Income Tax Refund - How to get that

Delays in income tax refunds, even after the stipulated number of months, are faced by many tax payers. Running from pillar to post at the income tax office, having to deal with impolite income tax officials become a part of the ordeal. At such times tax payers often feel helpless with absolutely no recourse. To address such issues, the government has set up the Tax Ombudsman in select cities, to address grievances and to provide tax payers a platform to put forth his issues and problems.

What is the Tax Ombudsman?

The Ombudsman is an independent body initiated by the government and comprises of former Income Tax officials or officials from the Indian Revenue Service. These officers have been empowered to settle grievances and take up matters to the highest authority, with the sole aim of resolving it. They act as an arbitrator and are independent of the jurisdiction of the income-tax department.

Issues handled by Ombudsman:

- Delay or discrepancy in tax refunds
- Impolite behaviour of tax officials
- Interest waiver
- Seizure of account books by department
- Issues relating to allotment of Permanent Account Number
- Non credit of tax paid, including tax deducted at source.
- Non-acknowledgement of letters or documents sent to the Department
- Other administrative matters that have been violated

The Ombudsman however will not help if the issue is being looked at as an appeal, revision, reference or writ by any income-tax authority or appellate authority or tribunal or court.

Location of Ombudsman Offices

Currently there are 12 offices for ombudsman, located in Mumbai, Pune, New Delhi, Ahmadabad, Chennai, Bangalore, Kolkata, Hyderabad, Kanpur, Chandigarh, Bhopal and Kochi. To locate your nearest Ombudsman

Complaints addressed to the Ombudsman could be sent to the nearest Ombudsman Office.

Process to Address Grievances through Ombudsman

Ø *Before you approach the ombudsman*

If you are facing an issue, before you approach the Ombudsman, you should have already submitted a written complaint with your income tax officer. If the complaint has not been satisfactorily addressed, or if the officer rejects your complaint, or if no reply is received within 30 days of writing the complaint, only then should the issue be raised to Ombudsman. The complaint should be filed with the Ombudsman within one year, after the 30 day wait for a response from the I-T official.

Submitting Documents and Details to Ombudsman

There is no standard format for addressing a complaint to the Ombudsman. However, while filing your complaint to the Ombudsman, the following details must be included.

a) Name, address and PAN of assessee

b) Facts and details about the grievance- date wise complaints filed, responses, and the time gap involved etc

c) Copies of the letter of the first complain made to the income-tax authorities

d) Other documents such as relevant income proof supporting your claim and complaint

e) The relief requested from the Ombudsman

Resolving of Complaints

The Ombudsman acts as an intermediary between the Income Tax Department and the tax payer. It tries to resolve the issue by hastening the process. The Ombudsman has the power to pay penal interest for the duration of the delay. For cases where no resolution is passed in a month's time of receiving the written complaint, Ombudsman could pass a decision called award. If deemed probable, a monetary compensation could be paid by the Ombudsman.

The Decision of the Ombudsman

The Ombudsman has been empowered by the government to help tax payers and also better the whole tax process. All decisions taken would be in line with the prevailing tax laws and only if the submitted documents are deemed fit. The decision of the Ombudsman thus has to be abided by the Income Tax Department and the tax payer. Once the Ombudsman decision is passed, tax payers need to make known their acceptance of the ombudsman decision of the final settlement within 15 days of receiving the letter stating the ombudsman's decision, or as per the time frame mentioned in the letter. If one fails to do so, any award proposed shall lapse and be of no effect.