

Proceedings of special Board meeting of the Cantonment Board Jammu held in the office of the Cantonment Board, Jammu on 22.12.2017 (Friday) at 1400 hours.

Present

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| 1. Brig T K Chopra | - President |
| 2.Sh Hardev Singh | - Vice President |
| 3. Brig Ajay Malik,SEMO | - Ex-officio-member |
| 4. Sh Irfan Hafiz, CEO | - Member Secretary |
| 5.Col D Shaktawat | - Nominated Member |
| 6.Col Sanjeev Kumar, Adm.Comdt | - Nominated Member |
| 7.Sh Rajesh Bakshi | - Elected Member |
| 8.Smt Jasmeet Kour | -Elected Member W.No.3 |
| 9. Smt Pardeep Kour | - Elected Member Ward No.4 |
| 10.Sh Jatinder Singh | - Elected member W.No.5 |
| 11. Sh Bharat Bhushan | - Elected Member Ward No.7 |

Members not present

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| 1.. Maj Sharad Kothari, | - GE Satwari, Ex-officio-member |
| 2.Smt Anuradha Gupta | - Nominated member |
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Before start of the meeting Brig T.K Chopra, President Cantt Board, Jammu and Col Sanjiv Kumar ,Nominated member took the oath under section 17 of the Cantonments Act,2006.

Sh Hardev Singh , Vice President congratulated the PCB for having become member of the Board and requested on behalf of members for seeking his co-operation as well as to provide co-operation for developing the Cantonment area.

1.COMPOSITION OF UNAUTHORISED CONSTRUCTION OF TAKSAL HOTELS PVT. LTD

Reference CBR No. 09 dated. 03.05.2016, wherein the application of Sh Vishal Dhar & ors dated. 16.01.2016 & 18.03.2016 for composition of the unauthorised construction carried out on part GLR Sy No. 126 & 129, Ranibagh near Jammu Airport, Jammu Cantt. In the matter advice was sought form HQ Western Command vide this office letter No. CBJ/Rev/40 dated.

25.04.2016 & the Board resolved to wait for the advice from the Headquarters Western Command, Chandigarh.

Headquarters, Western Command, Chandigarh vide their office letter No. PC-57459/Jammu/Q3 (B) dated. 01.08.2016 has considered the case and rejected.

Jammu Cantonment Board vide office letter No. CBJ/UAC/Engg dated. 17.09.2016 informed the applicants namely Sh Vishal Dhar & Ors that their case for composition of the unauthorised construction of the hotel building was considered by the competent authority and the same has been rejected & they were further directed not to carry out any construction on the site.

In the meantime, Sh Vishal Dhar & ors filed a writ petition No. 104 99/2016 MP No. 01/2016 in the Hon'ble High Court of Jammu & Kashmir at Jammu & Hon'ble Court vide its order dated. 30.08.2016 directed Cantonment Board Jammu to consider the application filed by Sh Vishal Dhar & Ors dated. 16.01.2016 & reminder dated. 18.03.2016 for erection of unauthorised construction strictly in terms of the provisions governing the field and pass speaking order.

The Hon'ble High Court of Jammu & Kashmir at Jammu in the aforesaid case vide its order dated. 19.11.2016 directed Cantonment Board Jammu to file compliance to order dated. 30.08.2016 and also produce the record on the next date of hearing.

On 07.09.2017, the Hon'ble High Court of Jammu & Kashmir at Jammu vide its order directed Cantonment Board Jammu to pass a speaking order indicating therein all the reasons and facts on the basis of which application has been rejected. Adv N.P.Kotwal (Cantonment legal Advisor) argued that application of Sh Vishal Dhar & Ors stands rejected by the higher authorities i.e. GOC-in-C, Western Command, Chandigarh.

On 09.10.2017, the Hon'ble High Court of Jammu & Kashmir at Jammu vide its order directed & provided a copy of SRO No. 391 dated. 20.09.2017 issued by the Government of Jammu & Kashmir which shall also be considered while passing a speaking order.

On 09.11.2017, the Hon'ble Court granted four weeks time to enable & submit a compliance report with regard to the directions contained in the order dated. 07.09.2017.

In the meantime, Sh Vishal Dhar & Ors filed another writ petition No. 1989/2017, MP No. 01/2017 in the Hon'ble High Court of Jammu & Kashmir at Jammu & the Hon'ble Court vide its order dated. 30.11.2017 directed Cantonment Board shall take a decision with regard to compounding in the matter of Sh Vishal Dhar & Ors which is pending before Cantonment Board Jammu, without being influenced by the impugned order dated. 01.08.2016.

All relevant papers along with the letter received from HQ Western Command, Court orders, etc & concerned file is placed on the table.

To consider the matter in the light of above facts.

1.RESOLUTION

Considered and after lengthy deliberation, board resolved that the case of composition of the said unauthorized construction i.e. M/s Taksal Hotel Pvt Ltd. cannot be compounded with the existing structures as the said construction does not conform to the existing building bye laws of Jammu Cantonment.

Board further resolved that the said case can be considered afresh, with the details of unauthorized construction, all of which fall within the provisions of existing building bye laws of Jammu Cantonment Board.

Sd/-
Member Secretary
Jammu Cantonment

Sd/-
President Cantt Board
Jammu Cantt