

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

CWP No.8563 of 2018 (O&M)

Date of Decision: 30.05.2018

M/s DLF Power & Services Ltd.

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM:-HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Sandeep Goyal, Advocate,
for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

AJAY KUMAR MITTAL, ACJ.(ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India raising the following prayers:-

- i) A writ in the nature of certiorari for quashing the order dated 16.02.2018 (Annexure P-16) passed by respondent No.2.
- ii) A writ in the nature of mandamus for directing the respondents to issue Form 'C' as prescribed under Section 8 of the Central Sales Tax Act, 1956 read with Central Sales Tax (R&T) Rules, 1957 for purchase of Diesel from oil marketing companies for generation/distribution of power the transactions conducted after 01.07.2017.
- iii) A writ in the nature of mandamus directing respondent Nos.5 and 6 to refund the amount of excess tax charged by them in absence of "C" Forms which

were not issued by the Department.

iv) A writ in the nature of mandamus directing respondent No.4 to allow the petitioner to revise the returns.

2. Learned counsel for the petitioner submitted that issue raised in the present petition is squarely covered by the ***Division Bench Judgment of this Court passed in CWP No.29437 of 2017 decided on 28.03.2018 titled as Caparo Power Ltd. Vs. State of Haryana and others (Annexure P-17).***

3. Learned State counsel has produced a communication dated 01.05.2018 addressed to Advocate General, Haryana, Chandigarh by the Excise and Taxation Commissioner, Haryana Panchkula admitting that the facts of the instant case are similar to ***Caparo Power Ltd. case (supra).*** The same is taken on record.

4. In view of the above, the writ petition is disposed of in terms of the order ***dated 28.03.2018 passed in CWP No.29437 of 2017 titled as Caparo Power Ltd. Vs. State of Haryana and others.***

**(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)
JUDGE**

30.05.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No