

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2053 OF 2025

Reliance Infrastructure Ltd ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

Mr. Prakash Shah, Senior Advocate, with Mr. Jas Sanghavi & Mr. Mohit Raval, i/b, PDS Legal, for the Petitioner.

Mr. Himanshu Takke, AGP, for the Respondent.

CORAM M.S. Sonak &
Advait M. Sethna, JJ.
DATED: 02 December 2025

ORAL ORDER:- (Per M. S. Sonak, J)

1. Heard Mr. Shah, learned Senior Advocate who appears along with Mr. Sanghavi and Mr. Raval for the Petitioner and Mr. Takke, the learned AGP for the Respondent-State.

2. Rule. The Rule is made returnable immediately at the request of and with the consent of the learned Counsel for the parties.

3. The Petitioner seeks a writ of mandamus on the Respondents to forthwith pay the refund of Rs. 5,79,08,490/- determined by the Jt. Commissioner (A) vide its Appellate Orders dated 26 December 2024 for FY 2013-14 (Exhibit "A") and FY 2014-15 (Exhibit "B") along with interest @ 18% p.a. till the date of payment of the refund amount.

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4. The record shows that in terms of the appellate order dated 26 December 2024, the Appellate Authority has directed the Respondents to refund to the Petitioner the above referred amount of Rs. 5,79,08,490/-. Till date, despite demand letters the amount is not being refunded.

5. Mr. Shah refers to letters of demand dated 18 January 2025 and 24 April 2025. He points out that despite the receipts of these letters, neither are they responded to nor is the refund granted.

6. Mr. Takke the learned Assistant Government Pleader states that there was some technical glitch in granting the refund and officer concerned is working upon resolving the said glitch. He however admitted that till date the appellate orders granting refund have not been challenged or stayed by the authority or the Court of law.

7. Based upon “some technical glitch” the implementation of the appellate orders for refund cannot be delayed. The orders were made on 26 December 2024 and, almost a year has passed.

8. Accordingly, we allow this Petition and direct the Respondents to refund the amount of Rs. 5,79,08,490/- to the Petitioner within six weeks of the uploading of this order. Respondents shall also pay interest at the rate of 6% per annum on the above amount from 26 December 2024 till the date of actual payment.

9. The Rule is made absolute in the above terms without any order for costs.

10. All concerned to act on an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J)