IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4599-2021 (O&M)
Date of decision: 09.11.2021

M/s Sharmanji Yarns Pvt. Ltd. .... Petitioner

Versus

Additional Director General, Gurugram and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amar Pratap Singh, Advocate
for the petitioner.

Mr. Rajesh Sethi, Senior Standing Counsel with
Ms. Varinder Kaur Warraich, Junior Standing Counsel,
for respondents No.1 and 2.

Mr. Sanjay Bansal, Senior Advocate with
Mr. Amit Parsad, Ms. Astha Chetan and
Mr. Gurdeep Singh, Advocates
for respondents No.3 and 4.

(Through Video Conferencing)

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AJAY TEWARI, J (ORAL)

CM-12365-66-CWP-2021

Applications for placing on record letters dated 27.01.2021 and 05.02.2021 (Annexures R-7 and R-8) and for exemption from filing certified copies thereof, are allowed, subject to all just exceptions.

Letters dated 27.01.2021 and 05.02.2021 (Annexures R-7 and R-8) are taken on record.

CWP-4599-2021

By this writ petition, the petitioner has raised some claim regarding unblocking of input tax credit and refund of some money which has per him, was coercively got deposited. In connection to the first grievance, the petitioner has moved a representation dated 08.02.2021 (Annexure P-12) and with regard to the 2nd grievance, he has moved refund application dated 19.10.2020 (Annexure P-7).

We put it to the learned Senior counsel appearing for the respondents why these two applications should not be decided by the competent authority by passing a speaking order, he is not in a position to deny the logic of this argument.

Mr. Amar Pratap Singh, learned counsel for the petitioner states that he would also be satisfied if the competent authority decides these applications by providing the petitioner an opportunity of hearing within any reasonable time since these are hard earned money of the petitioner which have lying with the respondents without any justification.

In these circumstances, we dispose of this writ petition with a direction to respondent No.3 to decide the claim of unblocking of input tax credit within a period of three weeks from the date of certified copy of this order, in accordance with law, after giving the petitioner an opportunity for hearing and for this purpose, the petitioner is directed to appear before respondent No.3 on 15.11.2021 at 10.00 a.m. or on any other date when respondent No.3 may require his presence.

As regards the claim of refund, the petitioner is directed to appear before respondent No.4 on 15.11.2021 at 12.00 p.m. or on any other date when respondent No.1 may require.

Petition stands disposed off in above terms.

Since the main case is decided, pending applications, if any stands disposed off.

(AJAY TEWARI)
JUDGE

(PANKAJ JAIN)
JUDGE

09.11.2021
Dinesh

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No