

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

**RSA No.4365 of 2016 (O&M)
Date of Decision:11.10.2018**

Food Corporation of India

...Appellant

Versus

Municipal Corporation Pathankot

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate for the appellant.

Mr. S.C. Pathela, Advocate for the respondent.

ANIL KSHETARPAL, J.(oral)

Food Corporation of India is aggrieved of award of interest from the date of filing of the suit and not from the date of deposit of the amount.

Learned counsel for the appellant submitted that since the wrongful recovery had been made, therefore the interest shall be payable from the date of deposit of the amount. However, when learned counsel was called upon to explain as to when the demand for refund was made he admitted that notice for recovery was issued only on 27.08.2010 whereas the suit was filed on 30.09.2010.

In view of the aforesaid, the decree passed by the Court, is modified and interest shall be payable as ordered by the Court from the date

of demand i.e. 27.08.2010.

With the aforesaid modification, Regular Second Appeal is disposed of.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

October 11, 2018
shweta

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No