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**(2021) 10 DEL CK 0252**

**In the Delhi High Court**

**Case No : Civil Writ Petition No. 8744 Of 2020**

Ram Communication

APPELLANT

Vs

Commissioner, State Goods And Services Tax & Anr.

RESPONDENT

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**Date of Decision : 01-10-2021**

**Acts Referred:**

Delhi Value Added Tax Act, 2004 — Section 42

**Citation : (2021) 10 DEL CK 0252**

**Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jyoti Singh, J**

**Bench : Division Bench**

**Advocate : Ruchir Bhatia, Prateek K. Chadha, Yash Sinha**

**Final Decision : Disposed Of**

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## **Judgement**

D.N. Patel, CJ

Proceedings have been conducted through video conferencing.

1. Present writ petition has been preferred seeking the following reliefs:

"i) Issue a writ of mandamus or any other writ, order or direction in the nature thereof directing the respondents to refund the amount of Rs.32,17,668/-along with interest thereon to the petitioner;

ii) award costs of this petition; and/or;

iii) pass such other order or orders as may be deemed fit and appropriate under the facts and circumstances of the case."

2. We have heard learned counsels appearing on behalf of the parties and looked into the facts and circumstances of the case. Petitioner herein seeks a direction to the Respondents to refund an amount of Rs.32,17,668/-along with interest under the Delhi Value Added Tax Act, 2004.

3. Learned counsel appearing on behalf of the Respondents submits that the refund claim of the Petitioner has been scrutinised by the concerned Respondents

and a refund of Rs.29,03,203/- has been granted to the Petitioner on 26.11.2020. Insofar as the remaining amount of Rs. 3,14,465/-is concerned, the same has been adjusted/set off towards the dues outstanding from the Petitioner. Insofar as the interest component is concerned, which the Petitioner is claiming under Section 42 of the Delhi Value Added Tax Act, 2004, it is a matter of dispute and, therefore, the interest has not been paid.

4. Learned counsel for the Petitioner, on the other hand, submits that suffice would it be for the disposal of the present petition if the Respondents are directed to examine the issue of interest, as claimed by the Petitioner and in case interest is payable, the same be released. However, in case the Respondents decline to grant interest, a speaking order be passed disclosing the reasons for rejection of the claim for interest, in order to enable the Petitioner to challenge the same before the appropriate Forum/Authority.

5. Responding to the said submission, learned counsel appearing on behalf of the Respondents submits that the Petitioner is not entitled to interest, however, Respondents have no objection in examining the issue. Counsel also submits that in case the Respondents come to a conclusion that the Petitioner is not entitled to the interest component, a speaking order shall be passed.

6. Having heard the learned counsels for the parties, we direct the Respondents to examine/re-examine the entitlement of the Petitioner to the interest component on its claim for refund. In case the Petitioner is found entitled to the interest, the amount shall be released to the Petitioner. In case the Respondents come to a conclusion that the interest component is not payable to the Petitioner, they shall pass a speaking order, detailing the reasons for rejection of the claim. The order shall be passed within a period of four weeks from the receipt of the copy of this order.

7. Needless to state that a copy of the speaking order, so passed, shall be furnished to the Petitioner who will be at liberty to challenge the same before the appropriate Authority/Forum, in accordance with law.

8. With these observations, writ petition is hereby disposed of.