

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

237

**CRM-M-1157-2019
Decided on : 17.05.2023**

Mannschaft Ingenieure India Ltd and others

. . . Petitioner

Versus

Jindal Buildsys Ltd

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. Ajay Kalra, Advocate
for the petitioners

Mr. Prateek Rathee, Advocate
for the respondent

AMAN CHAUDHARY, J.

1. The present petition has been filed for setting aside the order dated 05.12.2018 passed by the JMIC, Gurugram, Annexure P-5 in an application under Section 147 of the Negotiable Instruments Act, 1881 in complaint case to the extent it stipulates payment of interest alongwith cost.

2. Learned counsel submits that the accused-petitioners had filed an application under Section 147 of NI Act for compounding the offence, wherein he had prayed for fixing the installment of amount for the said purpose. The aforesaid application was disposed of by JMIC, Gurugram vide order dated 05.12.2018, Annexure P-5 directing them to pay the total amount in two installments i.e. Rs.10 lakh on 14.01.2019 and Rs.7,92,200/- on 11.02.2019. Besides the aforesaid, the rate of interest at the rate of 6% per annum was awarded alongwith Rs.40,000/- as cost.

3. Learned counsel submits that they had challenged the said order, Annexure P-5. Therefore, they could not be foisted with liability to pay interest for

the period of delay occasioned due to the complainant. He submits that during the interregnum, the principal amount already stands paid and he has intructions from his clients, who are willing to pay a consolidated amount of Rs.3 lakh to the complainant within a fortnight on account of cost and interest.

4.. Learned counsel for the complainant on instructions from his client submits that he has no objection regarding the same in view of the agreement between the parties.

5. Having heard the leanred counsel for the parties and in view of the consensus reached between them, the present petition is disposed of by modifying the order dated 05.12.2018 that the petitioner shall make the payment of Rs.3 lakh to the complainant-respondent on or before 10.06.2023.

6. However, liberty is granted to the complainant-respondent to get the petition revived, in case the need arises.

7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

17.05.2023
Mehak

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