

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25509-2015

Date of Decision: February 16, 2017

Dulari Devi

.....Petitioner

Versus

Haryana State Agricultural Marketing Board and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Abhishek Goyal, Advocate
for the petitioner.

Mr.Sumit Jain, Advocate
for the respondents.

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SURYA KANT, J.

The controversy in this case pertains to the right of the respondents to levy interest and penal interest on the principal amount deposited by the petitioner for Shop/Plot No.119 in the New Grain and Vegetable Market, Sector 16, Faridabad, which the petitioner purchased in an open auction and was allotted to her vide allotment letter dated 01.03.2008.

It is not in dispute that identical controversy pertaining to the New Grain and Vegetable Market, Sector 16, Faridabad, came up for consideration before this Court in CWP No.3292 of 2012 decided on

Board and others). This Court in the cited decision held as follows:-

“[12]. True it is that the respondents have come up with a specific plea that the minimum facilities were actually provided to the petitioner or other allottees to enable them to run the business in the New Vegetable Market. The affidavit filed by the Estate Officer of the Market Committee candidly acknowledges the fact that sewerage and water supply were provided in the year 2012 only. If that is so, it appears difficult to accept outrightly that all the basic amenities, essential to run the day-to-day business activities, were in place in the year 2009 when possession was offered to the petitioner. It is equally true that the petitioner is liable to pay simple interest only on the post-poned payments for the allotted site. However, he can not be held liable to pay penal or compound interest. Similarly, if there is a general resolution passed by the Board granting some concession in the interest component to all its allottees and the petitioner is also one of them, i.e., if his case is not distinguishable from others, he may also be entitled to the benefits under the said resolution.

[13]. For the reasons aforementioned, we allow this writ petition in part and hold that the petitioner, in the given facts and circumstances of the case, is not liable to pay penal or compound interest. Similarly, if any general concession has been extended by the Board to the similarly situated allottees, the petitioner would also be entitled to seek parity. Let the matter be accordingly reconsidered and the petitioner's liability to pay interest component be re-determined accordingly within three months. Needless to say that if on reconsideration, the petitioner is entitled to any refund, the same shall be made to him within one month thereafter.”

The respondent-authorities have already implemented the

decision in Sumer Singh's case (supra) vide order dated 29.08.2014 (Annexure P-6).

Since claim of the petitioner is squarely covered under the cited decision, the writ petition is allowed in part in terms of decision rendered in Sumer Singh's case (supra). The refund, if any, to which the petitioner is entitled to shall be made within a period of three months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

February 16, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |