
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

262

**Civil Writ Petition No.4348 of 2017
Date of decision: September 28, 2017**

M/s B.R. Steel Industries and another

....Petitioners

versus

The State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Ishwar C. Garg, Advocate for the petitioners.

Mr. Jaswinder Singh, Sr. DAG, Punjab.

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India seeking quashing of order dated 18.01.2016 (**Annexure P-7**) passed by respondent No.2, being contrary to the admitted facts on record as the petitioners were issued refund of VAT amounting to ₹18,86,978/- in installments on different dates i.e. 16.02.2009 (₹4,56,872/-), 03.08.2009 (₹1,81,227/-) and 26.03.2014 (₹12,26,220/-) after a period of seven years without interest and vide

impugned order dated 18.01.2016 awarded an amount of ₹4,772/- as interest which is also calculated wrongly on the delayed payment of ₹1,81,227/- only and not on the total amount of ₹18,86,978/- and the remaining amount of VAT delayed has not been considered in the impugned order which comes out to be ₹18,12,049/- as the delayed VAT refund. Further prayer has also been made to direct the respondents to issue interest @ 18% p.a. on the delayed payment of VAT refund for the accounting year 2006-07 amounting to ₹18,86,978/- as per the provisions of Section 40 of the Punjab VAT Act.

2. The petitioners have claimed by way of instant petition that the VAT amount of ₹18,86,978/- had been refunded to the petitioners in installments on different dates after a period of seven years and therefore, it was entitled to interest for the delayed payment. Vide impugned order dated 18.01.2016 (Annexure P-7), only an amount of ₹4,772/- has been awarded as interest on the delayed payment of ₹1,81,227/- instead of the whole outstanding amount of ₹18,86,978/-.

3. Learned State counsel has produced a copy of letter dated 27.09.2017, issued by the Assistant Excise and Taxation Commissioner, Fatehgarh Sahib-respondent No.2, addressed to him, intimating that an amount of ₹4,54,011/- on account of interest on the delayed payment has been calculated and a refund voucher thereof

in favour of petitioner No.1-Firm has been prepared. A copy of the refund voucher is also enclosed with the said letter, which are taken on record, subject to all just exceptions. Learned State counsel, on instructions from Sh. Munish Nayyar, Excise and Taxation Officer, Fatehgarh Sahib, submitted that the aforesaid amount shall be deposited in the account of the petitioner-Firm within a period of one week through RTGS, which is to be provided by learned counsel for the petitioner to the Excise Department.

4. In view of the above, learned counsel for the parties are agreed that the present petition has been rendered infructuous and may be disposed of as such.

5. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

September 28, 2017
sonia gugnani

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No