

**PROCEEDING FOR CANTONMENT SPECIAL BOARD
MEETING HELD ON 07/08/2017 AT 1030 HOURS IN THE OFFICE
OF THE CANTONMENT BOARD, AHMEDNAGAR.**

PRESENT MEMBERS

01.	Col. Vikram Heble, Adm. Comdt. Stn, HQ	Nominated Member
02.	Lt. Col. SA Kolekar, AC, SO (GS) of Stn., HQrs.,	Nominated Member
03.	Shri. Musadik Sayyed Abdul Rahim Alias Musa Sadik	Vice-President
04.	Smt. Meena Suresh Mehtani	Elected Member
05.	Shri. Shaikh Kalim Rafique	Elected Member
06.	Shri. Ravindra Shankar Lalbondre	Elected Member
07.	Smt. Shubhangi Ganesh Sathe	Elected Member
08.	Shri. Prakash Devram Fulari	Elected Member
09.	Shri. Sanjay Baburao Chhajlani	Elected Member
10.	Shri. B. S. Shrivastava, CEO	Member Secretary

ABSENT MEMBERS

01.	Brig. Vikrant Nayar, Cdr. SOTT, ACC & S	President Cantonment Board (PCB)
02.	Brig. A. B. Khare, SEMO & HO Col. R. S. Thakur attended	Ex-Officio Member
03.	Shri. Rajendrakumar Patil, Adll. Dy. District Magistrate	Nominated Member
04.	Shri. Paras Maisheri, IDES, GE(N)	Ex-Officio Member

Since, President Brig. Vikrant Nayar is on training, hence vice president Shri. Musadik Sayyed Abdul Rahim Alias Musa Sadik presided over the meeting with the decision of all Board Members.

No. Subject

01. OATH OF MEMBER SECRETARY, SHRI. B. S. SHRIVASTAVA, CHIEF EXECUTIVE OFFICER, CANTONMENT BOARD, AHMEDNAGAR.

To administer the oath of affirmation to Shri B. S. Shrivastava, Chief Executive Officer, Ahmednagar Cantonment Board Member Secretary under Section 14 of the Cantonments Act, 2006 and to administrate the oath of allegiance to the Member Secretary of the Board and all Committees under Section 17 of the Cantonments Act, 2006.

RESOLUTION

B. S. Shrivastava, Chief Executive Officer hence taken over the oath of allegiance to the Member Secretary of the Board. All members Wel-Come the Chief Executive Officer.

02. BUILDING BYE-LAWS FOR AHMEDNAGAR CANTONMENT BOARD.

Ref. : CBR No. 08, dated 06/05/2017.

To consider PD, DE, SC, Pune letter No. 967/XIII/DE, dated 19/07/2017 and to DG, DE, letter No. 12/1/BLDG BYE LAWS/GEN/C/DE/2015, dated 17/07/2017. The PD, DE, SC, Pune has directed to submit the draft building Bye-laws after thoroughly analyzing and incorporating the approved guidelines to directorate by 30/07/2017.

The draft building Bye-laws prepared by Cantonment Board Ahmednagar have been compared with Ahmednagar municipal corporation Building Bye-laws and necessary additions have been made accordingly.

A detailed office report explaining additions is placed on the table.

RESOLUTION

Considered, discussed at length and resolved to approve the draft building Bye-laws of the Ahmednagar Cantonment. Necessary proposal be prepared and sent to higher authority for approval.

03. DECLARATION OF AHMEDNAGAR CANTONMENT AS OPEN DEFECATION FREE (ODF) CANTONMENT.

Ref : CBR No. 09, dated 08/03/2017 & CBR No. 05/02-HC, dated 06/05/2017.

To consider, approve and declare Ahmednagar Cantonment as Open Defecation Free (ODF) Cantonment.

As a part of "Swachh Bharat Abhiyan" and as per the guidelines received from higher authorities to make and declare Cantonment as Open Defecation Free (ODF), Ahmednagar Cantonment Board vide CBR No.09, dated 08/03/2017 has passed final resolution declaring ward no. 1 & 6 as Open Defecation Free wards by adopting the procedure/guidelines published by Ministry of Urban Development, Government of India.

The Board passed preliminary resolution vide CBR No. 05/02-HC, dated 06/05/2017, declaring remaining wards i.e. ward no. 2,3,4,5 & 7 as Open Defecation Free wards. Thereafter objections / suggestions were also invited from the public by giving wide publicity through newspapers. No objection / suggestion received in stipulated time period. Therefore as per the guidelines, it is required to pass a final resolution for declaring Ahmednagar Cantonment Board as Open Defecation Free. After final resolution, Quality Council of India (QCI) will be requested to inspect the Ahmednagar Cantonment for issuance of certificate.

Relevant documents are placed on the table.

RESOLUTION

Considered, Discussed and unanimously resolved to declare the ward No. 2,3,4,5 & 7 as Open Defecation Free wards as per directions of the higher authorities. Further resolved to take necessary action in this regard.

04. COLLECTION OF VEHICLE ENTRY TAX

To consider letter No. 53/1/GST/C/DE/2016, dated 28/07/2017 received from Directorate General Defence Estates Govt. of India, Ministry of Defence, Raksha Sampada Bhawan, New Delhi, PD, DE, SC, Pune letter No. 8073/Cantt./Circular/Gen./II/C/DE, dated 28/07/2017 letter dated 05/08/2017 received from all Elected Members Cantonment Board Ahmednagar and Shri Sanjay Chhajlani, Elected Member in respect of loss of revenue to Cantonment Boards on account of introduction of Goods and Services Tax (GST).

It is specifically mentioned in the para 4 of DG, DE, New Delhi letter dated 28/07/2017 that taxes on entry of goods for consumption, sale and use in Cantonment areas, relatable to erstwhile Entry 52 (now deleted from Constitution Amendment) of the state list in seventh Schedule are subsumed in GST. It is further mentioned that the taxes on vehicles and Tolls relatable to Entries 57 and 59 of the State List have not been affected by introduction of GST. The Cantonment Boards are advised to take necessary action in the matter.

After implementation of GST as per instructions of higher authorities on midnight of 30/06/2017, the Cantonment Board Ahmednagar has immediately stopped the collection of Vehicle Entry tax in pursuant of Director General, Defence Estates, Govt. of India MOD, letter No. 53/1/GST/C/DE/2016, dated 30/06/2017.

In this connection, Asstt. Solicitor General, Shri Sanjeev B. Deshpande was requested to render legal opinion in the matter vide this office letter No.ANR/RB/T-1/V.E.T/2017-18, dated 10/07/2017.

Shri Deshpande vide letter dated 02/08/2017 has given the opinion that:-

“As far as the present status of collection of Entry Tax is concerned, the Cantonment Board can levy the tax / fees relating to Entry No.57 of the state list. Therefore, any contract already in operation regarding levying of vehicle tax may be continued.”

Further Chartered Accountant A. B. Rajurkar & Associate was also requested to give opinion in the matter who earlier vide letter dated 30/06/2017 advised that “the Cantonment Board should not charge Entry tax in Cantonment area”, but again on 05/08/2017 Chartered Accountant rendered the opinion in the light of DGDE letter No.53/1/GST/C/DE/2016, dated 28/07/2017 that :-

“The taxes / fees on vehicles are remained unaffected due to implementation of GST as per list 57 & 59 of state list. Therefore the Board may continue to impose tax / fees relating to Entry 57 & 59 State list”.

In this connection relevant papers are placed on the table.

RESOLUTION

At the start of the point, the Chief Executive Officer read out and explained the letters, advices from Asstt. Solicitor General, Shri Sanjeev B. Deshpande, Hon'ble High Court, Aurangabad and Chartered Accountant A. B. Rajurkar & Associate, Ahmednagar alongwith PCB Note dated 30/06/2017. The detail discussion have been carried out and all the members are wanted to note every ones say on starting of Vehicle Entry Tax with immediate effect i.e. as on today. Thereafter again discussion were carried out and finally the Chair person Shri Musadik Sayyed Abdul Rahim Alias Musa Sadik called the every members to say for the issue. The versions made by the Board Members are as follows :-

1. Smt. Meena Suresh Mehtani, Elected Member – She is in favor of starting the Vehicle Entry Tax as the Board is losing loss of revenue.
2. Shri. Shaikh Kalim Rafique, Elected Member – He is in favor of starting Vehicle Entry Tax as per higher authorities letter / directions covered under Schedule 57 where Vehicle Entry Tax is subsumed also told that the legal opinion received from Asstt. Solicitor General, Shri Sanjeev B. Deshpande, Hon'ble High Court, Aurangabad and Chartered Accountant A. B. Rajurkar & Associate, Ahmednagar be considered. Further told that the nearby Cantonment Board Pune, Sagour, Khadki and Dehu Road have also started the Vehicle Entry Tax in their Cantonment. This aspect be considered for the same also. If the Board could not start the Vehicle Entry Tax in Ahmednagar, the CEO Shri B. S. Shrivastava be held responsible for the issue of loss to the Board.
3. Shri. Ravindra Shankar Lalbondre, Elected Member – He is in favor of starting the Vehicle Entry Tax as the Board is losing loss of revenue.
4. Smt. Shubhagi Ganesh Sathe, Elected Member – She is in favor of starting the Vehicle Entry Tax as the Board is losing loss of revenue.
5. Shri. Prakash Devram Fulari, Elected Member – He is in favor of starting the Vehicle Entry Tax as the Board is losing loss of revenue. Further stated that if any clarification is received against the starting of Vehicle Entry Tax this may be again put up the Board and further action be taken accordingly.
6. Shri. Sanjay Baburao Chhajlani, Elected Member - He is in favor of starting the Vehicle Entry Tax as the Board is losing loss of revenue and also stated that the decision be taken as per neighboring Cantonment Boards who have started the Vehicle Entry Tax as per directions of the higher authority.
7. Col. Vikram Heble, Adm. Comdt. Stn, HQ, Nominated Member – He noted and clarified all the discussion and said to give 48 hours time to CEO Shri B. S. Shrivastava for obtaining clarification of

- Vehicle Entry Tax as per notification dated 14/09/2001 with the Schedules mentioned in the higher authorities letter received.
8. Col. R. S. Thakur in absence of Brig. A. B. Khare, SEMO & HO, Ex-officio Member – He clarified the points discussed and He is in favor to give 48 hours time to CEO for clarification.
 9. Lt. Col. SA Kolekar, AC, SO (GS) of Stn., HQrs., Nominated Member – He noted all the discussion and said to give 48 hours time to CEO Shri B. S. Shrivastava for obtaining clarification of Vehicle Entry Tax as per notification dated 14/09/2001 with the Schedules mentioned in the higher authorities letter received.
 10. Shri B. S. Shrivastava, Member Secretary and CEO – He again clarified the advice received from Asstt. Solicitor General, Shri Sanjeev B. Deshpande, Advocate Hon'ble High Court Bench at Aurangabad dated 02/08/217 and Ajay B. Rajurkar & Associates, Chartered Accountants, Ahmednagar letter dated 05/08/2017 comparing the gazette notification dated 14/09/2001 and wants to clarify the schedule covered or not and detail clarification and opinion again be obtained from Shri Sanjeev B. Deshpande, Advocate Hon'ble High Court Bench at Aurangabad at the earliest.
 11. Shri. Musadik Sayyed Abdul Rahim Alias Musa Sadik, Vice-President & Chair person – All members say have been noted by the Chair person and he is favor of starting Vehicle Entry Tax with immediate effect as Board is suffering loss of Rs. 65,000/- per day. If any problem arises the action be taken accordingly.

In view of the above it is unanimously resolved to start Vehicle Entry Tax with immediate effect considering the majority in favour of starting the Vehicle Entry Tax and the clarification / advice / guidelines and directions from higher authorities received against the starting of Vehicle Entry Tax further immediate action be taken to close the Vehicle Entry Tax contract. Also, the contractor Shri Jayant Khalatkar, Prop. M/s Khalatkar Constructions be directed to collect the Vehicle Entry Tax as per contract agreement and directions made by the Government to safeguard GST provisions.

05. COLLECTION OF FEES FROM FRIDAY BAZAR, MANGO SEASON BAZAR, DAILY BAZAR, PALKHI FAIR AND CANTONMENT AREA.

Ref :- CBR No. 09, dated 25/05/2017.

To consider letter dated 05/08/2017 received from M/s Reddy Enterprises, Ahmednagar. This office vide letter No.ANR/RB/F.B/2017-18, dated 15/06/2017 has informed the tenderer regarding decision of the Board for sweeping the Friday Bazar area at his own cost and risk. The tenderer vide his letter dated 05/08/2017 has informed this office that, it would not be possible for him to sweep the Friday Bazar area as he has quoted the rate in accordance with the terms and conditions prescribed in the tender notice where no provision was made for cleaning hence he has not considered the expenditure. If agreed to it he states that he would sustain loss. He has also requested that, he agrees to the resolution of the Board subject to if the Board agrees to reduce the tender amount from 15,00,999/- to Rs.10,47,115/- i.e. after deduction of expenditure to be incurred for cleaning etc. At present the present contractor has been granted extension up to 08/08/2017.

Relevant papers are placed on the table.

RESOLUTION

Considered, Discussed at length and resolved to approve the contract of collection of fees from friday bazar, mango season bazar, daily bazar, palkhi fair and Cantonment area to the tenderer M/s Reddy Enterprises, Ahmednagar at the quoted rates of Rs. 15,00,999/- instead of reducing amount from Rs. 15,00,999/- to Rs.10,47,115/- offered by the contractor. Cleaning of the area be carried by Cantonment Board staff. The necessary agreement procedure be made accordingly at the earliest. Till finalization of the fresh contract, the present contractor be continued.

06. ERECTION OF SOLAR PV POWER PLANT AT AHMEDNAGAR CANTONMENT FUND BUILDING PREMISES.

Ref. : CBR No. 42, dated 09/09/2016.

The Board vide CBR under reference resolved to approve the installation solar PV power plant at Cantonment hospital building, Cantonment workshop and Cantonment Board office of 100 KW capacity at an estimated cost of Rs. 88 lakhs (including taxes) given by PEC Ltd., New Delhi. The Board further resolved to submit a proposal under creation of capital assets to higher authorities. Accordingly a proposal had been submitted to PD, DE, SC, Pune vide letter No. ANR/S.E./2016-17, dated 07/11/2016. The provision for the same was also made in Budget Estimates for the year 2017-18 and 2018-19 under maintenance E-2(b) - Public safety and convenience – lighting – contingencies. Now PEC Ltd., New Delhi vide e-mail dated 11/07/2017 intimated that they are unable to take up the project. Again estimates prepared on the basis of MNRE approved rates which are comes to Rs. 70 lacs (Approx).

In view of the above the Board may consider the project at revised estimated cost of Rs. 70 lacs under Budget Head D-1 (f) Original for the year 2017-18.

All relevant papers are placed on the table.

RESOLUTION

Considered, Discussed and unanimously resolved to go with the project at revised estimated cost of Rs. 70 lacs under Budget Head D-1 (f) Original for the year 2017-18.

Sd/-XXX
CHIEF EXECUTIVE OFFICER
MEMBER SECRETARY
(B. S. SHRIVASTAVA)

Sd/-XXX
VICE PRESIDENT
AHMEDNAGAR CANTONMENT BOARD
(MUSADIK SAYYED ABDUL RAHIM
ALIAS MUSA SADIK)

Dated:-07/08/2017