



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. LPA No.2138 of 2024 (O&M)
The Chairman, Faridkot Improvement Trust & Anr

Versus

Amarjeet Singh and Anr

.....Appellants

.....Respondents
2. LPA No.2136 of 2024 (O&M)
The Chairman, Faridkot Improvement Trust & Anr

Versus

Ravinder Jain and Anr

.....Appellants

.....Respondents
3. LPA No.2129 of 2024 (O&M)
The Chairman, Faridkot Improvement Trust & Anr

Versus

Banu Singh @ Babu Singh and Anr

.....Appellants

.....Respondents
4. LPA No.2128 of 2024 (O&M)
The Chairman, Faridkot Improvement Trust & Anr

Versus

Nirmal Singh and Anr

.....Appellants

.....Respondents

Date of decision: 05.09.2024

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sandeep Kumar Bokolia, Advocate for the appellants.

G.S. SANDHAWALIA, J (ORAL)

CM No.5070,5065, 5041 & 5038-LPA-2024

Prayer is for condonation of 86 days delay respectively in filing the appeal.

For the reasons stated in the applications, which are supported by affidavit, the same are allowed. Delay of 86 days in filing the appeals are condoned.



LPA No.2138 of 2024

1. Since the material facts are analogous and the issue involved in all these four petitions is similar, they are being decided by a common order. For the sake of convenience, the facts are being taken from LPA No.2138 of 2024, titled The Chairman, Faridkot Improvement Trust and another vs. Amarjeet Singh and another.

2. In the present appeal, appellants have challenged impugned judgment dated 03.05.2024 passed by learned Single Judge vide which CWP No.10157 of 2024 filed by the appellants-Trust has been dismissed.

3. The challenge in principle before the learned Single Judge was laid to order dated 12.07.2023 passed by the National Consumer Disputes Redressal Commission (NCDRC), New Delhi in FA No.94 of 2019 (Annexure P-9) whereby while disposing of the appeal filed by the appellant-Trust on a concession given by counsel for the allottees, the reduction of rate of interest was made from 12 % to 10% per annum in terms of earlier orders dated 16.08.2022 (Annexure P-6) passed by the Commission i.e FA No.1342 of 2018 titled The **Faridkot Improvement Trust vs. Navdeep Goyal**. There was a conditional clause incorporated in the said judgment that if the entire payment is not made within eight weeks from the date of order, then the amount shall attract interest @ 12% per annum. The cost of litigation was fixed at Rs.50,000/- whereas earlier, compensation had been fixed at Rs.75,000/-.

4. It is further noticed that **Navdeep Goyal's case** was taken upto Hon'ble Apex Court in SLP(C) No.5259-5262/2020 but both the appeals were dismissed vide order dated 11.07.2023.

The appellants-Trust directly approached the Apex Court against the order of the Commission by filing SLP (Diary No.) 40400/2023 (Annexure P-9),



in a bunch of cases which was dismissed as withdrawn with liberty to approach the High Court for appropriate relief.

5. Learned Single Judge while deciding the writ petition noticed that a complaint as such had been filed by the respondent-consumer on 14.11.2017 alleging that no development had been initiated at the allotment site by the Trust regarding the Scheme, which had been floated in the year 2013 and whereby a plot had been allotted also. Resultantly, vide order dated 12.07.2023 passed by the National Commission in appeal, the appellant-Trust had been directed refund of the entire amount paid by the respondent-consumer along with interest @ 10% per annum from the date of deposit till actual refund of the said amount besides awarding a sum of Rs.50,000/- as cost of litigation while modifying the award of the State Commission on the basis of consent of the counsel. It is noticed by learned Single Judge that once the matter was covered as per the earlier orders passed by the National Consumer in Navdeep Goyal's case (supra) and once the Commission had granted parity, there was no illegality or irregularity in the order passed by the Commission. It was noticed that High Court was not exercising its powers as an appellate jurisdiction and only was to set aside any illegality or perversity in the awards passed by the Commission and the writ petition was, accordingly, dismissed.

6. Learned counsel for the appellant submits that the rate of interest of 12% is not justified.

7. We do not find any valid ground to interfere in the order of the courts below. The additional interest is being borne by the Trust on account of its own inability to pay the amount within the prescribed period and by only filing unnecessary writ petitions and appeals, even though the issue stands finalised upto



the Apex Court in a similar case. Rather than paying the consumer his dues unnecessarily litigation is being resorted to by the Trust.

We do not find any merit in the present appeals warranting intervention with the impugned order of learned Single Judge.

8. Hence all the four appeals are dismissed.
9. All pending application(s), if any, shall stand disposed of.
10. A photo copy of this order be placed on all the connected files.

(G.S. SANDHAWALIA)
JUDGE

September 05, 2024
manoj

(MEENAKSHI I. MEHTA)
JUDGE