IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25242-2019 (O&M)
Date of decision:- 16.09.2019

M/s Makkar Construction Company
...Petitioner

Versus

Panjab University and another
...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. A.S. Bhatti, Advocate,
for the petitioner.

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KRISHNA MURARI, C.J. (ORAL)

This petition filed under Article 226 of the Constitution of India seeks to challenge the order dated 28.06.2019 (Annexure P-6) passed by respondent No. 1 - Panjab University disposing of the representation/legal notice of the petitioner in pursuant to an order dated 04.04.2019 passed by this Court in CWP-9066-2019.

2. The dispute is in respect of refund of ₹ 32 lacs paid on account of GST. Upon consideration of the claim made by the petitioner, respondent No. 1 - Panjab University disposed of the representation/legal notice by passing the following order:-

> *"The University had issued e-tender notice through publication as well as other modes for construction of Girls Hostel No. 10 (2nd phase) in P.U. South Campus, Chandigarh. The petitioner and other firms had applied in response to the e-tender notice. As per tender notice, the estimated cost of the project was 593.00 lakhs and the earnest money was Rs. 11.86 lakhs. The tender submitted by the petitioner was*

accepted by the Executive Engineer. The Government of India had introduced GST i.e. Goods and Services Tax w.e.f. 01.07.2017 in place of VAT. This is not a new tax. It is an amalgamation of existing VAT, Sales tax and Service tax that was otherwise liable to be paid by the contractor as per condition No. 3 of the letter of award. Rather, after implementation of GST, the contractor became entitled to claim input credit w.r.t. tax paid by contractor on input goods and services. As per condition No. 9 of the letter of award, the petitioner is liable to make payments as per DNIT. As per condition No. 63 of the Detailed Notice Inviting Tender (DNIT), the petitioner is liable to pay Service tax, VAT, Sales tax, Purchase tax or any other tax on material in respect of the contract and Panjab University will not entertain any claim."

3. The rejection of the claim for refund of ₹ 32 lacs paid on account of GST is on the basis of the aforesaid. We find no infirmity in the view taken by respondent No. 1 – Panjab University while rejecting the claim for refund so as to require any interference in the matter.

4. The petition is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.09.2019
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No