(2004) 01 JH CK 0067

In the Jharkhand High Court

Case No : Writ Petition (T) No. 5006 of 2003

I.T.W. Signode India Ltd. (I) — APPELLANT

Vs

State of Jharkhand and Others — RESPONDENT

Date of Decision : 14-01-2004

Acts Referred:
Bihar Finance Act, 1981 — Section 43

Citation : (2004) 2 JCR 213 : (2007) 8 VST 182

Hon'ble Judges : P.K. Balasubramanyan, C.J;Tapen Sen, J

Bench : Division Bench

Advocate : M.S. Mittal, for the Appellant; K.K. Jhunjhunwala and Pradip Modi, G.P. I, for the Respondent

Judgement

P.K. Balasubramanyan, C.J. and Tapen Sen, J.—Heard both sides.

2. This is an application for refund of the tax paid under the Bihar Finance Act by the petitioner in excess of its liability to tax under the Act for the assessment year 1998-99. According to the petitioner, a sum of Rs. 12,96,210 is due by way of refund. According to the department, on verification of the records as of now, it was found that the petitioner was entitled to a refund of Rs. 2,68,676 and the same was refunded to it as per the refund voucher dated 03.01.2003. It is further stated in paragraph 7 of the supplementary counter-affidavit that by letter dated 03.01.2004, the department has requested the Treasury Officer, Jamshedpur to verify the rest of the amounts claimed by the petitioner. What is found due on further verification, would be paid to the petitioner as soon as certified by the Treasury Officer. In other words it is spelt out that a further verification is being made with the help of the Treasury Officer, Jamshedpur and after that verification any further amount found payable, will be refunded.

3. It appears to us that the respondents cannot take their own time for making a refund. Refund must be made within a reasonable time. The statute has considered six months from the date of application as reasonable and has provided that interest should be paid after the expiry of six months. This scheme

of the Act cannot be defeated by the respondent by a lethargic approach. On receipt of an application for refund, it is their duty to look into the relevant documents in time and to make the refund in time and with interest, if necessary as envisaged by the statute, if they are not able to complete the process within the stipulated time,

4. We, therefore, direct the respondents to verify as undertaken by them in paragraph 7 of the supplementary counter-affidavit, the details of payment which have been made and, refund what is found further payable, expeditiously. This exercise would be completed by the respondents within six weeks of the receipt of a copy of this order. Obviously, whatever interest is payable u/s 43 of the Bihar Finance Act will also have to be paid to the petitioner.

5. The writ petition is disposed off with the above directions.

