$~66

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

\+ W.P.(C) 10675/2025 CM APPL. 44146/2025

BHAGWATI AIR EXPRESS PVT LTD .....Petitioner

Through: Mr. Sandeep Bajaj, Adv.

versus

DEPUTY COMMISSIONER OF INCOME TAX CIRCLE 4(2) & ANR. .....Respondent

Through: Mr. Sanjay Kumar SSC with Ms. Monica Benjamin, JSC, Ms. Easha, JSC, Advs.
Mr. Tanveer Ahmed Ansari, Senior Panel Counsel for R-2/UOI.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% **24.07.2025**

1. This petition has been filed with the following prayers:

> *"a. Pass an appropriate Writ, Order or Direction, directing the Respondent No. 1 to immediately pay a sum of Rs. 35,01,762/- (Rupees Thirty-Five Lakhs One Thousand Seven Hundred and Sixty-Two Only) being interest accrued from the period spanning from 30.03.2021 to 12.09.2022, in accordance with the provisions of the Income Tax Act, 1961; and*
> *b. Pass an appropriate Writ, Order or Direction, directing the Respondent No. 1 to strictly abide by the provisions of the Act and in terms of the decisions of this Hon'ble Court in similar cases; and/or*
> *c. Any other relief(s) which this Hon'ble Court may deem it in the favour of the Petitioners and against the Respondents"*

2. The case of the petitioner as contended by the counsel is that the respondent no. 1 while remitting the refund granted to the petitioner under Section 143(1) of the Act for assessment year 2020-21 has failed to compute and pay applicable interest till the date of actual payment of refund and

merely computed and paid the interest from 01.04.2020 to 30.03.2021 which is the date of the order passed under Section 143(1) of the Act.

3. In other words, the respondent no. 01 has withheld interest amount of Rs. 35,01,762/- (Rupees Thirty-Five Lakhs One Thousand Seven Hundred and Sixty-Two Only) which is payable for the duration from the date of refund order that is 30.3.2021 till the date of actual payment that is 12.09.2022.

4. He also highlights the fact that the refund order dated 30.03.2021 was amended by way of an order dated 28.09.2021 under Section 154 of the Act and in terms thereof, the petitioner has paid taxes to the tune of Rs.4,06,60,351/- (Rupees Four Crores Six Lakhs Sixty Thousand Three Hundred and Fifty-One Only) which was more than the total tax liability and as such was entitled to Rs.4,12,64,138/- (Rupees Four Crores Twelve Lakhs Sixty-Four Thousand One Hundred and Thirty-Eight Only)after adjustment made against the demand of previous assessment years.

5. However, the interest component to the tune of Rs.23,50,239/- (Rupees Twenty-Three Lakhs Fifty Thousand Two Hundred and Thirty-Nine Only) was only computed till 30.03.2021 and the sum of Rs.4,12,58,708/- (Rupees Four Crores Twelve Lakhs Fifty-Eight Thousand Seven Hundred and Eight Only) was refunded on 12.09.2022, after a passage of 18 months and no interest for the said period has been granted by the respondent no. 01.

6. We note the prayer as made in the writ petition is primarily for a direction to the respondent no. 01 to pay a sum of Rs. 35,01,762/- (Rupees Thirty-Five Lakhs One Thousand Seven Hundred and Sixty-Two Only).

7. The learned counsel has drawn our attention to Page 49 which is

Annexure-P-6 of the paperbook to contend that a representation dated 09.01.2023 has been made by the Chartered Accountant of the petitioner with a prayer to issue balance interest for the remaining period that is from 31.03.2021 to 12.09.2022. He also states that the said representation has not been decided till date.

8. Mr. Sanjay Kumar, learned counsel for the revenue has drawn our attention to Section 244(A)(2) to contend that the payment of interest shall depend upon the delay if any caused attributable to the assessee, then the said period shall be excluded. He says that the authority concerned has to decide before deciding the payment of interest, as to who was responsible for the delay.

9. Mr. Kumar states appropriate be that a direction is given to the respondents to decide the representation as submitted by the petitioner at Annexure P6 within a time bound manner.

10. If that be so, without adverting to the merits of the contentions as advanced by the learned counsel for the petitioner, we direct the respondents to decide the Annexure-P-6 dated 09.01.2023 within a period of 10 (ten) weeks from today as an outer limit and communicate the decision thereof to the petitioner.

11. With the above, the petition along with pending application is disposed of.

V. KAMESWAR RAO, J

VINOD KUMAR, J

JULY 24, 2025

tg