

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

**C.W.P. No. 36514 of 2019
Date of Decision:15.07.2022**

BPTP Limited

---Petitioner

versus

Ajay Gupta and another

---Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Adarsh Jain, Advocate
for the petitioner

Mr. Sushil Jain, Advocate
for respondent No. 1

RAJ MOHAN SINGH, J. (Oral)

The instant civil writ petition under Article 226 of the Constitution of India has been filed for issuance of a writ of certiorari for quashing award dated 05.08.2019 (Annexure P-1) passed by the Permanent Lok Adalat for Public Utility Services, Faridabad, allowing application filed by respondent No. 1 under Section 22-C of the Legal Services Authorities Act, 1987.

Admittedly, the project namely 'Park Arena' has already been closed and the petitioner is not in a position to deliver possession of either Plot No. G-602 or subsequent Plot No. H-1203. Vide the impugned order passed by the Permanent Lok Adalat for Public Utility Services, Faridabad, the petitioner has been directed to refund the total amount along with interest

at the rate of 10.7% per annum.

In view of the aforesaid, now the grievance of the petitioner is that the rate of interest is on higher side and the same be decreased to 6% per annum, as is applicable in court cases. Admittedly, the amount remained with the petitioner throughout since 2010.

On interest component, both the parties are *ad idem* that the interest at the rate of 9% per annum can be applied from the date of deposits of the amount till final realization of the same. The amount awarded towards compensation (Rs. 25,000/-) and litigation expenses (Rs. 11,000/-) shall remain intact.

Counsel for the petitioner undertakes that the petitioner shall pay the entire amount (Principle and Interest) along with compensation and litigation expenses, within two months from today, failing which the interest component shall be applied at the rate of 18% per annum on the same terms and conditions.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

15.07.2022
PARAMJIT

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