WPA 18299 OF 2021
+
CAN 1 of 2022

02.02.2023
Sl no. 134
Ct no. 2
P.M.

M/s. Biswas Enterprise.
- Vs -
Executive Engineer, PWD (Roads), West Bengal & Ors.

Mr. Arun Kumar Upadhyay,
Mr. Amal Kumar Datta,
Mr. Supriya Mahajan
... for the petitioner

Mr. S. N. Mookherjee, AG
Mr. Samrat Sen, AAAG
Mr. Nilotpal Chatterjee,
Mr. Amitava Mitra
... for the State.

Mr. Arnab Chakraborty,
Ms. Pragya Bhowmck,
Mr. S. Chakraborty
... for respondent No. 4.

Heard Mr. Upadhyay, learned advocate appearing for the petitioner and learned Advocate General representing the State.

The relief asked for in this writ petition by the petitioner is for refund of the GST paid erroneously, according to it and petitioner submits that the respondents concerned should be directed to refund the aforesaid GST amount to it with interest. He further submits that in this regard he has made a representation on 19th February, 2021 being annexure P/24 to the writ petition, before the respondents authority concerned but the same has not been considered till date.

Learned advocate appearing for the petitioner in support of his claim for refund relies on an order dated 20th September, 2019 being annexure P/22 to the writ petition, issued by the respondent Joint Secretary, PWD department.

Without going into the merits of the aforesaid representation I am inclined to direct the respondent No. 7 to consider and dispose of the aforesaid representation dated 19th February, 2021 in accordance with law and by passing a reasoned and speaking order and by taking into consideration the aforesaid order dated 20th September, 2019 passed by the Joint Secretary, PWD, after giving an opportunity of hearing to the petitioner or its authorized representatives, within a period of eight weeks from the date of communication of this order.

At the time of hearing before the authority concerned, on the said representation, petitioner shall be entitled to take all the points raised in this writ petition.

With this observation and direction this writ petition being WPA 18299 of 2021 along with CAN 1 of 2022 are disposed of.

(Md. Nizamuddin, J.)