

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8567 OF 2022

M/S SIDDHIVINAYAK INFRASTRUCTURE THROUGH ITS PARTNER
SHRI KOLTE
VERSUS
UNION OF INDIA THROUGH THE SECRETARY AND OTHERS

Mr.Alok Sharma, Advocate for the petitioner.
Mr.S.S.Deve, Standing Counsel for respondent Nos. 1, 3 and 4.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 22, 2022

PER COURT :

1. The petitioner prays that prayer clause 'B' and 'C' must be considered. Prayer clause 'B' and 'C' read as under :-

“B. That the Hon'ble Court may direct the respondent No.2 to reimburse the GST amount of Rs.26,36,541/-.

C. That in the alternate the Hon'ble Court may direct the respondent No.2, to take a decision on the recommendation made by respondent Nos.3 and 4.”

2. The learned Standing Counsel for the Union of India represents respondent Nos. 1, 3 and 4.

3. The learned Advocate for the petitioner points out that

respondent Nos. 3 and 4 have already forwarded a decision with regard to the reimbursement of the GST amount Rs.26,36,541/-. The said recommendation reads as under :-

“Passed for Rs.26,36,541/- (in words Twenty six thousand thirty six thousand, five hundred forty one only) and pay by cheque.”

Respondent Nos. 3 and 4 have signed below the above stated decision. It is for respondent No.2 to issue appropriate orders thereon.

4. The petitioner relies upon an order passed by this Court on 02.08.2022 in identical set of facts in WP No.8033/2022 filed by Rishu Kichu Industries Pvt.Ltd., Through its Director Dattarao Shankarrao Khalte Vs. Union of India, through its Secretary and others, wherein 90 days time has been granted, for making the payment.

5. In view of the above, this petition is disposed off. Since an innocuous prayer has been put forth, we have not issued notice to respondent No.2.

6. Considering the decision of respondent Nos. 3 and 4 reproduced above, we would expect respondent No.2 to take a decision within a period of 90 days without being influenced by any observations made in this order.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)