

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

201

CWP-7675-2015

Date of decision: 05.12.2023

S.R. SAREEN

.....Petitioner

VERSUS

UTTAR HARYANA BIJLI VITRAN NIGAM LTD ETC.

.....Respondents

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

Present:- None for the petitioner.

Ms. Jarnail Kaur Dhaliwal, Advocate
for respondents No.1 to 3.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the imposition of Municipal Tax in bill dated 11.10.2014 in relation to the account of the petitioner against premises bearing No. 110, The Mall, Ambala Cantt, on the ground that the same was void and illegal in view of Section 69 & 70 of the Haryana Municipal Corporation Act read with provisions of Section 61 & 62 of the Electricity Act, 2003.

Notice in the present case was issued on 14.05.2015 and during the pendency, when the matter was taken up on 17.12.2019, this Court recorded statement on behalf of the respondent-Distribution Licensee to the effect that the respondents are ready and willing to refund the amount of Rs. 18,585/- collected from the petitioner towards Municipal Tax for the period from March, 2014 to November, 2019.

Counsel for the petitioner sought time to ascertain as to whether the petitioner would be satisfied with the said amount or not. On resumed hearing on 20.01.2020, counsel for the petitioner made a statement that the petitioner is ready and willing to accept the said amount as offered and noted in the order dated 17.12.2019, however, he prayed for interest on the said amount. Since there was no representation on behalf of the respondents on the said date of hearing, the case was adjourned.

On the adjourned date of hearing, it was informed that the counsel who was representing the petitioner has since then passed away whereupon fresh notice was issued to the petitioner informing them about the pendency of the present writ petition. Intimation has been received from the office that notice had been issued to the petitioner and the same as received back served. However, there is no representation on behalf of the petitioner.

The matter relates to the year 2015 and has remained pending only on the aspect as to whether the amount offered to be refunded by the respondent-Corporation ought to be returned with interest or not. There is no representation on behalf of the petitioner. The position has remained the same on last two occasions as well. Further wait is neither justified nor called upon.

Accordingly, the present petition is disposed of with a direction to respondent-Distribution Licensee to refund the amount of Rs. 18,585/- collected from the petitioner towards Municipal Tax from March, 2014 to November, 2019 alongwith interest @ 5 % per annum from the date of its collection till its disbursement. Let the above

amount be released to the petitioner (LR's) within a period of 08 weeks of the receipt of this order.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 05, 2023

Vishal sharma

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