

CWP-7671-2017

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

211

**CWP-7671-2017
Decided on : 26.07.2017**

NANKANA SAHIB COLLEGE OF EDUCATIONPETITIONER

VS

PUNJAB UNIVERSITY CHANDIGARHRESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Naresh Kumar Joshi, Advocate
for the petitioner.

Mr. Indresh Goyal, Advocate
for the respondent.

AJAY TEWARI, J.(Oral)

By this petition, the petitioner has sought refund of the amount deposited as penalty with the respondent.

It is not disputed that in other similarly situated cases some institutions had also challenged the imposition of fine in a bunch of writ petitions, one of the them being CWP No. 14223-2010. During the pendency of those cases the petitioners had also deposited the penalty demanded by the University and by letter Annexure P-27 it had been clearly mentioned that they were depositing the amount under protest and subject to the decision of this Court in the aforementioned bunch of petitions. Those writ petitions were ultimately allowed by the Court on 29.8.2013. Thereafter, the petitioner represented to the respondent-University to refund the penalty amount and

CWP-7671-2017

when the refund was not made for a period of almost 4 years, the present writ petition was filed.

On the last date counsel for the respondent had stated that the respondent was preparing to return the principal amount to the petitioner. Today it is agreed before me that the said principal amount of Rs. 15,00,000/- has now been returned on 11.7.2017. Resultantly, it has to be held that the respondent-University had no defence for retaining the amount.

Learned counsel for the petitioner states that in the circumstances of the case where the respondent has obdurately clung on to the money which it had illegally extracted (despite accepting the decision of this Court that such penalty was not permissible in similar cases) is liable to pay interest and costs.

Counsel for the respondent has fairly accepted that there was no justification for the University to have retained the money, at least after the decision of this Court and further also erred in not returning the money when the petitioner represented after the Court orders. He points out that though in law the claim of the petitioner may have weight but the Court cannot also shut its eyes on the fact that the Panjab University is facing an unprecedented financial crisis. Counsel for the petitioner also points out that even the petitioner college was placed in great financial prejudice because of the illegal extraction of the penalty.

Keeping in view the entire factual matrix, it would be appropriate to award interest @ 6% per annum with effect from 13.8.2013 till 10.7.2017. Ordered accordingly. The costs of the petitioner are also quantified as

CWP-7671-2017

Rs. 10,000/-. In case the entire amount is not paid within one month from the date of receipt of certified copy of this order the petitioner would be entitled to claim the same with interest @ 8% per annum.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stand disposed of.

26 July, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No