IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/715/2025

PHILIPS INDIA LTD.
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE OM NARAYAN RAI
Date : 23rd December, 2025.

Appearance:
*Mr. Niraj Seth, Adv.*
*Mr. A. K. Dey, Adv.*
*…for the petitioner.*

*Mr. Aryak Dutt, Adv.*
*Mr. Saumen Bhattacherjee, Adv.*
*Mr. Ankan Das, Adv.*
*...for the income tax authority*

The Court: Affidavit of service filed today is kept on record.

The petitioner seeks issuance of a writ of mandamus commanding the respondent authorities to immediately process refund of Rs.125,87,16,536/- in terms of order dated October 17, 2024 passed under Section 254 read with Section 143(3) of the Income Tax Act, 1961.

It is submitted by the learned Advocate appearing for the petitioner that the aforesaid amount which was refundable to the petitioner in terms of the order dated October 17, 2024 in respect of Assessment Year 2004-05 was sought to be adjusted by the respondent/revenue authorities against demands pertaining to Assessment Years 2021-22.

The petitioner submits that such adjustment could not have been made.

Mr. Dutt, learned Advocate appearing for the respondent/revenue authorities hands up to Court a copy of an order dated November 25, 2025 passed under Section 254 of the said Act of 1961 to give effect to an order dated August 26, 2025 passed by the Appellate Tribunal in ITA No.2610/Kol/2024, which reveals that an amount of Rs.123,37,46,653/- is the “Balance Refundable” to the petitioner.

It is submitted by the learned Advocate appearing for the petitioner that by the order dated August 26, 2025 which is sought to be given effect to, the demand raised against the petitioner for the Assessment Year 2021-22 has been done away with.

It is further submitted by him that subsequent to the passing of the said order dated November 25, 2025 under Section 254 of the said Act of 1961, the petitioner has received another intimation dated December 18, 2025 from the Income Tax Authorities which shows outstanding demand in respect of Assessment Year 2007-08 but at the same time, the same has been stated to be “not collectable” by the Assessing Officer. It is submitted that in such view of the matter, the petitioner is entitled to the said sum of Rs.123,37,46,653/- in terms of the order dated November 25, 2025.

Having heard the learned Advocates for the respective parties and having considered the material on record, this Court is of the view that since an order under Section 254 read with Section 143(3) has been passed by the revenue authorities on November 25, 2025, therefore, the amount indicated in the said order as refundable to the petitioner should be refunded to the petitioner unless the authorities can justifiably withhold the same against any justified outstanding demand of the authorities, in accordance with law.

It is, therefore, directed that if the amount mentioned in the order dated November 25, 2025 is not legally and validly adjustable against any outstanding demand, the same should be refunded to the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

WPO/715/2025 stands disposed of with the above observations.

(OM NARAYAN RAI, J.)

S. A.
AR (CR)