

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

LPA-107-2020 (O&M)
Date of decision:- 04.02.2020

Municipal Committee/Council Bhiwani, District Bhiwani

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Jagdish Manchanda, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

CM-297-LPA-2020

For the reasons mentioned in the application, the delay of 127 days in filing the appeal is condoned.

The application stands disposed of.

LPA-107-2020

This appeal has been filed by the appellant - Municipal Council, Bhiwani being aggrieved by an order dated 17.07.2019 by which the learned Single Judge has partly allowed the writ petition filed by the petitioner-respondent No. 5, namely, Sri Kant and allowed interest at the rate of 7.5% per annum for a period of five years on the outstanding amount that remained unpaid to respondent No. 5.

Learned counsel appearing for the appellant in the present appeal submits that respondent No. 5 filed the writ petition after considerable delay and laches and in such

circumstances, the learned Single Judge has erred in law in allowing the claim.

Having heard learned counsel for the appellant, it is observed that the claim of respondent No. 5 regarding non-payment of the amount outstanding in his name has in fact been admitted in specific terms by the appellant before the learned Single Judge. The learned Single Judge taking note of the aforesaid admitted factual position regarding non-payment of the amount to respondent No. 5 for no reason at all has balanced the equities and taking into consideration the delay on the part of the authorities has allowed the interest at the rate of 7.5% per annum only for a period of five years. It is pertinent to mention that this Court has already dismissed LPA-1991-2019 filed by respondent No. 5 vide order dated 16.01.2020 upholding the order passed by the learned Single Judge.

Having perused the order passed by the learned Single Judge and having taken into consideration the admission made by the appellant regarding non-payment of the amount to respondent No. 5, we do not find any illegality or perversity in the impugned order passed by the learned Single Judge balancing the equities between the parties; awarding interest @ 7.5% per annum and restricting to a period of five years.

The appeal filed by the appellant being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.02.2020
Anodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No