

CWP-19344-2022(O&M)
Date of Decision:31.08.2022

M/s OPS Udyog

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.J.S.Bedi, Advocate for the petitioner.

Mr.Sourabh Goel, Senior Standing Counsel assisted by
Ms.Smridhi Jain and Mr. Tej Bahadur, Advocates
for the respondents.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus directing respondent No.4 to refund an amount of Rs. 18,25,000/- on the allegation and assertion that the same was recovered wrongfully and without any authority of law.

We have heard the counsel at length and have perused the pleadings on record.

It may be taken note that the petitioner-partnership concern had earlier approached this Court in terms of filing CWP No.14992 of 2021 wherein it had been alleged that there was an illegal extortion of Rs.18,25,000/-. As per respondents it was a voluntary deposit made by the petitioner at the time of search. The afore-noticed writ petition came to be disposed of by a Co-ordinate Bench of this Court in terms of order dated 09.08.2021 by issuing directions that application (Annexure P-11 appended along with that writ petition) would be treated as an application for refund and the competent authority would take a decision thereupon in accordance

with law.

Thereafter CM-3545-CWP-2022 came to be filed in CWP No. 14992 of 2021 seeking modification of the order dated 09.08.2021 to the extent that the application which was to be treated as a refund application and to be decided by the competent authority was actually Annexure P-8 and not Annexure P-11 appended along with CWP No.14992 of 2021. Such prayer for modification was allowed by this Court vide order dated 25.03.2022 at Annexure P-21.

The short grievance raised in the instant petition is that till date no final order upon Annexure P-11 and thereafter the same to be read as Annexure P-8 as per modification allowed by this Court, has been passed.

Since an advance copy of the petition already stood served upon the respondents, Mr. Sourabh Goel, learned Senior Standing Counsel has entered appearance on behalf of the respondents. He submits that the order dated 09.08.2021 passed by this Court while disposing of CWP No. 14992 of 2021 and which was thereafter modified vide order dated 25.03.2022 at Annexure P-21 would be duly complied with by treating the application submitted as a refund application on behalf of M/s OPS Udyog, G.T. Road, Batala and a final decision thereupon in accordance with law would be taken within a period of four weeks from today.

In the instant petition there is a second prayer for issuance of directions to the respondents/competent authority to process the pending refunds against the export sales.

Even with regard to such prayer, Mr.Goel makes a statement that the matter would be looked into and an earnest endeavor would be made

to expedite the processing of such refunds as per law.

Statement afore-noticed of Mr.Goel regarding both the prayers
is accepted.

Writ petition is disposed of

(TEJINDER SINGH DHINDSA)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

31.08.2022
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No