IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18336 of 2016
Date of Decision : 20.03.2017

M/s Goodyear India Limited
...Petitioner

Versus

State of Haryana and others
...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rajiv Agnihotri, Advocate for the petitioner.

Ms. Mamta Singla Talwar, Deputy Advocate General, Haryana.

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S.J. VAZIFDAR, C.J.(Oral)

The petitioners have demanded interest pursuant to several proceedings between the parties. The matter pertains to the assessment years 1973-1974 to 1977-1978 and 1980-1981 under the Haryana General Sales Tax Act, 1973. The petitioners contend that as per the various orders of the authorities under the Act, they are entitled to interest of an aggregate amount of over ₹70 lacs. The respondents, however, had after filing of this petition come to the conclusion that amount of ₹29,39,238/- is payable on account of interest on delayed payment of refund to the petitioners. We are informed that the decision of the Finance Department is yet to be obtained before taking decision in this regard.

In the circumstances, the petition is disposed of by the following order :-

(1) The respondents shall latest by 05.04.2017 take a final decision regarding the amount of interest, which according to them is payable to the petitioners and pay over the same to the petitioners latest by 17.04.2017.

(ii) The respondents shall communicate to the petitioners in writing the basis on which they have computed the amount. The order shall, inter alia, deal with the contentions raised in this petition.

(iii) The petitioners shall be entitled to receive and appropriate the amounts determined as aforesaid but entirely without prejudice to their rights and contentions. If according to the petitioners a higher amount is payable, the petitioners shall be at liberty to file a petition including on the same grounds taken in this writ petition. The amount received by the petitioners shall be adjusted by them on account with the clarification that no further interest shall accrue on such amount from the date of its receipt thereof.

The petition is, accordingly, disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(ANUPINDER SINGH GREWAL)
JUDGE

20.03.2017
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Whether speaking/reasoned? **Yes/No**

Whether reportable? **Yes/No**