

PROCEEDINGS FOR THE ORDINARY BOARD MEETING OF AURANGABAD CANTONMENT BOARD HELD ON 19TH APRIL 2024 AT 11.00 HOURS IN THE OFFICE OF THE CANTONMENT BOARD AURANGABAD.

MEMBERS PRESENT

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|----------------------------------|---|------------------|
| 1. Brig. Virender Singh | - | President |
| 2. Shri. Sanjay C. Sonawane, CEO | - | Member Secretary |
| 3. Shri. Prashant Targe | - | Nominated Member |

1. Oath or affirmation of his allegiance to the Constitution of India as required in the prescribed form of the Cantonments Act, 2006 under section 17 of the Act will be taken by the President Aurangabad Cantonment Board IC 58493X Brig. Virender Singh.

RESOLUTION :

1. Considered and approved.

2. AUDIT NOTE

To consider the Audit note / letter No. Nil dated 06/11/2023 received from office of the Principal Director of Audit, Defence Services, Pune for subject matter "FSC - Loss of revenue due to grant of excess remission to the contractor in violation of the delegated powers" and the letter No. 2163/XV/C/DE dated 01/04/2024 from PDDE, SC, Pune for action in the matter as per provisions of Rule 200 of CBAR 2020.

CEO's NOTE:

The Cantonment Board Aurangabad Audit was carried out from 21/08/2023 to 15/09/2023 by the Audit Team of Principal Director of Audit, Defence Services, Pune. The replies in subject matter of the Preliminary Objections No. 25 and 28 dated 13/09/2023 were submitted to the Principal Director of Audit, Defence Services, Pune vide this office letter No. 137/CB/SE-II/TA/2016-17/ dated 21/09/2023.

The Principal Director of Audit, Defence Services, Pune has issued LTAR on 13/10/2023 which were received on 30/10/2023. This LTAR in subject matter were replied vide letter No. 137/CB/SE-II/TA/2022-23/ dated 10/11/2023. The FSC was issued by the Principal Director of Audit, Defence Services, Pune on 06/11/2023 on the subject matter which were also replied vide letter No. LTAR/Aurangabad/2023-24/344 dated 30/11/2023.

The revenue from vehicles entry tax as per provision under section 66 of Cantt. Act 2006 is collected from vehicles entering into limits of Cantonment. This VET is being Gazetted separately under Cantonments Act 2006.

The Vehicle Entry Tax collected at Cantonment Aurangabad as per provisions of Section 66 of the Cantonments Act, 2006 after approval by the Central Government vide SRO No. 2/CB/VET/2003, Part III section 4 dated 11th July, 2003 published on 26th July, 2003.

The remission is granted in Vehicle Entry Tax contract for period 2022-23 is as per clause no 29 of agreement & as per rule 67 of Cantonment Board Account Rule 2020 for remission of Tax. The rule 67 of CBAR empowers Board for granting such remission of tax.

The Chief Executive Officer Cantonment Board Aurangabad has submitted replies to the Audit authorities on basis of decision of the Board, provisions of CBAR 2020 and Cantonments Act, 2006 as detailed below:

Sr. No.	Particulars	CBR No. and Date
1	Principal sanction of remission	CBR No. 13 dated 14/09/2022
2	Grant of remission for period from 08/09/2022 to 30/09/2022	Resolution by circulation dated 21/09/2022 confirmed vide CBR No. 02 dated 19/10/2022
3	Extension of remission from 01/10/2022 to 31/10/2022	Resolution by circulation dated 07/10/2022 confirmed vide CBR No. 02 dated 19/10/2022
4	Extension of remission from 01/11/2022 to 15/12/2022	Resolution by circulation dated 04/11/2022 confirmed vide CBR No. 05 dated 27/02/2023.
5	Extension of remission from 15/12/2022 to 31/12/2022	Resolution by circulation dated 09/12/2022 confirmed vide CBR No. 05 dated 27/02/2023.
6	Extension of remission from 31/12/2022 to 31/01/2023	Resolution by circulation dated 05/01/2023 confirmed vide CBR No. 05 dated 27/02/2023.

The details of Audit objections and replies given is as below:

Sr. No.	Objection details	Reply details
1	P.S. No. 25 dated 13/09/2023	Letter No. 137/CB/SE-II/TA/2016-17/ dated 21/09/2023
2	P.S. No. 28 dated 13/09/2023	Letter No. 137/CB/SE-II/TA/2016-17/ dated 21/09/2023
3	LTAR dated 13/10/2023 which were received on 30/10/2023	Letter No. 137/CB/SE-II/TA/2022-23/ dated 10/11/2023
4	FSC dated 06/11/2023	Letter No. LTAR/Aurangabad/2023-24/344 dated 30/11/2023
5	----	The additional details were also submitted vide this office letter No. 02/CBA/Test Audit/2023-24/ dated 04/03/2024 to PDDE,SC, Pune.

The heavy vehicle traffic was banned and diverted by the Police authorities as per the directions of the Hon'ble Court for construction of Railway Over Bridge on Ahmednagar – Pune Road by the Public Works Department.

As the road closed for heavy vehicles, buses, trucks etc. were considered for remission. The company buses from MIDC, Waluj area located on Ahmednagar – Pune Road were also stopped & this buses falls in heavy vehicle category. Board has provided remission to the agency by excluding these company buses as per Resolution by circulation dated 21/09/2022 confirmed vide CBR No. 02 dated 19/10/2022. By excluding company buses amount from remission the Board protected government interest as less remission was allowed than actual.

The vehicle is not covered in category of Building or land mentioned in rule 205 as claimed by Audit authorities. The amount collected from vehicles passing through the VET booths entering in Cantonment area is in form of vehicle entry tax & is not rent. Hence the rule 205 of CBAR is not applicable.

The relevant audit note / letters, concerned CBR and reply forwarded for the subject matter is placed on the table

Board to consider the matter.

2. RESOLUTION :


Board considered the Audit note / letter No. Nil dated 06/11/2023 received from office of the Principal Director of Audit, Defence Services, Pune for subject matter "FSC - Loss of revenue due to grant of excess remission to the contractor in violation of the delegated powers" and the letter No. 2163/XV/C/DE dated 01/04/2024 from PDDE, SC, Pune for action in the matter as per provisions of Rule 200 of CBAR 2020.

The CEO, MS explained the rule position of imposition of Vehicle Entry Tax under section 66 of Cantonments Act 2006, applicability of Rule 67 of CBAR 2020 and provisions of clause No. 29 of contract considered for granting remission.


The CEO, MS explained the directions of Hon'ble court, orders of Police Commissioner Aurangabad for banning the entry and diversion of heavy vehicles from Cantonment area.

The CEO, MS explained that by excluding the company buses from remission amount the government interest was protected.

After detailed discussion board approves the replies submitted by the Chief Executive Officer, Cantonment Board. Board further resolves to forward the replies to Audit authorities in light of above explanation requesting for reconsideration of the settlement of the FSC matter as per provision of section 200 of CBAR 2020.


(Sanjay C. Sonawane)
Chief Executive Officer
Aurangabad Cantonment Board

Date: 19/04/2024.


(Brig. Virender Singh)
President
Aurangabad Cantonment Board

Date: 19/04/2024.