

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.10481 of 2001

Date of decision : 28.01.2016.

M/s Aadharshila Towers (P) Ltd. and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

Present : Mr. A.M.Punchhi, Advocate for the petitioners.

Mr. Deepak Balyan, Addl.A.G. Haryana.

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

The petitioners have sought an order directing the respondents to complete the external development works by providing three connecting and access roads as well as to complete the other external development works mentioned in paragraphs 7 and 8 of the petition.

This petition was filed in the year 2001. Over the past 15 years the position ought to have changed. As far as this prayer is concerned, we dispose of the petition granting an opportunity to the petitioners to file further proceedings in respect of any grievances that continue to exist regarding the external development works.

The main prayer is for a writ of prohibition restraining the respondents from demanding any further external development charges and till such point of time the external development charges already deposited and lying un-utilized with the respondents are actually expended towards

external development works. This relief cannot be granted in view of a Division Bench judgment of this Court in *CWP No.5749 of 2015 titled: M/s Countrywide Promoters Pvt. Ltd., etc. vs. State of Haryana, etc.*

Compound interest cannot be charged as it has been so held in the said judgment. Even in the case before us, there is no provision in the agreement entitling the respondents to charge compound interest. The respondents therefore, can levy only simple interest and not compound interest upon the petitioners.

The petitioners' contented that pursuant to a policy introduced subsequent to the agreement entered into between the parties the respondents have agreed to charge interest only at 15% per annum and not 18% per annum. The policy, if any, was introduced only much after this petition was filed. We therefore, grant the petitioners liberty to approach the respondents only for the purpose of reducing the interest from 18% to 15% or any other rate as per the prevalent policy. We express no opinion regarding the entitlement of such a claim. The petitioners are always at liberty to challenge any order in this respect. The point is kept open.

The petition is disposed of in the above terms.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

28.1.2016
Manoj Bhutani

(ARUN PALLI)
JUDGE