

From

The Excise and Taxation Commissioner,
Haryana, Chandigarh.

To

1. All the Jt. Excise & Taxation Commissioners(R),
2. All the Dy. Excise and Taxation Commissioners (ST),
In the State of Haryana.

Memo No. 320/ST II
Chandigarh, dated the 27.2.2006.

Subject: Payment of interest and fixing responsibility for delayed refunds.

Memo

Causing avoidable delay in granting refunds in a number of cases has been a legitimate grievance of the dealers concerned. Resultantly the matter was aired in the meeting of the State Level Consultative Committee held on 7th January 2006 under the chairman ship of Worthy ETM. In the meeting it was decided that it will be ensured that the refund is given within 60 days of the receipt of application made pursuant to an order of appeal/review/ revision/court or from the date of order of assessment allowing refund and for any further delay interest will be paid to the dealer entitled to refund and responsibility for delay will also be fixed. It was also decided that any incomplete application should be got completed at the time of its making so that time is not wasted on this account.

2. Guidelines for expeditious disposal of refund cases have already been issued vide this office memo no. 1364/ST 6 on 6-9-2002. Time limit for dealing with such cases at each level has been fixed. It is observed that the same are, however, not being adhered to strictly. It is reiterated that due diligence may be exercised in the matter of prompt disposal of the refund applications as per the guidelines. Time limits, in number of days, fixed earlier are reiterated for strict adherence as follows.

Nature of refund	Assessing Authority	DETC (ST)	JETC (R)
Provisional Refund u/r 41(7) Over Rs 10 lac	40	10	10
Provisional Refund u/r 41(7) Rs.5 to 10 lac	40	15	15
Provisional Refund u/r 41(7) upto Rs. 5 lacs	40	50	
Regular Refund (All other Refunds)	10	10	10

3. It is underlined that once the payment of a refund is delayed beyond the statutory time limit, the period of 60 days is also counted towards the delay for the purpose of calculation of interest. For example if the payment of refund is delayed

by, say, fifteen days after the expiry of the time limit of sixty days, the interest is payable not for fifteen days but for seventy five days i.e. after adding back the period of 60 days, which is available only if the refund is issued within time.

4. So delay in allowing refunds has to be avoided at every level. Delay in issue of refund will be the responsibility of the official/officer taking time more than provided under these instructions.

5. As per decision of State Level Consultative Committee, the responsibility for delay in the issue of refund is to be fixed. This will be done by the JETC(R) where delay is attributable to any officer/official under his jurisdiction. For this he shall prepare a chart of events and dates in the form given in annexure with this letter and send the same with his report to the Excise & Taxation Commissioner.

6. The time limit for this purpose will be counted from the date on which the case is received by an officer/official to the date of receipt of the case in the office of the next higher officer, i.e. the time taken in onward transit to the office of the next officer will be counted in the time limit allotted to the officer sending the case for approval.

7. Every official, after he has dealt with the case, must ensure that it reaches the next officer promptly.

8. The Dy. Excise & Taxation Commissioner will ensure the issue of refund voucher/refund adjustment order, as the case may be, as soon after the approval thereof as possible and in no case beyond three days of receipt of approval.

Jt. Excise and Taxation Commissioner (T),
for Excise & Taxation Commissioner, Haryana.

Endst. No. 321/ST-II, Chandigarh dated the 27.2.2006

A copy is forwarded to the following in the Head Office for information and necessary action:-

1. Addl. Excise & Taxation Commissioner (T)

2. All Jt. Directors (L)

They are requested to clear the file as per the following time limits as per letter-dated 13.9.05 a copy of which has already been circulated.

Assistant	2 days
Superintendent	2 days
Joint Director	6 days
Addl. ETC	6 days

3. Superintendent (ST) & ST-2

Time taken by them shall not be more than two days. They should also ensure that file is sent to DETC (ST) concerned immediately on approval of refund by the ETC.

Jt. Excise & Taxation Commissioner (T),
for Excise & Taxation Commissioner, Haryana.

List of Dates and events in case of delayed refunds

S. No.	Name and TIN of dealer	
1	Circle No./District	
2	Nature of refund whether provisional/result of appeal/assessment (Mention Provisional/appeal/assessment)	
3	Amount of Refund applied	
4	Date on which application for refund was received in the office/Date of assessment order*	
5	Date of allowing/recommending of refund by the ASSESSING AUTHORITY*	
6	Date of approval/recommending of refund by the District in charge*	
7	Date of approval/recommending of refund by Range in charge*	
8	Date of approval by the ETC	
9	Date on which refund was issued to dealer	

- Note : 1. *Choose the option applicable to the facts of the case
2. In the case of refund arising from an assessment order no application is required