

Court No. - 3

Case :- WRIT TAX No. - 1319 of 2023

Petitioner :- M/S Woco Tech Elastomere Noida Limited

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Atul Gupta,Prakhar Shukla

Counsel for Respondent :- A.S.G.I.,C.S.C.,Om Prakash Mishra

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. Heard learned counsel for the petitioner, Sri Om Prakash Mishra, learned counsel for Union of India and Sri Ankur Agarwal, learned Standing Counsel for the State.

2. The petitioner is aggrieved by the inaction on the part of the respondents authority in not granting the input tax credit that is to be credited in the account of the petitioner on account of erroneous refund that was received by the petitioner.

3. The contention of the learned Standing Counsel appearing for the department is that interest that has been enjoyed by the petitioner on the excess money is to be paid along with erroneous refund.

4. This contention is vehemently opposed by the learned counsel for the petitioner, as he submits that there is no provision in the Act or Rules which provides that interest of the erroneous refund can be made.

5. We are of the view that the department should credit the input tax credit immediately in the account of the petitioner. It is to be noted that show cause notice has been issued on 1.9.2023 with regard to refund along with interest. The petitioner shall be at liberty to file a reply within seven days and after grant of opportunity of hearing, the show cause notice should be decided by the department within four weeks thereafter.

6. In the light of above, a direction is given to the department to credit the input tax credit in the electronic ledger account of the petitioner within seven days from today.

7. With these observations, the writ petition is disposed of.

Order Date :- 22.11.2023/Kuldeep