



HRTSC/File no.123/SM-232-235 / 4114-4117
To

Dated: 28.09.2022

1. Sh. Naresh Kumar,
DETC, (Excise), Sonapat, Haryana .
2. Sh. Anirudh Sharma,
DETC, Gurugram(west), Haryana .
3. Sh. Lalit Kumar,
Excise Inspector, Gurugram(West), Haryana .
4. Sh. Surajbhan,
Excise Inspector, Faridabad, Haryana .

Subject: - Final order regarding Suo-moto notice no. HRTSC/ File no.123/SM-232-235 dated 06.07.2022.

I am directed to forward herewith a copy of the order dated 22.09.2022 passed by Sh. T.C. Gupta, Chief Commissioner, Haryana Right to Service Commission, Chandigarh in respect of above case for information and compliance.

BY THE ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Encl: as above.



Sube Khan

(Sube Khan)

Under Secretary-cum-Registrar
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No. HRTSC/File no.123/SM-232-235 / 4118

Dated: 28.09.2022

A copy of the above is forwarded to Excise and Taxation Commissioner, Haryana for information and compliance.

Sube Khan

(Sube Khan)

Under Secretary-cum-Registrar
For Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in



HARYANA RIGHT TO SERVICE COMMISSION
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Final Orders

(In respect of Suo Moto notice no. HRTSC/File No.123/SM 232-235)

1. On perusal of SARAL reports of the Haryana Excise and Taxation Department, it was found that 1574 applications were pending outside the RTS timeline as on 24.05.2022. Out of these, 70 applications were those which were submitted by applicants in December 2021 and January 2022. Taking cognizance of the issue, as these applications relate to notified services, a letter dated 30.05.2022 was issued to the Excise & Taxation Commissioner, Haryana to take cognizance of the above-mentioned applications. In response, a letter dated 15.06.2022 was received by the Commission vide which it was informed that out of 70 pending applications, 57 applications had been disposed of within the RTS timeline and the remaining 13 applications had been closed but they were pending on the official portal of the concerned officer/official. In light of the same, details of these 13 applications were sought from the Department through e-mail dated 17.06.2022, and the same was provided by the Department vide email dated 17.06.2022. Based on the information supplied, suo-moto notices dated 06.07.2022 were issued to Sh. Anirudh Sharma, DETC (Excise), Gurugram (West), Sh. Lalit Kumar, Excise Inspector, Gurugram(West), Sh. Naresh Kumar, DETC (Excise), Sonapat, and Sh. Surajbhan, Excise Inspector, Faridabad to send reply by 20.07.2022.
2. Responses were received from all the respondents and based on the same, a hearing was conducted on 22.07.2022 at 10:30 am through VC. After hearing all the respondents, the Commission was largely dissatisfied with the submissions made by the respondents. It was evident from the submissions of the respondents that the services are delivered in online as well as offline mode but the officers concentrated more on applications received through offline mode than those received in the online mode. Therefore, the Commission had directed the Excise Department to issue instructions to its filed functionaries to receive applications only through online mode and dispose them in online mode only. In addition, in view of the submissions made by the respondents, the Commission directed the Excise and Taxation Commissioner, Haryana vide its interim orders dated 02.08.2022 to provide the following information:-

- (i) Documents required for obtaining L-12A license,
 - (ii) Whether the rules and regulations mandate the physical appearance of the applicant when the service is applied online,
 - (iii) Is the Deputy Excise and Taxation Commissioner supposed to hold an inquiry concerning applicant as well as the venue where the private function is to be held, before granting the L-12 A license,
 - (iv) In case an applicant applies in the wrong jurisdiction, can DETC reject the application instead of transferring the same to the concerned officer. If yes, what is the mechanism to inform the applicant, and
 - (v) Is the applicant entitled to refund in case his application for service is rejected? If yes, how he is required to apply. On the basis of the response submitted by Sh. Lalit Kumar, Excise Inspector, Gurugram (West) dated 20.06.2022, ETC was requested to share his comments on why the application was not reflected in the case of Sh. Lalit Kumar in his login or the applicant's login.
3. In response to the interim orders dated 02.08.2022, a response was received from Excise and Taxation Commissioner, Haryana vide letter dated 23.08.2022 wherein pointwise reply of para 4 of the interim orders was mentioned :-
- (i) Elaborating on the documents required for L-12 A license, it was mentioned that for proof of identification- aadhar, pan card, etc and for proof of ownership/possession of the premise on which license is applied, are required. It was also submitted that applications for grant of L-12 A license at all commercial venues should mention the details of caterers- Name and style, GSTIN, approx. no. of guests & quantity of liquor.
 - (ii) Further, it was submitted that application for L-12 A license is applied online. However, the process from physical verification upto generation of license is done manually. The applicant has to appear for verification of documents. In most cases, applicants upload the documents for initial details and rest of the documents are submitted manually.
 - (iii) Regarding whether DETC is supposed to hold an inquiry concerning applicant as well as the venue where the private function is to be held, it has been mentioned that the license can be misused if granted automatically, after depositing fee of Rs. 1000/- at private places. Hence, verification is required to avoid misuse.
 - (iv) The respondent submitted that in case applicant applies in the wrong jurisdiction, the DETC (Excise) can reject the application.

An application of L-12 A belonging to a particular district can't be transferred online. The applicant has to submit the application in the concerned district only.

- (v) Regarding the application for refund of the amount deposited for L-12 A, it was mentioned that the applicant needs to apply for refund, separately. This application has to be submitted manually by the applicant, in the office of DETC (Excise).
- (vi) Regarding the application of passes not being shown on the portal of Sh. Lalit Kumar, Excise Inspector, the respondent mentioned that the application might not have been reflected due to some technical/server error. Further, it was also mentioned that there are many applications for passes being generated online and processed on a daily basis. In this case after generation of application for the pass, it was not showing at the applicant's end which might be due to technical glitches that occur sometimes in the server. Further, it had been submitted that in such cases of technical glitch, the Department already has a mechanism in place wherein the complainant can raise his issue with the Department's helpdesk.
4. The Commission has carefully considered all the facts and circumstances of the case. The submission of the Excise and Taxation Commissioner substantiate the reasons for delay submitted by the respondents. However, the Commission is of the opinion that the Department is following a cumbersome procedure for processing of refund in case of the L-12 A license, in this era of digital advancement. The Commission advises the Department to automate the refund process in case of all notified services so that a citizen is not required to apply manually for the refund. With this advisory, the suo moto notices issued to Sh. Anirudh Sharma, DETC (Excise), Gurugram (West), Sh. Lalit Kumar, Excise Inspector, Gurugram(West), Sh. Naresh Kumar, DETC (Excise), Sonapat, and Sh. Surajbhan, Excise Inspector, Faridabad are filed, with a warning that any delay in the delivery of notified service will not be tolerated, in future.

22nd September, 2022

