

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.1782 of 2014 (O&M)
DATE OF DECISION: 06.01.2015

M/s Dwarkadhis Buildwell Pvt. Ltd.

....Appellant

versus

Permanent Lok Adalat (Public Utility Service) Rewari, etc.

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Yash Pal Gupta, Advocate for the appellant
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

CM-4482-LPA-2014:

For the reasons stated in the application, the delay in filing the appeal is condoned.

C.M. stands disposed of.

LPA-1782-2014:

We are entirely in agreement with the learned Judge who dismissed the petition challenging the order of the Permanent LoK Adalat (Public Utility Services), Rewari, refusing to allow the appellant to charge interest from the allottees.

2. We restrict this order to the claim for interest.

3. There is no justification whatsoever for the appellant to claim interest from the allottees. The learned Judge has dealt with the matter in detail. As we are in respectful agreement

with the learned single Judge, it is sufficient to note only a few aspects.

4. Admittedly, the appellant has not handed over possession of the tenements to the allottees even as on date. Despite the same, the appellant claims interest on the payments made on the ground that there was a delay in doing so. The last date for handing over possession is already over. The learned Judge has also noted that the entire amounts have already been paid by the allottees. Even assuming that the entire amounts have not been paid, as contended by appellant, the impugned order warrants no interference. The appellant cannot, on the one hand, refuse or fail to hand over possession within the stipulated period and then demand interest from the allottees, who have already suffered on account of the delay in being put in possession of the tenements.

5. The appeal is, therefore, dismissed.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

06.01.2015
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**(AUGUSTINE GEORGE MASIH)
JUDGE**