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

\+ W.P. (C) 5356/2020

TEXACO OVERSEAS PRIVATE LIMITED ...... Petitioner
Through: Mr. Mukesh Chand, Advocate.

versus

ACIT CIRCLE 25(1) & ANR. ...... Respondents
Through: Mr. Abhishek Maratha, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **03.09.2020**

The petition has been heard by way of video conferencing.

Present writ petition has been filed seeking a direction to the respondents to grant the credit of prepaid taxes amounting to Rs. 74,33,750/- on account of TDS and advance tax paid by the petitioner as well as to grant the refund as finally determined after allowing the credit for prepaid taxes along with interest as per section 244A of the Income Tax Act, 1961 (hereinafter referred to as ‘the Act, 1961’).

Learned counsel for petitioner states that respondent No.1 has overlooked the credit for taxes prepaid by the petitioner which are duly reflected in TDS Traces website as per Form 26AS while determining tax liability and that too without giving any reasons.

On the last date of hearing, Mr. Abhishek Maratha, learned counsel for the respondents, had taken time to obtain instructions. Today, Mr. Abhishek Maratha states that the petitioner's rectification application has been allowed by the Assessing Officer vide order dated 23rd July, 2020 and a refund of Rs.5,89,296/- has been determined. He further states that the issue is now pending before the Centralized Processing Center.

Though the learned counsel for the petitioner states that the demand under Section 143(1) of the Act, 1961 is still showing as outstanding on the Income Tax portal, yet this Court accepts the undertaking/statement made by the learned counsel for the respondents and holds the respondents bound by it.

We further direct the Assessing Officer i.e. respondent No.1 to pursue the matter with the Centralized Processing Center and ensure that the refund determined by him is credited to the petitioner's account within two weeks.

With the aforesaid directions, the present writ petition stands disposed of.

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

SEPTEMBER 03, 2020

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