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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 5260/2020

CORSAN CORVIAM CONSTRUCCION

S.A. – SADBHAV ENGINEERING LTD. JV Petitioner

Through: Mr. Rajesh Jain, Advocate with
Mr. Virag Tiwari and Mr. Ramashish
Advocates.

versus

COMMISSIONER OF TRADE AND TAXES Respondent

Through: Mr. Anuj Aggarwal, ASC for
GNCTD with Mr. Ankit Monga,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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20.08.2020

The petition has been heard by way of video conferencing.

Present writ petition has been filed seeking a direction to the respondent to issue the balance refund of Rs.1,25,60,785/- for the fourth quarter 2014-15 along with interest amounting to Rs.37,06,675/- accrued as on the date of filing of the petition in accordance with Section 42(1) of the Delhi Value Added Tax Act, 2004 which is stated to be mounting at the rate of Rs. 2,065/- per day till the refund is credited to the petitioner's account.

In the present petition, it has been averred that the respondent has not complied with the order dated 18th October, 2019 passed in W.P.(C) No.11040/2019, wherein this Court had directed the respondent to decide

the claim for aforesaid refund along with interest as early as possible practicably within a period of eight weeks.

On the last date of hearing, learned counsel for respondent had sought time to obtain instructions.

Today, Mr. Anuj Aggarwal, learned ASC states that the principal refund claim has been directed to be refunded to the petitioner by order dated 14th August, 2020, and the same shall be credited in the petitioner's account within a week. He further states that the petitioner's claim for interest has been rejected by way of a separate speaking order dated 14th August, 2020.

Mr. Anuj Aggarwal is directed to supply copies of the order dated 14th August, 2020 to the Court Masters as well as to the learned counsel for the petitioner during the course of day. The undertaking given by Mr. Anuj Aggarwal with regard to payment to the petitioner is accepted by this Court and the respondent is held bound by the same.

Accordingly, the present writ petition is disposed of with liberty to the petitioner to challenge the order dated 14th August, 2020 refusing grant of interest to the petitioner, by filing appropriate proceedings in accordance with law. All rights and contentions of the parties are left open.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

AUGUST 20, 2020/KA