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

+ W.P. (C) 4681/2020

HYOSUNG CORPORATION

..... Petitioner

Through: Mr.Kamal Sawhney with Mr.Vipin
Upadhyay, Mr.Arun Bhadauria and
Mr.Prashant Meharchandani,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ravi Prakash CGSC with
Mr. Farman Ali & Mr. Mohammad
Shahan Ulla, Advocates for UOI.
Mr. Deepak Anand Advocate with
the Assessing Officer for
respondents No.2 and 3.

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Date of Decision: 06th October, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. In pursuance to the last order, the Assessing Officer/Assistant Commissioner of Income-Tax is personally present by way of online video link. He has placed on record the refund order dated 10th September, 2020.

The said order reads as under:-

“Sub: Request for online approval of refund in the case of M/s Hyosung Corporation (PAN AACCH1033M) for AY 2017-18, refund amount of Rs.3,93,62,457/- (3,64,85,909/- + Intt u/s 244A 28,76,548/-) – reg.

Kindly refer to the above.

In this case, while passing assessment order u/s 144C/143(3) of the IT Act dated 24.06.2019 a refund amount of Rs.3,93,62,457/- (3,64,85,909/- + Intt u/s 244A 28,76,548/-) has been determined after allowing TDS credit of Rs.9,20,24,145/-. Further it is submitted that the assessee has also filed writ application before Hon’ble High Court of Delhi for the year under consideration.

Keeping in view the above facts, the refund of approval request in the instant case is submitted for your kind perusal and approval of refund as per details mentioned as under:-

<i>Name of Assessee</i>	<i>A.Y.</i>	<i>Basic Refund</i>	<i>Intt u/s 244A</i>	<i>Gross Amount</i>
<i>M/s Hyosung Corp. (AACCH1033M)</i>	<i>2017-18</i>	<i>3,64,85,909/-</i>	<i>28,76,548/-</i>	<i>3,93,62,457/-</i>

3. However, learned counsel for the petitioner states that he has not been paid interest on the refund amount till date.
4. Learned counsel for the respondents states that the petitioner has filed a rectification application in which a prayer for up-to-date interest has also been made. He assures and undertakes to this Court that the petitioner’s rectification application shall be decided within two weeks and up-to-date interest, in accordance with law, shall be paid to the petitioner.
5. The statement/undertaking given by learned counsel for the respondents, on instructions of the Assessing Officer, is accepted by this Court and the respondents are held bound by the same.

6. Recording the aforesaid undertaking, the present writ petition stands disposed of.
7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

SANJEEV NARULA, J

**OCTOBER 06, 2020
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