Advertisement Guidelines for Maharashtra Coastline

Maharashtra Maritime Board

September 2018
# Table of Contents

1. **Introduction** .......................................................................................................................... 3  
2. **Maharashtra Maritime Board Advertisement Guidelines, 2018** ........................................... 3  
3. **General Guidelines** .............................................................................................................. 5  
4. **Procedure for Obtaining Permissions** .................................................................................. 7  
5. **Procedure for Renewal of Permissions** ............................................................................... 8  
6. **Procedure for Disposal of Applications** ............................................................................. 9  
7. **Fees** .................................................................................................................................... 9  
8. **APPENDICES** ......................................................................................................................... 10  
   - Appendix ‘A’ ......................................................................................................................... 10  
   - Appendix ‘B’ ......................................................................................................................... 11  
   - Appendix ‘C’ ......................................................................................................................... 12  
   - Appendix ‘D’ ......................................................................................................................... 14  
   - Appendix ‘E’ ......................................................................................................................... 15
1. Introduction

The State of Maharashtra, with its coastline of 720 kms offers several opportunities for the development of the maritime sector. The state is home to 2 Major Ports and 48 Non Major Ports. The State Government has made regular and consistent efforts for development and regulation of the ports sector.

Maharashtra Maritime Board (MMB) was constituted vide Maharashtra Maritime Board Act, 1996 for control and regulation of non – major ports on the coastline of Maharashtra. MMB is the conservator, regulator, facilitator and administrator of the non-major ports at the coastline of Maharashtra. Entire coastline is divided into various Port limits which are under the jurisdictional control of MMB.

MMB’s focus areas are development of ports, captive jetties, multi-purpose jetties, ship-breaking and ship-building/repair facilities at Maharashtra coastline. Also, with changing times, MMB has been focusing on areas such as coastal shipping, integration of maritime transport with coastal tourism and inland water transport.

MMB has been receiving various proposals for granting permissions for putting up Advertisements at the assets under the jurisdiction of MMB along the coastline of Maharashtra. The aim of these Advertisement Guidelines is to regulate the type of advertisements; select the beneficiary in a transparent & regulated manner; and standardize the charges to be paid by the selected parties for advertising at the coastline under the jurisdiction of MMB.

Section 20 and Section 35 of MMB Act, 1996 empower Maharashtra Maritime Board to levy the charges and issue licenses for advertising at the areas within its jurisdiction.

2. Maharashtra Maritime Board Advertisement Guidelines, 2018

These Guidelines may be called the “Maharashtra Maritime Board Advertisement Guidelines, 2018”. These Guidelines shall come into force on the date of issuance of the guidelines. The definitions under the Advertisement Guidelines will be as under:

i. “Advertisement” shall means any device or representation, including but not limited to, in the name of announcement or direction by word, letter, model, sign, picture including posters, hoarding, boards, illumination signs, direction boards etc. within the Jurisdiction of Maharashtra Maritime Board. The same are defined as under:
   - “Banner” shall mean cloth or any other material, which contains an advertisement.
• “Electronic Bill Boards” shall mean electronically operated advertisement on a Board.
• “Glow Sign Box Advertisement” shall mean an advertisement displayed on a transparent or translucent sheet of any plastic or other material, mounted on a metal sheet box, illuminated from behind using electrical lamps.
• “Hoarding” shall mean any surface of structure erected on ground or any portion of a roof of a building or on paper, with characters, letters or illustrations applied thereto and displayed in any manner whatsoever for purpose of advertising or to give information regarding or to attract public to any place, person, public performance, article of mercantile whatsoever.

ii. “Agency” or “Licensee” shall mean an applicant interested in putting up Advertisement/s at the coastline of Maharashtra. The Agency may be an individual, partnership firm or company etc.

iii. “Approved” shall mean the proposal approved by the Authority.

iv. “Authority” or “Licensor” shall mean Chief Executive Officer, Maharashtra Maritime Board (MMB) or an Officer duly authorized by him.

v. “Fees Payable” shall mean the sum of Premium Fees and the Minimum License Fees, as payable by the Agency to the Authority.

vi. “Jurisdiction” shall mean area falling in notified port limits including assets such as office buildings, passenger ferry terminals, jetties, inland vessels, non-major ports and any other maritime assets owned or regulated by MMB.

vii. “Local Administration” shall mean the authorities, other than MMB; responsible for administration of city, district, taluka or village of the place of Advertisement, as applicable.

viii. “Minimum License Fees” shall mean the minimum rates prescribed by the Authority in Appendix ‘D’ of these Guidelines.

ix. “Non-Major Port” means a port other than major port declared as such by the Central Government under any law and administered by any state of India.

x. “Poster” means a sheet of paper or any other material used to advertise in public place.

xi. “Premium Fees” shall mean the premium fees quoted by the Agency and agreed by the Authority during the bidding process; over and above the Minimum License Fees.
3. **General Guidelines**

3.1. The Authority shall issue tenders for certain locations along the coastline, available for display of advertisements. The interested applicants shall have to follow the tendering guidelines for such locations.

3.2. Agencies are also free to approach the Authority for putting up advertisements at locations apart from the ones identified by the Authority for a duration as per their requirements. The Authority shall evaluate such proposals and invite tenders for the location. Such tenders shall be evaluated on the basis of SWISS Challenge guidelines. The bid criteria for such tenders shall be the highest “Premium Fees” quoted over and above the Minimum License Fees as mentioned in these Guidelines.

3.3. No Agency, without prior written permission from the Authority shall display any Advertisement in the areas under jurisdiction of the Authority. Any display of Advertisement without prior written permission of the Authority shall be treated as unauthorised and shall be liable for demolition or removal, as the case may be; at the risk, costs and consequences to the Agency. Authority may also initiate penal actions against person/s putting up such unauthorised Advertisement/s; which may also include recovery of cost for such demolition / removal.

3.4. The standard size allowable for the hoardings to be put up within the areas under jurisdiction of the Authority will be as follows:

   a) 3.05 m (10 ft) X 6.10 m (20 ft)
   b) 6.10 m (20 ft) X 6.10 m (20 ft)
   c) 9.15 m (30 ft) X 4.57 m (15 ft)
   d) 9.15 m (30 ft) X 6.10 m (20 ft)
   e) 12.20 m (40 ft) X 3.05 m (10 ft)
   f) 12.20 m (40 ft) X 6.10 m (20 ft)
   g) 12.20 m (40 ft) X 12.20 m (40 ft)

   However, the Agency may seek to erect other sizes of hoardings, subject to approval from the Authority; for which Minimum License Fees shall be applicable accordingly.

3.5. No part of any hoarding shall exceed a height more than 12.20 m (40 ft) above the ground level. And the lower base and bottom of hoarding shall not be less than 3 m from the same ground level.
3.6. The maximum validity of the permission granted by the Authority shall be 3 years. The renewal of the license may be considered on receipt of application from the agency. Such renewal proposals shall be scrutinized by the Authority based on the prevalent conditions and award / reject such proposal accordingly.

3.7. An agreement (in duplicate) shall be executed between the Agency and the Authority after the written permission for putting up the advertisement at a specific location is granted by the Authority.

3.8. The Fees Payable for putting up the advertisement shall be collected from the agencies as per the rates approved by the Authority from time to time.

3.9. The license will be issued only for assets owned or regulated by the Authority in accordance with Indian Ports Act, 1908, Section 4(3) & Maharashtra Maritime Board Act, 1996, Section 35(1).

3.10. If the Authority, for reasons to be recorded in writing, requires removal of the Advertisement/s, it shall be removed forthwith, failing which the Authority may get the Advertisement/s removed at the risk, costs and consequences to the Agency.

3.11. The Advertisement must be maintained in a clean, tidy and safe condition to the satisfaction of the Authority. Painting, where applicable, must be done periodically to prevent corrosion of the structure.

3.12. Agency shall make good any damage to public or private property whatsoever, caused during execution of works; at its cost and to the satisfaction of the Authority.

3.13. Relevant and applicable Indian Standards must be followed for structural design and material such as concrete, steel etc.

3.14. The Agency must adhere to the principles and guidelines related to Advertisements, as prescribed by The Advertising Standards Council of India

3.15. Hoardings shall not be permitted by the Authority in the following conditions:

a) Any hoarding erected in such manner and at such places, which causes obstruction or interference with the visibility of approaching, merging or intersecting traffic.

b) No hoarding shall be permitted which would obstruct the vision of the sea, sunrise or sunset from a location designated for such vision.

c) No hoarding shall be permitted on or around buildings of archaeological, historical or heritage importance as may be decided by the Authority.
d) No hoarding shall be permitted which is likely to obstruct the view of any building or monument of archaeological, historical or heritage importance or coming in the way of erection of any such building or monument.

e) An Advertisement which is likely to offend public moral and decency will not be permitted. If the Authority is satisfied that the contents of display thereof violates norms of public normality and decency, the Agency shall forthwith remove the display, after receipt of such intimation from the Authority in writing.

f) No Advertisement shall be permitted, if the same is likely to affect any local amenity.

g) No Advertisement shall be permitted which will obstruct the visibility of any existing Advertisement.

h) The minimum distance between two hoardings (end to end distance of the hoarding or its appurtenances) on the same side of the road shall not be less than 20 metres.

i) Agency shall align, readjust or shift the hoardings whenever required by the Authority to do so at its own cost without claiming any compensation from the Authority.

j) As far as possible, the display of hoardings must be parallel to the road. In no case, shall the angle between the hoarding and road line be more than 30°.

k) Clubbing of hoardings between different Agencies shall not be allowed.

l) The Authority may, for reasons to be recorded in writing, refuse permission sought by Agencies for putting up Advertisement at any particular location.

4. **Procedure for Obtaining Permissions**

4.1. Any agency intending to erect any Advertisement shall make an application in the Form “A” (Appendix ‘A’), in duplicate, together with the processing fees.

4.2. The Authority, on receipt and evaluation of such application, shall follow the Swiss Challenge Route for the tendering process.

4.3. The selected Agency shall be responsible to obtain all requisite permissions/approvals, including but not limited to the following:

a) Written permission of owner of the inland vessel or any other maritime asset, on which the hoarding is to be erected within the Jurisdiction of MMB.

b) Two copies of site plan showing location of the Advertisement, proposed to be erected.

c) Indemnity bond-cum-undertaking shall have to be submitted by the Agency on a Stamp Paper. The format of the stamp paper is attached as Appendix ‘E’.

d) NOC from the Police (Traffic), if the Advertisement is illuminated type.
e) NOC from the Local Administration, if applicable.
f) NOC from the civil aviation department, if applicable.
g) NOC from MCZMA, if applicable.
h) NOC from electricity distribution company in case high tension wire/s passing in the vicinity
i) Structural design and/or plan with structural design calculations approved by a licensed structural engineer body.
j) Any other required permission/approval – to be ascertained by the selected Agency.

4.4. After completion of above procedures, the Authority shall issue the permission to the selected Agency in the format prescribed in Form “C” (Appendix ‘C’).

4.5. Within 15 days after receipt of the permission, the selected Agency shall pay the following fees to the Authority through online payment mode:
a) An amount equivalent to the Fees Payable for 3 (three) months as security deposit, and
b) Advance monthly Fees Payable for the first month.

If the Agency fails to pay the same; the permission shall stand cancelled after the expiry of the said period of 15 days. The security deposit shall be refundable within 3 months after the Licence Period, provided there are no dues payable by the Agency.

4.6. Thereafter, an agreement (in duplicate) shall be executed between the Agency and the Authority for putting up the advertisement at the specified location.

4.7. Subsequently, the Agency shall make timely advance online payments to the Authority for the monthly Fees Payable every month. The Authority will forfeit the security deposit of the Agency in case of delay in payment of the monthly Fees Payable.

5. Procedure for Renewal of Permissions

5.1. Any Agency intending to renew the permission, shall make an application in the Form “B” (Appendix ‘B’), in duplicate.

5.2. The application shall be accompanied by the following revised/updated valid documents/permissions; as submitted during original Licensing process.

5.3. The Authority shall issue the permission in the format prescribed as Form “C” (Appendix ‘C’), subject to 5.4 below.

5.4. The Authority reserves the right to go through the tendering route to select a new Agency for Advertisement/s at the specified location after a period of 3 years from the time, the original License was granted or at the time of renewal of the License; whichever is later.

Last Revision – February, 2019
6. **Procedure for Disposal of Applications**

The procedure for disposal of applications will be as follows:

a) The application will be submitted to Port Inspector (License) who will conduct a pre-scrutiny of the form and documents at the time of submission by the Agency.

b) The detailed scrutiny along with site visit shall be completed by the Port Inspector (License) within 30 days of the receipt of the application. The recommendations by the Port Inspector (License) will be submitted to the Port Superintendent (License) within next 15 days’ time.

c) The Port Superintendent (License), in turn, shall further scrutinise the proposal in view of GR (Government Resolutions), rules, regulations, orders of a court, if any.

d) The proposal shall then be submitted by Port Superintendent (License) to Chief Ports Officer (CPO) or any other officer authorised by the Authority. Within 30 days’ time, the CPO or other authorised officer, with approval of CEO, MMB either issue a tender through Swiss Challenge method or renew the permission granted earlier, as the case may be.

7. **Fees**

7.1. A non-refundable processing fee of Rs. 50,000/- plus applicable GST, has to be paid by the Applicant for evaluation of proposal while submitting the application. The Authority reserves the rights to revise the processing fees from time to time without prior notice.

7.2. Within 15 days after receipt of the permission, the selected Agency shall pay the following fees to the Authority through online payment mode:

   a) An amount equivalent to the Fees Payable for 3 (three) months as security deposit, and

   b) Advance monthly Fees Payable for the first month.

7.3. Subsequently, the Agency shall make timely advance payments to the Authority for the monthly Fees Payable every month within 7 days from end of every month.

7.4. Any delay in the payment of monthly fees will attract interest at the rate of 18% on the amount due and payable.

7.5. The Authority may forfeit the security deposit of the Agency in case of delay of more than 30 days in payment of the monthly Fees Payable.
8. APPENDICES

Appendix ‘A’

FORM A

Application Form

To,

Chief Executive Officer,
Maharashtra Maritime Board, Mumbai.

1. Name of the applicant (in full) ..........................................................
2. Address (in full) ..........................................................
3. Location of the advertisement / hoarding .................................
4. Details of business carried out ............................................
5. Nature of advertisement (Please state whether the advertisement is with light or non-light) ..........................
6. Measurement of advertisement ..........................................
7. Height of hoarding from road level till the bottom of the Hoarding ........
8. Details of Structures .................................
9. Whether the application is made as individual or on behalf of company if so, details of company/ individual with full address ....................... (Individuals to provide copy of UID/Aadhaar and PAN card with application)
10. Whether the location of hoarding is open space or populated area ........
11. Date from which advertisement to be erected ..........................
12. Period of advertisement .................................

Affidavit

I................................................... Resident of ................................., solemnly affirm that the information given above is true & correct.

Signature of Applicant
Appendix ‘B’

FORM – B

Application Form For Renewal

1. Name of applicant and address: ..............................................................
2. Details of Advertisement: ........................................................................
3. Place: .......................................................................................................
4. Sanctioned size and type: ........................................................................
5. Illuminated / Non – Illuminated: ..............................................................
6. Last date of validity of the earlier Permission granted: ......................
7. Next period of renewal: ...........................................................................
8. Whether the property owner/has given No-objection for further renewal of sanction hoarding: ..............................................................

Date:                                                Signature of Applicant
Appendix ‘C’

FORM C

License

M/s. .................................................. Resident of .................................................................
................................................................................................................................................. is hereby authorized to erect hoarding as detailed below subject to following terms and conditions for the period from ................. till .................

<table>
<thead>
<tr>
<th>Nature of Advertisement</th>
<th>Place of Advertisement</th>
<th>Size and Area of Advertisement</th>
<th>Extension of period</th>
<th>Signature of Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The applicant has paid Fees of Rs............................................... vide Chalan No. .......... Dtd ................. as per rate prescribed by the MMB.

Date:

Chief Port Officer
Maharashtra Maritime Board

Last Revision – February, 2019
DRAFT LICENSE CONDITIONS

1. The Licensee shall put up advertisement only on the site approved by the Authority and for the period mentioned in License. It will be the sole responsibility of the applicant to maintain the hoarding in sound condition during the period of license.

2. The License should be used only for the purpose it has been granted.

3. The License is non-transferrable. The Licence shall be used by the Licensee only and not to be used by any other person/ agency

4. The Licensee should be pay licence fee regularly within time frame.

5. The Advertisement should not cause obstructions/ damage in any manner.

6. No right in whatsoever form should be claimed on the area allotted by Authority.

7. No construction should be made on the allotted area.

8. Obtaining permissions / NOC from all concerned agencies will be the sole responsibility of the Licensee.

9. If the allotted area is found to be unused for more than 60 (sixty) days, the License will be cancelled.

10. The Licence will be cancelled if the Licensee has --

    (i) Made change/ changes in size / location without prior permission of Authority,

    (ii) If the hoarding is damaged due to natural or any other reason,

11. This Licence shall stand cancelled on breach of any terms and conditions.

12. This License is temporary in nature and is valid up to ____________.

   (Conditions may be added / modified as per the requirement)
## Appendix ‘D’

### Minimum License Fees

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type of Advertisement</th>
<th>Port Limit</th>
<th>Monthly Rate</th>
<th>Monthly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Illuminated</td>
<td>Non - Illuminated</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Rs. per sq. ft.)</td>
<td>(Rs. per sq. ft.)</td>
</tr>
<tr>
<td>1.</td>
<td>Advertisement in Jurisdiction of MMB</td>
<td>1. Bandra Port Limit</td>
<td>150</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Versova Port Limit</td>
<td></td>
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<td></td>
<td>3. Mandwa Port Limit</td>
<td></td>
<td></td>
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<td></td>
<td>4. Manori Port Limit</td>
<td>110</td>
<td>65</td>
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<td></td>
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<td>5. Ulwa (Belapur Panvel) Port Limit</td>
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<td>6. Vasai (Bassein) Port Limit</td>
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<td>7. Alibag Port Limit</td>
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<td>8. Murud-Janjira Port Limit</td>
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<td>9. Mora Port Limit</td>
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<td>10. Thane Port Limit</td>
<td>85</td>
<td>50</td>
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<td>11. Trombay Port Limit</td>
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<td>12. Bhiwandi Port Limit</td>
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<td>13. Kalyan Port Limit</td>
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<td>14. Rajpuri Port Limit</td>
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<td>15. Harnai Port Limit</td>
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<td>16. Karanja Port Limit</td>
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<td>17. Ratnagiri Port Limit</td>
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<td>18. Malvan Port Limit</td>
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<tr>
<td></td>
<td></td>
<td>Remaining Port Limits</td>
<td>65</td>
<td>40</td>
</tr>
</tbody>
</table>

**Notes:**

1. Minimum License Fees for advertisements, put up away from the coastline (in the water body) will attract a concession of 25% in the above mentioned rates. Any additional payments towards deployment of a vessel in water for advertisement purpose, as due and payable to the Authority, will be separately paid by the Agency.

2. Above Minimum License Fees are valid till 31st March, 2020. Thereafter, the rates shall be increased by 10% per annum; w.e.f. 1st April of every year.

3. Authority reserves the right to review and revise the Minimum License Fees from time to time.

Last Revision – February, 2019
Appendix ‘E’

INDEMNITY BOND- CUM- UNDERTAKING

To,

The Chief Executive Officer,

Maharashtra Maritime Board, Mumbai.

Sub: - Grant of permission for advertisement at -----------------------------------------------

I, Shri/ Smt./ M/s.__________________ Age _______________ Resident of ________________________________ (hereinafter called as “the Agency”)

WHEREAS the Agency has made application to the Authority / MMB for a permission for display of Advertisement under Section 32 of MMB Act, 1996.

I, the Agency hereby agree and undertake as under –

1. To abide the rules, regulation and policy framed by the Authority / MMB for grant of permission for Advertisement.
2. The Authority / MMB shall not be responsible in respect of any litigation that may arise between me and any other person or agency.
3. The Undertaking is binding upon us, our heirs, Executors, Administrators, Successor/Successors and assignees.

Dated this ______________ day of _____________________ 20

Yours faithfully

( )

Witness:

(1) ________________________________

(2) ________________________________