30.04.2024
Item No.10
gd/ssd

MAT/1227/2023
IA NO: CAN/1/2023

M/S. APL METALS LIMITED
VS
JOINT COMMISSIONER OF STATE TAX AND ORS.

Mr. Vinay Shroff,
Ms. Priya Sarah Paul
..for the Appellant.

Md. T.M. Siddiqui,
Mr. T. Chakraborty,
Ms. S. Sanyal
..for the State.

1. The appellant is aggrieved by the dismissal of the writ petition in WPA 12050 of 2023 by order dated 22.06.2023.

2. Though submissions were made on merits on the earlier occasion, as of now the entire issue has become academic since the blocking of the Electronic Credit Ledger by order dated 12th December, 2022 has lost its efficacy due to passage of time, namely, the expiry of one year.

3. Therefore, the order has to be set aside.

4. Accordingly, the order passed by the Joint Commissioner of State Tax dated 12th December, 2022 is set aside and the respondents are directed to lift the

blocking of the Electronic Credit Ledger of the appellant within a week from date.

5. The learned advocate for the appellant submitted that initially in the Electronic Credit Ledger there was a negative balance of Rs.1,56,97,072/- and subsequently for the tax period November, 2022 ITC was approved and the available credit balance was Rs.83750525/- out of which the appellant alleges that the negative balance of Rs.1,56,97,072/- has been adjusted leaving a credit balance of Rs.68053453/-.

6. Therefore, the appellant would pray that the sum which was adjusted, namely, Rs.1,56,97,072/- should be refunded and recredited to the Electronic Credit Ledger of the appellant.

7. Mr. Siddiqui, learned senior Government counsel appearing for the respondent State submitted that no recovery was made but there was only a blocking of the Electronic Credit Ledger.

8. This aspect having disputed, the appropriate authority of the respondent department is directed to pass orders on the plea raised by the appellant that a sum of Rs.1,56,97,072/- which is being claimed for refund is admissible or not.

9. In this regard, a speaking order be passed by the appropriate authority of the respondent department within 15 days from date leaving it open to

the appellant to work out its remedies in the manner known to law if it is aggrieved by such order.

10. In the light of the above, the appeal is disposed of..

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)