14.03.2024
Sl no. 183
Ct no. 2
P.M.

WPA 4553 OF 2024

N G Brothers
- Vs -
The Assistant Commissioner of Income Tax, Circle 40 & Ors.

Mr. Avra Mazumdar,
Mr. Nilanjan Bhattacharya,
Mr. Suman Bhowmik,
Mr. Samrat Das.
Ms. Alisha Das
... for the petitioner
Ms. Smita Das De
... for the respondents

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by the inaction on the part of the respondent assessing officer concerned in refunding the amount of Rs. 43,10,157/- to the petitioner which is an excess of 20% of the deposit to be made by the petitioner for getting stay of the demand in case of filing any appeal against the assessment order and admittedly, the amount which is being denied to refund by the respondent Income Tax Authorities are more than the 20% as per the relevant circular of the CBDT. This fact of excess payment of Rs. 43,10,157/- over 20% of the demand which has been made by the assessee petitioner and petitioner is entitled to refund for the same has been admitted by the Income Tax Authority themselves by their order dated November 10, 2022 and March 08, 2023 by the CPC Bangalore.

Considering the facts and circumstances of the case as appears from the record and submissions of the parties, this writ petition being WPA 4553 of 2024 is disposed of by directing the respondent Income Tax Authority concerned to refund the amount of Rs. 43,10,157/- to the petitioner within two weeks from the date of communication of this order.

Ms. Das De, learned advocate for the respondents on instruction submits that the department has already taken steps for speedy disposal of the appeal in question.

Written instruction filed by Ms Das De be kept with the record.

(Md. Nizamuddin, J.)