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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 1928/2024

MOL CORPORATION ..... Petitioner

Through: Mr. Nageswar Rao, Mr. Parth & Mr. Aman Rewaria, Advs.

versus

ASSISTANT COMMISSIONER OF INCOME TAX & ORS. ..... Respondents

Through: Mr. Sanjay Kumar, Ms. Easha & Ms. Hemlata Rawat, Advs. Mr. Asheesh Jain, CGSC with Mr. Gaurav Kumar & Ms. Ria Khanna, Advs. For R-5.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

<u>O R D E R</u>

% **29.02.2024**

1. Pursuant to the last order, Mr. Kumar has apprised us that a sum of INR 517,62,51,652/- has been duly refunded and credited in the account of the writ petitioner.

2. Mr. Rao, learned counsel for the petitioner, however, draws our attention to the following computation on the basis of which it is contended that the respondents have failed to provide interest as statutory payable in terms of Section 244A(1) of the Income Tax Act, 1961 ["**Act**"] as well as Section 244A(1A) of the Act:-

S. No.	Particulars	Amount (in INR)
1	Short grant of Interest under section 244(1)(b) of the Income Tax Act, 1961 (3,68,12,18,255 x 0.5% x 4 Months from November 2023 to February 2024)	7,36,24,365
2	Non-grant of Additional interest under sectuib 244A(1A) of the Income Tax Act, 1961 (3,68,12,18,255 x 3/12% x 15 Months	13,80,45,685

	from December 2022 to February 2024)	
	(Please note that ITAT Order dt. 05.07.2022 was received by CIT in August 2022 as per admitted fact in ITA No. 96/2023 filed by Department before this Hon'ble Court	
	Total Amount	**21,16,70,050**

3. According to learned counsel, the quantification of refund has been made solely on the basis of the order dated 31 October 2023 and which existed even on the first day when the writ petition was instituted. It is the contention of the learned counsel that all that the respondents have done is to release monies in terms thereof without taking into consideration the claim of the petitioner for additional interest payable.

4. In our considered opinion, since the issue of interest would clearly warrant the facts being duly examined and evaluated as well as computational exercise undertaken, we leave it open to the petitioner to move an appropriate application before the Assessing Officer within a period of two weeks from today. The said application may be duly considered and disposed of in accordance with law with due expedition.

5. The writ petition shall stand disposed of on the above terms.

YASHWANT VARMA, J

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 29, 2024/*neha*