

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

**RSA No.5884 of 2017 (O&M)
Date of Decision.08.05.2018**

Guru Gram Housing Society

...Appellant

Vs

Dakshin Haryana Bijli Vitran Nigam Limited and others ..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rahul Gautam, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

C.M. No.15492-C of 2017

For the reasons stated in the application, delay of 2 days in
refiling the appeal is condoned.

Application is allowed.

C.M. No.15493-C of 2017

For the reasons stated in the application, delay of 33 days
in filing the appeal is condoned.

Application is allowed.

RSA No.5884 of 2017

The appellant-plaintiff is aggrieved of the judgment and
decree dated 17.01.2017 passed by the lower Appellate Court whereby
while reversing the finding rendered by the trial Court qua dismissal of
the suit preferred by the plaintiff, it did not grant interest on the amount
of ₹7,97,048/- deposited by the appellant-plaintiff with the respondents
on 17.11.2011 as 50% of the assessed amount.

Learned counsel for the appellant submitted that once the
lower Appellate Court arrived at a finding that demand raised on behalf
of the DHBVNL was not in accordance with law, for, a sum of

₹7,97,048/- was deposited with the Nigam on 17.11.2011 as 50% of the assessed amount. The aforementioned amount remained in the custody of the Nigam, therefore, they are entitled to interest permissible or as per the bank rates.

I have heard learned counsel for the appellant and appraised the paper book. I cannot remain unmindful of the fact that though the lower Appellate Court has reversed the finding but the fact of the matter is that till the filing of the suit and its decision, the demand was justified. The lower Appellate Court has set aside the aforementioned demand and memos only on the ground that there were fundamental defects in the procedure and the manner in which the raid was conducted and therefore, the interest as claimed had rightly be declined and the aforementioned finding cannot be held to be illegal and perverse.

In view of the aforementioned, the argument of learned counsel for the appellant has not been able to bring the case within the realm of illegality and perversity, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 08, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No