



केन्द्रीय उत्पाद शुल्क एवम सेवा कर आयुक्तालय , भावनगर

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & SERVICE TAX

प्लॉट नं. 6776-बी/1, 'सिद्धि सदन' बिल्डिंग,

PLOT NO. 6776/B-1, "SIDDHI SADAN" BUILDING,

नारायण उपाध्याय मार्ग, भावनगर-364001

NARAYAN UPADHYAY MARG, BHAVNAGAR-364 001.

दूरभाष : (0278) 2523627 फैक्स : 0278-2513086

रजिस्टर्ड डाक पावती द्वारा

By R.P.A.D.

फाईल सं. V/15-11/Adj/DGCEI/HQ/2010

F. No.

आदेश की तारीख : 29/11/2012

Date of Order :

जारी करने की तारीख : 29/11/2012

Date of Issue :

पारितकर्ता

Passed by

श्री एन के भुजबल

SHRI N. K. BHUJABAL

आयुक्त , केन्द्रीय उत्पाद शुल्क एवम सेवा कर, भावनगर

Commissioner , Central Excise and Service Tax, Bhavnagar

मूल आदेश संख्या Order-in-Original No : 28 TO 31 /BVR/Commissioner/2012

1. आदेश की यह प्रति जिसको जारी किया गया है उनके व्यक्तिगत उपयोग के लिए निःशुल्क भेजी जा रही है ।
1. This copy of order is granted free of charges for private use of the person(s) to whom it is issued and sent.
2. यदि कोई व्यक्ति इस आदेश से स्वयं को असंतुष्ट अनुभव करता है , तो इस आदेश के विरुद्ध सीमा शुल्क , केन्द्रीय उत्पाद शुल्क एवं सेवा कर अपीलीय प्राधिकरण , ओ-20 , मेघानी नगर , नया मानसिक अस्पताल संकुल , अहमदाबाद को केन्द्रीय उत्पाद शुल्क अधिनियम की धारा 35-बी की उपधारा 1(a) की शर्तों के आधार पर अपील कर सकता है । धारा 35-बी (1) (परंतुक) (a) से (d) के अंतर्गत मामले जैसे कि हानि , छूट , बॉण्ड के अंतर्गत निर्यात , शुल्क क्रेडिट के मामले , आवेदन के पुनरीक्षण के मामलों में आवेदन भारत सरकार के संयुक्त सचिव , राजस्व विभाग , वित्त मंत्रालय , नई दिल्ली को बंधनकर्ता रहेगा ।
2. Any person(s) deeming himself aggrieved by this Order may appeal against this order to The Customs, Excise and Service Tax Appellate Tribunal, West Zonal Bench, Ahmedabad, O-20, Meghani Nagar, New Mental Hospital Compound, Ahmedabad, in terms of the provision of Section 35B(1)(a) of the Central Excise Act, 1944. If the case covered under the category specified in Section 35B(1) (Proviso) (a) to (d), i.e. Loss, Rebate, Export under Bond, duty credit cases, the Revision application shall lies to the Joint Secretary to the Government of India, Department of Revenue, Ministry of Finance, New Delhi.
3. अपील फॉर्म E.A.-3 में केन्द्रीय उत्पाद शुल्क (अपील) नियम , 2001 के नियम 3 के उपनियम 2 में विनिर्दिष्ट व्यक्ति द्वारा की जानी चाहिए ।
3. The Appeal should be filed in form EA.-3. It shall be signed by the person as specified in Rule 3(2) of the Central Excise (Appeals) Rules, 2001.
4. केन्द्रीय उत्पाद शुल्क अधिनियम , 1944 की धारा 35-B के अंतर्गत अपील इस आदेश की प्राप्ति के तीन माह के अंदर दर्ज करवानी होगी ।
4. The appeal should be filed within three months from the date of communication of this order. (Section 35B of the Central Excise Act, 1944).
5. यह अपील चार प्रतियों में दाखिल की जाए और जिसके विरुद्ध अपील की गई है ,उस आदेश की समान संख्या में प्रतियां भेजी जाएं (इन में से कम से कम एक प्रति अधिप्रमाणित होनी चाहिए) । उक्त अपील के समर्थक सभी दस्तावेज चार प्रतियों में भेजे जाएं ।



उक्त अपील व्यक्तिगत रूप से रजिस्ट्रार के समक्ष प्रस्तुत की जाए या पंजीयक के नाम से रजिस्ट्री डाक द्वारा भेजी जाए। परन्तु उक्त रजिस्ट्रार के कार्यालय में प्राप्ति की तारीख नियत अवधि में होगी।

5. It shall be filed in quadruplicate and shall be accompanied by an equal number of copies of the order appealed against (One of which at least shall be certified copy). All supporting documents of the appeal should be forwarded in quadruplicate. The appeal shall be presented in person to the Registrar or sent by Registered Post addressed to the Registrar. But the date of receipt in office of the said Registrar in time or otherwise will be the relevant date for the purposes of limitation of time.

6. फीस का भुगतान न्यायाधिकरण की पीठ के सहायक रजिस्ट्रार के पक्ष में रेखांकित बैंक ड्राफ्ट द्वारा अधिनियम के प्रावधानों के अंतर्गत करना अपेक्षित है। यह ड्राफ्ट जहाँ पीठ स्थित है, किसी राष्ट्रीयकृत बैंक की किसी शाखा के नाम पर जारी किया जाए और उस उक्त अपील प्रपत्र के साथ डिमाण्ड ड्राफ्ट संलग्न किया जाना चाहिए।

6. The Fee is required to be paid as under through a cross Bank Draft in favour of the Assistant Registrar of Bench of the Tribunal on a branch of any Nationalized Bank located at the place where the Bench is situated and it shall be attached to the form of appeal.

(क) जहाँ पर मांगा गया शुल्क ब्याज और दण्ड रूपए 50,00,000/- (रूपए पचास लाख) से ज्यादा हो, रु. 10,000/- (रूपए दस हजार)

(a) Where the amount of duty and interest demanded and penalty is levied is more than Rs. 50,00,000/- (Rupees Fifty Lakhs), Rs. 10,000/- (Rupees Ten Thousand);

(ख) जहाँ पर मांगा गया शुल्क ब्याज और दण्ड रूपए 5,00,000/- (रूपए पांच लाख) से अधिक हो लेकिन, रूपए 50,00,000/- (रूपए पचास लाख) से कम हो 5,000/- (रूपए पांच हजार)

(b) Where the amount of duty and interest demanded and penalty levied is more than Rs. 5,00,000/- (Rupees Five Lakhs) but not exceeding Rs. 50,00,000/- (Rupees Fifty Lakhs), Rs. 5,000/- (Rupees Five Thousand);

(ग) जहाँ पर मांगा गया शुल्क ब्याज और दण्ड रूपए 5,00,000/- (रूपए पांच लाख) अथवा कम हो, रूपए 1,000/- (रूपए एक हजार)

(c) Where the amount of duty and interest demanded and penalty levied is Rs. 5,00,000/- (Rupees Five Lakhs) or less, Rs. 1,000/- (Rupees One Thousand);

7. इस आदेश की प्रतिलिपि पर न्यायालय शुल्क मुद्रांक अधिनियम, 1970 की अनुसूची 1 मद 6 के अंतर्गत निर्धारित 50 पैसे का न्यायालय शुल्क मुद्रांक (कोर्ट फी स्टाम्प) लगाया जाना चाहिए।

7. The Copy of this order attached therein should bear a Court fee stamp of 50 paise as prescribed under schedule 1 of Article 6 of the Court fee stamp Act, 1970.

8. उक्त अपील फॉर्म के साथ शुल्क / दण्ड की अदायगी का प्रमाण संलग्न किया जाना चाहिए।

8. Proof of payment of duty, penalty etc. should also be attached in original to the form of appeal.

9. अपील पर रु. 5 (रूपए पांच) का न्यायालय शुल्क मुद्रांक (कोर्ट फी स्टाम्प) लगाया जाना चाहिए।

9. Appeal should bear a Court Fee Stamp Rs. 5/-.

10. पूर्ण जानकारी हेतु केंद्रीय उत्पाद शुल्क (अपील) नियम, 2001 एवम CESTAT (कार्यविधि) नियम 1982 देखें।

10. Please refer to the Central Excise (Appeals) Rules, 2001 and the CESTAT, Procedure Rules, 1982 for complete details.

To,

(1) M/s. Star Auto Engineering,
Opposite Shastri nagar, Near Popat Mill, Agatari Road,
Keshod, Dist-Junagadh.

(2) Shri Bhikhubhai Laxmanbhai Yadav,
Proprietor of M/s Star Auto Engineering,
D-1, Ambika Nagar, Nikol Road,
Naroda, Ahmedabad.



- (3) M/s Parishram Marketing,
64, Mayur Market, Opp Police Station,
Keshod.
- (4) M/s Mahish Auto,
Nagarpalika Shopping Centre, Keshod.

विषय : कारण बताओ नोटिस संख्या :

Subject: Show Cause Notice F. No. DGCEI/AZU/36-95/2010-11 dated 11.10.2010 issued by the ADG, DGCEI, AZU, Ahmedabad issued to M/s. Star Auto Engineering, Keshod and others..



BRIEF FACTS OF THE CASE :-

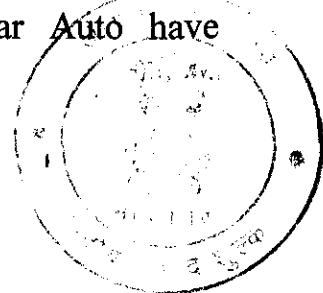
1. M/s. Star Auto Engineering, Opp. Shastrinagar, Near Popat Mill, Agatrai Road, Keshod (hereinafter referred to as "M/s. Star Auto" for the sake of brevity) are engaged in the manufacture of three wheeled motor vehicles commonly/popularly known as "chakkdo rickshaw", falling under CETSH No. 8704 21 20 of the first Schedule to Central Excise Tariff Act, 1985 (hereinafter referred to as CETA), which are used for transportation of goods. M/s. Star Auto have cleared their finished goods without payment of Central Excise duty and are not registered with the Central Excise department.

2.1 An Intelligence was gathered by the Director General of Central Excise Intelligence(DGCEI), Ahmedabad Zonal Unit(AZU), Ahmedabad that the manufacturers of three wheeled transport carriers commonly known as "Chhakkdo Rickshaw" are evading payment of Central Excise duty by way of suppressing production and clandestine clearances. The said "chakkdo rickshaw" is not covered under Notification No. 08/2003-CE dated 01.03.2003, as amended. Therefore, the manufacturers are required to pay Central Excise duty from first clearance.

2.2 Based on the above intelligence, DGCEI conducted detailed investigation against the manufacturers of chhakada rickshaws, including M/s. Star Auto Agency, Junagadh. The officers of DGCEI, Ahmedabad Zonal Unit (AZU), Ahmedabad as well as officers of Central Excise Commissionerates conducted searches on 06.10.2009 at various premises of chhakado rickshaw manufacturers, including M/s. Star Auto Agency, Junagadh.

2.3 At the time of search, Shri Dhanabhai Yadav, brother of Shri Bhikhubhai Yadav, Proprietor of M/s. Star Auto was present at the above premises. During search Shri Dhanabhai Yadav, did not co-operate the officers and fled away from the premises. Therefore, the search was conducted in the presence of local Police officers and independent witnesses.

2.4 During search, records/documents/computer CPU were placed under seizure, with a reasonable belief that the same are useful for further investigations, under panchnama dated 06.10.2009. At the time of concluding the panchnama, Shri Dhanabhai was standing at a distance and therefore, the Police officers called him to verify the seized records and to receive the copy of the panchnama, which he refused. Therefore, the copy of the panchnama was handed over to the local Police officers. However, on request of Shri Bhikhubhai, the copy of the panchnama was supplied vide this office letter dated 27.10.2009. During the course of panchnama, drawn at the premises of M/s. Star Auto Agency, Junagadh, the records/documents pertaining to M/s. Star Auto were recovered under panchnama. The preliminary scrutiny of records/documents, as mentioned in Annexure-A to the panchnama dated 06.10.2009 revealed that M/s. Star Auto have

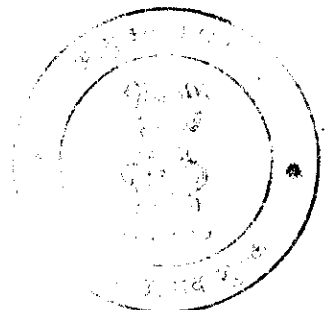


manufactured and cleared chhakado rickshaws, without obtaining Central Excise registration and without payment of duty of excise leviable thereon.

2.5 Shri Bhikhubhai Yadav, Proprietor of M/s. Star Auto was issued summons dated 19.10.2009, 27.10.2009, 11.11.2009 and, 30.11.2009 to appear before the investigating officer. Although various summons were issued to Shri Bhikhubhai Yadav, he did not appear before the investigating officer. Instead, through telegram dated 05.12.2009, he informed that he has filed Special Civil Application No. 11939/2009 before the Honourable High Court of Gujarat. Not only that, he also informed that as the matter is subjudice, his statement can not be recorded pending the above civil application and refused to appear before the investigating officer.

3.1.1 The Ministry of Road Transport & Highway, Govt. of India has enacted the Motor Vehicles Act which is amended from time to time in order to secure the safety of public in general, to maintain the safety standards of components fitted in various vehicles, other technical aspects and to check the emission of smoke, vapour etc. from the vehicles plying on roads. The respective State Governments ensure the compliance of the Central Motor Vehicle Act and Rules framed thereunder. Accordingly, the registration of vehicles with Regional Transport Offices is compulsory. The Govt. of Gujarat has established Regional Transport Offices under the office of the Commissioner of Transport in different cities for the compliance of the Central Motor Vehicle Act and Rules framed thereunder. Section 39 of the Central Motor Vehicle Act, 1988 stipulates that "No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with Chapter IV and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner". Rule 42 of the Central Motor Vehicles, Rules, 1989 stipulates that "No holder of a trade certificate shall deliver a motor vehicle to a purchaser without registration, whether temporary or permanent". Further, Rule 47 of the Central Motor Vehicle Rules, 1989 stipulates the documents to be submitted for registration of vehicles. Accordingly, the following documents are required to be submitted for vehicle registration.

01. Sale certificate in form 21,
02. Valid Insurance Certificate,
03. Copy of the proceedings of the state Transport Authority or Transport Commissioner or such other authorities as may be prescribed by the state Government for the purpose of approval of the design in the case of a trailer or a semi trailer,
04. Original sale certificate from the concerned authorities in Form 21 in the case of ex-army vehicles,
05. Proof of address by way of any one of the documents referred to in rule 4,
06. Temporary registration, if any,



07. Roadworthiness certificate in Form 22 from the manufacturers (Form 22A from the body builders),
08. Customs clearance certificate in the case of imported vehicles along with the licence and bond, if any, and
09. Appropriate fee as specified in rule 81 of Central Motor Vehicle Rules, 1989.

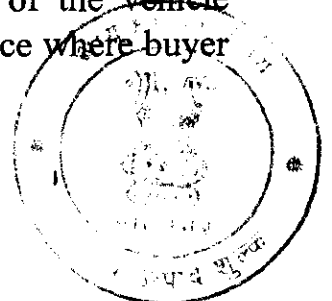
3.1.2 Further Rule 44 of Central Motor Vehicle Rules, 1989 stipulates that "the registering authority shall before proceeding to register a motor vehicle or renew the certificate of registration in respect of motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration to produce the vehicle either before itself or such authority as the state government may appoint in order that the registering authority may satisfy itself that the particulars contained in the application are true and that the vehicle complies with the requirements of this Act and the rules made there under. The above provision stipulates the need of production of vehicle before RTO authority for registration.

3.1.3 Rule 43 of Central Motor Vehicle Rules, 1989 stipulates that "Notwithstanding anything contained in section 40, the owner of a motor vehicle may apply to any registering authority or other prescribed authority to have the vehicle temporarily registered in the prescribed manner and for the issue in the prescribed manner of a temporary certificate of registration and a temporary registration mark".

3.1.4 The said rule further stipulates that a temporary registration made shall be valid only for a period not exceeding one month and shall not be renewable provided that where a motor vehicle so registered is a chassis to which a body has not been attached and the same is detained in a workshop beyond the said period of one month for being fitted, the period may, on payment of such fees, if any, as may be prescribed, be extended by such further period or periods as the registering authority or other prescribed authority as the case may be, may allow.

3.1.5 The term Chassis means the frame plus the "running gear" like engine, transmission, driveshaft, differential and suspension. A body which is usually not necessary for integrity of the structure is built on the chassis to complete the vehicle. Commercial vehicle manufacturers may have "Chassis only" versions that can be outfitted with specialized bodies.

3.1.6 From the above, it is clear that registration of all vehicles with the RTO is a statutory requirement. Each vehicle with maker's name gets registered with RTO authorities functioning under the respective state governments. Hence the details provided by RTOs, regarding the vehicles registered during a particular period, are accurate and reliable in all respect. The temporary registration takes place where the factory of the vehicle manufacturer is situated and permanent registration takes place where buyer of the vehicle resides.

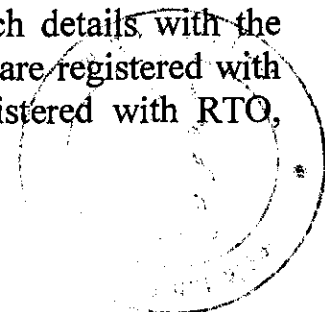


3.2.1 Based on the above said intelligence mentioned hereinabove, a search was conducted at the premises of various manufacturers of chhakda rickshaw, including M/s. Star Auto Agency, Junagadh. The preliminary scrutiny of records/documents, revealed that M/s. Star Auto have manufactured and cleared chhakado rickshaws, without obtaining Central Excise registration and without payment of duty of excise leviable thereon. As the chhakdo rickshaw is not covered under Notification No. 08/2003-CE dated 01.03.2003, as amended, the manufacturers are required to pay Central Excise duty from first clearance. Therefore, in order to quantify the exact number of chhakado rickshaws, manufactured and cleared by M/s. Star Auto, it was necessary to obtain the details of chhakado rickshaws, manufactured and cleared by M/s. Star Auto registered with the RTO, Ahmedabad.

3.2.2 The preliminary scrutiny of records revealed that the office of M/s. Star Auto is situated at Lohana Building, Near Bhutnath Railway Crossing, Junagadh. Another office of M/s. Star Auto is shown at Opp. Ambika Estate, Kharikat Canal, Dahegam Road, Naroda, Ahmedabad. The factory is situated at Opp. Shastrinagar, Near Popat Mill, Agatrai Road, Keshod.

3.2.3 Since the registration of chhakdo rickshaws are compulsory with the RTO authorities before plying on roads, the details of auto rickshaw delivery vans, registered with RTO, Ahmedabad were called for. Accordingly, RTO, Ahmedabad, vide letter dated 03.12.2009 has submitted the details of temporary registration of such vehicles, manufactured by various manufacturers, including M/s. Star Auto. In case of vehicles manufactured by M/s. Star Auto, the maker's name has been mentioned as "Star". The scrutiny of details submitted by RTO, Ahmedabad reveals that 2994 Chhakdo Rickshaws, manufactured and cleared by M/s. Star Auto have been registered with RTO, Ahmedabad, during the period from 20.03.2006 to 09.10.2009. The investigation revealed that M/s. Star Auto are not registered with Central Excise department and have manufactured and cleared the chhakado rickshaws, without payment of duty of excise and other taxes. Thus, it was evident that M/s. Star Auto have manufactured and cleared 2994 chhakado rickshaws, without payment of C. Ex. duty. The above chhakado rickshaws were manufactured and cleared by them and have been registered with RTO, Ahmedabad. The chart showing details of Chhakda rickshaws, manufactured and cleared by M/s. Star Auto and registered with RTO, Ahmedabad, showing maker's name as "Star", during the period from 20.03.2006 to 09.10.2009 was enclosed as Annexure A-1 to the notice.

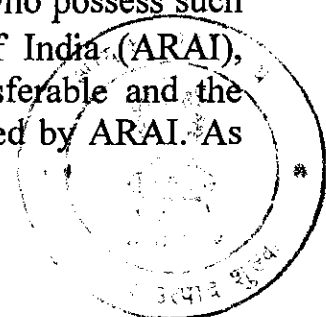
3.2.4 The scrutiny of details of permanent registration of chhakado rickshaws, registered with various RTOs revealed that in addition to above 2994 chhakado rickshaws, "Star" make chhakdo rickshaws have been registered with RTO, Junagadh. The comparison of such details with the details of RTO, Ahmedabad revealed that some of them are registered with RTO, Ahmedabad whereas some of them are not registered with RTO,



Ahmedabad. The chhakado rickshaws registered with RTO, Junagadh and appearing in the list of RTO, Ahmedabad have been eliminated as the same have already been included in Annexure A-1 to the notice. During the period 16.01.2006 to 02.08.2006, 112 "Star" make chhakado rickshaws have been registered with RTO, Junagadh. M/s. Star Auto are not registered with Central Excise department and have manufactured and cleared the chhakado rickshaws, without payment of duty of excise and other taxes. Thus, it was evident that M/s. Star Auto have manufactured and cleared 112 chhakado rickshaws also, without payment of C. Ex. duty. The above chhakado rickshaws were manufactured and cleared by them and have been registered with RTO, Junagadh. The chart showing details of Chhakda rickshaws, manufactured and cleared by M/s. Star Auto and registered with RTO, Junagadh, showing maker's name as "Star", during the period from 16.01.2006 to 02.08.2006 was enclosed as Annexure A-2 to the notice.

3.2.5 The details of auto rickshaw delivery vans, registered during the period October, 2009 to June, 2010, registered with RTO, Ahmedabad were called for. Accordingly, RTO, Ahmedabad submitted the details of temporary registration of such vehicles, manufactured by various manufacturers, including M/s. Star Auto. The scrutiny of details submitted by RTO, Ahmedabad reveals that 13 Chhakkdo Rickshaws, manufactured and cleared by M/s. Star Auto have been registered with RTO, Ahmedabad, during the period from October, 2009 to June, 2010. The investigation revealed that M/s. Star Auto are not registered with Central Excise department and have manufactured and cleared the chhakado rickshaws, without payment of duty of excise and other taxes. Thus, it was evident that M/s. Star Auto have manufactured and cleared 13 chhakado rickshaws, without payment of C. Ex. duty. The above chhakado rickshaws were manufactured and cleared by them and have been registered with RTO, Ahmedabad. The chart showing details of Chhakda rickshaws, manufactured and cleared by M/s. Star Auto and registered with RTO, Ahmedabad, showing maker's name as "Star", during the period from October, 2009 to June, 2010 was enclosed as Annexure A-3 to the notice.

4.1 It is mandatory requirement that all vehicles need to be registered with local Regional Transport Offices (RTO) before plying on the roads. Accordingly, the chhakda rickshaws are also required to be registered with RTOs. It is obligatory on the part of the vehicle manufacturers to obtain compliance certificate from Automotive Research Association of India (ARAI), Pune, under the provisions of Rule 126 of Central Vehicle Rules, 1989. As the chhakkdo rickshaw manufacturers have to comply with the provisions of Central Motor vehicle Rules, 1989, the manufacturers have to supply "Base Model" to the Automotive Research Association of India (ARAI), Pune for approval and obtain requisite certificate from ARAI, Pune. ARAI, Pune approves the design of chhakkdo rickshaw on the basis of Base Model supplied by the vehicle manufacturer. The chhakkdo rickshaws are permitted to be manufactured only by those persons/firms who possess such certificate issued by Automotive Research Association of India (ARAI), Pune. The certificate issued by ARAI, Pune is non transferable and the certificate holder can only manufacture the vehicle approved by ARAI. As



per Rule 122 of CMVR, 1989, the location of chassis number and code for month and year of manufacture are defined by ARAI, Pune. Accordingly, the manufacturers give chasis No. to the vehicles manufactured by them. The chasis No. contains name of manufacturer in short, Sr. No. of vehicle in a calendar year and year of manufacture. For illustration, in chasis No. SAE/01/09, 'SAE' represents name of manufacturer viz. Star Auto Engineering, '01' shows the Sr. No. of vehicle manufactured in a calendar year and '09' shows year of manufacture.

4.2 The RTO registers the vehicles of those manufacturers who are having such certificate from ARAI, Pune. The certificate holders of ARAI, Pune can only issue Form 21 and Form 22, required for registration of vehicles before RTO. In fact, the permission for the sale of said chhakkdo rickshaws are given by the Commissioner of Transport, Gujarat state, Gandhinagar only after submission of the compliance certificate granted by ARAI as to the compliance of provisions of the Motor Vehicle Act, 1988 and the Rules in respect of Goods Vehicles. The scanned images of one such certificate granted by ARAI, Pune to M/s. Star Auto is reproduced below:



Scanned image of certificate issued by ARAI, Pune:



ARAI/COP/Star Auto/Gujarat D1 Diesel 3W LC/2009-173

Date : 20th April, 2009

CERTIFICATE
FOR
CONFORMITY OF PRODUCTION

| Cert | Report | Spec | Drq | Total |
|------|--------|------|-----|-------|
| 1 | 7 | - | - | 8 pgs |

M/s. Star Auto Engineering,
Opp. Shastri Nagar,
Near Popat Mill Agatari Road,
Keshod - 362 220. Gujarat

1. Based on the verification of documents and trials conducted on the vehicle model "Gujarat "D-1" Diesel 3W Load Carrier" manufactured by M/s. Star Auto Engineering, Keshod randomly selected from their plant at KESHOD, it is certified that the following vehicle models, manufactured by M/s. Star Auto Engineering, comply with the following provisions of the Central Motor Vehicles Rules, 1989, as amended up-to-date.

| Mass Emission Standards | CMVR Rule | Effective From | MoSRTI/Noti. No. | Date |
|-------------------------|-----------------|----------------|------------------|------------|
| Bharat Stage - II | 115(2(ii)) & 12 | 01.04.2005 | GSR 720(E) | 10.09.2003 |

2. This certificate covers the following vehicle models, declared by the manufacturer to have been produced / planned to be produced with the following engine, during the stipulated period.

| Engine | Plant | Manufacturer | Engine Power | Cubic Capacity |
|-------------|------------|--------------------------|--------------------|----------------|
| GL 400 II A | Aurangabad | M/s. Greaves Cotton Ltd. | 5.51 kW @ 3600 rpm | 395 cc |

| Sr. No. | Vehicle Models | Plant | CMVR Certificate No. | Manufacturing Period | COP Year |
|----------------------|---|--------|---|--------------------------------|-----------|
| Type : Goods Carrier | | | | | |
| 1 | Gujarat "D-1" Diesel 3W Load Carrier | KESHOD | ARAI/CMVR/1608B (1365, 589)/2009-121 | 01/04/2008 TO 31/03/2009 | 2008-2009 |
| 2 | Gujarat "D-1" Diesel 3W Load Carrier LW | | | | |

3. Since the no. of vehicles manufactured are less than 250 in the manufacturing period, COP was applicable once in a year as per GSR 720(E) dated 10th September, 2003.
4. Further ARAI issues COP Certificates for vehicles / Engines / Agri. Tractors etc. based on the documents produced / submitted by the customer and on these basis, the vehicles / engines are examined and if approved, the certificate is issued. ARAI is in no way responsible for any misuse of copying of any design / type / system in connection with entire vehicle / components / parts and assemblies. Breach of any statutory provision of Indian laws or laws of other countries, will be the sole responsibility of the customer and ARAI shall not be liable for any claims or damages, made by the party, whatsoever, the customer shall alone be liable for the same, and undertakes to indemnify ARAI in this regard. Further, the ARAI has the right to initiate cancellation / withdrawal of the certificate issued, in case of any fraud, misrepresentation, when it surfaces and comes in the knowledge of ARAI. The appropriate local courts at Pune shall have the jurisdiction in respect of any dispute, claim or liability arising out of this certificate / Report.

AUTHORISED SIGNATORY

M. K. CHAUDHARI
SR. DEPUTY DIRECTOR
HEAD, EMISSION CERTIFICATION
LABORATORY
ARAI, PUNE.

Report No. : COP-2005(Bharat Stage II)/EL-TR/2008-2009/950 Dt. 30/03/2009
Place of Issue : Pune



AUTHORISED SIGNATORY

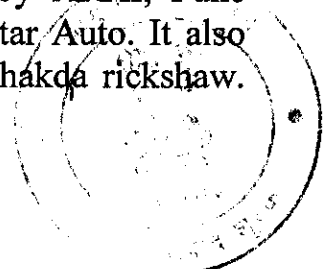
Mrs. RASHMI URDHWARESHE
DEPUTY DIRECTOR,
APEX CELL, ARAI, PUNE

Page 1 of 1



Regd. Office : S. No.102 Vetal Hill, Off Paud Road, Kolhrud, Pune - 411 038. (India), Postal Address : P. B. No. 832, Pune - 411 004 (India)
Tel. : +91-20-3023 1260 / 1261 / 1111 Fax : + 91-20-2543 4190 Email : director@araindia.com Website : http://www.araindia.com
Email : chaudhari.ec@araindia.com, khole.ec@araindia.com

4.3 The perusal of the above certificate issued by ARAI, Pune reveals that it contains the base model supplied by M/s. Star Auto. It also contains the details of diesel engine to be fitted in the Chhakda rickshaw.

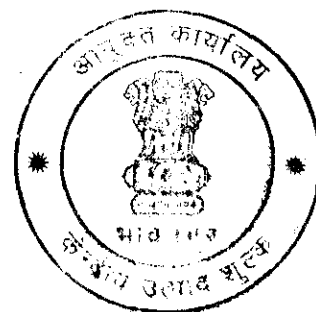


The certificate reveals that the diesel engine used is Greaves Cotton Ltd. Make GL-400 II A having power 5.51 KW @ 3600 rpm. The above certificate clearly indicates that the certificate was issued as per CMV Rules, 1989 to establish compliance with Central Motor Vehicles Rules, 1989. It was also mentioned that the compliance to these rules has been verified based on use of specific components / parts / assemblies, etc.. It was specifically mentioned that "it is the vehicle manufacturer's responsibility to ensure fitment of same components / parts / assemblies etc. before submission of the vehicle for registration".

4.4 The above certificate stipulates that ARAI issue type approval certificate for vehicle/component/parts/assemblies etc. based on the document produced/submitted by the customer and on this basis, the vehicles are examined and if approved, the certificate is issued. ARAI is in no way responsible for any misuse of copying of any design/type/system in connection with entire vehicle/component/parts/assemblies. Breach of any statutory provision of Indian law or laws of other country, will be the sole responsibility of the customer and ARAI shall not be liable for any claims or damages, made by the party, whatsoever, the customer shall alone be liable for the same, and undertake to indemnify ARAI in this regard. The ARAI has the right to initiate cancellation / withdrawal of the certificate of the issued, in case of any fraud, misrepresentation when it surfaces and comes in the knowledge of ARAI.

4.5 From the conditions listed in the certificate granted by ARAI, it was evident that the vehicle manufacturer has to use the same components / parts / assemblies, etc. prescribed in the certificate issued by ARAI.

4.6 Based on the certificate issued by the ARAI, the Commissioner of Transport recommends the said model for registration. The recommendation letter issued by the Joint Director of Transport, Gujarat state, Gandhinagar is awarded to different RTOs/ARTOs in Gujarat. The recommendation letter issued in respect of M/s. Star Auto is reproduced below:



Scanned image of letter issued by Joint Director of Transport, Gujarat state:

No. R&D/Approval of New Model/ Gujarat D1 Diesel 3W Load Carrier & Variants.

Commissionerate of Transport
Block No.6, 2nd floor, 2938
Dr. Jivraj Mehta Bhavan,
Old Sachivalaya, Gujarat State.
Gandhinagar-380 010.
Date: 5/6/2009.

To,
The All A.R.T.O./R.T.O

Sub: Approval of new model vehicle
Company's name: Star Auto Engineering.

Model: Gujarat D1 Diesel 3W Load Carrier & Variants.

With reference to the subject cited above this to inform you that, M/s. Star Auto Engineering, Opp. Ambika Estate, Kharikat Canal, Dahegam Road, Naroda, Ahmedabad 382 330 has submitted the compliance certificate granted by ARAI Certificate No. ARAI/CMVR/1608B (1365,589)/2009-121 Dated 20/4/2009 as to the compliance of provisions of the M.V Act 1988 & the Rules in respect of Goods Vehicles.

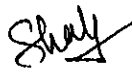
1. Make : Star Auto Engineering.
2. Model : Gujarat D1 Diesel 3W Load Carrier & Variants.

In view of the above, the said model is recommended for registration under the type specified by Notification No.SO.1248(e) Dated 5.11.2004 Under sub sec.(4) of section (41) of The Motor Vehicles Act 1988, as and when produced.

The approval is accorded subject to the responsibility of the manufacturer for ensuring for fitment of same components/parts/assemblies etc. which were produced before the testing agencies prior to submission of the vehicle for registration to the Registering Authorities.

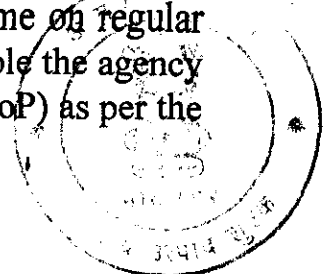
It is also mention that "The cop is valid for this vehicle up to one year from the date of issue ARAI certificate."

Type approval certificate and other relevant papers are enclosed herewith for necessary action.


Joint Director of Transport
Gujarat State, Gandhinagar.

Incl: As above
Page No. 1 to 33/C
Copy f.w.cs to : M/s. Star Auto Engineering, Ahmedabad.
For his letter No. 124/09 dated : 1/5/2009.
To contact the concerned office for registration of the vehicle directly.
New New 149

4.7.1 All chhakkdo rickshaw manufacturers who possess requisite certificate from ARAI, Pune have to declare production volume on regular basis to ARAI, Pune. The purpose of this declaration is to enable the agency to carry out verification regarding conformity of production (CoP) as per the



specified periodicity under the law and to verify compliance to emission performance. Hence, the production declaration submitted by various manufacturers of chhakda rickshaw to ARAI, Pune was called for vide letter F. No. DGCEI/AZU/12 (4) 29/2009-10 dated 03.11.2009. ARAI, Pune vide letter F. No. ARAI/HMR/Govt-Corr/09-10/11 dated 11.12.2009 submitted the details of chhakado rickshaws, manufactured by various manufacturers, including M/s. Star Auto. The details of production of Chhakdo rickshaws furnished by M/s. Star Auto, in their half yearly returns to ARAI, Pune for the period from 2005-06 to 2008-09 are as under:

| Year | 1 st half | 2 nd half |
|---------|----------------------|----------------------|
| 2005-06 | 51 | 75 |
| 2006-07 | 200 | |
| 2007-08 | 100 | 140 |
| 2008-09 | 100 | 140 |

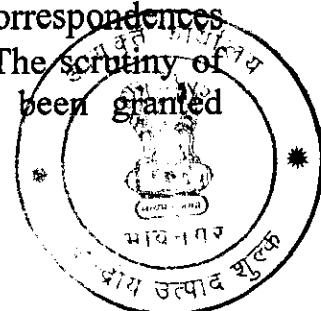
4.7.2 A perusal of the above figures reveals that M/s. Star Auto have reported production figures of 126, 200, 240 and 240 vehicles, during the years 2005-06, 2006-07, 2007-08 and 2008-09, respectively. The comparison of registration of No. of vehicles with RTOs with the production figures reveals that they have not submitted correct figures to ARAI, Pune. As against the manufacture and clearance of 3106 chhakda rickshaws registered with RTOs, during the period 16.01.2006 to 09.10.2009, they have reported manufacture of 806 chhakdos only to the ARAI, Pune. The comparison of figures submitted to ARAI, Pune and actual quantity of chhakado rickshaws manufactured as per RTO details reveals that they have not disclosed correct figures to the ARAI, Pune. The figures of production and clearance submitted to ARAI, Pune are far lower than the actual quantity of vehicles manufactured and cleared by them. From the above, it was evident that M/s. Star Auto have manipulated the figures of production and clearance and have submitted different figures to different agencies with malafide intentions.

5.1 The officers of DGCEI, Ahmedabad Zonal Unit (AZU), Ahmedabad as well as officers of Central Excise Commissionerates conducted searches on 06.10.2009 at various premises of chhakado rickshaw manufacturers, including M/s. Star Auto.

5.2 During the course of panchnama, drawn at the premises of M/s. Star Auto, the records / documents as mentioned in Annexure-A to the panchnama dated 06.10.2009 were recovered.

5.3 The records/documents, as mentioned in Annexure-A to the panchnama dated 06.10.2009 were recovered from the premises of M/s. Star Auto Agency, Junagadh which have been discussed in the following paras.

5.3.1 Seized file mentioned at Sr. No. 1 contains correspondences regarding registration of M/s. Star Auto with ARAI, Pune. The scrutiny of compliance certificate reveals that M/s. Star Auto have been granted



certificate dated 20.04.2009 granted by ARAI, Pune to manufacture chhakado rickshaw.

5.3.1.1 Page No. 21 is a letter dated 17.01.2009 of M/s. Star Auto, addressed to ARAI, Pune, wherein M/s. Star Auto has requested ARAI, Pune to provide time table for emission test of their vehicles. Along with the above letter M/s. Star Auto have sent a COP production plan of vehicles made in their unit. Page No. 19 is the COP production plan submitted by M/s. Star Auto. For ease of comprehension, the scanned image of the above page is reproduced below:

Scanned image of COP production plan:



19

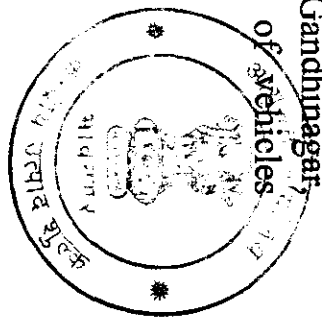
Cop Production Plan


| | | | |
|---------------------------------------|----------------------------|---|--|
| Engine Model | GL-400 H A B-S-2 | Running-in to be covered for vehicles in Km : | |
| Manufactured at | M/s Greaves cotton Ltd. | Running-in to be covered for engine in hrs : | |
| Rated Power | | | |
| Maximum Torque | 16.7 Nm at (2200-2800 rpm) | | |
| Exhaust Back Pressure at rated Speed | | | |
| Air in-take Depression at rated Speed | | | |
| Exhaust volume | | | |

| Sr. No | Vehicle Models / Variants produced as per CMVR cert. | Plant | CMVR Cert. No. for BSLI / BS | Emission type approval Test | Planned production for COP period (1/10/08 to 31/03/09) | Actual Production for the Period (1/04/08 to 30/09/09) | Avg. days production | Latest Cop certificate No. (if any) |
|--------|--|--|------------------------------|-----------------------------|---|--|----------------------|--|
| | Gujarat D-I Diesel 3w Load carrier with its variants | M/s Star Auto Engineering Opp. Shastri nagar near Popatmill Agatarai road. Keshod-Gujarat. 360 220 | | | 100/ Vehicles | 140 / Vehicles | 0.66 Vehicles | ARAI/ COP/ STAR Auto/Gujarat DI Diesel 3WL.C/2008-161 Dt. 1 st May-2008 |

5.3.1.2 The perusal of the above page reveals M/s. Star Auto Engineering, Opp. Shastrinagar, Near Popat Mill, Agatrai Road, Keshod, under the column Planned production for the period 01.10.2008 to 31.03.2009, have shown quantity of 100 vehicles. Under the column Actual production for the period 01.04.2008 to 30.09.2009, they have shown quantity of 140 vehicles.

5.3.1.3 Page No. 87 of the above file is the letter dated 05.06.2009, issued by the Joint Director of Transport, Gujarat State, Gandhinagar, addressed to all RTOs/ARTOs, recommending registration of vehicles manufactured by M/s. Star Auto.



Star Auto Engineering

 Proprietor

5.3.2 Seized file mentioned at Sr. No. 3 of Annexure-A to the panchnama dated 06.10.2009 contains correspondences with ARAI, Pune, certificates issued by ARAI, Pune, Letters of RTO etc. The scrutiny of above file reveals that M/s. Star Auto have been obtaining compliance certificates from ARAI, Pune since long. Thus, it is evident that M/s. Star Auto have undertaken manufacturing activity since or before 2005.

5.3.3.1 Seized record mentioned at Sr. No. 12 is the Cash/Debit Memo book of M/s. Star Auto. The above book contains 6 Cash/Debit Memos. The cash/debit memos contain details such as Invoice No., Date, Challan No., Date, Name & Address of consignee, Sr. No., Description of Goods, Quantity, Total Assessable Value, Total etc. The scrutiny of cash/debit memos reveals that all the above cash/debit memos pertain to sale of 'Star Diesel Three Wheeled Load Carrier. The particulars Date and Name of consignee are kept blank in all the 6 cash/debit memos. In addition to above, the details of tax @ 12.5% and 2.5% are also mentioned in all the cash/debit memos. The basic value of the vehicle is Rs.65000/- in all the cases. For ease of comprehension, the scanned image of one such cash/debit memo is reproduced below:

Scanned image of Invoice No. 118:



Cash/Debit Memo

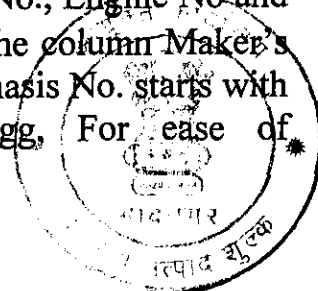
OFFICE:
STAR AUTO ENGINEERING
 D1-Ambika Nagar, Nicol Road, Naroda-
 AHMEDABAD.

STAR
 AUTO ENGINEERING

| Invoice No. : 118 Date : | | Challan No. : 118 Date : | | |
|--|--|--------------------------|---|---------------------|
| Name & Address of Consignee _____ | | | | |
| Sr. No. | Description of Goods | Quantity | Total Assemble Value | Total |
| | Motor Vehicle for the Transport of Goods Star Diesel Three Wholled Load Carrier (Inc.Driver) for/ the Transportation of goods Fitted with 7.5 H.P. diesel Engine With Body : Engine No. : P-1 Dinesh Cheses No. : 00110109 P-2 Prakash Dt. 6-10-2019 | 21- | BASIC Add Tax 2.51 | 65000 16251- |
| | | | 12.51. Vat ... | 81251- |
| | | | Total | 747501- |
| Rupees <u>Seventy four thousand seven hundred fifty only</u> | | | | |
| VAT No. 24075203449 Dt. 02/02/07 | | | | |
| Payment Terms | | | For STAR AUTO ENGINEERING 11927 0202 | |

5.3.3.2 The scrutiny of cash/debit memos reveals that M/s. Star Auto have manufactured and cleared Three Wheeled Load Carrier, without payment of duty of excise. M/s. Star Auto are engaged in the manufacture of chhakado rickshaw and are not registered with Central Excise and have cleared their finished goods, without payment of duty.

5.3.4.1 Seized record mentioned at Sr. No. 20 is a book containing Form-21. At the top of the forms, the name of M/s. Star Auto appears. The above forms contain details such as Name and address of the buyer, Class of vehicle, Maker's name, Chasis No., Engine No., Horse Power or Cubic Capacity, Fuel Used, No. of Cylinders, Month and Year of manufacture, Seating Capacity, Unladen Weight, Maximum Axle Weight and No. and Description of Tyres, Colours, Gross Weight of the vehicle, Type of Body etc. All the particulars except name of the buyer, chasis No., Engine No and Month and Year of manufacture are preprinted. Under the column Maker's name name of M/s. Star Auto Engg. is mentioned. The chasis No. starts with 'SAE', wherein 'SAE' stands for Star Auto Engg. For ease of



comprehension, the scanned image of one such Form-21 is reproduced below:

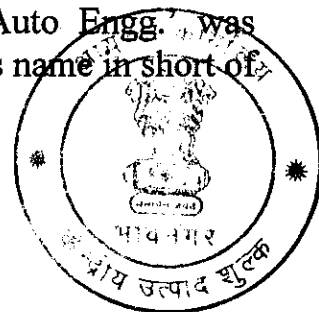
Scanned image of Form-21:

| Star Auto Engineering | |
|--|--------------------------------|
| Nr. Kharikut Kenal, Dahegam Road. Naroda, AHMEDABAD. | |
| Form - 21 | |
| [See rule 47(a) & (d)] | |
| Sale Certificate | |
| [To be issued by Manufacturer / Dealer or officer of Defence Department (in case of Military auctioned vehicles) for presentation along with the application For registration of a motor vehicle] | |
| Certified that Gujarat "D-1" Diesel 3w Load Carrier Lw. (Brand name of the vehicle) has been delivered by us to on...../...../ 200 (date) | |
| Name of the buyer:..... | |
| Son/wife/daughter of:..... | |
| Address (permanent):..... | |
| The vehicle is held under agreement of Higher Purchase/Lease/Hypothecation With: | |
| The details of the vehicle are given below : | |
| 1. Class of Vehicle | : LOAD CARRIER |
| 2. Maker's Name | : STAR AUTO ENG. , |
| 3. Chassis Number | : SAE/ |
| 4. Engine Number | |
| 5. Horse Power or Cubic capacity | : 7.5 H.P. |
| 6. Fule used | : DIESEL |
| 7. No. of cyliders | : ONE |
| 8. Month and year of manufacture | : 200/ |
| 9. Seating capacity (Including driver) | : ONE |
| 10. Uniaden weight | : 405 Kg. |
| 11. Maximum axle weight and number and description of tyres (in case of transport vehicle) | |
| (a) Front axle | : 160 Kg. 3.25X19 |
| (b) Rear axle | : 585 Kg. 5.20X14 |
| (c) Any other axle | : N.A. |
| (d) Tandem axle | : N.A. |
| 12. Colour or colours of the body | : RED-BLUE-YELEW COLOUR DESIGN |
| 13. Gross vehicles weight | : 745 kG. |
| 14. Type of body. | : OPEN |

For, Star Auto Eng.
P-1 Dinesh 06/10/09
P-2 [Signature] 2-6-10-2009
Authority

Stricke out whichever is inaplicable.

5.3.4.2 The scrutiny of Form-21 reveals that Form-21 is to be issued by the manufacturer/dealer for registration of a motor vehicle. The fact that under the column maker's name, name of 'M/s. Star Auto Engg. was mentioned. The chasis No. starts with word 'SAE', which is name in short of



M/s. Star Auto Engineering. The chasis No. contains name in short, No. of vehicle in a calendar year and year of manufacture. Thus, from the above, it was evident that M/s. Star Auto are engaged in the manufactured and clearance of Three Wheeled Load Carrier.

5.3.5.1 Seized register mentioned at Sr. No. 24 is a register containing details of sale of chhakado rickshaws and receipt of thereof in two parts. The first part of the above register contains details such as date, name of buyer, amount, amount received, amount due etc. The second part of the register contains details of receipt of payment in installments from the buyers of chhakado rickshaws.

5.3.5.2 As mentioned above, the first part of the above register contains details of sale of chhakado rickshaws. The investigation has revealed that the buyers of the chhakado rickshaw are individuals and generally belong to lower middle or poor classes. The investigation has also revealed that the buyers purchase the chhakado rickshaws in installments. The finance of chhakado rickshaws is done by either manufacturers or the private financiers. For ease of comprehension, the scanned image of one page of the register was reproduced below:

Scanned image of one page of the seized register A/24:

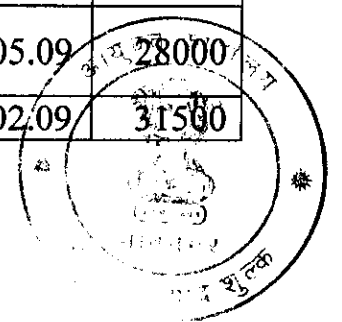


30/3/2006

| Sl. No. | Date | Name of Buyer | Amount | Amount received | Amount due as on date | Amount due |
|---------|----------|-----------------------|--------|-----------------|-----------------------|------------|
| 1 | 10.02.06 | Gabharubhai Godhabhai | 142000 | 99500 | 06.02.09 | 42500 |
| 2 | 19.01.06 | Dasbhai Rambhai | 90000 | 62000 | 12.05.09 | 28000 |
| 3 | 26.02.06 | Bharat Jagmal | 138000 | 106500 | 15.02.09 | 31500 |

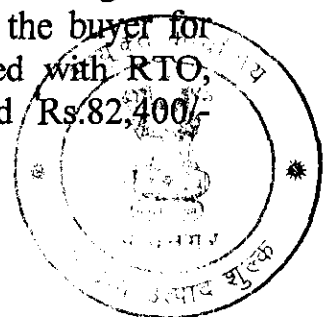
5.3.5.3 The details of sale of chhakado rickshaws, available in the above register are summarized below:

| Sr. No. | Date | Name of Buyer | Amount | Amount received | Amount due as on date | Amount due |
|---------|----------|-----------------------|--------|-----------------|-----------------------|------------|
| 1 | 10.02.06 | Gabharubhai Godhabhai | 142000 | 99500 | 06.02.09 | 42500 |
| 2 | 19.01.06 | Dasbhai Rambhai | 90000 | 62000 | 12.05.09 | 28000 |
| 3 | 26.02.06 | Bharat Jagmal | 138000 | 106500 | 15.02.09 | 31500 |



| | | | | | | |
|----|----------|-----------------------|--------|--------|----------|--------|
| 4 | 26.02.06 | Ratilal Raghavji | 138000 | 116200 | 16.02.09 | 21800 |
| 5 | 17.03.06 | Gordhan Popat | 138000 | 82400 | 24.11.09 | 55600 |
| 6 | 25.03.06 | Hasam Vagha | 140000 | 124000 | 15.01.09 | 16000 |
| 7 | 03.04.06 | Udaysinh Chimabhai | 138000 | 92700 | 24.01.09 | 45300 |
| 8 | 15.04.06 | Ranubha Oghad Bharwad | 138000 | 138000 | 15.03.09 | 20000 |
| 9 | 07.06.06 | Becharbhai Bhopabhai | 138000 | 80500 | 06.03.08 | 57500 |
| 10 | 19.06.06 | Gela Khoda | 140000 | 73900 | 06.03.08 | 66100 |
| 11 | 26.06.07 | Dhana Teja | 138000 | 66900 | 02.01.09 | 71100 |
| 12 | 01.07.06 | Kana Bhoja | 140000 | 110000 | 06.03.09 | 30000 |
| 13 | 15.07.06 | Kohar Amara | 140000 | 104200 | 24.12.08 | 35800 |
| 14 | 28.07.06 | Ramubhai Gelabhai | 140000 | 69000 | 23.06.08 | 71000 |
| 15 | 19.10.06 | Vihabhai Judhabhai | 140000 | 85200 | 06.03.09 | 54800 |
| 16 | 13.11.06 | Kalpesh Gobarbhai | 138000 | 80800 | 06.03.09 | 57200 |
| 17 | 16.12.06 | Manguji Laghuji | 138000 | 51300 | 14.02.08 | 86700 |
| 18 | 26.12.06 | Vanraj Balvant | 138000 | 98000 | 12.03.09 | 40000 |
| 19 | 17.03.07 | Vithal Babu | 140000 | 74000 | 16.01.09 | 66000 |
| 20 | 21.10.07 | Kanubhai Dahyabhai | 140000 | 60000 | 24.01.09 | 80000 |
| 21 | 29.08.07 | Bachubhai Goda | 140000 | 57000 | 20.11.08 | 83000 |
| 22 | 09.05.07 | Bharat Natubhai | 140000 | 62000 | 17.03.09 | 78000 |
| 23 | 15.02.08 | Rupabhai Pethabhai | 140000 | 53500 | 24.01.09 | 86500 |
| 24 | 18.04.08 | Kalubhai Malabhai | 140000 | 30000 | NA | 110000 |
| 25 | 05.07.08 | Nanji Ramanbhai | 150000 | 44000 | 17.03.09 | 106000 |
| 26 | NA | Bharatsinh Pathubha | 153000 | 25000 | NA | NA |

5.3.5.4 The comparison of the above details with the details of registration of vehicles registered with RTO revealed that some entries also appear in the list of vehicles registered with RTOs. The entry at Sr. No. 5 of the above table was also appearing at Sr. No. 3 of Annexure A-1 to the notice. The above vehicle was registered in the name of G. P. Ragher of Gandhinagar. M/s. Star Auto had sold the above vehicle to the buyer for Rs.1,38,000/- on 17.03.2006 and the vehicle was registered with RTO, Ahmedabad on 20.03.2006. M/s. Star Auto had received Rs.82,400/-



towards payment of the same. The register also shows that the amount of Rs.55,600/- was still due to M/s. Star Auto. The name of buyer, date, place etc. tally with each other. The details of registration are as under:

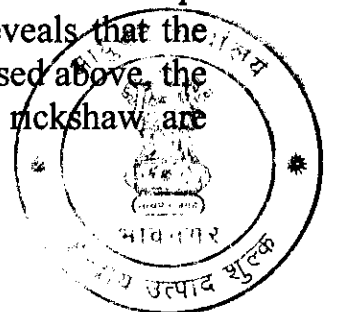
| | |
|-----------------------|-------------------|
| Temp Registration No. | GJW 1 ZH 7050 |
| Date of Registration | 20.3.2006 |
| Name of the buyer | GP RAGHER |
| Maker's Name | STAR AUTO ENGG |
| Chasis No. | 601/06 |
| Engine No. | 72620 |
| City | GANDHINAGAR |

5.3.5.5 The entry at Sr. No. 6 of the table above was also appearing at Sr. No. 4 of Annexure A-1 to the notice. The above vehicle was registered in the name of H. V. Babani of Ahmedabad. M/s. Star Auto had sold the above vehicle to the buyer for Rs.1,40,000/- on 25.03.2006 and the vehicle is registered with RTO, Ahmedabad on 27.03.2006. M/s. Star Auto had received Rs.1,24,000/- towards payment of the same. The register also shows that the amount of Rs.16,000/- was still due to M/s. Star Auto. The details of registration are as under:

| | |
|-----------------------|-------------------|
| Temp Registration No. | GJW 1 ZH 7705 |
| Date of Registration | 27.03.2006 |
| Name of the buyer | HV BABANI |
| Maker's Name | STAR AUTO ENGG |
| Chasis No. | SAE/503/06 |
| Engine No. | 214871 |
| City | AHMEDABAD |

5.3.5.6 From the above it is evident that the vehicles were manufactured and sold by M/s. Star Auto. The details such as Date, Name of Buyer, Place etc. tally with each other. From the details of the register, it was also evident that M/s. Star Auto had sold the above vehicles for Rs.1,38,000/- and Rs.1,40,000/- to their buyer and had also received Rs.82,400/- and Rs.1,24,000/- towards payment of the same. The register also shows that the amount of Rs.55,600/- and Rs.16,000/- was still due to M/s. Star Auto.

5.3.5.7 The second part of the above register contains details of receipt of payment from the buyers. The scrutiny of these details reveals that the payment is received in installments from the buyers. As discussed above, the investigation has revealed that the buyers of the chhakado rickshaw are

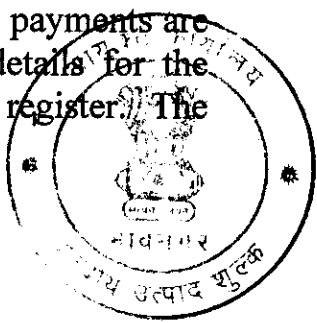


individuals and generally belong to lower middle or poor classes. The investigation has also revealed that the buyers purchase the chhakado rickshaws in installments. The finance of chhakado rickshaws is done by either manufacturers or the private financiers. For ease of comprehension, the scanned image of one such page of the register is reproduced below:

Scanned image of one page of the register:

| Sl. No. | Buyer Name | Address | Vehicle No. | Year | Value | Installment | Balance | Remarks |
|---------|------------|---------|-------------|------|-------|-------------|---------|---------|
| 1 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 2 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 3 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 4 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 5 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 6 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 7 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 8 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 9 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 10 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 11 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 12 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 13 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 14 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 15 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 16 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 17 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 18 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 19 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 20 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 21 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 22 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 23 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 24 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 25 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 26 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 27 | ... | ... | ... | 2008 | ... | ... | ... | ... |
| 28 | ... | ... | ... | 2006 | ... | ... | ... | ... |
| 29 | ... | ... | ... | 2007 | ... | ... | ... | ... |
| 30 | ... | ... | ... | 2008 | ... | ... | ... | ... |

5.3.5.8 The scrutiny of the second part of the above register reveals that it contains details of receipt of payments from the buyers. The payments are received in installments, generally on monthly basis. The details for the years 2006, 2007 and 2008 are available in the above register. The



comparison of the details of second part of the register with the details of first part of the register and details of RTO registration as mentioned in Annexure A-1 reveals that the entries appear in all the three documents viz. first part of register, second part of the register and Annexure A-1. The entry at Sr. No. 55 for the year 2006 pertains to receipt of payment from Shri Gordhan Popat of Gandhinagar. Similarly, the entry at Sr. No. 59 for the year 2006 pertains to receipt of payment from Shri Hasam Vagha. Both the above entries appear in first part of the register as well as Annexure A-1, which have been discussed hereinabove. M/s. Star Auto have received Rs.20,000/- on 17.03.2006 and Rs.3,000/-, Rs.3,000/-, Rs.3,000/-, Rs.3,000/- and Rs.3,000/- in May, June, July, October and November, 2006, respectively from Shri Gordhan Popat of Gandhinagar. Similarly, M/s. Star Auto have received Rs.25,000/- on 25.03.2006 and Rs.3,000/-, Rs.3,000/-, Rs.6,000/-, Rs.6,000/- and Rs.6,000/- in April, June, July, September and November, 2006, respectively from Shri Hasan Vagha. The scrutiny of the above register reveals that they have manufactured and cleared chhakado rickshaws and have received the payment from the buyers. M/s. Star Auto are not registered with Central Excise department and have cleared the vehicles without payment of Central Excise duty.

6.1 M/s. Manish Auto situated at Nagarpalika Shopping Centre, Keshod is a broker of chhakado rickshaw. They are also engaged in the RTO registration, Insurance etc. work of chhakado rickshaw. Therefore the premises of M/s. Manish Auto, Keshod were searched simultaneously by the officers of DGCEI, AZU, Ahmedabad as well as C. Ex. Commissionerates under panchnama dated 06.10.2009. The records which appeared relevant for further investigation of the case were resumed from the said premises as detailed in Annexure-A and Annexure-B to the said panchnama.

6.2.1.1 31 RC (Registration Certificate) books were recovered from the premises of M/s. Manish Auto, Keshod under panchnama proceedings as detailed in Annexure-B to the said panchnama. Out of 31 RC books, 4 RC books, mentioned at Sr. No. 14, 15, 16 and 29 of Annexure-B to the panchnama pertain to vehicles manufactured by M/s. Star Auto. Scanned image of one such RC book of chhakado rickshaw, mentioned at Sr. No. 14, having registration No. GJ 11 Y 2949 is reproduced below:

Scanned image of RC book mentioned at Sr. No. 14:

