



Darshan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 4959 OF 2024

GE Power India Limited

...Petitioner

Versus

Assistant Commissioner of
Income-tax Circle 14(1)(2),
Mumbai and Ors.

...Respondents

Mr Harsh R Kothari, for the Petitioner.

Mr Akshileshwar Sharma, for the Respondent.

CORAM: M.S. Sonak &
Jitendra Jain, JJ.

DATED: 25 February 2025

PC:-

1. Heard learned counsel for the parties.
2. This Petition seeks the following reliefs:-

“a. that this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus, under Article 226 of the Constitution of India, ordering and directing the Respondents to issue balance refund of Rs.18,84,71,653/- along with interest under section 244A(1) and 244A(1A) of the Act computed till date of actual payment to be released to the Petitioner forthwith;

b. that this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus, under Article 226 of the Constitution of India, ordering and directing Respondent No.1 to decide the Petitioner’s Stay Application dated 25th August 2023 expeditiously;”

3. Mr Harsh Kothari learned counsel for the Petitioner submits that the relief in terms of prayer clause (a) is worked out after certain reliefs were granted to the Petitioner and adjusted against tax dues for Assessment Year 2017-2018. However, he submits that there is no clarity on whether the Petitioner's stay application dated 25 August 2023 is disposed of. He submits that if such a stay application is not disposed of, directions may be issued for expeditious disposal.

4. Accordingly, we direct the first Respondent to dispose of the Petitioner's stay application dated 25 August 2023, if not already disposed of, expeditiously and in any event on or before 31 March 2025.

5. This Petition is disposed of in the above terms.

(Jitendra Jain, J)

(M.S. Sonak, J)