

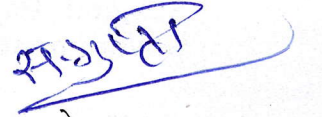
भारतीय मानक ब्यूरो
(परियोजना प्रबंधन एवं कार्य विभाग)

हमारा संदर्भ : पीएम / सामान्य

11 फरवरी 2020

विषय : केंद्र सरकारी संपत्ति के सम्बन्ध में स्थानीय निकायों को सेवा शुल्क के भुगतान हेतु

निर्देशानुसार उपरोक्त विषय पर उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय का R-11018/11/2019-P&C एतद् संख्यायुक्त कार्यालयी ज्ञापन दिनांकित 04 फरवरी 2020 जानकारी एवं आवश्यक अनुपालन हेतु अधोहस्ताक्षरी द्वारा संलग्न किया जा रहा है।



एस. के. गुप्ता
प्रमुख (प. प्र. का. वि)

सभी उपमहानिदेशक

सभी प्रमुख (शाखा कार्यालय)

सभी प्रमुख (प्रयोगशालाएं)

निम्न को प्रति :

आईटी सेवाएं विभाग - इंटरनेट पर होस्ट करने हेतु

BUREAU OF INDIAN STANDARDS
(PROJECT MANAGEMENT AND WORKS DEPARTMENT)

Our Ref: PMWD/Gen

11 Feb 2020

Subject: Payment of service charges to local bodies in respect of Central Government properties

The undersigned is directed to forward herewith the OM No. R-11018/11/2019-P&C dated 04 Feb 2020 on the above mentioned subject from Ministry of Consumer Affairs, Food and Public Distribution, for information and compliance.



(S. K. Gupta)
Sc F & Head (PMWD)

DDGRs

Head (BOs)

Head (Labs)

Copy to:

ITSD - for hosting on intranet

No: R-11018/11/2019-P&C
Government of India
Ministry of Consumer Affairs, Food & Public Distribution
Department of Consumer Affairs / उपभोक्ता मामले विभाग

AAAA

Krishi Bhavan, New Delhi
Dated: 4/12/2020

Endorsement

Subject:- Payment of service charges to local bodies in respect of Central Government properties – Supreme Court Order in Civil Appeal no.9458-63/2003 – Rajkot Municipal Corporation & Ors Vs. Uol & Others reg.

The undersigned is directed to forward herewith the OM No.N-11025/26/2003-UCD, dated 12-12-2019 on the above mentioned subject from Ministry of Housing & Urban Affairs, for kind information and further appropriate action, if any.

Encl-a/a


(Sunil K Mishra)
Under Secretary (P&C)
Tele: 23381233

*Pranav
9.2*

All Divisions in DoCA

Copy to:

1. Bureau of Indian Standards, Manak Bhavan, New Delhi
2. National Test House, Salt Lake, Kolkata
3. National Consumer Disputes Redressal Commission, New Delhi
4. National Consumer Cooperative Federation Ltd, New Delhi.

This relates to PMW.

*Pranav
10/2/20*

*DG
DDCA*

*Sec (MC)
Sec (MC)*

*Pranav's letter,
all Regional*

DG Dy. No. 799
Dated: 07-02-20

आने वाली आर
Incoming Dak
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आने वाली आर
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16-02-2020

आने वाली/Incoming
की संख्या/संख्या नं 119
PMW Diary No. 10/02/20

N-11025/26/2003-UCD
Government of India
Ministry of Housing and Urban Affairs
LSG Division

202C, Nirman Bhawan, New Delhi
Dated the 12th December, 2019.

OFFICE MEMORANDUM

Sub: Payment of service charges to local bodies in respect of Central Government properties - Supreme Court Order in Civil Appeal No. 9458-63/2003 - Rajkot Municipal Corporation & Others Vs. UoI & others.

The undersigned is directed to refer to this Ministry's OM of even number dated 15/17.12.2009 (Copy enclosed) on the subject mentioned above and state that it has come to notice that instructions issued earlier are not being followed by many of the Central Government departments.

2. It is reiterated that all Ministries/Departments of Central Government may kindly note the directions of orders of Supreme Court and be requested to issue necessary instructions to the authorities under their administrative control for suitable compliance with regard to payment of service charges on the properties owned by UoI and its departments to the Urban Local Bodies.

Encl: As above.

Yours faithfully,


(Naresh Kumar)

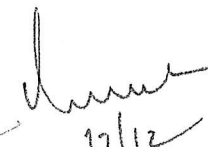
Under Secretary to the Government of India

Tele: 011230610

Email: uslsg-mud@gov.in

To,

1. All Ministries/Departments of Central Government
2. DG, CPWD, MoHUA

IS (CA) 
17/12

AS (CPWD)

Dir (CPWD)

Secy
20/12

20/12/19


2019/O/O US(LSG)

502

No.N-11025/26/2003-UCD
 Government of India
 Ministry of Urban Development
 UCD/LSG Section

Nirman Bhawan,
 New Delhi dated 15th December 2009
 17H

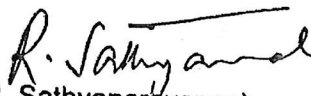
OFFICE MEMORANDUM

Subject: Payment of service charges to local bodies in respect of Central Government properties – Supreme Court Order in Civil Appeal No.9458-63/2003 -Rajkot Municipal Corporation & Others Vs. UOI & Others.

The undersigned is directed to State that the Hon'ble Supreme Court vide its order dated 19.11.2009 disposed of the Civil Appeal No.9458-63/2003 - filed by Rajkot Municipal Corporation & Others Vs. UOI & Others(copy enclosed) relating to payment of service charges by Central Government Departments to Urban Local Bodies, with the following directions:-

- (1) The UOI & its Departments will pay service charges for the services provided by appellant Municipal Corporations. No Property Tax will be paid by UOI but service charges calculated @ 75%, 50% or 33 1/3% of Property Tax levied on property owners will be paid, depending upon utilization of full or partial or Nil services. For this purpose agreements will be entered into UOI represented by concerned Departments with respective Municipal Corporation.
- (2) The arrangement at (1) is open to modification or revision by mutual consent. In the event of disagreement, the same shall be resolved by a 3 member Mediation Committee consisting of a representative of Central Government, a representative of concerned Municipal Corporation & a senior representative (preferably the Secretary in charge of Department of Municipal administration) of the State of Gujarat.
- (3) In the event of any Department or Railways owning a property changes the Agreement unilaterally or fails to reach settlement through Mediation Committee, the concerned Municipal Corporation could take such action as it deems fit by approaching Courts/Tribunals for reliefs.
- (4) The Municipal Corporations shall not resort to coercive steps (such as stoppage of services) nor resort to revenue recovery proceedings for recovery of service charges from UOI or its Departments.
- (5) The services payable by UOI shall not be more than the service charges paid by State Government for its properties. Wherever exemptions or concessions are granted to the properties belonging to the state government, the same shall also apply to the properties of Union of India.

- (6) If Railways do not abide by the instructions of Ministry of Finance as contained in the 4 circulars dated 10.5.1954, 29.3.67, 28.5.1976 and 26.8.1986 and general consensus set out above, it is open to Municipal Corporation to take suitable action as is permissible in Law.
2. All State Governments have been requested to note the above orders of Supreme Court and advise their Urban Local Bodies in regulating the payment of service charges in respect of Central Government properties in terms of the above judgement. In this connection, it is stated that the arrangement mentioned in point (2) above of para 1 is specific to the State of Gujarat and State Governments have been requested to consider appropriate dispute resolution mechanism in respect of their States.
3. The above orders of Supreme Court are hereby brought to the notice of all Ministries/Departments of Central Government with the request to issue necessary instructions to the concerned authorities under their administrative control for suitable compliance with regard to regulating of service charges payable by UOI & its Departments to the Urban Local Bodies for their properties.


(R. Sathyanarayanan)

Under Secretary to the Government of India
Ph. 23061072

To

1. All Ministries/Departments of Central Government
2. DG(W), CPWD, MOUD.

Copy forwarded for kind information to:-

1. Sr.PPS to Secretary (UD)
2. P.S. to Addl. Secretary & all Jt. Secretaries of MOUD
3. P.S. to Director (LSG)/Dir.(UD)
4. Guard file/spares.