

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (T) No. 2539 of 2025

M/s. Ram Kripal Singh Construction Pvt. Limited, having its Head Officer at 702, 7th Floor, Panchwati Plaza, Kutchery Road, Ranchi, P.O.-G.P.O., P.S.-Kotwali, District-Ranchi, through its Authorized Signatory, Raj Gupta, S/o Late Ganesh Prasad Gupta, R/o Gupta Niwas, Road No. 05, near Devi Mandap, New Madhukam, Shakti Nagar, Hehal, P.O.-Hehal, P.S.-Sukhdeonagar, District-Ranchi

..... Petitioner

Versus

1. The State of Jharkhand, through Secretary, Commercial Taxes Department (now State Tax Department), Jharkhand, Ranchi
2. The Commissioner, Commercial Taxes Department (now Commissioner of State Tax Department), Jharkhand, Ranchi
3. Additional Commissioner, State Tax (Administration), Ranchi Division, Ranchi
4. Deputy Commissioner, Commercial Taxes (now Joint Commissioner of State Tax), West Circle Ranchi

..... Respondents

CORAM**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner:	Mr. Sumeet Gadodia, Advocate Mr. Ranjeet Kushwaha, Advocate Ms. Sanya Kumari, Advocate Ms. Nidhi Lall, Advocate
For the Respondents:	Mr. A.K. Yadav, Sr. S.C.-I

03/20.04.2026

1. Heard learned counsel for the parties.
2. At the request of and with the consent of learned counsel for the parties, this writ petition is heard for final disposal.
3. The petitioner, by instituting this writ petition, seeks following reliefs:

“(i) An appropriate writ/order/direction, including Writ of Mandamus, be not issued directing Respondents to immediately and forthwith process the application of refund filed by petitioner dated 27.05.2017 (Annexure-2) pertaining to assessment order 2013-14 and, consequentially, refund the amount of Rs.1,41,73,237/- to petitioner being the admitted of excess tax paid by the petitioner.

(ii) Further appropriate writ/order/direction, including Writ of Mandamus, be not issued directing Respondent-authorities to pay interest upon the refund amount in terms

of statutory provisions of Section 55 of the Jharkhand Value Added Tax Act, 2005 (hereinafter referred to as 'JVAT Act, 2005' for short) which is due and payable to petitioner after expiry of 60 days from the date of application for refund up to the date of actual refund.

(iii) Further appropriate writ/order/direction, including Writ of Declaration, be not issued declaring *inter alia*, that action of Respondent-authorities in withholding due and admitted amount amounting to Rs.1,41,73,237/- for the assessment year 2013-14 is violative of Articles 14, 19(1)(g) and 265 of the Constitution of India."

4. By way of filing counter affidavit, the primary defence was taken that an SLP had been filed before the Hon'ble Supreme Court to challenge this Court's order dated 15.01.2024 passed in W.P. (T) No. 3246 of 2020 and awaiting the outcome of this SLP, no refunds were made.
5. Mr. Sumeet Gadodia, learned counsel for the petitioner, points out that on 01.08.2025, even the SLP filed by the Revenue Department has been dismissed. He submits that still the refunds are not being made.
6. Learned counsel for the Revenue Department now submits that the refunds are being processed and the same would be made. He however submits that since the amount is large, the involvement of Additional Commissioner, Commercial Taxes Department, is necessary. He submits that the Additional Commissioner's post is vacant and the Secretary of the said department has been deputed as an observer for election duty in West Bengal. He therefore submits that the refunds cannot presently be made.
7. The above reasons for denying or delaying the refunds are neither legal nor satisfactory. Based on the above reasons, learned counsel for the Revenue Department is unable to state the precise timeline

for the refunds. Therefore, we are constrained to pass this order fixing the timeline for the refunds to be made.

8. The facts of this case are quite gross, and therefore, we are surprised by the attitude of the Revenue Department in delaying the refunds on a specious plea that the post is vacant or one of the officials has been deputed on election duty. On this ground, the functioning of the department cannot be stopped. In any event, these are not reasons to delay the refunds, because delayed refunds invariably accrue interest, which is again paid only from the taxpayers' money.
9. The officials, who are only the trustees, cannot delay such matters on the grounds now raised, simply because there is no mechanism to make them pay for the delay or to note such instances when assessing their performance in service. As a routine, such reasons or some equally frivolous reasons are cited to deny or delay refunds.
10. Surely, if one of the posts is vacant or one of the officials is sent on deputation for election duty, there would be others holding the charge. The business of the Revenue Department cannot come to a grinding halt for the reasons now cited. This is more so considering the gross facts of the present case.
11. In this case, vide our order dated 04.01.2017, a refund of Rs. 1,41,73,237/- was granted to the petitioner. The petitioner, on 27.05.2017, applied for a refund of this amount. For almost 13 months, no action was taken on this application.
12. On 29.06.2017, the process for refund was initiated. On 07.12.2018, the refund application was forwarded to the next higher officer for the refund of excess tax.

13. At this stage, on 13.03.2019, *suo-moto* revision proceedings were initiated against the original assessment order by which the refund was granted to the petitioner. On 25.04.2019, this revision was disposed of, and the matter was remanded to respondent No. 4 to pass a fresh assessment order.
14. The petitioner then instituted Revision Case No. RN30 of 2019 before the Commercial Taxes Tribunal to set aside the order dated 25.04.2019. The Tribunal, vide its order dated 28.02.2020, set aside the order dated 25.04.2019, thereby reviving the original order granting the refund to the petitioner.
15. The Revenue Department then filed W.P. (T) No. 3246 of 2020 before this Court to set aside the Tribunal's order dated 28.02.2020. Vide order dated 15.01.2024, this Court dismissed W.P. (T) No. 3246 of 2020 filed by the Revenue Department. At least at this stage, the Revenue Department should have refunded the amount to the petitioner.
16. However, the petitioner was once again forced to approach the authorities for a refund along with interest. This the petitioner did vide representation dated 25.04.2024. Since there was no response, the petitioner again filed representations dated 03.06.2024, 18.11.2024 & 05.02.2025. Despite all these reminders, the refund was not granted, and the petitioner was forced to institute the present writ petition. Significantly, at that stage, the excuses now being given were unavailable.
17. As noted earlier, the only defence raised in this writ petition is that Special Leave Petition (Civil) Diary No(s). 61037 of 2024 was filed before the Hon'ble Supreme Court to challenge this Court's order dated 15.01.2024. Now, it is admitted that vide order dated 01.08.2025, this SLP has been dismissed.

18. At least after the SLP was dismissed, the Revenue Department should have immediately refunded the amount to the petitioner. Now, a specious plea is raised about the non-filling of the vacancy of the concerned official and the deputation of the Secretary of the said department on election duty. Both these defences are frivolous and therefore rejected.
19. Section 52 of the JVAT Act, 2005 deals with the issue of refund and Section 55 deals with the provision for payment of interest on delayed refund. Both these provisions are transcribed below for convenience of reference:

"Section 52– Refund:- (1) Subject to other provisions of this Act and the Rules made thereunder, the prescribed authority shall, refund to a dealer the amount of tax, penalty and interest, if any paid by such dealer in excess of the amount due from him.

(2) Where any refund is due to any dealer according to return furnished by him for any period, such refund may provisionally be adjusted by him against the tax due or tax payable as per the returns filed under Section 29 for any subsequent period in the year:

Provided that, the amount of tax or penalty, interest or sum forfeited or all of them due from, and payable by the dealer on the date of such adjustment shall first be deducted from such refund before adjustment.

Section 55– Interest:- (1) A registered dealer entitled to refund in pursuance of any order under this Act (including assessment under Section 35, Section 36 or Section 37) or in pursuance of any order by any Court, shall be entitled to receive, in addition to the refund, simple interest at the rate of six percent per annum for the period commencing after ninety days of the application claiming refund in pursuance to such order till the date on which the refund is granted."

20. Considering the above provisions and the gross facts of this case, we direct the Commissioner, Commercial Taxes Department, Government of Jharkhand, Ranchi, to ensure that the petitioner is refunded the amount of Rs. 1,41,73,237/- with interest @ 6% per annum commencing after 90 days of the petitioner's first

application claiming refund in pursuance of the order dated 04.01.2017. This amount must be computed and actually refunded to the petitioner on or before 05.05.2026 without giving any excuses.

21. If the aforesaid amount is not refunded by this date, the interest for the further period shall have to be paid personally by the Commissioner, Commercial Taxes Department, Government of Jharkhand, Ranchi, and such amount should then be deducted from his/her salary.
22. Besides, this is a fit case in which this order should be brought to the notice of the Principal Accountant General and the Chief Secretary, State of Jharkhand, so that steps can be taken to ensure that such instances do not recur.
23. The present writ petition is accordingly disposed of in the above terms.
24. However, we direct the Registry to place the matter on 07.05.2026 'High on Board' to enable the Commissioner, Commercial Taxes Department, Government of Jharkhand, Ranchi, to file a compliance affidavit.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

20.04.2026
Satish/Vikas/