IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-02-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.5070 of 2016

M/s International Investments,
A7 & 8, TVK Industrial Estate,
Guindy,
Chennai - 600 032,
represented by its Partner
Thiru Ajay Agarwal .... Petitioner

vs

The Assistant Commissioner of Income Tax,
Non-Corporate Circle - 13(1),
121, Nungambakkam High Road,
Nungambakkam,
Chennai - 600 034 ..... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the petitioner in P.A.No.NCC-13(1)/AABF13415Q/2015-16 on the file of the respondent and quash the letter/order dated 10.12.2015 for the Assessment Year 2005-2006 refusing to grant interest on refund upto the date on which refund is granted and direct the respondent to grant interest u/s 244A on refund from the date of intimation u/s 143(1) to the date on which refund is granted.

For petitioner : M/s Philip George

For respondent : Ms.V. Pushpa for
Mr.M. Swaminathan
Standing Counsel

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the petitioner in P.A.No.NCC-13(1)/AABF13415Q/2015-16 on the file of the respondent and quash the letter/order dated 10.12.2015 for the Assessment Year 2005-2006 refusing to grant interest on refund upto the date on which refund is granted and direct the respondent to grant interest u/s 244A on refund from the date of intimation u/s 143(1) to the date on which refund is granted.

2. According to the petitioners, the impugned order, refusing to grant interest on refund for the period from the intimation under Sec.143(1) till the date of grant of refund i.e., 01.01.2007 to 31.10.2013 is contrary to law. Further, according to the petitioners, under Sec.244A of the Act, they are entitled for interest upto the date on, which the refund is credited in their account.

3. Further, according to the petitioners, they are entitled for the interest under Sec.244A for a total period of 103 months and that the respondent paid the interest for 21 months, therefore, the petitioners are entitled to interest for a period of 82 months.

4. Ms.V. Pushpa, learned Counsel appearing for the respondent, on instructions, submitted that the petitioners are entitled for interest for 79 months, amounting to Rs.3,86,832/-. The learned counsel for the respondent also submitted that the respondent is willing to pay the said amount to the petitioners, within a time frame, fixed by this Court.

5. The learned counsel for the petitioners also agreed to receive the said amount.

6. In these circumstances, while setting aside the impugned order dated 10.12.2015, I direct the respondent to pay the interest for 79 months, amounting to Rs.3,86,832 (Rupees three lakhs eighty six thousand eight hundred thirty two only) to the petitioners within a period of three weeks from the date of receipt of copy of this order.

7. With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sr

To

The Assistant Commissioner of Income Tax,
Non-Corporate Circle – 13(1),
121, Nungambakkam High Road,
Nungambakkam,
Chennai – 600 034

+1 cc to Mr.M.Pilip George, Advocate, sr.12814
+1 cc to Mr.M.Swaminathan, Advocate, sr.12972

W.P.No.5070 of 2016

gj co
kra 04.03.2016