

**Regular Second Appeal No.1319 of 2014 (O&M)**  
**Date of decision : 20.05.2015**

V.P.Gupta ...Respondent

Mr. Rishab Gupta, Advocate for the respondent.

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**RITU BAHRI , J (Oral)**

Haryana Vidyut Prasaran Nigam Ltd. and another have come up in regular second appeal against the judgment of the trial Court dated 14.12.2010 and the lower appellate Court dated 01.07.2013 whereby the suit of the respondent/plaintiff was decreed.

On 07.03.2014, notice of motion was issued and counsel for the appellants stated that the case was covered by the Full Bench judgment passed in the case of **Punjab State Civil Supplies Corporation Ltd. Vs. Pyare Lal, 2013 (1) PLR 36 P&H (F.B.).** However, he restricted his prayer to reduction of interest as the suit has been decreed along with interest @ 18%.

Heard counsel for the parties.

The substantial question of law arises for consideration would be “whether the suit for delayed payment of retiral benefit can

be decreed @ 18% or not?"

The Hon'ble Supreme Court in the case of **D.D.Tewari (D) through LRs Vs. Uttar Haryana Bijli Vitran Nigam Ltd. & ors. 2015 (1) RSJ 469** has allowed the payment in a case where the amount of retiral benefit has been erroneously withheld and interest @ 9% has been awarded on the delayed payment.

In view of the judgment passed by the Hon'ble Supreme Court, this appeal is disposed of and the judgment of the trial Court is modified to the extent that the interest is reduced from 18% to 9% and the payment shall be made to the respondent/plaintiff within a period of 04 weeks. Compliance report be sent to this Court.

**20.05.2015**  
Vinay

**(RITU BAHRI)**  
**JUDGE**