

## **HC directed dept. to refund amount since tax & penalty during detention could not be collected twice**

GST : Since tax penalty and fine quantified in GST for release of vehicle detained, could not be collected twice over, revenue was required to refund same, thus petitioner was required to file refund application and revenue was directed to process said application within four weeks

Refund - Detention of vehicle and goods - Tax penalty and fine paid twice - Petitioner, being a transporter, was engaged to transport dried arecanuts from Karnataka to New Delhi in a truck - Petitioner's vehicle was intercepted and driver produced necessary papers but failed to produce E-way bill - Tax, penalty and fine, as quantified by revenue, had been paid twice over, one by petitioner and second by supplier (Rohit Company) - HELD : There was merit in contention that petitioner would be entitled for refund since petitioner was not supplier of goods but was engaged in transporting same - Since tax penalty and fine quantified in GST, could not be collected twice over, revenue was required to refund same - There was no option available in portal for petitioner to apply for a refund online - Writ petition was to be disposed of directing petitioner to make an application for refund manually to revenue and revenue was to be directed to process same [Sections 54 and 129 of Central Goods and Services Tax Act, 2017/Delhi Goods and Services Tax Act, 2017] [Paras 4 to 8] [In favour of assessee]

*Click below link for the judgment:*

<https://www.taxmann.com/research/gst-new/top-story/101010000000343602/hc-directed-dept-to-refund-amount-since-tax-penalty-during-detention-could-not-be-collected-twice-caselaws>

*(Source: Taxmann.com)*