



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CWP-12615-2023 (O&M)

Date of decision: 11.09.2024

Greater Mohali Area Development Authority and another

...Petitioners

VERSUS

Gurdeep Singh and others

...Respondents

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

Present :- Mr. Parminder Singh, Advocate for the petitioners.

Mr. Mandeep K. Sajjan, Advocate for respondents No.1 and 2.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 25.02.2021 passed by respondent No.3 the Permanent Lok Adalat (Public Utility Services), SAS Nagar, whereby the application filed by respondents No. 1 and 2 was allowed.

2. At the time of preliminary hearing, the learned counsel for the petitioners confined his prayer only to the extent of the delay period interest @15% per annum that was ordered by the Permanent Lok Adalat (Public Utility Services). It was contended that the said interest @15% was on a higher side and beyond the permissible interest as per law. The order dated 01.06.2023 passed by this Court is extracted as under:-

“Learned counsel appearing on behalf of the petitioners, inter alia, contends that the petitioners have already complied with the directions qua the refund of the



amount, however, there was a delay in refund of the amount as a result whereof the enhanced rate of interest has become applicable. He contends that the awarded amount along with the interest as awarded (except the pending interest for delay in deposit) has already been deposited. It is averred that the rate of interest as awarded for delay is highly excessive.

Notice of motion returnable for 12.10.2023.

Notice re: stay as well.

In the meanwhile, recovery of the remaining amount on account of overdue interest shall remain stayed till the next date of hearing.”

3. A written statement has been filed on behalf of respondents No.1 and 2, wherein it has been averred that the award has already been implemented by the petitioners before filing of the present petition. The operative part of the written statement reads thus:-

“6. That it is further to mention here that the award under challenged (Annexure P-1), has already been implemented by the petitioners before filing the present petition, qua refunded of principle amount and interest i.e. Rs.50 lacs on 01.12.2021, and Rs. 62,87,588/- on 10.12.2021, after deducting Rs.5,36,204 as TDS to the answering respondents, hence the present petition become redundant infractious. It is further to mention here that the filing of present petition is an act of malafide intention, after a period of 2 years and three months,



just to cover up their folly and to save skin of their officials, by mis using of process of law, thus the present petition is liable to be dismissed, on this score alone.”

4. Learned counsel appearing on behalf of respondents No.1 and 2, further, contends that the payment is only with respect to the principal amount and the interest, and that, it was paid beyond a period of 45 days as directed by the Permanent Lok Adalat (Public Utility Services); therefore, the interest @15% was to be paid to respondents No.1 and 2, which has not been done. He further contends that the petitioners had earlier approached this Court in similar circumstances and in the matters relating to the same Society-Purab Premium Apartments, Sector-88, SAS Nagar, Mohali vide **CWP-16637-2021** titled as ‘**Greater Mohali Area Development Authority Vs. Permanent Lok Adalat and another**’ and other connected matters, which was decided on 12.03.2024.

5. He contends that the matter is covered by the said order dated 12.03.2024. The relevant part of the said order is extracted as under:-

“19. Accordingly, the award passed by the Permanent Lok Adalat (Public Utility Services), S.A.S. Nagar, Mohali is modified to the extent that the petitioner would be liable to refund the amount as deposited by the allottees alongwith the interest @ 8% compounded annually in terms Clause 3 (II) of the letter of allotment from the date of deposit till its refund to the allottee. The award with respect to the refund of service tax and towards compensation for harassment and mental



agony are however alleged to be bad. Litigation expenses as awarded are however retained since the petitioner-GMADA has forced the allottees to undergo a litigation which ought not to have been thrust upon an allottee since the petitioner itself was in default.”

- 6. Learned counsel for the petitioners does not dispute the same.
- 7. Since the present award pertains to the same Society and that relates to the same Local Area Development Authority, I find that the principles of equity would mandate that the present petition be partly allowed and the award passed by the Permanent Lok Adalat (Public Utility Services) be modified in terms of the order dated 12.03.2024 passed in **Greater Mohali Area Development Authority’s case (supra).**
- 8. **Ordered accordingly.**

(VINOD S. BHARDWAJ)
JUDGE

11.09.2024
Mangal Singh

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