R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 1000 OF 2001

Maharashtra State Electricity Board .. Petitioner

Versus

The Commissioner of Income Tax & Ors. .. Respondents

....

- Mr. Rajesh Poojary i/by Mulla & Mulla for the Petitioner

....

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

DATE : MARCH 5, 2020.

P.C.:

1. Heard Mr. Rajesh Poojary, learned counsel for the petitioner.

2. This petition, under Article 226 of the Constitution of India, was filed by the Maharashtra State Electricity Board assailing notices issued by the Income Tax Department under Section 226(3) of the Income Tax Act, 1961 as well as for refund of an amount of Rs. 155.62 Crores recovered by respondent No. 1 from the banks of the petitioner.

3. On the last occasion, Mr. Poojary sought for time to ascertain from the petitioner as to whether the reliefs sought for have been obtained and whether the writ petition survives for adjudication.

4. Today, when the matter is called upon, Mr. Poojary, on instructions, submits that in all probability, the recovered amount has been refunded to the petitioner / adjusted by respondent No. 1 with subsequent dues of the petitioner. However, since this is an old pending matter, certain reconciliation of the accounts may still be necessary. He submits that in the event, any grievance of the petitioner subsists pertaining to refund of the aforesaid amount, petitioner may be given liberty to approach the Court for revival of the writ petition.

5. We agree with the submissions made by Mr. Poojary.

6. Accordingly, the writ petition is disposed of as having been rendered infructuous with the liberty as prayed for.

[MILIND N. JADHAV, J.] **[UJJAL BHUYAN, J.]**

Ravindra M. Amberkar

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Date: 2020.03.06 17:08:10 +0530