

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

206

**CWP-24730-2014 (O&M).
Date of Decision: 16.01.2023.**

M2K INFRASTRUCTURE PVT LTD

.. Petitioner

Versus

PERMANENT LOK ADALAT & ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jaininder Saini, Advocate,
for the petitioner.

Mr. Kunal Dawar, Advocate,
for the respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed raising a challenge to the Award dated 01.09.2014 (Annexure P-16), passed by the Permanent Lok Adalat (Public Utility Services), Rewari, vide which the petitioner-Developer had been directed to refund Rs.9,44,775/- along with interest @ 24% per annum compounded quarterly on the amount deposited by the respondent No.2-applicant from the date of deposit till realization.

The petition came up for hearing on 03.12.2014 when notice of motion was issued and interim stay was granted only regarding the portion of interest awarded @ 24% with compounded quarterly rests. The complainant was, however, granted liberty to enforce the awarded principal amount with interest @ 9%.

Learned counsel for the petitioner contends that the rate of interest @ 24% per annum has been awarded on a premise that the

petitioner-Developer also charges said interest whereas no such delayed payment interest has been charged by the petitioner-Developer from the respondent No.2-applicant.

Learned counsel for the respondent No.2-applicant, however, contends that the interest in question has been rightly awarded. The respondent No.2-applicant had deposited the amount way back in the year 2007 and that the complaint in question had been instituted on 13.01.2013 when the petitioner-Developer failed to carry out any construction despite the assurance that the Apartment would be delivered within a timeframe of 36 months. He further submits that respondent No.2-applicant had herself sent a letter dated 09.11.2021 wherein she had raised a demand of Rs.5,36,869/- along with interest @ 24% per annum to be compounded quarterly and as such, the demand was not without any legal basis or the interest that was being claimed by the petitioner-Developer.

Learned counsel for the parties, however, fairly agree that in order to give a quietus to the present litigation, the interest may be reduced from 24% per annum to 10.5% per annum with quarterly rests.

Learned counsel for the petitioner contends that since the entire amount as per the order dated 03.12.2014 had been satisfied by the petitioner on 16.05.2015, hence he may not be burdened for the delay in the final disposal of the present petition.

Learned counsel for the respondent No.2-applicant has no objection to the above.

Accordingly, with the consent of the parties and without examining the merits of the present case, the present petition is disposed of by modifying the Award dated 01.09.2014 (Annexure P-16) passed by the

Permanent Lok Adalat (Public Utility Services), Rewari, whereby interest has been awarded @ 24% per annum to be compounded quarterly reducing the same to 10.5% per annum with compounded quarterly rests on the amount deposited by respondent No.2-applicant. The arrears of interest would be calculated upto 16.05.2015. The differential amount shall be deposited by the petitioner-Developer within a period of 02 months before the Executing Court, Rewari.

The petition is accordingly disposed of as partly allowed in terms aforesaid.

January 16, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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