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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6797-2017
Date of decision : 20.09.2017

The Haryana State Co-operative Apex Bank Ltd.

... Petitioner(s)

Versus

Union of India and others

... Respondent(s)

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

Present: Mr. Sahil Chadder, Advocate for
Mr. Maninder Arora, Advocate
for the petitioner.

Mr. Yogesh Putney, Sr. Standing Counsel,
for the respondent(s)-Revenue.

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AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached under Articles 226/227 of the Constitution of India for issuance of writ in the nature of *certiorari,* quashing the impugned letter/notice dated 24/26.03.2017 issued by respondent No.3, whereby, the respondents have agreed to adjust the amount of refund for the Assessment Years 1995-1996, 1996-1997 & 1997-98, but without any interest accrued thereon against the demand created qua Assessment Years 2010-11, 2011-12, 2012-13, 2013-14 & 2014-15, respectively. A further writ of *mandamus* has been sought directing the respondent(s)-Authorities to adjust the amount of refund assessed along with interest from the date it became due for the Assessment Years 1995-96, 1996-97 & 1997-98 subject to finality of the litigation.

2. Upon notice having been issued, learned counsel for the respondents has produced a communication dated 15.09.2017, giving the following details with regard to the status of refund amount of income tax together with interest under Section 244-A of the Income Tax Act 1961:

Sr. No.	A.Y.	Amount of refund Claimed (in ₹)	Remarks	Action Taken
1	1995-96	1,32,16,211	Refund plus interest amounting to ₹ 1,49,67,413/- already determined and adjusted in the demand of A.Y. 1997-98 on 03.06.1998. Further on 11.09.1998 a refund amounting to ₹18,26,153/- plus interest amounting to ₹1,15,569/- totaling to ₹19,41,722/- issued to the assessee. Hence further no refund pending to the assessee in this A.Y. i.e. A.Y. 1995-96	No refund pending
2	1996-97	1,92,58,730	Refund plus interest amounting to ₹1,67,46,722/- plus interest ₹25,12,008/- totaling to ₹1,92,58,730/- already determined and adjusted in the demand of A.Y. 1997-98 on 11.09.1998. Hence further no refund pending to the assessee in this A.Y. i.e. A.Y. 1996-97.	No refund pending
3	1997-98	1,77,87,104	Refund amounting to ₹1,77,87,104/- has been claimed by the assessee. The letter contains only single copy of return acknowledgement which show that the assessee has claimed refund amounting to ₹1,77,87,104/- copy of TDS certificates has been furnished by the assessee on 16.06.2017, as the same was required to made verification of tax deducted on sources	Refund issued amounting to ₹12,14,17,380/- along with interest u/s 244A and adjusted in Demand from A.Y. 2010-11 to 2014-15
4	2000-01	29,67,616	TDS verification letter had been written to RBI by Income Tax Officer, Ward-1, Panchkula on 07.12.2001 & 24.01.2002. In its reply, RBI denied to deduct any TDS of M/s Haryana State Cooperative Apex Bank Limited	No refund can be given as the TDS has not been verified by RBI, New Delhi

5	2001-02	4,24,048	No refund pending for this A.Y. The refund claimed amounting to ₹1,48,76,823/- plus upto date interest amounting to ₹16,73,642/- totaling to ₹1,65,00,465/- had been determined and issued to the assessee out of which refund amounting to ₹20,97,690/- had been adjusted against the demand of A.Y. 2000-01	No refund pending
6	2002-03	32,11,628	TDS Verification sought from RBI vide letter dated. Verification pending at RBI end	TDS Verification pending
7	2004-05	26,47,890	No refund pending in this A.Y. Refund claim of ₹1,49,93,617/- plus interest amounting to ₹14,24,392/- totalling to ₹1,49,18,009/-. Out of which ₹26,47,840/- had been adjusted against the demand of A.Y. 2003-04	No refund pending
8	2005-06	9,12,193	Verification partly made from deductor. Refund of ₹ 12,87,760/- has been determined and adjusted against the outstanding demand for the A.Y. 2011-12 (The verification of TDS from SIDBI has not been received)	Refund issued and adjusted in A.Y. 2011-12 Demand
9	2006-07	7,51,740	Verification made from deductor refund of ₹ 12,55,406/- has been determined and adjusted against the outstanding demand for the A.Y. 2011-12.	Refund issued and adjusted in A.Y. 2011-12 Demand

3. In view of above, it was submitted that no amount of refund is pending in respect of the Assessment Years 1995-96 and 1996-97. It was further submitted that against the refund for the Assessment Year 1997-98, an amount of ₹12,14,17,380/- along with interest under Section 244-A of the Income Tax Act, has been adjusted in respect of Demand from Assessment Years 2010-11 to 2014-15. The copy of the aforesaid communication is taken on record.

4. A further communicated dated 18.09.2017 has been produced in Court, wherein, it has been submitted that certain amount is actually due

from the assessee and the copy of the same is taken on record.

5. In view thereof, the present writ petition is disposed of as infructuous. However, liberty is granted to the petitioner to file an appropriate application for revival of the writ petition in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

20.09.2017
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**