

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3077 OF 2017**

M/s. MBH Enterprises ..Petitioner
Versus
The Union of India,
through the Revenue Secretary & Ors. ...Respondents

Mr. Bharat Raichandani i/b UBR Legal for the Petitioner

Mr. Pradeep S. Jetly a/w Mr. Jitendra B. Mishra for the Respondent Nos. 1,
2, 4 and 5

***CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.
TUESDAY, 19th DECEMBER, 2017***

P.C. :

1 Not on Board. Mentioned.

2 The petitioner has, by this writ petition, claimed the following
reliefs :

“(a) that this Hon'ble Court be pleased to issue a Writ of Certiorari or a writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner case and after going into the validity and legality thereof quash impugned letters/communications marked and annexed hereto as Exhibit “A1 to A2”,

(b) that this Hon'ble Court be pleased to issue a writ of mandamus or any other writ in the nature of Certiorari or any other writ, order or direction under Article 226 of the

Constitution of India calling for the records pertaining to the Petitioner case and direct Respondent No. 4 & 5 to either adjust the tax already paid under correct accounting code, or refund the tax paid inadvertently by the petitioner forthwith, along with interest paid therein.”

3 On such a petition, when notice was issued privately to the respondents, Mr. Pradeep Jetly entered appearance. He has accepted notice and waived service.

4 Mr. Jetly, on instructions from the Commissioner of Goods and Service Tax and Central Excise-respondent No.5 states that within one week from today, the necessary action will be taken and the amount would be refunded to the petitioner. The process in that behalf is already initiated.

5 We accept the statements of Mr. Jetly as undertakings to this Court.

6 In view thereof, nothing survives in the writ petition. It is disposed of.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.