



W.P.No.21016 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.21016 of 2021
and W.M.P.No.22269 of 2021

Reshma

... Petitioner

Vs.

1.The Senior Superintendent of Post Office,
Chennai City South Division,
T.Nagar, Chennai-600 017.

2.The Post Master,
Saidapet,
Chennai-600 015

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the PPF Account bearing No.0644724966 and the communication dated 13.04.2018 issued by the respondent and quash the same and consequently release the Principal amount of Rs.15,75,000/- as well as the interest on the PPF Account bearing No.0644724966 in the respondent Post Office as indicated at the sum of Rs.13,74,491/- as on 31.03.2018 in all amounting to a total sum of Rs.29,49,491/- and further interest till the date of realization of the same.



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For Petitioner : Mr.C.V.Shyam Sundar

For Respondents : Mr.M.Karthikeyan for R1

ORDER

The petitioner's father, Navarathan Singh Lodha, had opened a PPF account in the name of the petitioner when she was a minor. Ever since, annual deposits have been made in the said account. The initial term of 15 years expired on 31.03.2020, and the petitioner has extended it for another 5 years. In the mean time, the petitioner has applied for withdrawal of the amount to which she is entitled in terms of the norms after the completion of 13 years. She was given the principal amount outstanding to the credit of her account. However, when it came to the payment of interest, the respondents raised an objection that for the years 1999, 2000, 2003 to 2006, there had been excess deposits for which interest could not be paid. The details of the same are as below:

Year	1999	2000	2003	2004	2005	2006
Deposits made in excess	20,000	30,000	70,000	50,000	20,000	70,000



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2.1 Per Contra, the respondent has filed its counter, wherein it contends that the maximum subscription allowable for PPF accounts from 1986 till date is quoted as below:

<i>Period</i>	<i>Maximum Subscription to be made in the account, as per the provisions in the scheme</i>
23.09.1986 to 15.11.2002	Rs.60,000/-
16.11.2002 to 30.11.2011	Rs.70,000/-
01.12.2011 to 12.08.2014	Rs.1,00,000/-
13.08.2017 to till date	Rs.1,50,000/-

2.2 It also gives a tabulation as to how the excess interest paid in excess of the subscription amount that has been deducted from the interest already credited to the petitioner's account.

3.Learned counsel for the petitioner submitted that while it is true that the petitioner has made deposits in excess of the upper cap prescribed for various periods, the respondent, instead of rejecting such excess amounts, has received it and utilized them. Therefore, they are liable for the payment of interest. He also placed reliance on a case in ***R.Velayutham vs. Chief Postmaster General and***



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others, [2014 SCC OnLine Mad 6481].

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4.The learned counsel for the respondents submitted that the petitioner ought to have known what the upper cap is and hence should not be allowed to take advantage of her own illegality.

5.Heard Mr.C.V.Shyam Sundar, the learned counsel for the petitioner, and Mr. M.Karthikeyan, the learned counsel for 1st respondent.

6.This Court finds that both sides are at fault. First, the petitioner ought not to have made deposits in excess of the upper limit fixed in the Union Finance Act nor should the respondents have received such excess amounts. When the blame is equal, then the consequences should also be shared equally.

7.In view of the above, this court directs the first respondent to pay 50% of the interest it has deducted to the petitioner. Sofar as the remaining 50% is concerned, the petitioner is required to bear the same for her fault.



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8.This writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Anu

Index : Yes / No

Neutral Citation

To

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Anu

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