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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19646 of 2018 (O&M)
Date of Decision: 06.09.2018

M/s GB Tools and Forgings Ltd.

...... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J. S. Bedi, Advocate for the petitioner.

Mr. Pankaj Gupta, Addl. A.G., Punjab.

RAJESH BINDAL J.

The number of petitions are being filed in this Court wherein assessees are praying for a direction to the respondents to release refund of the amount of tax due to them.

Vide order dated 28.08.2018, the Financial Commissioner, Taxation, Punjab was directed to appear in person so that this avoidable litigation can be checked.

Mr. M. P. Singh, Financial Commissioner, Taxation, Punjab is present in person in Court. He submitted that after the introduction of GST from July 01, 2017, the process of refund of any excess amount paid by the assessees is streamlined. He further submitted that about a sum of ₹ 750 crores is to be refunded to the assessees under the Punjab Value Added Tax Act, 2005 (for short 'the VAT Act'). The process for refund thereof is being streamlined and the same is expected to be cleared within next four months. Wherever any interest is payable to the assessees in terms of the provisions of the VAT Act, the same shall also be paid. Necessary instructions have been issued to all the Assistant Excise & Taxation Commissioner to monitor that the applications for refund filed earlier are disposed of first and in default, they may attract disciplinary action. He further assured that wherever any assessment are to be framed in the cases where the assessees have claimed refund of the amount deposited, the needful shall be done on priority so that the amount of refund to which the assessees may be entitled to, is granted to them.

In the case in hand as stated by learned counsel for the petitioner, the amount of tax has been refunded. However, the interest payable as per the provisions of the VAT Act is still due.

Let the amount of interest due to the petitioner be paid to him within four weeks.

The writ petition stands disposed of accordingly.

(RAJESH BINDAL)
JUDGE

(AMIT RAWAL)
JUDGE

06.09.2018
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No