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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 650/2017, CM APPL.36412-36415/2017

ZILE SINGH Appellant

Through: Mr. Nikhil Bhardwaj, Advocate.

versus

FOOD CORPORATION OF INDIA & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
10.10.2017

The appellant is aggrieved by the impugned order to the extent it directs payment of 7% interest upon the amounts due to him. He has claimed that the concerned IDA pay scales had been unlawfully withheld by the respondent Food Corporation of India even though they were due to him from 1989.

Learned Single Judge considered the writ petitioner/appellant's contentions in the petition which was initiated in 2005 and held them to be justified. However, even while directing release of the amounts constituting his legitimate due to the petitioner, the Single Judge also awarded 7% simple interest. It is stated that the rate of interest is inadequate in the circumstances.

This Court has considered the submissions and is of the opinion that though the petitioner's grievance with respect to the withholding of dues was justified and from one perspective it might even have been correct to say that the appropriate rate of interest should be awarded, at the same time, the exercise of discretion to award a particular rate of interest cannot *per se* be characterized as injudicious unless there is an element of apparent unreasonableness. In this case, this Court cannot exercise its discretion as if this is the Court of first instance merely because it deems that a higher rate of interest may be preferable. Therefore, we find no ground to interfere on this score.

The appeal is consequently dismissed.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

OCTOBER 10, 2017

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