



सत्यमेव जयते

# Cantonment Board Agra



रक्षा सम्पदा संगठन  
Defence Estates Organization

Ministry of Defence, Govt. of India



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Letter.No. 47/Agenda/SBM/CBA/2017/1230

Dated : 03 July, 2017

## SPECIAL BOARD MEETING

Special meeting of the Board shall be held on 4<sup>th</sup> July, 2017 at 13.30 hours in the office of Cantonment Board Agra.

Agenda is enclosed herewith.

Please make it convenient to attend the meeting at the said date and time.

*MV*  
Chief Executive Officer/Member Secretary  
Cantonment Board, Agra  
(M. Venkat Narasimha Reddy)

- |  |   |                   |
|--|---|-------------------|
| 1. Brig. Prashant Srivastava SM, Station Commander | - | President         |
| 2. Dr. Pankaj Mahinderu, Ward No. IV               | - | Vice President    |
| 3. Brig. Amit Roy, SEMO, MH Agra                   | - | Ex-Officio Member |
| 4. Shri Kaushallendra Kumar, GE (East)             | - | Ex-Officio Member |
| 5. Col. Sanjeev Dwivedi, Adm. Comdt., St. HQ       | - | Nominate Member   |
| 6. Col. Abhaya Prakash, HQ. 50 (I) Para Bde        | - | Nominated Member  |
| 7. Lt. Col Vinay Kapoor, HQ 50 (I) Para Bde        | - | Nominated Member  |
| 8. Vacant (Rep. of DM)                             | - | Nominate Member   |
| 9. Smt. Raj Kumari, Ward No. I                     | - | Elected Member    |
| 10. Dr. Renu Mahinderu, Ward No. II                | - | Elected Member    |
| 11. Smt. Vijay Laxmi, Ward No. III                 | - | Elected Member    |
| 12. Shri Tariq Ahmad, Ward No. V                   | - | Elected Member    |
| 13. Smt. Seema, Ward No. VI                        | - | Elected Member    |
| 14. Shri Durgesh Upadhyay, Ward No. VII            | - | Elected Member    |
| 15. Shri Dilip Kumar, Ward No. VIII                | - | Elected Member    |
| 16. Shri M. Venkat Narasimha Reddy, C.E.O.         | - | Member Secretary  |

### As per provision of section 12(9) of cantonment act 2006

- |   |   |                 |
|---|---|-----------------|
| 1. Prof. (Dr.) Rama Shankar Katheria, MP, Chairman SC/ST Commission | - | Special invitee |
| 2. Dr. G.S. Dharmesh, MLA   | - | Special invitee |

**MINUTES OF SPECIAL MEETING OF THE BOARD TO BE HELD ON 04.07.2017 AT 13.30 HOURS IN THE OFFICE OF CANTONMENT BOARD AGRA.**

**PRESENT**

1.	Brig. Prashant Srivastava SM, Station Commander	-	President
2.	Dr. PankajMahinderu, Ward No. IV	-	Vice President
3.	Shri Kaushallendra Kumar, GE (East)	-	Ex-Officio Member
4.	Col. Yash Saxena, HQ. 50 (I) Para Bde	-	Nominated Member
5.	Lt. Col Vinay Kapoor, HQ 50 (I) Para Bde	-	Nominated Member
6.	Smt. Raj Kumari, Ward No. I	-	Elected Member
7.	Dr. RenuMahinderu, Ward No. II	-	Elected Member
8.	Smt. Vijay Laxmi, Ward No. III	-	Elected Member
9.	Shri Tariq Ahmad, Ward No. V	-	Elected Member
10.	Smt. Seema, Ward No. VI	-	Elected Member
11.	Shri DurgeshUpadhyay, Ward No. VII	-	Elected Member
12.	Shri Dilip Kumar, Ward No. VIII	-	Elected Member
13.	Shri M. VenkatNarasimha Reddy, C.E.O.	-	Member Secretary

**ABSENT**

1.	Brig. Amit Roy, SEMO, MH Agra	-	Ex-Officio Member
2.	Col. SanjeevDwivedi, Adm. Comdt., St. HQ	-	Nominate Member
3.	Vacant (Rep. of DM)	-	Nominate Member

**As per provision of section 12(9) of cantonment act 2006**

1.	Prof. (Dr.) Rama Shankar Katheria, MP, Chairman SC/ST Commission	-	Special invitee
2.	Dr. G.S. Dharmesh,MLA	-	Special invitee

At the start of meeting, Col. Yash Saxena HQ 50 (I) Para Bde. took the oath of allegiance as nominated member of the Board as per provision of Section 17 Cantonments Act, 2006.

**138. AGENDA :**

Reference Circular Agenda dated 01-07-2017.

To Consider Directorate of Defence Estates, Central Command, Lucknow E-mail dated 01-07-2017 directing all CEOs to put on hold the collecting of Vehicle Entry Fee by Cantonment Boards.

The Board may discuss on Licence Fee on entry of Vehicles in Cantonment area along with the opinion obtained on this issue from Cantonment Board Legal Advisor and Chartered Accountant.

All connected papers are placed on the table.

### 138. RESOLUTION

Matter discussed at length. During long, detailed deliberation, CEO explained the present situation and explained the directions received from Directorate of Defence Estate, Central Command, Lucknow Cantt. vide letter No. 33884/B/TA/Cantt/132 dated 30 June, 2017 and Directorate General of Defence Estate, Delhi Cantt vide letter No. 53/1/GST/C/DE/2016 dated 30.06.2017 that certain taxes levied by Cantt. Boards like octroi, toll tax will get subsumed within GST. The CEO explained that with regard to Vehicle Entry Fee, the legal position was unclear & all Boards have been directed by the PDDE vide e-mail dated 01-07-2017 to stop collection of Vehicle Entry Fee and seek legal opinion on the matter and consider the opinions in the Board meeting.

In compliance of above referred e-mail, collection of Vehicle Entry Fee has been put on hold and legal opinion of Cantonment Board Legal Advisor (Tax), Chartered Accountant and Legal Advisor (Civil) Cantonment Board Agra was sought on the matter.

During the discussion, CEO read out the legal opinion of Shri Umesh Khanna ( Taxation ) Cantonment Board Agra that “ if Cantonment Board Collect the entry fees from vehicle through tender then we have to collect the Service Tax U/s. 52 of G.S.T. Act 2017. As per rate applicable.” In this connection, it was pointed out that the opinion implies that there is no bar on collection of Vehicle Entry Fee and applicable rate of GST on services, i.e. 18% should also be collected at source from the contractor by the Board and remitted to the Govt.

An other opinion received from Mr. Kapil Agarwal, Partner, Agarwal & Agarwal Chartered Accountant pointed out that “ it is octroi and entry tax which has been subsumed in GST. Whereas, Agra Cantonment Board is collecting amount under the nomenclature of “Vehicle Entry Fee”. Prima facie, it appears that vehicle entry fee have nothing to do with GST and should continue in future. It is vehicle entry tax which is abolished after implementation of GST.

However, as on today, no clear guidelines has been received from higher authorities, i.e. PDDE/PGDE/MoD till date, it is recommended to keep the matter is abeyance and for next 15-20 days i.e. till any further directions from senior authority/PDDE are received.”

In this connection Shri Devender Vajpayee, Advocate, Legal Advisor, Cantonment Board, Agra also submitted their opinion on 04-07-2017 vide which explained with regard to U.P. G.ST.T. Act of 2017. He opined that “The Cantonments Act, 2006 is a Central Act and no State Act can override the provisions of the Cantonments Act, 2006. Therefore, the entry fees charged/recovered by Cantonment Board is governed by the provision of section 67(E) of Cantts: Act as such the enforcement of G.S.T. has no bearing on the above-said provision of the Cantonments Act of 2006.” The CEO quoted the provisions of section 67 (e) of Cantonments Act 2006 based on which , the Board resolved as follows :

- i. From a reading of the Cantonment Acts, 2006 & GST Act, 2017 and the legal opinions cited above, it is evident that license fee on entry of Vehicles levied by the Board is accordance with section 67 (e) of the Cantonments Act, 2006 is not subsumed within GST.
- ii. However, given the directions received vide PDDE e-mail dated 01-07-2017 and the opinion of the Boards Chartered Accountant, collection of Vehicle Entry Fee may be put on hold till 15-07-2017 pending receipt of further directions/classification from higher authorities subsequent to which, the matter shall be reconsidered by the Board on 15-07-2017. The Board took note of the fact that stoppage of collection of Vehicle Entry Fee for a period of these 15 days would lead to less of revenue to the turn of approx Rs. 22,00,000/-.


Cantonment Board Agra is a deficit Board and Vehicle Entry Fee is the main source of local income for the Board. Abolition of Vehicle Entry Fee would lead to a financial crisis and the Board would be unable to meet its statutory liabilities such as payment of salaries, pensions etc. Therefore, in the event of abolition of Vehicle entry fee, the Cantonment Board must be commensurately compensated for the loss of revenue by the Govt.


Board further resolved that a proposal be forwarded to Govt. through Directorate of Defence Estate, Central Command, Lucknow Cantt. for compensation of loss on account of stoppage of collection of entry fee on commercial vehicles in Agra Cantt initially for the period 01-07-2017 to 15-07-2017. A comprehensive proposal for compensation for the entire Financial Year may be sent at a later stage in the event of abolition of Vehicle Entry Fee altogether.

It was also resolved to ensure that no unauthorized collection of Vehicle Entry Fee is carried out by anyone during this period.

139. CEO pointed out that Cantonment Board School, Kachipura boundary wall in parallel of Sabjimandi Road suddenly collapsed and needed repair immediately. Board resolved to repair it on priority. Approximate estimate for the same is Rs. 3,50,000/-.

140. The CEO also informed the Board about various activities under the Swachhta Action Plan (2017-18) and informed that certain activities which are likely to be funded by Ministry of Drinking Water and Sanitation shall be incorporated in the budget. Specific sanction of the Board will be taken before issuing work orders for these activities. The Board resolved accordingly.

  
Member Secretary/CEO  
Cantonment Board Agra  
(M. VenkatNarasimha Reddy)

  
President,  
Cantonment Board Agra  
(Brig. Prashant Srivastava, SM)

**Dated 04.07.2017**