

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 30.7.1998

Date of hearing: 27.3.2018

Complainant : Shri Ravinder Kumar

Respondent : The Director,
Dte. Of Health Services
GNCTD, F-17, Karkardooma, ND-110032

Grievance No. : PGC/2018/DHS/01

Grievance filed on : 7.2.2018

First hearing in the PGC : 27.3.2018

Scheduled on

1. Brief facts of the complaint

A grievance was received in PGC from Sh. Ravinder Kumar regarding non-payment of DEO's services already availed by Maulana Azad Medical College against the bill No. 120 dt. 2.11.2016 for Rs. 52,416/- for the period 1.10.2016 to 31.10.2016. He has requested PGC to do the needful.

2. Proceedings in the Public Grievances Commission

The PGC convened its hearings in the case on 27.3.2018 when the following were present :-

Complainant : Absent (Present after the hearing)

Respondent : Dr. Dinesh Kumar, Purchase Officer

An ATR has been filed by the Dean, MAMC stating therein that:-

"On processing of the bill for the period of 1.10.2016 to 31.10.2016, the same was returned by the Account functionary citing inspection report of AGCR Audit team, based on a circular issued by Ministry of Finance Department of Revenue, Central Board of Excise and Customs, Tax Research Unit, Govt. of India, Circular no. 172/7/2013-ST dt. 19.9.2013 F. No. B/114/2013 (8/c), according to which "Service provided to an Educational institution in respect of education exempted from service tax".

Based on this observation of Audit AGCR team, account functionary of MAMC advised recovery of the payment of service tax, paid to the firm by MAMC.

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In compliance with the directions of the audit AGCR and the account functionaries of MAMC, it was calculated that a sum amounting to Rs. 70219/- is due towards M/s Computer Clinic India for charging the service tax from 1.12.2014 to 30.9.2016.

Also letter was issued to M/s Computer Clinic India Pvt. Ltd to resubmit the revised bill for the month of October 2016, which will be cleared subject to their payment of recovery amount of Rs. 70,219/- but so far no bill nor any communication has been received from M/s Computer Clinic India Pvt. Ltd.”

In this matter the Audit department has made observations that MAMC authorities had erroneously paid the Service Tax to the Company. When the service provider did not respond to return the money which was already received by him for Service Tax, the MAMC authorities have decided to withhold the last month's amount of the complainant.

The MAMC authorities have only complied with the audit report. Therefore the matter cannot be taken forward and is closed in the Commission.

Further, the complainant has provided some documents related to the issue of refund of Service Tax to the Directorate of Education of GNCT of Delhi and requested that the Health Department may take action accordingly.

3. Directions of the PGC

The Commission advises that MAMC authority to examine these documents and sort out the matter. (a photocopy of the said order is enclosed herewith for your reference).

The Commission has decided to close the matter.

(N. DILIP KUMAR)
MEMBER

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Copy to:

- 1.** The Special Secretary (Health), H&FW Department, Govt. of NCT of Delhi, 9th Level, A-Wing, Delhi Sachivalya, I.P. Estate, New Delhi-110002.
- 2.** The Director, Directorate of Health Services, Govt. of NCT of Delhi, F-17, Karkardooma, New Delhi-110032
- 3.** The Dean, Maulana Azad Medical College, B.S. Z. Marg, New Delhi.
- 4.** Shri Ravinder Kumar
- 5.** PS to Member