

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

CWP No.9468 of 2020

Date of Decision: 03.09.2020

Goyal Agro Roller Flour Mill, Sangrur and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Deepak Sabherwal, Advocate
for the petitioners.

Mr. Pankaj Gupta, Addl. A.G., Punjab
for respondent No.1-State.

Ms. Manju Goyal, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.2-FCI.

DAYA CHAUDHARY J. (ORAL)

Case has been taken up through video conferencing in view
of the outbreak of Pandemic COVID-19.

In pursuance of order passed by this Court on 08.07.2020,
status report by way of affidavit of Ramesh Kumar Malhotra, Assistant
Commissioner State Tax Sangrur has been filed and the same is taken on
record. Para Nos.6, 9 and 10 of the status report, being relevant, are
reproduced as under:-

*“6. That pursuant to this order verification reports
were prepared by the concerned jurisdictional
officers and on the basis of these reports refund
amounting to Rs.10,03,63,920/- has been
sanctioned vide Refund voucher (form VAT-30)*

dated 11.08.2020 (Annexure R-2).

9. *That the office of AETC Patiala vide its email dated 25.08.2020 (Annexure R-5) has intimated that the refund voucher of excess tax collected and deposited by FCI (respondent No.2) in respect of 25 similarly situated persons including the present writ petitioners have been sent to the treasury through IFMS System on 24.08.2020 and is pending for disbursal to respondent No.2. It is also brought to the kind notice of this Hon'ble Court that matter pertaining to the refund of excess tax to the other firms who have not filed the writ petition before the Hon'ble Court is also in progress and refund voucher to FCI (respondent No.2) will be issued within a week by the Assistant Commissioner, State Tax, Patiala.*
10. *That as the refund of excess tax amounting to Rs.13,32,942/- as claimed by the present writ petitioner has been processed and sent to the treasury for payment through IFMS System on 24.08.2020. The same would preferably be credited to the account of FCI within a fortnight."*

As per para No.10 of the status report, the refund of excess tax as claimed by the petitioners has been processed and sent to treasury for payment through IFMS System on 24.08.2020. It has also been mentioned therein that preferably it will be credited to the account of FCI within a fortnight.

Accordingly, in view of the status report as mentioned above, the present petition is disposed of with a direction to the Food Corporation of India, Chandigarh that as and when the amount is credited

in its account, the same be released to the petitioners and other similarly situated persons, within a period of two weeks, thereafter.

(DAYA CHAUDHARY)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

September 03, 2020
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No