IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(221-A) **LPA-932-2017 (O&M)**
Decided on: 14.02.2023

Chairman, Punjab State Power Corporation Limited and another
....Appellant(s)

Versus

Harjinder Singh Dhillon and another
.... Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN

Present: Mr.H.S. Grewal, Advocate for the appellant(s).

Mr.Varun Sharma, Advocate for
Mr. Manhar S. Saini, Advocate for respondent No.1.

Ms. Deepali Puri, Addl. AG, Punjab
for respondent No.2.

G.S. Sandhawalia, J.(Oral)

CM-2005-LPA-2017

Application for condonation of delay of 59 days in filing the appeal has been filed.

Reply to the same has not been filed.

Accordingly, keeping in view the averments made in the application and the fact that delay is nominal, the application is allowed. Delay of 59 days in filing the appeal is condoned.

CM stands disposed of.

LPA-932-2017

The present Letters Patent Appeal arises out of the decision of the learned Single Judge passed in **CWP-2040-2015 'Chairman, Punjab State Power Corporation Limited and another Vs. Harjinder Singh Dhillon and another'**, wherein the writ petition was dismissed on 09.02.2017.

2. Challenge in the writ petition was to the order dated 30.07.2014 (Annexure P-1) passed by the Sub-Divisional Magistrate-cum-Collector, Tarn Taran, wherein while allowing the appeal of respondent No.1, the recovery of ₹21,58,191/- as raised by the appellant was set aside. The amount of ₹10,79,100/- which had already been deposited by the consumer was also directed to be refunded being half share of the penalty. However, the interest element was granted @ 16% per annum from the date of deposit till its actual realization on the refund amount.

3. While issuing notice of motion on 31.05.2017 the issue of excess interest was noticed and the fact that it is public money and recovery of interest component beyond 8% was directed to be stayed. Resultantly, counsel for the appellant has submitted that the Appellate Authority had granted excessive rate of interest, as 16% per annum is not the prevalent bank rate and, therefore, the appellant-Corporation was not liable to refund the amount at the said rate. Keeping the same in view it was argued that the present bank rates, 8% per annum would be the appropriate rate of interest for the refund on the amount which the Corporation had received.

4. Counsel for respondent No.1 is also not in a position to defend the order of the Appellate Authority to that extent, whereby the element of interest was fixed @ 16% per annum.

5. Resultantly, keeping in view the prevalent bank rate, we are of the considered opinion that this aspect missed the attention of the learned Single Judge while dismissing the writ petition. It is also not disputed that the consumer has already received the said amount alongwith the interest at the said rate. Accordingly, the present appeal is allowed to

that extent and element of interest on the refund amount would be @ 8% per annum.

6. The appeal stands allowed partly, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

14.02.2023
Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No