



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

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CWP-29803-2024.

Date of Decision: 05.11.2024.

The Sherwood Officers Society (Regd.) and anotherPetitioners.

VERSUS

Kamaljit Singh and othersRespondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Hemant Hans, Advocate for the petitioners.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners have challenged order dated 25.07.2023 (Annexure P-1) passed by National Consumer Disputes Redressal Commission (for short, 'National Commission'), whereby it has been directed to refund the principal amount of Rs.19,58,500/- to respondent No.1 along with interest at the rate of 9% per annum.

2. Learned counsel for the petitioners submits that petitioner-The Sherwood Officers Society (Regd.) is a registered cooperative society and had offered the plot to respondent No.1 on 'No Profit No Loss' basis and, therefore, the interest at the rate of 9% per annum to be paid along with the principal amount, as directed by the National Commission is excessive. The

petitioner-society had given the responsibility of developing the property and handing over the possession to respondent No.2, which it had failed to do and the petitioner-society was being penalized without any fault on its part.

3. Heard.

4. Respondent No.1/complainant is stated to have paid a sum of Rs.19,58,500/- in the year 2011-12 to the petitioners for allotment of 200 square yards plot. The plot was not allotted to respondent No.1/ complainant which compelled him to file a complaint before the State Consumer Disputes Redressal Commission (for short, 'State Commission'). The State Commission had allowed the complaint and following directions were given to the opposite parties/petitioners:-

“(i) to refund a sum of Rs.19,58,500/- to the complainant along with interest @ 12% p.a. from various dates of deposit till actual payment;

(ii) to pay a sum of Rs.1,00,000/- as compensation on account of mental and physical harassment suffered by complainant; and

(iii) to pay Rs.21,000/- towards litigation expenses.”

5. The petitioners thereafter had challenged the order of the State Commission by preferring an appeal before the National Commission. The National Commission partially allowed the appeal by giving following directions:-

“(i) The appellant society shall refund the amount of Rs.19,58,500/- deposited by the complainant with interest at the rate of 9% per annum for the period from the respective dates of deposit till actual realisation; and

(ii) The appellant shall pay Rs.21,000/- as litigation expenses.”

6. The amount of compensation of Rs.1,00,000/-, which had been directed by the State Commission has been set aside by the National Commission. It is, thus, manifest that the interest at the rate of 12% per annum, as directed by the State Commission, has also been reduced by the National Commission and the petitioners have been directed to pay interest at the rate of 9% per annum, which does not appear to be excessive or oppressive, warranting any interference by this Court while exercising the writ jurisdiction.

7. Consequently, we do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

05.11.2024
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No