

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3867-2019 (O&M)
Date of Decision: 13.02.2019

Municipal Council, Palwal

--Petitioner

Versus

Permanent Lok Adalat & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajesh K. Sheoran, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

The Municipal Council, Palwal has filed the instant petition assailing the award dated 29.11.2018 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services) Camp Court at Palwal.

It may be noticed that in pursuance to a petition filed under Section 22 C of the Legal Services Authority Act, 1987 at the hands of respondent no.2 herein the following directions have been issued by the Permanent Lok Adalat in the impugned award:-

“(i) The respondent is ordered to allot some other plot of the same size out of the land owned by them in the same locality and to further deliver the possession of the same immediately or refund the aforesaid deposited amount with interest @ 12% P.A on the deposited amount of the complainant w.e.f its deposit till payment.

(ii) The respondent is also ordered to pay Rs.50,000/- as compensation on account of mental agony and Rs.10,000/- as litigation expenses to the petitioner.

(iii) The respondent is also ordered to comply with the order of the Adalat within 30 days after the receipt of the copy of the present order. Award is passed accordingly and the petition stands disposed off accordingly. File be consigned to the record room.”

Learned counsel representing the petitioner council states that he has not much to say on merits but prays for indulgence of this Court to reduce the compensation amount of Rs.50,000/- that has been awarded by the Permanent Lok Adalat. Further submission is that the rate of interest @ 12% per annum on the amount of refund directed also is on the higher side and ought to be scaled down.

Having heard counsel for the petitioner at length, this Court is of the considered view that the instant petition is completely bereft of merit and even the limited prayer and submission raised by counsel merits outright rejection.

Brief facts and which counsel does not dispute are that the petitioner Council had allotted a commercial plot no.16 measuring 11 feet x 22 feet situated near Bhuragiri Mandir, Palwal to respondent no.2 on 14.6.1994. The entire sale consideration amount of Rs.75,000/- had been deposited by respondent no.2 in the year 1994 itself. A formal allotment letter vide memo no.38 dated 15.6.1994 had also been issued. In spite of the same petitioner had declined to execute and register the sale deed. Even possession had not been delivered. Apparently, the parcel of land out of which the allotment had been made was found to be the property of P.W.D Department and as such, the allotment did not fructify in real terms in favour of respondent no.2.

It is a case where for no fault of respondent no.2, an allotment in his favour had been made in the year 1994 and the petitioner-council has been sitting on the entire sale consideration amount of Rs.75,000/-. Counsel was put a specific query as to whether at any stage the petitioner council had offered to refund the sale consideration amount to respondent no.2.

Counsel has very fairly responded that no effort in such regard was made at any point of time. It is only by way of last resort that respondent no.2 had filed a petition under Section 22 C of the 1987 Act. Even before the Permanent Lok Adalat the petitioner council had thwarted the attempts towards settlement being arrived at. It is under such circumstances that the impugned award has been passed directing the petitioner council either to allot an alternate plot or to refund the deposited amount along with interest @ 12% per annum w.e.f. the date of deposit till actual payment. That apart, Rs.50,000/- has been awarded as compensation on account of mental agony and Rs.10,000/- has been assessed as litigation costs.

Petitioner council is not contemplating allotment of an alternate plot in favour of respondent no.2. It is rather opting to take the second option i.e. to refund the amount in question to the allottee. Under such circumstances and wherein the petitioner council has been sitting on the entire consideration amount for a period of 24 years, it would not lie in its mouth to now contend that the compensation amount of Rs.50,000/- is excessive or that the rate of interest is on the higher side.

The impugned award dated 29.11.2018 (Annexure P-3) does not call for any interference.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

13.02.2019
lucky

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