

सीमा शुल्क एवं केंद्रीय उत्पाद शुल्क तथा सेवा कर प्रधान आयुक्त का कार्यालय
केंद्रीय उत्पाद शुल्क भवन आयुक्तालय नागपुर - 1 नागपुर
पो. बॉ. नं. 81, तेलंगखेडी रोड, सिविल लाईन्स, नागपुर - 440 001.

F.NO. I(22)77/RTI/NGP-I/2016/

Dated 09.01.2017

RTI MATTER
TIME BOUND

To,
The CPIO/Deputy Commissioner (CCO),
Customs, Central Excise & Service Tax,
Nagpur Zone, Nagpur.

Sir,

Subject:- RTI Request Application seeking information under RTI Act, 2005-
c/reg.

Please find enclosed herewith a copy of RTI request Application 08.12.2016 received from Shri V.S.Kumbhare, Assistant Commissioner (Retd.) Central Excise & Customs, Plat No. 2, Golibar Chowk, Nagpur-440018 (M.S.), on the above subject.

The RTI Application dated 08.12.2016 (received on 13.12.2016 in the branch) filed by Shri V.S. Kumbhare, Assistant Commissioner (Retd.), C. Ex. & Customs, Nagpur (Copy enclosed) under the RTI Act, 2005. Since the information Point No. (2) and Point No.(4) sought by the applicant is not available with this office and is closely related with you, therefore, the said RTI application is being transferred herewith under Section 6(3) of the RTI Act, 2005 with a request to expedite the requisite information directly to the applicant, subject to the provision of the Act and the Rules made there-under, under intimation to this office.

Encl:- As above

Yours faithfully

(PRADIP GURUMURTHY)
CPIO/Deputy Commissioner
Central Excise & Customs Nagpur-I

Copy for information to Shri V.S.Kumbhare, Assistant Commissioner (Retd.) Central Excise & Customs, Plat No. 2, Golibar Chowk, Nagpur-440018 (M.S.).-Your RTI application has been already forwarded for reply to the concerned CPIO, for further follow up. You may directly contact them.

(PRADIP GURUMURTHY)
CPIO/Deputy Commissioner
Central Excise & Customs Nagpur-I

OFFICE OF THE PRINCIPAL COMMISSIONER OF CENTRAL EXCISE,
CUSTOMS & SERVICE TAX, NAGPUR-I COMMISSIONERATE,
TELENGKHEDI ROAD CIVIL LINES, NAGPUR-440 001.

F.No.IV(22)77/RTI/NGP-I/2016 368

Nagpur, Dt. 09.01.2017.

To,
Shri V.S. Kumbhare,
Assistant Commissioner (Retd.),
Central Excise & Customs,
Plot No.2, Golibar Chowk,
Nagpur-440018 (M.S.)

Subject:- Submission of Information under RTI Act, 2005

Please refer to your letter VSK/PER/DE-EVA/2016 dated 08.12.2016, received in this office on 13.12.2016 on the subject as above.

Point-wise information as sought for vide your application dated 08.12.2016 is as appended below:-

1. (i) No Order-In-Original has been passed by Disciplinary Authority (Commissioner) against Shri V.P. Patki in the case of M/s Eva Tex Pvt. Ltd. Butibori. Therefore copy cannot be provided.
(ii) Copy of Order-in-Original No. 06/2014 dated 21.05.2014 passed by the disciplinary authority against Shri O.R. Shirpurkar, the then Inspector, Sector officer in the case of M/s Eva Tex pvt. Ltd., Butibori.
2. Matter relates to the filing of appeal by Shri O.R. Shirpurkar and Shri V.P. Patki in the case of M/s Eva Tex Pvt. Ltd. Butibori. before appellate authority and accordingly not pertaining to this office and therefore copy of the same cannot be provided.
3. (i) Copy of opinion i.e Second Stage Advice issued under F.No. V.572/2/05/Pt.I dated 28.10.2013 in respect of Shri O.R. Shirpurkar given by Directorate General of Vigilance, new Delhi is enclosed.
(ii) No opinion has been given by Central Vigilance Commission New Delhi or Directorate General of Vigilance new Delhi pertaining to Shri VP. Patki, in the case of M/s Eva Tex pvt. Ltd., Butibori, Therefore, copy of the same cannot be provided.
4. Matter relates to the filing of appeal by Shri O.R. Shirpurkar and Shri V.P. Patki in the case of M/s Eva Tex Pvt. Ltd. Butibori. before appellate authority and order-In-Appeal thereof and accordingly not pertaining to this office and therefore copy of the same cannot be provided.

[Pradip Gurumurthy]

Deputy Commissioner (RTI)

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OFFICE OF THE PRINCIPAL COMMISSIONER, CUSTOMS, CENTRAL EXCISE & SERVICE TAX,
COMMISSIONERATE NAGPUR I
KENDRIYA UTPAD SHULKA BHAVAN, CIVIL LINES, NAGPUR 440001

F.No. II(39)04/Vig/2013/

Nagpur dt. 05 -01-2017

To,
The CPIO/Asst. Commissioner, (RTI)
Central Excise & Service Tax,
Nagpur-I

Sir,

Subject:-Application dated 08-12-2016 filed by Shri. V.S. Kumbhare, A.C.(Retd.) under R.T.I. Act, 2005 reg

Please refer to your office letter bearing F.No. I(22)77/RTI/NGP-I/2016/2712 dated 14-12-2016 on the above subject.

2. It is submitted as follows:-

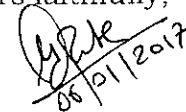
(i). No Order-In-Original has been passed by Disciplinary Authority (Commissioner) against Shri. V.P.Patki in the case of M/s. Eva Tex Pvt. Ltd., Butibori. Hence the copy can not be provided.

(ii). Since no such Order-In-Original has been passed as mentioned in above para, no appeal has been filed by Shri. V.P.Patki against Order-In-Original. There is no Order In Appeal passed by any Appellate Authority against the order filed by Shri. V.P.Patki in the case of M/s. Eva Tex Pvt. Ltd., Butibori .

(iii). No opinion has been given by Central Vigilance Commission New Delhi or Directorate General of Vigilance New Delhi pertaining to Shri. V.P.Patki, in the case of M/s. Eva Tex Pvt. Ltd., Butibori . Hence copy of the same cannot be provided.

(iv). No appeal has been filed against any Order before any Appellant authority by Shri. V.P. Patki in the case of M/s. Eva Tex Pvt. Ltd., Butibori. Hence the copy can not be provided.

Yours faithfully,


06/01/2017

(Dr. Ganesh Pote)
Asst. Commissioner, (Vig.)

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OFFICE OF THE COMMISSIONER, CUSTOMS, CENTRAL EXCISE & CUSTOMS,
COMMISSIONERATE WARDHA
KENDRIYA UTPAD SHULKA BHAVAN, CIVIL LINES, NAGPUR 440001

F.No. II(39)01/RTI/Vig/2015/

Nagpur dt. .01.2017

To,
The CPIO/Asstt.. Commissioner, (RTI)
Central Excise & Service Tax,
Commissionerate Nagpur-I,
Nagpur.

Subject:- RTI Application dated 08.12.2016 by the applicant Shri. V.S. Kumbhare, A.C.(Retd.) under R.T.I. Act, 2005 reg

Please refer to your office letter bearing F.No. I(22)77/RTI/NGP-I/2016/2713 dated 22.12.2016 on the above subject.

The point-wise information as sought by Shri. V.S. Kumbhare, A.C. (Retd.) under R.T.I. Act, 2005 in his application dated 08.12.2016 is as under:-

1. The copy of Order-In-Original No.06/2014 dated 21.05.2014 passed by the disciplinary authority against Shri.O.R.Shirpurkar, the then Inspector, Sector Officer in the case of M/s. Eva Tex Pvt.Ltd., Butibori is enclosed.
2. Not available in this office.
3. The copy of Opinion i.e. Second Stage Advice issued under F.No. V.572/2/05/Pt.I dated 28.10.2013 in respect of Shri.O.R.Shirpurkar given by Directorate General of Vigilance, New Delhi is enclosed.
4. Not available in this office.

Further, it is to inform that the information as sought in respect of Shri.V.P.Patki, the then Superintendent in above mentioned points of applicant's application dated 08.12.2016, is not available in this office.


(M.V.Telgote)
Asst. Commissioner(Vig.)

(29)

केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्त का कार्यालय
पो. बाँ. नं. ८१, तेलंगखेडी रोड, सिविल लाइन्स, नागपुर - ४४० ००१.
OFFICE OF THE COMMISSIONER OF CUSTOMS & CENTRAL EXCISE
P. O. Box, No. 81, Telankhedi Road, Civil Lines, Nagpur 440 001.

पत्र संख्या II(39) 28/Vig/2012 / 214-219

नागपुर, दिनांक 21-05-2014

ORDER - IN - ORIGINAL NO. 06/ 2014

Passed by : Shri P.V.R.Reddy
Commissioner,
Customs & Central Excise,
NAGPUR
Passed on : 02-05-2014
Issued on : 21-05-2014

N. B. An appeal against this order lies with the Chief
Commissioner, Customs & Central Excise, Nagpur Zone,
Nagpur within a period of 45 days from the date on which a
copy of order appealed against is delivered to the appellant.

Subject:- Disciplinary Proceedings against Shri O.R. Shirpurkar,
Inspector, Central Excise, Nagpur.

Read:

- i) Charge Sheet Memorandum dated 02.06.2008 issued to Shri, O.R. Shirpurkar, Inspector, Central Excise, Nagpur, under Rule 14 of CCS (CCA) Rules, 1965.
- ii) Representation dated 09.06.2008 of Shri O.R. Shirpurkar, Inspector, Central Excise,
- iii) Representation dated 07.10.2011 of Shri O.R. Shirpurkar, Inspector, Central Excise,
- iv) Inquiry Officers Report dated 18.09.2012.
- v) Disagreement Note dated 27.09.2012.
- vi) Representation dated 09.11.2012 of Shri O.R. Shirpurkar, Inspector, Central Excise,
- vii) All other relevant documents.

BRIEF FACTS OF THE CASE:

The Charge Sheet under Rule 14 of CCS (CCA) Rules, 1965 was issued to Shri. O.R. Shirpurkar, Inspector, Central Excise, Nagpur, by the Disciplinary Authority under F.No.II(39)7-Vig/06/80 dated 02.06.2008.

2. Charges leveled in the above Charge Sheet in brief are as under: -

M/s Eva Tex Pvt. Ltd., Nagpur, a private party, were granted license of Private Bonded Warehouse and conducting manufacturing activity in Private Bonded Warehouse U/s.58 and 65 of Customs Act, 1962 respectively and as M/s Eva Tex Pvt. Ltd., had submitted an application dated 05.02.2004 addressed to the Assistant Commissioner, Central Excise, Division-II, Nagpur regarding license of Private Bonded Warehouse under section 58 of the Customs Act, 1962 and license for manufacture under Bond u/s 65 of the Customs Act, 1962. The procedure for making such application and processing of such application by the Customs and Excise Department has been given in the Manufacture & other Operations in Warehouse Regulations, 1966. As per the Regulations the responsibility of granting license under section 58 and Section 65 of the Customs Act, 1962 lies with the jurisdictional Assistant / Deputy Commissioner, Central Excise / Customs having jurisdiction over the area.

3. CT-3 Certificates repeatedly issued to the party M/s Eva Tex Pvt. Ltd., without checking whether M/s Eva Tex Pvt. Ltd., had procured the earlier material or not and if procured material had been used for production or not. As a prudent Revenue Officer Shri O.R. Shirpurkar should have inquired regarding issuance of CT-3 Certificate repeatedly to the party and again as an Officer in Charge of the said EOU, he could have physically verified the unit and if the unit would have been verified physically by Shri Shirpurkar, the evasion of the duty could not have taken place or the party could not be able to evade the duty. Again, if there was any doubt, he could have verified usage of the raw material and the manufacture of product by personally inspecting the site. But during the period when M/s Eva Tex Pvt. Ltd., was in operation Shri V. P. Patki, (Superintendent), Shri O. P. Shirpurkar, (Inspector) and Shri V. S. Kumbhare, (Assistant Commissioner) never visited the premises of M/s Eva Tex Pvt. Ltd., Nagpur and deliberately allowed M/s Eva Tex Pvt. Ltd. to defraud the revenue of Government.

4. On the basis of CT-3 certificates issued to M/s Eva Tex Pvt. Ltd., Butibori, Nagpur, the private party, had shown that the imported raw materials have arrived in the premises of M/s Eva Tex Pvt. Ltd., Butibori, Nagpur and the quantity of goods and other details were reflected in the ARE-3 Form and Shri O.R. Shirpurkar, Inspector, Customs & Central Excise and Shri V. P. Patki, Superintendent of Customs & Central Excise were posted as Unit In-charge of M/s Eva Tex Pvt. Ltd., Butibori and he had certified on all the ARE-3 that "I hereby certify that the consignment arrived at ----- on ----- that the goods confirm in all respects to the description given overleaf except for the following discrepancies". Further, there was no infrastructure for production and these imported raw materials were diverted to the local market.

5. Board's Circular No. 35/2001-Cus dated 15.06.2001 and Circular No. 41/2001-Cus dated 23.07.2001 of (CBEC) Department of Revenue, Ministry of Finance, Govt. of India, the EOUs are to be jointly monitored by the Development Commissioner, SEEPZ and by the Commissioner of the Central Excise & Customs, this circular has given clear guidelines to the Commissioner of Customs and Central Excise that the EOUs are effectively monitored and action is taken against the unit which have contravened the provisions of the EXIM Policy / Hand Book and the Custom Law / Procedure.

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Again the Commissioner, Central Excise and Customs shall bring the cases of misuse / default to the notice of Development Commissioner for taking corrective action. But Shri O.R. Shirpurkar did not bring the deviation of private party from their stated Project Report to the notice of Development Commissioner, SEEPZ, SEZ, Mumbai and inspite of all the discrepancies he allowed private party to run 100% Export Oriented Unit.

6. That by showing such undue favour he has caused a heavy wrongful loss to the tune of Rs. 80 lacs (Approx) to the Government of India and correspondingly it has also resulted in extending undue financial benefit to the said private party.

7. That Shri O.R. Shirpurkar, while functioning as Inspector, Customs and Central Excise, Range Butibori was alleged to have committed the following serious misconduct: -

ARTICLE - I

That Shri O.R. Shirpurkar, showed undue favour to Shri Imtiyaz Fatta & Shri Amit Arya, Director of M/s Eva Tex Pvt. Ltd., Nagpur, by not visiting the factory premises of the firm to monitor and check the working of the firm.

ARTICLE - II

That Shri O.R. Shirpurkar, has merely certified the AR3s and has not verified whether the raw material procured by Shri Imtiyaz Fatta & Shri Amit Arya, Director of M/s Eva Tex Pvt. Ltd., Nagpur, have actually been warehoused or not.

ARTICLE - III

That Shri O.R. Shirpurkar deliberately did not point out the deviations committed by the private party namely Shri Imtiyaz Fatta & Shri Amit Arya, Director of M/s Eva Tex Pvt. Ltd., Nagpur, from their stated project report to the Development Commissioner, SEEPZ, Mumbai with mala fide intention and extended undue favour to the private party in contravention of the extant rules.

Thus, by his above said acts, Shri O.R. Shirpurkar, Inspector, Customs and Central Excise, Range Butibori, failed to maintain absolute integrity, devotion to duty and thereby acted unbecoming of a Govt. servant and has contravened the provisions of Rule 3.1(i), (ii) & (iii) of CCS Conduct Rules, 1964.

8. Shri O.R. Shirpurkar, Inspector, Central Excise by his aforesaid acts of omission has exhibited gross negligence in performing his duty. Thus he failed to maintain absolute integrity, devotion to duty and thereby acted unbecoming of a Govt. servant and thereby contravened the provisions of Rule 3(1)(i),(ii) and (iii) of C.C.S. (Conduct) Rules 1964. 1st stage advice, from DGOV, was sought. DGOV vide their letter F.No. V-572/2/05/213 dated 17-01-2007, which was received in this office on 23-01-2007 had forwarded the 1st stage advice. After obtaining 1st stage advice, Memorandum bearing C.No. II(39) 7-Vig/06/80 dated 2nd June 2008 was issued to Shri. O.R. Shirpurkar, Inspector, Customs & Central Excise, Nagpur. A copy of CVC's OM No. 005/CEX/141-44666 dated 01.01.2007 was provided to the Charged Officer.

9. Since the charged officer, Shri. O.R. Shirpurkar, Inspector, Customs & Central Excise, Nagpur vide his letter dated 09-06-2008 had denied all the charges levelled against him, the disciplinary

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authority directed to conduct inquiry into the charges framed against Shri. O.R. Shirpurkar, Inspector, Customs & Central Excise, Nagpur, and accordingly, and accordingly, Shri. A.K. Goswami, Addl. Commissioner, was appointed as Inquiry Officer, vide order F.No. II(10A)01-Con/08/1422 dated 16-11-2009 issued by the Commissioner, Central Excise, Nagpur. Shri. Lokesh Kumar Lilhare, Assistant Commissioner, Central Excise, was appointed as Presenting Officer vide F.No. II(10A)01-Con/08/122-125 dated 17-02-2010 issued by the Commissioner, Central Excise, Nagpur. Shri. A.K. Goswami, Addl. Commissioner, completed Inquiry.

10. The Inquiry Officer submitted his report vide letter dated 18-09-2012. In his report the Inquiry officer, submitted as follows:-

The Inspector-in-charge of the unit has no role in countersigning any ARE-3 and, therefore, in relation to physical verification of any material.

The Charged Officer is not required or obliged to visit any unit, therefore making a contention that he should have physically verified the unit is improper and incorrect. Further, the Charged Officer has only acknowledged the receipt of the ARE-3 and has not countersigned.

The basic allegation is that there are deviations from the Project Report submitted by the unit before the Development Commissioner and that the Charged Officer was required to report such deviations. This cannot be done without being specifically asked and without providing a copy of the Project Report. The evidence of Smt. M.J. Kulkarni conclusively establishes that the Project Report, submitted by the unit to the Development Commissioner's Office, has not been forwarded to the Range Office. Thus, there cannot be an allegation that the Range Officer and/or the Inspector concerned with said unit, have failed to report the deviations.

In view of the above discussion and findings, the charges under Article I to III are not proved."

11.1 Inquiry Officer's Reports dated 18-09-2012 was given to the Charged Officer along with Disagreement Note thereon by the Commissioner, vide letter C.No. II(39) 28-Con/2012/496 dated 27-09-2012. The charged Officer, submitted his comments vide letter dated 09-11-2012 on Disagreement Note issued by the Commissioner as under:

- the Charged Officer relied on the para (II) of the Board's Circular No. 88/98 Cus dated 02/12/1998 and submitted that the said para nowhere prescribes that the Inspector should visit the factory for verification of warehoused goods. there are no instructions for the Charged Officer to make such verification.
- The Charged officer submitted that unit commenced their production on 15/4/2004 and stopped on 10/6/2004. The unit was operational only for 55 days. The unit was raided by Officers of the preventive branch of Central Excise, Nagpur on 01/7/2004 on the basis of intelligence they had, records were withdrawn and offence case was booked for contravention of provisions of Central Excise Acts/rules. Since the records were withdrawn question of verification of the records does not arise.
- The Charged officer submitted that had preventive officers would not have booked the offence case on 01/7/2004, over the period of time the contravention would have been pointed out at Range level itself. Besides EVA Tex, the CO had charge of other units which multiple times bigger than the EVA Tex.

- As regards the charge that CO has simply certified the ARE3s and not verified whether the raw material actually been warehoused or not, the Charged Officer submitted that he had not countersigned the ARE3, the signature appear on the ARE3 is the note of receipt of documents in the Range office and nothing more than that. The proper officer to countersign the ARE3 is only Superintendent of the Range office and the ARE3 also does not contain the signature of Superintendent. The certification of the warehousing is not complete until it is countersigned by the Superintendent and in the instant case the ARE3s were not countersigned by Superintendent.
- As regards the charge that the CO did not point out the deviation committed by M/s Eva Tex Pvt. Ltd., Nagpur from their stated Project Report to the notice of Development Commissioner, SEEPZ, SEZ, Mumbai, he submitted that the Inquiry officer rightly held that charge is not proved and it is on the basis of evidence of SW No 1, Smt MJ Kulkarni, Assistant Development Commissioner wherein she has stated that no project report was forwarded to the Range Office and therefore charge is not proved.
- Further LOP was issued to the party on the basis of verification report sent by the Division-II, Nagpur vide letter No IV(16)30-111/Misc/03/6199 dated 01/10/2003. The Division office sent this report on the basis of letter of Deputy Commissioner (Tech), Central Excise Hqrs, Nagpur vide letter No VIII (Cus)9/19/CT dated 19/9/2003. From this it appears that Development Commissioner calls report wherever required from the jurisdictional Commissionerate and not from the subordinate formation directly.

11.2 The matter was referred for the IInd stage advice to the DGOV, New Delhi vide Commissioner's letter F.No. II (39)28/Vig/2012/252-253 dated 29-10-2012. DGOV vide their letter from F.No. V.572/2/2005/Pt-I/4813 dated 28-10-2013 has advised imposition of major penalty.

DISCUSSION AND FINDINGS:-

12. I have carefully gone through the Charge Sheet dated 02.06.2008 issued to Shri. O.R. Shirpurkar, Inspector, Central Excise, Nagpur. Inquiry Officers Report dated 18.09.2012 and representation dated 09.11.2012 on the Disagreement Note issued vide letter dated 27-09-2012 by the Commissioner.

13. In the instant case, there are three charges leveled in the Memorandum i.e. Article I to III against the Charged Officer, who was posted as Inspector, Customs & Central Excise, Range Butibori during the relevant period.

(A) ARTICLE -I

The IO has held this charge as not proved on the grounds that the evidence submitted by the Presenting Officer in the form the said circular (Circular No. 579/16/2001 da.ed 26/06/2001) only shows that the Range Officer is required to countersign the ARE-3 forms on the basis of the records submitted by the assessee. This fact is also confirmed by SW-13 and SW-12, who have categorically stated that the Superintendent countersigns the ARE-3 on the basis of the Re-warehousing Register of the consignee. Apart from the fact that this evidence establishes that countersigning is to be done on the basis of records and registers maintained, this also shows that the Inspector-in-charge of the unit has no role in countersigning any ARE-3 and, therefore, in relation to physical verification of ag material.

of
O.R.
Justice of

(i) The CBEC vide Circular No. 579/16/2001 dt. 26/06/2001 has laid down the procedure for issue of re-warehousing certificate. The reliance placed by the IO on the said Circular to that extent is correct.

(ii) However, even if it is presumed that the CO had followed the procedure prescribed under Circular No. 579/16/2001 dt. 26/06/2001, it was expected of the Charged Officer to periodically verify the correctness of the documents/accounts. This has been specifically provided under Board's Circular No. 88/98-Cus dt. 02/12/98 in Para (ii).

(iii) However, the CO did not follow the procedure of monthly verification. Further the CO did not conduct any enquiry/investigation about the production as also did not scrutinize the accounts of the unit on monthly basis. He also did not check as to why the unit in spite of being an EOU did not manufacture and export any finished goods.

(B) ARTICLE - II

The IO, in his report, has submitted that when a Charged Officer is not required or obliged to visit any unit, making a contention that he should have physically verify the unit is improper and incorrect. Further, the Charged Officer has only acknowledged the receipt of the ARE-3 and has not countersigned.

(i) Although the CO has merely mentioned "Red" on the ARE-3s presented in the Range Office, nothing prevented him from periodically verifying the receipt of goods and whether these goods have been accounted for by the EOU. It was incumbent upon him to periodically verify the correctness of the documents/accounts. This has been specifically provided under Board's Circular No. 88/98-Cus dt. 02/12/98 in Para (ii). However, the CO did not follow the procedure of monthly verification. Further the CO did not conduct any enquiry/investigation about the production as also did not scrutinize the accounts of the unit on monthly basis. He also did not check as to why the unit in spite of being an EOU did not manufacture and export any finished goods. In view of this, the IO's report is not acceptable.

(C) ARTICLE - III

According to the Inquiry Report submitted by the IO, the charges under this Article are not proved. The IO in his report has stated that the basic allegation is that there are deviations from the Project Report submitted by the unit before the Development Commissioner and that the Charged Officer was required to report such deviations. This cannot be done without being specifically asked and without providing a copy of the Project Report. The evidence of Smt. M.J. Kulkarni conclusively establishes that the Project Report, submitted by the unit to the Development Commissioner's Office, has not been forwarded to the Range Office. Thus, there cannot be an allegation that the Range Officer and/or the Inspector concerned with said unit, have failed to report the deviations.

(i) The Circular No. 35/2001-Cus dated 15.06.2001 and Circular No. 41/2001-Cus dated 23.07.2001 of (CBEC), Department of Revenue, Ministry of Finance, Govt. of India, the EOUs are to be jointly monitored by the Development Commissioner, SEEPZ and by the Jurisdictional Commissioner of Central Excise & Customs. This circular has given clear guidelines to the Commissioner of Customs and Central Excise, that the EOUs are effectively monitored and action is taken against the unit which have contravened the provisions of the EXIM Policy / Hand Book and the Customs Law / Procedure. Again the Commissioner, Central Excise & Customs shall bring the cases of misuse/default to the notice of Development Commissioner for taking corrective action. But Shri O.R. Shirpurkar did not bring the deviation of private party from their stated Project Report to the notice of

Development Commissioner, SEEPZ, SEZ, Mumbai and inspite of all the discrepancies, he allowed private party to run 100% Export Oriented Unit.


(ii) In this regard, the IO's conclusion that non-receipt of Project Report in Range Office is proved. However, there is no evidence on record to prove that the Charged Officer has made any attempt to procure such Project Report and that he was prevented by certain circumstances to get the same from Development Commissioner for necessary verification. As a prudent revenue officer it was the duty of the Charged Officer to get the hold of the Project Report, if necessary, and to bring to the floor the deviations. Therefore, the I.O.'s report on this account does not reflect the correct position and, hence, not acceptable.

14. Thus I find that Shri. O.R. Shirpurkar, Inspector, Central Excise, has exhibited gross negligence in performing his duty. Thus he failed to maintain absolute integrity, devotion to duty and thereby acted unbecoming of a Govt. servant and thereby contravened the provisions of Rule 3(1)(i),(ii) and (iii) of C.C.S. (Conduct) Rules 1964.

15. Accordingly I pass the following order.

ORDER

It is therefore ordered that at the pay of Shri. O.R. Shirpurkar, Central Excise, Nagpur be reduced by Two (2) stages from Rs. 19,710/- + Rs. 4800/- (Grade Pay) to Rs. 18,290/- + Rs. 4800/- (Grade Pay) in the Pay Band / scale of Rs. 9300-34800/- for a period of two years with effect from date of issue of the order. It is further directed that Shri O.R. Shirpurkar, Central Excise, Nagpur will not earn increments of pay during the period of such reduction and further on the expiry of this period the reduction will have the effect of postponing his future increment of his pay under 11(v) of CCS (CCA) Rules, 1965.


(P.V.R. Reddy)
COMMISSIONER

To,
Shri O.R. Shirpurkar, Inspector,
Customs & Central Excise, Nagpur

Copy to-

- 1) The Additional Commissioner (Vig), Directorate General of Vigilance, Customs & Central Excise, 2nd and 3rd Floor, Samrat Hotel, Kautilay Marg, Chanakyapuri, New Delhi, 110 021 w.r. t. his letter F.No. V.572/2/2005/Pt-I/4813 dated 28-10-2013..
- 2) Chief Commissioner, Customs & Central Excise, Nagpur Zone, Nagpur.
- 3) Assistant Chief Accounts Officer, Central Excise, Hqrs., Nagpur.
- 4) Pay & Account Officer, Central Excise, Nagpur.
- 5) APAR folder of Shri O.R. Shirpurkar, Inspector, Central Excise, Nagpur.


(P.V.R. Reddy)
COMMISSIONER

श्री. पांडे आदेशक

M/S

6-11-13

गोपनीय / फैक्स

(13)

सतर्कता महानिदेशालय (मुख्यालय)
केन्द्रीय उत्पाद एवं सीमा शुल्क
होटल सम्राट, चाणक्यपुरी
नई दिल्ली।

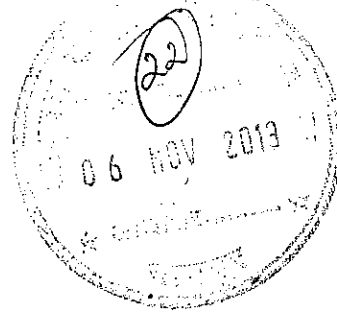
पत्र नं. V.572/02/2005/pt-I

/4813

दिनांक: 28.10.2013

सेवा में,

आयुक्त,
केन्द्रीय उत्पाद एवं सीमा शुल्क,
पोस्ट बॉक्स नम्बर 81 तेलंगखेडी रोड,
सिविल लाइन्स, नागपुर 440001



विषय: श्री वी.पी. पटकी अधीक्षक (सेवानिवृत्त) तथा ओ.आर. शिरपुरकर, निरीक्षक
केन्द्रीय उत्पाद नागपुर के विरुद्ध अनुशासनात्मक कार्यवाही Second Stage Advice के
बारे में।

महोदय,

कृपया इस पत्र के साथ उपरोक्त विषय से सम्बन्धित अपर आयुक्त द्वारा जारी पत्र

संख्या V.572/02/2005/pt-I दिनांक 28.10.2013 सलग्न पाईये।

धन्यवाद।

91
6/11/13

सलग्न: यथोपरी

भवदीय,

28.10.13
(मिहिर रजन)

अपर आयुक्त (सतर्कता)

6/11/13

Sup (Vis)

240
M/S
6/11/13

(11)

CONFIDENTIAL
Speedpost /Fax

**DIRECTORATE GENERAL OF VIGILANCE
CUSTOMS & CENTRAL EXCISE
2nd & 3rd FLOOR, HOTEL SAMRAT
KAUTILYA MARG, CHANAKYAPURI
NEW DELHI-110021**

F. No. : V.572/2/05/Pt.II

Date: 28.10.2013

To

The Commissioner,
Customs & Central Excise,
PB No.81, Telangkheri Road, Civil Lines,
Nagpur-440 001

Sir,

Sub.: Disciplinary proceedings against Shri V.P.Patki,, Supdt(Retd)
and O.R. Shirpurkar, Inspector - 2nd stage advice - reg.

Please refer to your office letters F.No.II-(39)27-Vig/2012/250 and No.252
both dated 29.10.2012 seeking 2nd stage advice in respect of S/Shri
V.P.Patki,, Supdt (Retd) and O.R. Shirpurkar, Inspector respectively

2 The matter has been considered by DG(Vig) and has also advised to
impose major penalty on both the officers S/Shri V.P.Patki,, Supdt (Retd) and O.R.
Shirpurkar, Inspector, in conformity with recommendation of Disciplinary Authority.

3. Necessary action may accordingly be taken and copies of orders passed in
this regard be sent to this office.

Yours faithfully,

Encl:- IR Folders
in r/c both officers.


(Mihir Ranjan)
Additional Commissioner(Vig)

सीमा शुल्क एवं केंद्रीय उत्पाद शुल्क तथा सेवा कर प्रधान आयुक्त का कार्यालय
केंद्रीय उत्पाद शुल्क भवन आयुक्तालय नागपुर - 1 नागपुर

F.NO. I(22)77/RTI/NGP-I/2016/

Dated 14.12.2016.

**RTI MATTER
TIME BOUND**

सेवा में,
सहायक आयुक्त (Vig.),
केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क, मुख्यालय,
वर्धा।

महोदय,

विषय :- सूचना अधिकार नियम 2005 के अंतर्गत आवेदन कर्ता श्री व्ही. एस.
कुंभारे, Rtd., A. C. C.Ex., नागपुर, के पत्र दिनांक 08.12.2016 के -
संदर्भ में।

आवेदन कर्ता श्री व्ही. एस. कुंभारे, Rtd., A. C. C.Ex., नागपुर, ने सूचना अधिकार
नियम 2005 के अंतर्गत जानकारी प्राप्त करने हेतु आवेदन दिनांक 08.12.2016 के तहत बिनती की
है, जो की उपरोक्त पत्र इस कार्यालय में दिनांक 13.12.2016 को प्राप्त हुआ है।

उपरोक्त जानकारी आपके विभाग से सम्बंधित होने के कारण उपरोक्त आवेदन
नियम under Section 6(3) of RTI Act, 2005 के तहत आपके तरफ भेज रहे हैं।

अतः आपसे निवेदन है की मांगी गई जानकारी सीधे आवेदक को भेजकर, इस
कार्यालय को सूचीत करे।

उपरोक्त पत्र कि प्रतिलिपी आपको आवश्यक कार्यवाही हेतु प्रस्तुत है।

संलग्न :- उपरोक्तानुसार।
(01 प्रति)

भवदिय

[Handwritten Signature]

[Handwritten Signature]

(बी. सी. अग्रवाल)

केंद्रीय लोक सूचना अधिकारी तथा सहायक आयुक्त
केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क, नागपुर-1

9

सीमा शुल्क एवं केंद्रीय उत्पाद शुल्क तथा सेवा कर प्रधान आयुक्त का कार्यालय
केंद्रीय उत्पाद शुल्क भवन आयुक्तालय नागपुर - 1 नागपुर

F.NO. I(22)77/RTI/NGP-I/2016/

Dated 14.12.2016.

22/12

**RTI MATTER
TIME BOUND**

सेवा में,
सहायक आयुक्त (Vig.),
केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क, मुख्यालय,
नागपुर - 1

महोदय,

विषय :- सुचना अधिकार नियम 2005 के अंतर्गत आवेदन कर्ता श्री व्ही. एस. कुंभारे, Rtd., A. C. C.Ex., नागपुर, के पत्र दिनांक 08.12.2016 के - संदर्भ में ।

आवेदन कर्ता श्री व्ही. एस. कुंभारे, Rtd., A. C. C.Ex., नागपुर, ने सुचना अधिकार नियम 2005 के अंतर्गत जानकारी प्राप्त करने हेतु आवेदन दिनांक 08.12.2016 के तहत बिनती की है, जो की उपरोक्त पत्र इस कार्यालय में दिनांक 13.12.2016 को प्राप्त हुआ है ।

पत्र में मांगी गई जानकारी आपके विभाग से संबंधित होने के कारण आपसे बिनती कि जाती है की, आवेदन में चाही गई जानकारी इस कार्यालय को 5 दिन के भीतर प्रस्तुत करें ।

उपरोक्त पत्र कि प्रतिलिपी आपको आवश्यक कार्यवाही हेतु प्रस्तुत है ।

संलग्न :- उपरोक्तानुसार ।
(01 प्रति)

भवदिय
8/15/12/16

(बी. सी. अग्रवाल)

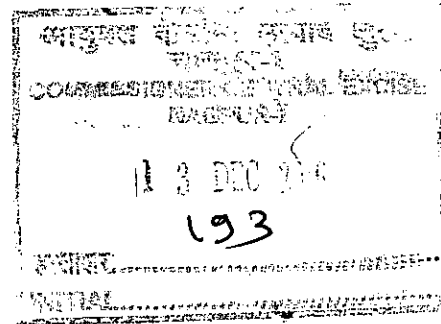
केंद्रीय लोक सुचना अधिकारी तथा सहायक आयुक्त
केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क, नागपुर-1

VSK/PER/DE-EVA/2016

08-12-2016

①

To,
The Central Public Information Officer,
O/o Commissioner Central Excise, Customs & Service Tax,
Central Excise Building, Telangkhedhi Road,
Civil Lines, Nagpur- 440001. (M. S.)
Sir,



Subject:- Submission of Information Under RTI Act, 2005-Reg.

The following information may kindly be provided to the undersigned as the aforesaid information are related to the departmental enquiry pending against me

1. The copy of Order-In-Original past by the disciplinary authority (Commissioner) against Shri. V. P. Patki the then Superintendent C. Ex. Range Butibori, in the case of M/s. Eva Tex Pvt., Ltd. Butibori. & Shri. O. R. Shirpurkar the then Inspector, SO.
2. The copy of Order-In-Appeal decided by the Appellate Authority if any,
3. The copy of opinion given by the Central Vigilance Commission, New Delhi/Directorate General of Vigilance, New Delhi.
4. The copy of Appeals filed by Shri. V. P. Patki & O. R. Shirpurkar.
5. The Postal Order No. 21F 022937 of Rs. 10/- is enclosed herewith as a prescribed fee.

Enclosure as above

Thanking You,
Your's Faithfully,

92
(V.S. Kumbhare)

Asstt. Commr (Retd.)
Central Excise & Customs
Plot No. 2, Golibar Chowk,
Nagpur-440018 (M.S.)

Recd.
[Signature]
13/12/16
Per. RTI