

CWP No.16537 of 2017

[1]

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

**CWP No.16537 of 2017
Date of decision:28.07.2017**

M/s Landmark Apartment Pvt. Ltd., Gurgaon ...Petitioner

Versus

Randhir Singh and another ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Samrat Malik, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed in order to challenge the award of the Permanent Lok Adalat (Public Utility Services), Gurgaon dated 24.10.2016, by which the application filed by respondent no.1 under Section 22-C of the Legal Services Authorities Act, 1987, for refund of the amount deposited by him has been allowed, directing the petitioner-company to refund the amount of ₹10 lacs with interest @ 9% per annum from the date of deposit i.e. 15.03.2013.

Counsel for the petitioner has vehemently argued that though respondent no.1 had deposited the amount but later on he did not comply with the various other conditions of deposit of 50% of the contract amount and EDC etc. and in the meantime, due to the slump in the real estate, respondent no.1 has asked for return of his money. It is submitted that even if the Manager (Operations) of the petitioner-company had suffered a statement to refund the amount of ₹10 lacs, yet the Permanent Lok Adalat should not have awarded the interest @ 9% per annum.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that once there is a statement suffered by the Manager (Operations) of the petitioner-company that they would refund the amount of ₹10 lacs to respondent no.1 upto January, 2017 without interest, the order passed by the Permanent Lok Adalat cannot be faulted because the petitioner has itself admitted that it is liable to refund the amount. The money, which was retained by the petitioner-company, has earned interest also, for which the Perment Lok Adalat had the jurisdiction to award the interest, which is not excessive and has rightly been awarded from the date when the amount was deposited.

In view thereof, I do not find any reason to interfere in the present petition and hence, the same is hereby dismissed being denuded of any merit, though without any order as to costs.

July 28, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No