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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1372 OF 2023

Cooper Corporation Private Limited ... Petitioner

Versus

Union of India & Ors. ... Respondents

Mr. J. D. Mistri, Senior Advocate a/w Mr. Jitendra Motwani, Ms Anshu Mehta i/b Economic Laws Practice, Advocates for the Petitioner.

Mr. Suresh Kumar, Advocate for the Respondents.

**CORAM : DHIRAJ SINGH THAKUR AND
KAMAL KHATA, JJ.**

DATE : 11th APRIL, 2023.

P.C:

. Learned Counsel for the Petitioner states that during the pendency of the present petition and pursuant to the order dated 07th February, 2023 passed by this Court, an amount of Rs.51,69,502/- has been refunded. It is stated that the interest element in terms of the statutes on the aforementioned amount has not been paid, which may also be considered by the Assessing Officer (A.O.)

2. Be that as it may, the petition is disposed of with a direction to

the A.O. to consider the payment of interest strictly in accordance with the provisions of the Income Tax Act, 1961 on the delayed payment of the refund amount. As per the letter dated 24th March, 2023 addressed to the Assistant/Deputy Commissioner of Income Tax, an amount of Rs.18,95,854/- is still outstanding, reflecting the interest element. It will be open to the A.O. to consider whether the amount so claimed on account of interest is correctly calculated or not in terms of the statutes. Let the needful be done within two months from today.

(KAMAL KHATA, J.)

(DHIRAJ SINGH THAKUR, J.)