

PROCEEDINGS FOR THE SPECIAL BOARD MEETING OF AURANGABAD CANTONMENT BOARD HELD ON 23rd JUNE, 2020 AT 1200 HOURS IN THE OFFICE OF THE CANTONMENT BOARD AURANGABAD.

MEMBERS PRESENT

1. Brig. U. S. Aanand, SM	-	President
2. Smt. Padmashri Anil Jaiswal	-	Vice President
3. Shri. Vikrant S More, CEO	-	Member Secretary
4. Col. Ajay Kailash	-	Nominated Member
5. Col. A. K. Mishra	-	Nominated Member
6. Shri. Sanjay Babulal Garol	-	Elected Member
7. Shri. Prashant Suresh Targe	-	Elected Member
8. Shri. Kishor Kanyalal Kachwaha	-	Elected Member
9. Shri. Shaikh Hanif Shaikh Ibrahim	-	Elected Member

MEMBERS NOT PRESENT

1. Col Ajay Lamba , SEMO	-	Ex-Officio Member
2. GE, Ahmednagar	-	Ex-Officio Member
3. Smt. Pratibha Karansingh Kakas	-	Elected Member
4. Ward No. 6	-	(Vacancy in Board)
5. Shri. B. H. Palve, ADM	-	Ex-Officio Member

Before starting the meeting all the board members paid homage to Indian army soldiers martyred at India - China border.

The CEO, M.S. informed board that the nominated Board member Col. Shashidhar V.N. is transferred and his resignation is required to be accepted. Board accepted his resignation.

The CEO, M.S. member secretary informed board that the President Cantonment Board has nominated Col. A. K. Mishra as a nominated member against the vacancy. Shri. Col. A. K. Mishra nominated member took oath of membership of Board as per procedure before start of meeting.

President took the review from CEO, M.S. and elected members regarding the pandemic of Covid 19 about the number of patients, medical facilities provided by Board, status of the positive patients, status of quarantined patients etc. He expressed his views that every Board member should create awareness in the respective ward for taking precautions against the spread of corona. Elected member requested that thermal screening be started in Cantonment

area for senior citizens (Above 50 yrs). Elected member of ward no. 5 expressed that a fine of Rs.500/- be imposed on residents who are not wearing mask. Board resolved that fine of Rs.500/- be imposed on such persons/residents not wearing mask through Sanitary section and Tax section.

REFERENCE: - CBR NO. 35 Dated 28 May 2020.

1. RIGHTS OF COLLECTION OF VEHICLE ENTRY TAX FROM THE COMMERCIAL VEHICLES PASSING THROUGH AURANGABAD CANTONMENT LIMITS.

Due to the Covid-19 world wide pandemic collection of vehicle entry tax from the commercial vehicles passing through Aurangabad Cantonment limits was stopped by the contractor. The VET collection was stopped by M/s. Saudager Agencies, as per his letter submitted on 23/3/2020 received via email. The VET collection was not received for the period starting from 23-03-2020 to 17-05-2020.

Govt. of India, Ministry of Home Affairs vide order No. 40-3/2020-DM-I (A) dated 15-04-2020 have issued consolidated Revised Guidelines on the measures to be taken for containment of COVID-19 in the country. According to said guidelines the movement, loading/unloading of goods/cargo (inter and intra State) was allowed and traffic for goods was permitted to ply from 20-04-2020.

Accordingly the contractor M/s. Saudager Agencies, Proprietor through Mohd. Rafi Mohd. Khawaja was directed to start the collection of vehicle entry tax from the commercial vehicles passing through Aurangabad Cantonment limits vide letter No. 2/CB/VET/2020-21/ dated 18-04-2020.

In response to the above contractor submitted that he is willing to run the contract but will not pay full amount quoted by him per day and instead he will pay whatever the amount collected during the day. However as per the clause No 31 of the agreement i.e. “ During the contract period if any situation like Bharat band or any natural calamity like earthquake which Board thinks can be affect VET collection drastically, the party of the second part (M/s/ Saudagar Agencies) has still have to pay the bid amount. The quantum of rebate if any as per severity of the natural calamity or intensity of Bharat Band etc. will be decided by a committee constituted by the Board and the claim may be reimbursed after following due to process as per the provisions of Cantonment Act, 2006 / Cantonment Account Code 1924 as amended from time to time.

It is understood by party of second part the no remission/rebate/concession whatsoever will be granted on account of ring road / bye pass / implementation of GST or any unforeseen incident and that risk management analysis has been done by the party of the second part. Hence his request cannot be accepted.

The same was informed to M/s. Saudagar Agencies, proprietor through Mohd. Rafi Mohd. Khawaja vide letter No. 2/CB/VET/2020-21/ dated 19-04-2020. Further vide the same letter he was made aware that failing to run contract action will be initiated as per Provision of 41 as per clause 41-A i.e. The party of the first part shall in such case, endeavour to appoint another person to take over the duties and obligations of the Contractor under the Agreement, or otherwise. However till such time that a new person in place of the party of the second part is appointed, the contractor shall remain liable to discharge its duties and obligation herein. And this agreement shall stand terminated immediately upon the appointment of the new person as aforesaid. Upon such determination, the security deposit shall be refunded to the party of the second part after adjusting any dues / charges on termination of contract and claims that board is entitled to recover in terms of this contract. The matter had also been communicated to all Elected Member and Principal Director Pune vide letter No. 2/CB/VET/2020-21 dated 21-04-2020. Same was informed to Collectorate and Commissioner of Police for starting the vehicle entry tax under intimation to M/s/ Saudagar Agencies vide letter No. 2/CB/VET/2020-21/ dated 21-04-2020.

The vehicle entry collection was started by M/s Saudagar Agencies, proprietor through Mohd. Rafi Mohd. Khawaja from 17/05/2020 from 09.00 hrs.

Board is required to consider the above for following aspects and give directions for further action.

- a) The recovery of amount for the lockdown period started from 24/03/2020 to 20/04/2020 in the light of clause No. 31 of the agreement.
- b) To constitute the committee after deposition of the due amount from contractor and on request for remission as per provisions of clause no 31 of the agreement
- c) To raise the demand for payment towards VET collection from 20/04/2020 to 17/05/2020 in the light of Govt. of India, Ministry of Home Affairs vide order No. 40-3/2020-DM-I(A) dated 15-04-2020 and orders issued by the Chief Executive officer vide letter No. 2/CB/VET/2020-21/dated 18-04-2020 & letter No. 2/CB/VET/2020-21/ dated 19-04-2020.

- d) Action to be proposed against the contractor in case of failure to deposit the due amount.
- e) It is informed to the board that as per CBR No 35(e) dated 28/05/2020 agency was informed that the letters submitted by him quoting reduced collection against quoted contract rate are not considered and agency has to abide by the agreement clauses and make the payment. The agency had not paid due amount towards him.

Connected papers placed on table. Board to consider further course of action.

Resolution: - The agenda points were discussed. CEO, M.S informed board that the agency was directed to remain present in the meeting as per direction of previous Board meeting. After detailed discussion it was resolved to ask clarification from agency present. The agency briefed there problems that in first lock down they stopped collection as the strict nationwide closure was under implementation. The agency was asked about why they had not started collection from 20/04/2020 as directed by the Board. Contractor briefed that the collection was not started by agency due to following issues

1. Non Availability of labor in the lockdown situation
2. Safety issues of labor and risk of contact infection of COVID-19
3. VET collection is through Cash, which increases the risk of contact.
4. Police were not allowing for deputing more than four persons on each VET collection booth. Agency informed that they conveyed the same to Board. CEO, M.S. clarified that no intimation was given by Contractor related to police issue. The contractor requested to consider there case of outstanding payment for period from 20/04/2020 onwards on humanitarian ground as there was no collection.
5. Aurangabad district was in Red zone with permission for limited activities.
6. Elected members mentioned that there was IPC section 144 implemented by Police authorities in Aurangabad district.
7. The agency and elected members brought to notice of the board the action taken by the Cantonment board Nasirabad on similar situation.

The contractor requested that he is ready to pay the outstanding dues for period after 17/05/2020 till 23/06/2020 but in installments as he requires time to manage the money. The contractor was directed to leave the meeting for further discussion by board.

Board took decision point wise on the matter in light of above discussion.

- a) Board discussed that as the first phase of lockdown (23/03/2020 to 20/04/2020) was implemented nationwide in strict manner to stop the spread of corona. No commercial vehicles were allowed on roads and only vehicles for the essential goods were allowed. And there was nationwide closure of toll plazas and toll collection booths. Hence contractor may be provided relief. Board recommended that clarification for waiver be sought from Principal Director Defence Estate Southern Command Pune. After receiving necessary clarification Board recommended for forwarding the proposal to Principal Director Defence Estate Southern Command Pune to waive off the loss amount of Rs. 66, 86,095/- for the period from 23/03/2020 to 20/04/2020.
- b) Board resolved that the demand for outstanding amount for the period starting from 17/05/2020 to 23/06/2020 be raised. The committee will be constituted as per clause no 31 of agreement after deposition of the due amount by contractor.
- c) Board heard to the contractor as mentioned above. Board noted the point that agency has not started the collection even after explicit direction were given to contractor to start the collection from 20/04/2020. Board disagreed with the justification furnished by the contractor that they had requested for NOC from district collector and SP to start the collection after 20/04/2020. Board after detailed discussion and taking into consideration the action taken by the other cantonments boards where similar situation has occurred. Board agreed that the case of recovery of amount for the period 20/04/2020 to 16/05/2020 of Rs.59, 94,430/- be referred to PDDE, SC, Pune for direction. Board would follow directions received from PDDE,SC,Pune. It was also resolved that the security deposit of contractor be held back till such time direction from PDDE, SC, Pune is received.
- d) Board resolved that in case of failure of deposition of outstanding money of Rs.87, 61,090/- , action be initiated as per tender terms and agreements.

The request of contractor to pay the outstanding due amount of Rs.87,61,090/- for the period of 17/05/2020 to 23/06/2020 in three weeks time in three installments was considered.

The amount of each installment will be Rs. 29, 20,364/..The schedule of the installment as below:-

Sr. No.	Installment Amount	Date
1	First Installment	Before 29/06/2020
2	Second Installment	Before 06/07/2020
3	Third Installment	Before 10/07/2020

- e) Board resolved that the letters submitted by the agency were not considered and agency be directed to abide the agreement.

REFERENCE: - CBR NO. 36 Dated 28 May 2020.

2. TO CONSIDER THE LETTER NO.2107 /TOLL NAKA / A DTD 23RD MAY 2020 RECEIVED FROM STATION CELL REGARDING OVERCHARGING OF VEHICLE ENTRY TAX BY THE CONTACTOR. BOARD TO TAKE ACTION IN LIGHT OF CLAUSE NO 23 OF THE AGREEMENT.

Connected papers placed on table. Board to consider further course of action.

Resolution: - The matter was discussed. After detailed discussion it was resolved to ask clarification from contractor present. The contractor explained there problems and requested board that such without proof complaints of overcharging are false and are made by their competitors as fresh VET tender is under process. President directed that undertaking in writing be taken from agency, that contractor will not overcharge and if any agent/worker of contractor is caught doing the same action as per agreement will be initiated against the agency. Anyone collecting money in similar fashion in proximity of toll booths if found will be identified by the contractor and FIR will be lodged against them by contractor. In failure to do this it will be deemed considered that they are employees of the contractor and action will be initiated against contractor as per agreement. Further any complaint received will be investigated by the committee formed by CEO & Flying squad. Evidence given by the aggrieved person, flying squad and any others vigilante will be considered after due diligence & authentication. Investigation report with evidence will be place before board. If found guilty action will be taken against the contractor as per rules.

REFERENCE: - CBR NO. 33 Dated 28 May 2020.

3. IMPOSITION OF PENALTY FOR CHEQUE BOUNCE IN RESPECT OF VEHICLE ENTRY TAX.

To consider the amount of penalty which was not decided by Board in previous meeting as referred above proposed on account of bounce of weekly cheque of Rs. 16,13,885 /- (C.No.045886 dtd 21/03/2020) for 36 installment in the light of agreement clause no 26(III) for vehicle entry tax. The report of Tax Clerk and relevant document is placed on the table.

Resolution: - The matter was discussed. CEO, M.S. informed to Board that the penalty is for the bounce of cheque of 36th installment. Matter was pended in previous board meeting for deciding amount of fine to be levied. CEO, M.S. informed to board that the 36th installment payment has been cleared by the agency on 11/06/2020. As cheque has been cleared the elected member expressed that the penalty should not be imposed on the contractor as proposed. After detailed discussion the President expressed that fine should be imposed to avoid such instance in future. It was resolved that the bank charges and interest should be recovered from the agency from date of first cheque bounce to clearing period as penalty. The bank charges for cheque bounce is Rs. 292/- & interest for the period from 21/03/2020 to 11/06/2020 is Rs. 14680/- . Board resolved that the Contractor be informed to deposit the total amount of Rs.14972/ within seven days.

Sd/-

(Vikrant S. More)
Member-Secretary,
Aurangabad Cantonment Board.

Dated. 23-06-2020.

Sd/-

(Brig. U. S. Aanand, SM)
President,
Aurangabad Cantonment Board.

Dated. 23-06-2020