

CWP No. 3805 of 2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3805 of 2015
Date of Decision : 27.05.2016.

Satish Kumar Aggarwal

...Petitioner

Versus

United India Insurance Company Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. J.S. Maanipur, Advocate for the petitioner.

Mr. D.R. Bansal, Advocate for the respondents.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has prayed for setting-aside order dated 02.02.2015 (Annexure P-7) passed by respondent No. 2, whereby interest of more than ₹2.00 lacs on delayed payment has been denied on an amount of ₹15.00 lacs. Further he has sought for direction for the respondents to pay interest @ 9% per annum.

It is undisputed that the petitioner attained his superannuation and retired from service on 30.06.2012. Due to pendency of complaint, his retiral benefits were not settled.

It is also undisputed that the complaint, which was pending as on the date of his retirement, has been withdrawn. Thereafter his retiral benefits have been settled in two installments. The respondents have made payment of ₹4,99,298/- on 27.05.2014 and ₹10.00 lacs on 01.08.2014 to the petitioner. However, a sum of ₹1,65,260/- as interest has been paid in respect of ₹10.00 lacs vide Annexure R-3 on 29.06.2015. The petitioner is entitled to interest on the amount of ₹4,99,298/-. The same has been denied on the score that in the representation-email of the petitioner (Annexure P-2 in CWP No. 1152 of 2014), there is no demand for payment of interest. The respondents' view that petitioner has not prayed for payment of interest under Annexure P-2 in CWP No. 1152 of 2014. Then there was no question of payment of interest insofar as ₹10.00 lacs is concerned. Therefore, reasoning assigned for not paying interest in respect of ₹4,99,298/- on 27.05.2014 is highly arbitrary. The respondents are directed to pay interest on ₹4,99,298/-, which was paid on 27.05.2014.

Accordingly, Annexure P-2 is set-aside. Interest in respect of ₹4,99,298/- shall be calculated in accordance with law and paid within a period of two months from today.

Petitioner is also entitled to cost of ₹5000/- towards litigation fee.

Petition stands allowed in above terms.

May 27, 2016.
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(P.B. BAJANTHRI)
JUDGE