may be approved.

Proposal

a. In the Panvel Municipal Corporation (PMC) Area:- The Panvel Municipal Corporation came into existence from 01.10.2016. Hence, the said PMC is the Planning Authority for the area falling under its jurisdiction. Considering this, it is decided by the Corporation to discharge duties of Civic Authority & Civic Facilities in the PMC area and to handover these existing Civic Infrastructure & Civic Facilities which are developed in these nodes by Corporation. (i.e. Kharghar, Kalamboli, Kamothe, Taloja and New Panvel) vide Board Resolution No.11775 Dated 12.01.2017. As per the decision of the Corporation these PCO Booths in above area will have to be handed over to Panvel Municipal Corporation (PMC).

The work of handing over of the Stalls including PCO Booths in the Kharghar, Kalamboli, Kamothe, Taloja and New Panvel nodes to PMC is in process by Estate Department. This task includes execution of Lease Agreement between CIDCO & PMC for a period of 60 years.



It is appropriate to complete this task first. The right of allotted PCO Booth Holders shall be protected while handing over these Booths to PMC. It is proposed that after completion of above task PMC will execute the revised agreement with PCO Booth Holders as the case may be. (i.e. L&L Basis or Lease Basis). When such agreement will be executed by PMC, the present agreement of PCO Booth Holder with CIDCO will exterminate.

It is also proposed that after completion of above action, PMC can enhance the area of existing PCO Booths as per their policy/norms subject to CIDCO NOC and recovery of applicable charges, if any.


b. Navi Mumbai Municipal Corporation (NMMC) Area: -The Navi Mumbai Municipal Corporation came into existence from 01.01.1992 and thereafter it is functioning as the Planning Authority for the area falling under its jurisdiction.

As per decision of the Corporation the task of handing over the Civic Infrastructure & Civic Facilities in the nodes of NMMC's jurisdiction is on the verge of completion. Some work of handing over of the Stalls including PCO Booths in the above nodes to NMMC is in process by Estate Department. This task includes execution of Lease Agreement between CIDCO & NMMC for a period of 60 years.

It is appropriate to complete this task first. The right of allotted PCO Booth Holders shall be protected while handing over these Booths to NMMC. It is proposed that after completion of above task NMMC will execute the revised agreement with PCO Booth Holders as the case may be. (i.e. L&L Basis or Lease Basis). When such agreement will be executed by NMMC, the present agreement of PCO Booth Holder with CIDCO will exterminate.

It is also proposed that after completion of above action, NMMC can enhance the area of existing PCO Booths as per their policy/norms subject to CIDCO NOC and recovery of applicable charges, if any.

c. CIDCO Area:- The PCO Booths which are allotted by CIDCO and in its jurisdiction like Ulwe and Dronagiri Nodes, the enhancement of the area of existing PCO Booths upto 15.851 sq mtrs. (200sq.ft.) can be considered. Such enhancement can be granted subject to obtaining clearance from Engineering & Planning Department as well Surveyors report (regarding encroachment & enhancement). The rates shall be applicable for enhanced area as per the prevalent policy.



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III. Conversion of existing PCO Booths from L&L to 60 years Lease Basis.

Presently, as per the approved Policy of the Corporation, the allottee shall have the liberty to opt the mode of allotment of the site, either on leave & license basis or on long term lease basis as per the rates decided by Corporation time to time, Similarly, the allottee can convert the leave & license period into 60 years lease basis by paying the lease premium equivalent to 10 times the annual rent, at any point of time during the tenure of license period.

Proposal

The existing policy of the Corporation should be communicated to the Panel Municipal Corporation (PMC) & Navi Mumbai Municipal Corporation (NMMC) for further needful action.

The Board is therefore is requested to consider the Agenda Item and if approved, pass a Resolution in terms of the following draft resolution with or without modifications:

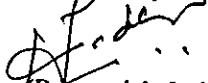
- F. Financial Implication: - No.
- G. Legal Requirements / Implications / Provisions:- Not Applicable
- H. Date of approval of the agenda note by VC & MD/ Jt. MD: 19/01/2019
- I. Whether to provide the Board Note and Board Resolution under RTI Act, 2005: Yes.

DRAFT RESOLUTION NO. :


"RESOLVED THAT the Board do hereby approve the amendments in present "PCO Booth Policy" approved by Board vide (i) B.R. No. 4289 dated. 1.2.1988, (ii) Board Resolution No.7543 dated 12.9.1997 (iii) Board Resolution No.8144 dated 05.05.2000 and (iv) BR No.10164 dated 10.08.2009, as per details given in Para E. of Agenda Note.

"RESOLVED FURTHER THAT the VC & MD/ JMD/ CSSO/ M(TS-I)/ M(TS-III)/ CP are authorized to implement the above resolution further".

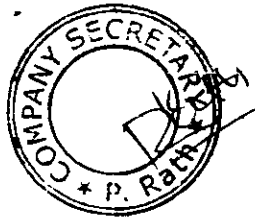
Initiated by:-


(Pramod J. Jadhav)
Social Services Officer

Recommended by:


(Prashant B. Bhangare)
Chief Social Services Officer





Item No. 13/617 BM :

Review of PCO Booth Policy in consonance with the directions of the Hon'ble Supreme Court of India in its judgment order dated 09/09/2013 and Government Resolution of revenue & forest department, M.S. dt. 26.04.2001 & 25.07.2007.

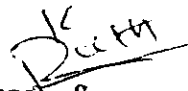
After discussions, the Board unanimously passed the following Resolution:

RESOLUTION NO: 12144

"**RESOLVED THAT** the Board do hereby approve the amendments in present "PCO Booth Policy" approved by Board vide (i) B.R. No. 4289 dated. 1.2.1988 (ii) Board Resolution No.7543 dated 12.9.1997 (iii) Board Resolution No.8144 dated 05.05.2000 and (iv) BR No.10164 dated 10.08.2009, as per details given in **Para E** of Agenda Note."

"**RESOLVED FURTHER THAT** the additional activities indicated at para E of the Board Note be permitted to run by the Original Licensee/Legal Heirs and in no circumstances sub-letting be permitted to Other People."

"**RESOLVED FURTHER THAT** the VC & MD/ JMD/ CSSO/ M(TS-I)/ M(TS-III)/ CP are authorized to implement the above Resolution."

Passed by the Board vide Resolution No.
12144 of Board meeting held on
18-2-2019

Company Secretary
Emp. No. 34023



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Submitted :-

Dt. 19.01.2019

As directed by Hon'ble VC & MD on pre-page N/3, the draft Board Agenda Note about the following points, suggesting amendments in the existing BRs, is prepared and placed for approval at page no. C/159 to C/177.

- 1) To grant permission to existing PCO Booth Holders to run additional commercial activities and subsequently renaming it from PCO Booth Centre to "Multi-Utility Centre operated by Persons with Disabilities".
- 2) Enhancement of the area of existing PCO Booths from 4.8 sq.mtrs. (51.66 Sq. Ft.) upto 15.851 Sq. Mtrs. (200 sq.ft.).
- 3) Conversion of existing PCO Booths from Leave & License basis to 60 years Lease Basis.

Hon'ble JMD - II / VC & MD is requested to approve the said Draft Agenda Note with or without modifications, if any. On approval of the said note the same shall be put up in the ensuing Board meeting for its consideration.

Submitted for kind consideration of approval, please.

[Signature]
SSO

~~CSSO~~ *[Signature]*
19/1/19

JMD-II *[Signature]*
19/1/19

~~VC & MD~~ *[Signature]*
19/1/19

JMD-II

Hon. VC & MD has approved the Draft Agenda Note. Xerox copies of the same are enclosed herewith with a request to include in the ensuing Board meeting.

~~C.S.S.O.~~ *[Signature]*
19/1/19

[Signature]
19/1/19
SSO

C.S. Recd Board Note 4.1.19
Y. Usman 19/1/19
[Signature]
P. Katta - CS