IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

205 CWP-1802-1997 (O&M)
Date of Decision : 25.07.2024

THE PUNJAB STATE CO-OPERATIVE SUPPLY AND MARKETING FEDERATION LIMITED, CHANDIGARH

.... PETITIONER

V/S

REGIONAL PROVIDENT FUND COMMISSION, CHANDIGARH AND ANOTHER

.... RESPONDENT

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present :- Mr.Siddharth Sharma, Advocate for
Mr. Vishal Moudgil, Advocate
for the petitioner.

Mr. Rajesh Hooda, Advocate
for the respondents.

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of award dated 08.10.1996 (Annexure P-12) whereby respondent has assessed its liability. The petitioner is further claiming interest on refund.

2. The petitioner is a society under Punjab Co-operative Societies Act, 1961. The respondent alleging non-payment of provident fund passed an order under Section 7A of Employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner assailed said order before this Court by way of writ petition. The matter was remanded back

to adjudicating authority which passed fresh order whereby liability was reduced to Rs.11,57,150/-. It is apt to notice that in the 1st assessment order, liability was assessed to the tune of Rs.1,03,47,761/-. The respondent after deducting re-determined liability refunded the remaining amount which was recovered after framing 1st assessment.

3. The petitioner at this stage is claiming interest on the refunded amount on the ground that respondent wrongly and coercively recovered the said amount and is liable to pay interest.

4. Mr. Rajesh Hooda, Advocate concedes that amount as determined by 1st assessment order was recovered and refunded after passing 2nd assessment order. The amount was ultimately refunded on 06.03.1997. He expressed his inability to controvert the fact that respondent is liable to pay interest on the excess retained amount.

5. In the wake of aforesaid facts, this Court is of the considered opinion that respondent is liable to pay interest on the excess amount which was recovered after passing 1st assessment order. Accordingly, the respondent is directed to pay interest @ 7.5% per annum on the differential amount from the date of recovery to date of refund.

6. Disposed of.

7. Pending miscellaneous application, if any, shall also stand disposed of.

25.07.2024 **(JAGMOHAN BANSAL)**
anju **JUDGE**

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