IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.497 OF 2020

Vodafone Idea Limited (Formerly Idea Cellular Ltd.)… Petitioner
Vs.
Commissioner of Income Tax, CPC and others … Respondents

Mr. J. D. Mistri, Senior Advocate a/w. Mr. Nitesh Joshi and Mr. Atul Jasani for Petitioner.
Mr. Sham Walve for Respondent Nos.1 to 5.
Mr. Suresh Kumar for Respondent No.6.

CORAM : UJJAL BHUYAN,
MILIND N. JADHAV, JJ.

DATE : MARCH 06, 2020

P.C. :

Heard Mr. Mistri, learned senior counsel along with Mr. Jasani, learned counsel for the petitioner. Also heard Mr. Walve, learned standing counsel Revenue for respondent Nos.1 to 5 and Mr. Kumar, learned counsel for respondent No.6.

2. On 14.02.2020, we had passed the following order:

> "1. Heard Mr. J. D. Mistri, learned senior counsel for the petitioner. None appears for the respondents, despite been served by the petitioner.
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> 2. Issue notice.
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> 3. Petitioner to serve the respondents afresh and file affidavit of service.
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> 4. On the next date, respondent No.2 shall inform the Court about compliance of the order dated 04.10.2019 passed by this Court in Writ Petition No.2435 of 2019; failing which Court may consider passing appropriate order against the defaulting respondents."

3. Today when the matter is called upon, Mr. Mistri has placed before us a copy of letter dated 20.02.2020 issued by Deputy Commissioner of Income Tax-5(2)(2), Mumbai addressed to the Principal Officer of the petitioner. Along with the said letter, a cheque for an amount of Rs.218,10,22,063.00 covering the income tax refund including interest in the case of the petitioner as determined by the office of the Deputy Commissioner of Income Tax-5(2)(2), Mumbai under Section 154 of the Income Tax Act, 1961 vide its order dated 16.12.2019 to give effect to the order of this Court dated 04.10.2019 passed in Writ Petition No.2435 of 2019, was enclosed.

4. Without expressing any opinion on the contentions raised in the writ petition, we feel that following payment of the aforesaid amount continuing with the matter will not serve any useful purpose.

5. However, if the petitioner has any further grievance pertaining to the aforesaid refund, it is open to the petitioner to pursue its legal remedies in accordance with law.

6. Subject to the observations made above, writ petition is disposed of.

(MILIND N. JADHAV, J.) **(UJJAL BHUYAN, J.)**

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