

GIB/DL/TMA INTERNATIONAL /26.03.2021/HC-168

High Court Category : REFUND

State : Delhi

Order No.: GIB/DL/TMA INTERNATIONAL /26.03.2021/HC-168

Name of Entry :

TMA INTERNATIONAL PVT. LTD. & ORS.

Date : 26-03-2021

Breif Issue :

FACTS AND ISSUE OF THE CASE:

Whether the Petitioners should be granted refund of IGST along with the interest on account of delayed remittance of refund.

In this case the reason for filing petition by **Petitioners** is the denial of IGST refund by the Revenue Authorities (**the Respondent**) in accordance with Section 16(3) of the (**IGST Act**), Petitioners had availed the option to take drawback at higher rate in place of IGST refund.

On November 26, 2019, a detailed order was passed by the Hon'ble Delhi High Court, wherein it agreed with the contention of the Petitioners and observed that such an error is purely inadvertent and not intentional and therefore, should not come in the way of claiming refund of IGST. Accordingly, directed the Respondent to verify as to whether duty drawback/CENVAT credit had been availed by the Petitioners, with regard to Central Excise and Service Tax component.

Decision of Advance Ruling Authority :

DECISION:

While granting refund to the petitioners, the petitioners will be granted interest at the rate of 7% simple, from the date, when the shipping bills were filed by them, till the date of actual refund, which, in this case, ought not to go beyond 26.04.2021.

The respondents are directed to immediately sanction the refund of the IGST paid in regard to the goods exported, i.e. 'zero rated supplies', with 7% simple interest from the date of shipping bills till the date of actual refund. In the result, **this writ-application succeeds and is hereby allowed.**