

CHANDIGARH ADMINISTRATION

CHANDIGARH HOUSING BOARD
8, Jan Marg, Sector 9-D, Chandigarh

No. CEO-CHB/2021/PA/121

Dated: 01.06.2021

Subject: Overcharging for re-fill of Oxygen Cylinders by M/s Super Agencies

The Chandigarh Administration, vide order no. EO-61871/F-4369/FII-(6)/2021/4640 dated 27.04.2021, appointed the undersigned as the Nodal Officer for managing medical oxygen supply in UT, Chandigarh. **(Annexure-1)**

2. Further the Chandigarh Administration vide order no. PS/AA/562 dated 06.05.2021 had assigned the charge to Shri Jagjit Singh, PCS for coordinating with all private hospitals located in Chandigarh regarding their availability of beds and supply of medical oxygen. **(Annexure-2)**

3. The undersigned, vide order No. CEO-CHB/2021/PA/58 dated 29.04.2021, decided that M/S AGPL, M/s Chandigarh Gases and M/s Super Gases will cater to the need of all the Health Care Institutions within Chandigarh (Both in Government and Private sector) and will ensure un-interrupted supply of medical oxygen. As agreed by each of them, the re-filling and other items would be provided on the same rates which has been approved for the GMCH-32 vide Letter no. GMCH-PB-II-PA-III/15706 dated 24.08.2020 modified and extended vide subsequent letters dated 01.12.2021 and 17.04.2021. Accordingly, the refilling charges for D-Type cylinders were fixed as 295/- plus GST per cylinder, with their consent. **(Annexure-3)**

4. Subsequently, considering acute shortage of oxygen, specific quota of each Private Hospital was fixed and linked with particular Private Refilling Vendor by Shri Jagjit Singh, PCS vide order no. Controller(P&S)/2021/Spl/01 dated 07.05.2021, with the approval of the undersigned. Hence the Private Hospitals were bound to get their cylinders refilled from the particular Vendor **(Annexure-4)**. This quota system remained in force till 22.05.2021.

5. On 10th May 2021, Shri Arunesh Agarwal, Director of the Mini COVID Care Center at Indira Holiday Home, Sector-24, sent a whatsapp message to the undersigned that M/s Super Agencies has charged Rs. 3344/- for re-filling of 04 Cylinders but the bill was issued for Rs. 1344/- and hence Rs. 500/- cylinder was charged extra. The undersigned immediately intervened and the excess amount was adjusted by M/s Super Agency against the next bill. Transcript of the whatsapp chat with Shri Arunesh Agarwal and his written statement is enclosed as **Annexure-5**.

6. On 10th May 2021, in another case of Sewa Bharati Society, it was observed that M/s Super Agency charged @ Rs. 600/- per cylinder and issued the bills for the same amount. When the matter came to the notice of undersigned and was taken up with M/s Super Agencies, the bill was changed to Rs. 295/- and the excess was refunded.

7. Some of the Private Hospital made a complaint against overcharging of refilling of cylinders to the Director Health Services vide their letter dated 18.05.2021 which was forwarded to the undersigned vide letter no. NHM/UT/2021/2677 dated 24.05.2021 **(Annexure-6)**. As per the complaint, rate of the medical oxygen though had been fixed for Rs. 295/- plus GST for D-Type but hospitals were getting cylinders for Rs. 600/- to Rs. 1000/- despite apprising them of the orders. It was requested that enlisted medical oxygen vendors might be directed to refund the excess payments received by them through various modes from Private Hospitals.

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8. During a meeting on 22.05.2021 with Private Hospitals and Private Refilling Vendors which was chaired by Shri Jagjit Singh, PCS, four of the Private Hospitals made a complaint that M/s Super Agencies has over-charged from them. As per the allegations, though the re-filling charges for 'D' Type Cylinders were fixed as Rs. 295/- plus 12% GST but they were forced to pay between Rs. 600/- to Rs. 800/-. Since a quota and Refilling Vendor was fixed by the Administration, they had to pay the demanded extra money to M/s Super Agencies.

9. Considering repeated complaints against M/s Super Agencies, on 22.05.2021, Shri Jagjit Singh, PCS was requested to make an inquiry in the matter(**Annexure-7**). A detailed inquiry has been conducted and the report submitted by him is enclosed as **Annexure-8**. He has concluded that:

- i. Private hospitals could not submit any proof, documentary or otherwise, in support of their complaint made against M/s Super Agencies. Therefore, in the absence of any proof, it is difficult to establish the allegations of over-charging for refilling of oxygen cylinders against M/s Super Agencies.
- ii. Sewa Bharati Society got 13 cylinders refilled from M/s Super Agencies on 09.05.2021 @ Rs. 600/- per cylinder and a bill was issued to them. However, when they protested, the bill was corrected @ Rs. 295/- per cylinder and the remaining amount was refunded. During the inquiry, M/s Super Agency stated that his concerned official was not familiar with the account which does not seems to be convincing.
- iii. For the period 01.05.2021 to 08.05.2021, M/s Super Agency issued bills @ Rs. 150/- then 08.05.2021 to 10.05.2021 @ Rs. 300/- even though the rate was fixed by the Administration @ Rs. 295/-. M/s Super Agency could not justify as to why he was refilling the cylinder @ Rs. 150/- arbitrarily changed to Rs. 300/- and then started refilling cylinders @ Rs. 295/-.
- iv. The two instances show that M/s Super Agencies may be arbitrarily charging for the refilling of oxygen cylinders but there is no conclusive proof in this regard.

10. The undersigned has gone through the enquiry report and other related aspects/facts. It is clear that:

- i. Though rates of Rs. 295/- plus GST for refilling of each D- Type cylinders was fixed with the consent of M/s Super Agencies but it had resorted to overcharging. M/s Super Agencies played very smart by issuing bills at lower rates but actually charged higher amount.
- ii. Considering that some of the Private Hospitals were linked with M/s Super Agencies, they were left with no alternate but to pay extra, over & above the billed amount. M/s Super Agencies had taken un-due advantage of the acute shortage and almost monopolistic rights of supplying medical oxygen to the specific Private Hospitals/Mini COVID Care Centers especially between 07.05.2021 to 22.05.2021 when the quota system was in force.
- iii. When the Chandigarh Administration was struggling to save human lives during the period of acute crisis of medical oxygen due to 2nd wave of COVID pandemic, M/s Super Agencies was involved in taking un-due advantage of efforts of the for rational distribution of medical oxygen.

 01/06/2021

11. In view of above, it is requested that such acts on the part of M/s Super Agencies need to be dealt with strict exemplary action. The Health Department may initiate strict actions against M/s Super Agencies under the Disaster Management Act, 2005 or under The Chandigarh Epidemic Disease, COVID-19 Regulations or under any other applicable Act/Codes/Rules/Regulations/Instructions. The detailed particulars of M/s Super Agencies are as under:

Shri Punit Gupta, Managing Partner
M/s Super Agencies,
40-MW Industrial Area-I, Chandigarh-160002
(Mobile No. 9888035000)
(E-Mail: superchandigarh@gmail.com)

Enclose: As above


(Yashpal Garg, IAS)

CEO, Chandigarh Housing Board
**Nodal Officer for Oxygen Supplies in UT
Chandigarh**

To,

Pr. Secretary (Health), Chandigarh Administration

Copy to:

1. Shri Jagjit Singh, PCS, Nodal Officer for Oxygen Supply to Private Hospitals, UT Chandigarh
2. PS to Adviser to Administrator for kind information of worthy Adviser

Subject: Inquiry against M/s Super Agencies, 40, M.W. Industrial Area-1, Chandigarh on the complaint made by Private Hospitals for over-charging of refilling of Oxygen Cylinders.

The brief of the case is that during a meeting on 22.5.2021 with Private Hospitals and Private Refilling Vendors of Oxygen Cylinders, some of the Private Hospitals made a complaint against M/s Super Agencies regarding overcharging for re-filling the Oxygen Cylinders between Rs.600/- to Rs.800/- against the rates fixed as Rs.295/- + 12% GST by the Chandigarh Administration.

On this, W/CEO, CHB-cum-Nodal Officer for Oxygen Supplies in UT, Chandigarh ordered the undersigned to inquire into the matter by order No.CEO-CHB/2021/PA/111, dated 22.5.2021. In compliance with these orders a hearing was fixed on 24.5.2021 with all the complainant Private Hospitals and an opportunity of hearing was granted to M/s Super Agencies on 25.5.2021.

Accordingly, vide **Flag-A** a notice of hearing for 24.5.2021 at 12.30 PM to following four complainant Private Hospitals was issued:-

1. M/s Mukat Hospital, Sector 34, Chandigarh.
2. M/s Healing Hospital, Sector 34, Chandigarh.
3. M/s Kare Partners Hospital, Sector 19, Chandigarh.
4. M/s City/Apollo Hospital, Sector 8, Chandigarh.

Out of the said four Private Hospitals, only two hospitals viz. M/s City Hospital and M/s Mukat Hospital attended the hearing. However, remaining two private hospitals did not attend the hearing despite being contacted telephonically.

Statements of Dr.Gursimran Singh, Medical Superintendent (followed by supporting documents) and Mr. Ashok, Purchase Head of M/s City Hospital were recorded (**Flags/B&C**) and are reproduced below:-

Statement of Dr.Gursimran Singh, Medical Superintendent, Chandigarh City Hospital

"I reiterate the complaint made by me regarding the overcharging of refilling oxygen cylinders by M/s Super Agencies in a meeting dated 22.5.2021. I am submitting a written complaint in this regard with all the enclosed details of over billing and photo-copies of tax invoices from 2nd March to 17th May, 2021. On these tax invoices, the cash amount paid

COVID(M) - 669
Dated - 29/05/2021

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by our dealing employee has been mentioned by him with his signatures. This paid amount is different from the billed amount. However, the entire amount was paid in cash as demanded by the vendor. Further, I do not have any video recording or any other evidence in this regard.

The concerned dealing official from our hospital Shri Ashok, who used to go M/s Super Agencies is also present to make a statement in this regard."

Statement of Ashok, Purchase Head, Chandigarh City Hospital, Sector 8, Chandigarh.

"I am working as Purchase Head in Chandigarh City Hospital, Sector 8, Chandigarh. Earlier we used to get the oxygen cylinders refilled from M/s Shanti Traders, Sector 7, Chandigarh. But during the corona pandemic we started oxygen cylinders refilled from M/s Super Agencies. Mr. Puneet from M/s Super Agencies used to charge Rs.600/- to Rs.800/- for refilling each cylinder against the prescribed rate of Rs.295/. I requested him number of times to charge at Government rates but he refused to do so. As we had no other option left, we had to pay the inflated price as the medical oxygen was required for admitted patients. The entire amount used to be paid in cash."

Statements of Dr.Ravi Inder Singh, Medical Director (followed by supporting documents) and Mr. Manmohan Sinha, Purchase Manager of M/s Mukat Hospital were recorded (Flags/D&E) and are reproduced below:-

Statement of Dr.Ravi Inder Singh, Medical Director MukatHospital, Sector 34, Chandigarh.

"I reiterate the complaint made by me regarding the overcharging of refilling oxygen cylinders by M/s Super Agencies in a meeting dated 22.5.2021. I am submitting a written complaint in this regard with all the enclosed details of over billing made by M/s M/s Super Agencies during April-May, 2021 for oxygen cylinder refilling. The paid amount is different from the billed amount and was given partly by cheque and partly by cash. Further, I do not have any video/audio recording or any other evidence in this regard.

The concerned dealing official from our hospital Shri Manmohan, who used to go M/s Super Agencies is also present to make a statement in this regard "

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Statement of Manmohan Sinha, Purchase Manager, M/s Mukat Hospital, Sector 34, Chandigarh.

"I am working as Purchase Manager in M/s Mukat Hospital since 2006. It is my duty in the hospital to get oxygen cylinders refilled from the concerned agencies. Earlier we used to get the oxygen cylinders refilled from M/s AGPL, Derabassi, Punjab. But during the pandemic period, we started refilling the oxygen cylinders from M/s Super Agencies as per orders of Chandigarh Administration. M/s Super Agencies always charge Rs.600/- for refilling the oxygen cylinders which was more than the rates fixed by the Chandigarh Administration and the billed amount is varied from Rs. 150/- to Rs.295/- +GST. We requested a number of times to charge prescribed rates, but he refused. As we had no other option left, we had to pay the inflated price. Mr. Puneet from M/s Super Agencies was adamant in refilling the oxygen cylinders @ Rs.600/-per cylinder. I used to make payment partly by cheque and partly by cash as demanded by the agency."

Thereafter, vide **Flag-G** a notice of hearing for 25.5.2021 at 10.30 PM was issued to M/s Super Agencies, Industrial Area Phase-1, Chandigarh. Mr. Puneet, an authorized representative of M/s Super Agencies attended the hearing and submitted his statement (**Flag/H**), (followed by some documents) which is reproduced below:-

Statement of Puneet S/o Shri Rakesh Gupta, authorized representationist from M/s Super Agencies, Industrial Area-1, Chandigarh.

"I have gone through the complaint and written statements given by Medical Superintendent, Chandigarh City Hospital, Sector 8, Chandigarh and Medical Director, M/s Mukat Hospital, Sector 34; Chandigarh. I deny the allegations of over charging made by both these hospitals during the meeting dated 22.5.2021 and in the course of enquiry dated 24.5.2021. It seems that these hospitals have made allegations against our agency because we refused to deliver them oxygen cylinders over and above the quota fixed by the Chandigarh Administration. I present the copies of tax invoices issued to different hospitals/covid centres, which show that there has been no over charging in our part."

Further, vide letter dated 25.5.2021 (**Flag/I**), the Chief Engineer, CHB, Chandigarh, was requested to direct the officials deputed

by his department at M/s Super Agencies from 01.5.2021 onwards to attend the enquiry proceedings on 27.5.2021 at 10.30 AM before the undersigned.

Accordingly, S/Shri Navneet Kumar Batra, Head Draftsman, Sanjay Kumar, Junior Technician, both O/o Chief Engineer, CHB and Bishan Joshi, Supervisor, Sewa Bharti, Sector 29, Chandigarh attended the hearing and submitted their written statements at **Flags/J,K,L** and the same are reproduced below:-

Statement of Sh. Navneet Kumar Batra, Head Draftsman o/o Chief Engineer, Chandigarh Housing Board, Sector 9, Chandigarh

"I, Navneet Kumar Batra, Head Draftsman, Chandigarh Housing Board was deputed as Supervisor vide orders dated 07.05.2021 issued by the Controller Printing & Stationery-cum-Nodal Officer for Oxygen Supply to Private Hospitals U.T. Chandigarh. As per these orders my duty was to ensure that the oxygen cylinders are supplied by the agency as per request of Private Hospitals subject to maximum quota of oxygen supply fixed. My duty timings were 9:00 am to 1:00 pm and 3:00 pm to 5:30 pm. During my duty, I used to observe the cylinders which came from hospitals for re-filling and ensured that only those hospitals were given supply whose names were in the orders. The transactions of money between the procuring hospitals and Super Agencies did not take place in front of me. I used to randomly ask the drivers of the lifting vehicles regarding issue of charging but none of them admitted on the issue of overcharging."

Statement of Sh. Sanjay Kumar, Junior Technician o/o Chief Engineer, Chandigarh Housing Board, Sector 9, Chandigarh

"I, Sanjay Kumar, Junior Technician, Chandigarh Housing Board was deputed on essential duty (including lockdown/curfew period) at Super Agencies vide Chief Engineer, Chandigarh Housing Board orders dated 10.05.2021 to regulate oxygen supply to the hospitals. According to orders dated 10.05.2021, my duty was to ensure that the oxygen cylinders are supplied by the agency as per request of Private Hospitals subject to maximum quota of oxygen supply fixed. During this period, my duty timings started from 8:00 am to 3:00 pm. During my duty, I have not noticed any money transactions took place between private hospitals as well as any private person in front of me. So, no complaint in connection with overcharging of medical oxygen cylinder came to my notice."



**Statement of Bishan Joshi, Supervisor, Sewa Bharti,
Sector 29, Chandigarh(followed by supporting documents)**

"I am working as Supervisor in Sewa Bharti, which is a charity society situated in Sector 29, Chandigarh. It is working in the field of health and education services. During the second wave of corona pandemic, this organization was engaged in providing free oxygen cylinders to needy affected person. My colleague, Mr. Dinesh Sharma, Supervisor was deputed for the purpose of procuring medical oxygen cylinders from M/s Super Agencies. Sh. Dinesh Kumar informed me that M/s Super Agencies on 09.05.2021 charged me @ Rs.600/- for 13 cylinders while when he protested, he corrected the bill @ 295 and given a new bill with Rs.235 for 13 cylinders."

With regard to the allegation made in the above mentioned statement of Shri Bishan Joshi, Supervisor, Sewa Bharti, Sector 29, Chandigarh, Shri Puneet Gupta of M/s Super Agencies, Industrial Area-1 was called on 27.5.2021. He came and submitted his following statement(Flag/M):-

**Statement of Sh. Puneet Gupta, working partner M/s Super Agencies,
Indl. Area Ph-I, Chandigarh.**

"I, Puneet Gupta, working partner M/s Super Agencies, Indl. Area Ph-I, Chandigarh, with reference to allegations of overcharging made by Sewa Bharti Society, Chandigarh state that 13 cylinders were supplied to Sewa Bharti Society on 09.05.2021 and were charged by our employee @ Rs.600 per cylinder. But when discrepancy was brought to my notice, a corrected bill was issued for 13 cylinders @ Rs.295/- and remaining amount was refunded to them. This happened due to mistake of my employee as he was not familiar with accounts work."

Conclusion/findings

After going through the statements made by parties and the documents submitted by them, it follows that the complainant hospitals M/s Mukat Hospital and M/s Chandigarh City Hospital have not been able to submit any proof, documentary or otherwise, in support of their complaint made against M/s Super Agencies. Therefore, in the absence of any proof, it is difficult to establish the allegations of over-charging for refilling of oxygen cylinders against M/s Super Agencies. Further, it has been brought on record by Sewa Bharti Society that they got 13 cylinders refilled from

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M/s Super Agencies on 09.5.2021 @ Rs.600/- per cylinder and a bill was issued to them in this regard. However, when they protested, the bill was corrected at Rs.295/- per cylinder and the remaining amount was refunded. Also as per detail of bills submitted by M/s Super Agencies show that they have been issuing bills @ Rs.150/- per cylinder from 1.5.2021 to 8.5.2021 and @ Rs.300/- from 8.5.2021 to 10.5.2021 even though the rate was fixed @ Rs.295/- by the Administration. In the first instance of overcharging from Sewa Bharti Society, the reasoning given by Shri Puneet, working partner of M/s Super Agencies that the concerned official was not familiar with accounts, does not seem convincing. In the second instance, he could not justify as to why he was refilling the cylinders @ Rs.150/-, arbitrarily changed to Rs.300/- and then started refilling cylinders @ Rs.295/-. These two instances show that M/s Super Agencies may be arbitrarily charging for refilling of oxygen cylinders, but there is no conclusive proof in this regard.

J S Ph
28/5/2021
(JAGJIT SINGH)
PCS

Controller, Printing & Stationery-cum-
Nodal Officer for Oxygen Supply to
Private Hospitals, U.T. Chandigarh

W/CEO, CHB-cum-
Nodal Officer for Oxygen Supplies in
U.T. Chandigarh.