

**PROCEEDING FOR CANTONMENT SPECIAL BOARD
MEETING HELD ON 12/04/2019 AT 1600 HOURS IN THE OFFICE
OF THE CANTONMENT BOARD, AHMEDNAGAR.**

PRESENT MEMBERS

Sr. No.	Name of Members	Designation
01.	Brig. Natarajan S, Cdr. SOTT, ACC & S	President Cantonment Board (PCB)
02.	Shri. Musadik Sayyed Abdul Rahim Alias Musa Sadik	Vice-President
03.	Shri. B. S. Shrivastava, CEO	Member Secretary
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

ABSENT MEMBERS

Sr. No.	Name of Members	Designation
01.	Brig. KR Rathi, SEMO & HO	Ex-Officio Member
02.	Col. OP Sharma, Adm. Comdt. Stn, HQ	Nominated Member
03.	Lt. Col. RS Yadav, OIC, ECHS, C/o, Stn HQrs,	Nominated Member
04.	Shri. Prashant Sumantrao Patil, Adll. District Magistrate	Nominated Member
05.	Shri. Paras Maisheri, IDES, GE(N)	Ex-Officio Member

SR. NO. SUBJECT

01. COLLECTION OF VEHICLE ENTRY TAX : AHMEDNAGAR CANTONMENT.

Ref. : Spl Cantonment Board Meeting Resolution No. 02, dt. 12/12/2018, Spl Cantonment Board Meeting Resolution No. 08, dt. 11/01/2019, Spl Cantonment Board Meeting Resolution

No.08, dt. 12/02/2019 and Ordinary Cantonment Board Meeting Resolution No. 12, dt. 14/03/2019.

To consider the matter of collection of Vehicle Entry Tax in Ahmednagar Cantonment. This office published e-tender notice for Collection of Vehicle Entry Tax vide letter No. ANR/RB/T-1/VET/2018-19, dated 15/02/2019 and wide publicity given in local and national news papers viz daily Lokmat, daily Samachar, daily Sakal and daily Indian Express published on 16/02/2019. In response to the e-tender notice six tenderers submitted their tenders for collection of Vehicle Entry Tax. All Six tenders were scrutinized and evaluated by the committee alongwith necessary consultation, advice from Adv. Sanjeev Deshpande, ASG, Aurangabad, Adv Shri. D. G. Nagode, Sr. Panel Council, Hon'ble High Court, Aurangabad, Shri Someshwar Lohakare, Tax consultant, Ahmednagar Cantonment Board and personal discussion held with concerned Govt. offices. It was found that all the tenderers not submitted desired documents as per conditions of the tender notice. Therefore all the tenders were rejected and the information has also been uploaded on e-portal on 30/03/2019.

It is further stated that writ petition No. 3288 of 2019 filed by M/s Balaji Enterprises, Ahmednagar has been disposed by the Hon'ble High Court, Bench at Aurangabad on 14/03/2019. On the orders of the Hon'ble High Court dated 14/03/2019, M/s Saudagar Agencies, Aurangabad has again filed writ petition no. 3967 of 2019 before the Hon'ble High Court, Bench at Aurangabad and next date of hearing is fixed on 11/04/2019.

Further, it is stated that the extended period of existing contractor, M/s Khaladkar constructions, Nagpur, is going to expire on 16/04/2019. The Board has earlier extended the existing contract for four (04) times vide Cantonment Board Resolutions under reference. In this connection with reference to CBR No. 12, dated 14/03/2019 Adv. Sanjeev Deshpande, ASG, Aurangabad was consulted and requested to render the advice vide letter No. ANR/Revenue/VET/2018-19, dated 18/03/2019 and even No. dated 09/04/2019 in the matter.

In view of the facts mention above, the relevant papers, documents and details in this regard are placed on the table to decide further course of action.

RESOLUTION

At the onset of board meeting CEO read out the Board agenda point and informed about the legal opinion dated 10/04/2019 received from Advo. Sanjeev Deshpande, ASG, High Court Aurangabad with regard to last Board meeting dated 14-03-2019 and personal discussion held between PCB, ASG, Sr. Panel Counsel for Union of India and CEO held on 08-04-2019.

CEO also explained the contents of legal opinion given by ASG Deshpande dated 10/04/2019, in response to Cantonment Board Resolution No. 12, dated 14/03/2019 and office letter dated 18/03/2019 and 09/04/2019 in detail. Chief Executive Officer explained contents of each para of letter in detail to all members as under :-

With regard to para (A) CEO informed that CGSC intimated telephonically that the writ petition No. 3967 of 2019 has been disposed by the Hon'ble High Court, Aurangabad on 11/04/2019.

With regard to para (B) of the letter opinion given by the ASG that the further extension may not be given to the existing contractor as he has outlived his contract period way back in the month of Dec. 2018 and it will not be in financial interest of the Board. In view of this fact the Board can take over the Vehicle Entry Tax function and run it by the Cantonment Board staff or by out sourced employees.

With regard to para (C) and (D) the terms and conditions opinion given by ASG that on account of stringent conditions of earlier two tenders the bidders could not qualify. In view of the unsuccessful attempts the Board can very well modify the tender conditions like :

- a) Delete word "etc".
- b) Delete word "Octroi and escort".
- c) Submission of EPF tax clearance certificate.
- d) Removing or relaxing the condition of net worth certificate, PTRC and PTEC certificates.
- e) Incorporating experience of similar nature work during last five years.

ASG advised that in view of the above suggestion and opinions the Board may go for fresh tender and in the mean while the

Board should take over the management of Collection of Vehicle Entry Tax.

The above points discussed at length and PCB directed all the Board members to give their recommendations about re-tender/fresh tender and extension to the existing contract. The recommendations rendered by all the elected members are as follows :-

Shri. Musadik Sayyed Abdul Rahim Alias Musa Sadik Vice President stated that the arrangements for re-tender/fresh tender may be sort out. The Board may take over the collection of VET and outsource by engaging the labours. He agreed for the changes in the terms and conditions and to grant extension for a period of one month to the existing contractor.

Smt.Meena Suresh Mehtani, Elected Member recommended to extend the contract for one month considering the Model Code of Conduct in force due to Parliamentary General Elections 2019. She also stated that if the fresh tender procedure is not completed within the period of said one month, then the Board should take over the possession of collection of VET and should collect the VET by engaging own / contractual staff.

Shri.Shaikh Kalim Rafik, Elected member stated that if the Board collects the VET, the Board may have to face financial loss as the collection would be less than that given by the existing contractor. He also stated that in any order, Hon'ble court has not mentioned that extension cannot be given to the existing contractor. He said that, the extension be given to the present contractor for one month and if the re-tender/fresh tender procedure is not completed within the stipulated time then the Board may take over and collect VET by engaging own/contractual staff. He is also agreed for the changes in the fresh tender.

Shri.Ravindra Lalbondre, Elected Member stated that he agrees for the changes suggested by the ASG to be made in the tender notice. He also stated that the Cantonment Board presently is not having sufficient staff to run the VET and if all the staff is deputed in the VET process the office work will be badly hampered during the election process and the staff deputed in VET will also have to perform election duties, hence extension be granted to the existing contractor for one month.

Mrs.Shubhangi Ganesh Sathe, Elected Member recommended to extend the present contract for a period of one month as there is paucity of staff and model code of conduct is in force. Further she stated that the Board is already in deficit of 40 to 50 employees which is affecting all the public works. She also recommended to change the conditions as suggested by the ASG.

Shri. Prakash D Fulari, Elected Member stated that considering the existing situation of implementation of code of conduct the case may be taken up with the PDDE, SC, Pune for directions to take suitable decision. Further he also recommended to extend the present contract for another one month and changes in the conditions of the tender.

Shri. Sanjay Chhajlane, Elected Member stated that the Board in the past has sustained heavy loss by collecting VET through office management. Hence it is recommended to extend the present contract for another one month and during this period fresh tender be called with the changes in the tender.

CEO informed the Board that as per the CBR's referred in the agenda no litigation is pending as on date. The writ petition No.3967 of 2019 filed by M/s Saudagar Agencies, Aurangabad has also been disposed off on 11-04-2019. The tender procedure invited vide tender notice dated 15-02-2019 has been completed and all the six tenders are disqualified. In view of the fact the Board may not grant extension to the existing contract. CEO also informed that polling in Ahmednagar constituency is to be held on 23-04-2019 and 29-04-2019 and staff is engaged in election duties and the Model Code of Conduct is in force. Fresh tenders may be invited considering changes in the conditions as opined by the ASG. In between the tendering process the Board can take over the possession immediately and collect the VET. He also agreed with regard to shortage of staff but even after this the Board can run the VET by engaging contractual and official staff.

After hearing all the recommendations of the Board members and views of the CEO, PCB was in the view that further extension to the existing contractor is not appropriate. However considering the engagement of Cantonment Board staff in election duties PCB directed as follows :-

- (1) Changes in the tender condition as suggested by ASG i.e. experience, PTEC and PTRC, Networth Certificate, EPF clearance certificate etc is administrative matter.
- (2) Considering the engagement of office staff in the election process the existing contract be extended upto 01-05-2019 only.
- (3) To make all necessary arrangements like outsourcing of staff, procurement of necessary required items and administrative arrangements for smooth functioning of the VET collection by the Board.

In view of the above and considering all aspects like engagement of office staff in the election process the Board unanimously resolved as follows :-

- (1) The existing contract be extended upto 01/05/2019 only on the same terms and conditions as per agreement dated 15-12-2017 subject to the acceptance of the contractor M/s Khalatkar Constructions, Nagpur
- (2) The collection of VET be taken over w.e.f. 02-05-2019.
- (3) The Board will run VET collection w.e.f. 02-05-2019 by engaging Cantonment Board staff and outsourced employees till finalization of fresh tender process.
- (4) Fresh tender notice be published at the earliest with required changes.

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

SD/-XXX
PRESIDENT
AHMEDNAGAR CANTONMENT BOARD
(BRIG. NATARAJAN S)

Dated 12/04/2019