

PURTI
PRASAD
PARAB
Digitally
signed by
PURTI
PRASAD
PARAB
Date:
2022.02.17
12:58:59
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 251 OF 2021

Nilesh Modi

....Petitioner

V/s.

The Income Tax Officer,
Ward 16(3)(1) and Ors.

...Respondents

Mr. Nitesh Joshi i/b Mr. Bhairavnath N. Jadhav for Petitioner.

Mr. Suresh Kumar for Respondents.

Mr. Rajnish Kumar Sinha, Income Tax Officer, Ward 16(3)(1) Mumbai present.

**CORAM : K.R. SHRIRAM &
N. J. JAMADAR, JJ.
DATED : 15th FEBRUARY, 2022**

P.C. :

1. At the outset Mr. Suresh Kumar on instructions from Mr. Rajnish Kumar Sinha, Income Tax Officer, Ward 16(3)(1) Mumbai states that there is no dispute to the fact that refund amount as mentioned in the petition are due to petitioner and refund for three years have already been paid.

2. Mr. Suresh Kumar on instructions from Mr. Sinha gives an undertaking to this court on behalf of Mr. Sinha that the refund amount of Rs.13,240/- and Rs.110/- for A.Y. 2013-14 and 2020-21 together with interest, if any, under Section 244 of the Income Tax Act, 1961 (the Act) will be granted within such period as the court may direct. Mr. Suresh Kumar further undertakes on instructions and on behalf of Mr. Sinha that the

application of petitioner for rectification for A.Y. 2010-11 under Section 154 of the Act will also be disposed within such period as the court may direct.

3. We hereby direct that the refund shall be granted and rectification application shall be disposed on or before 5th March, 2022.

4. The undertaking as given above are accepted. The CPC shall issue a refund amount within one week of receiving necessary communication from Mr. Sinha.

5. Petition accordingly stands disposed with no order as to costs.

(N. J. JAMADAR, J.)

(K.R. SHRIRAM, J.)