

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-506-2018 (O & M)

Date of decision: 13.11.2018

M/s Lotus Infra Estates Private Limited

.... Petitioner

V/s

The Permanent Lok Adalat and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.S. Patwalia, Sr. Advocate,
with Mr. Sehaj Bir singh, Advocate, for the petitioner.

Mr. Munish Gupta, Advocate, for the respondents.

RAJAN GUPTA, J. (Oral)

Petitioner has impugned the order dated 15.03.2017 passed by the Permanent Lok Adalat, Panipat, whereby petitioner-company was directed to refund an amount of Rs.18,50,298/- alongwith interest @ 18% p.a. to respondent No.2.

At the time of notice of motion, petitioner-company itself offered to refund the principal amount. The matter was kept alive only as regards the rate of interest i.e. 18% p.a. as awarded by the Forum being on the higher side. The case came up for hearing on October 16, 2018 when following order was passed:-

“Admittedly, amount of principal has already been returned to the allottees. The question that remains to be considered is as regards jurisdictional error, if any, in the order passed by the Forum and whether interest awarded is on the higher side. A query has been put to Mr. Patwalia whether petitioner-Company is ready to give

reasonable amount of interest to the allottee without it being treated as binding precedent. He prays for sometime to seek instructions.

On his request, adjourned to 13.11.2018.

A photocopy of this order be placed on the file of connected case.”

Today, Mr. Patwalia submits that the petitioner-company is ready to pay the interest amount within three months from today in case the same is reduced by half. This proposal is acceptable to respondent No.2.

In view of same, petition is hereby disposed of with the direction that petitioner-company would pay interest @ 9% p.a. to the allottee (respondent No.2 herein) within three months from today.

In view of statement made by Mr. Patwalia, no further direction is necessary. In case, any cause of action survives, either party shall be at liberty to seek revival of the petition. In light of order dated October 16, 2018, this order is being passed on the basis of consent, it shall not be treated as a binding precedent.

(RAJAN GUPTA)
JUDGE

November 13, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No