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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 425/2024**

SKYCOM INDIA PRIVATE LIMITED & ANR. Petitioners
Through: **Mr. Neeraj Yadav, Ms. Shreya Sethi,**
Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents
Through: **Mr. Dhanesh Relan, Adv. alongwith**
Mr. Arindam Dey and Mr. Aditya
Pandey, Advs. for MCD.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

15.02.2024

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1. The present petition has been filed by the petitioners seeking refund of the Earnest Money Deposit ('EMD') amounting to Rs.13,50,000/- deposited by the petitioner no.1 in favour of the respondent no.1/MCD vide NEFT/RTGS bearing no.HDFCR52020110556072209 dated 05.11.2020, alongwith 12% simple interest per annum from 05.11.2020 till the date of realization.

2. Learned counsel for the MCD, who appears on advance notice, submits that the requisite refund of the EMD amount of Rs.13,50,000/- has already been made to the petitioners on 29.01.2024. It is, however, not controverted that the refund actually became due to the petitioners on 05.11.2020. Yet, no interest has been given by the respondent/MCD to the petitioners for the delay in refunding EMD to the petitioners.



3. Learned counsel for the petitioners submits that the entitlement of the petitioners towards interest in such situation is covered by the following judgments:-

- i. *Mr. Chandru P.Jethwani v. Union of India & Ors.*, passed by a Division Bench of Bombay High Court in Writ Petition No.1742 of 2011 (decided on 21.11.2011); and
- ii. *Mangalore Chemicals & Fertilisers Ltd. v. Deputy Commissioner of Commercial Taxes, Mangalore Division, Mangalore and Ors.*, passed by a Division Bench of Karnataka High Court in W.P. No.558 of 1987 (decided on 20.11.1992).

4. After some hearing, this petition is disposed of with direction to the MCD to consider the petitioners' prayer for refund of the interest on the EMD amount of Rs.13,50,000/- for the period 05.11.2020 till 29.01.2024, keeping in mind the dicta laid down in the aforesaid judgments and the averments made in the present petition. Let the respondent/MCD afford an opportunity of hearing to the petitioners within a period of one week and pass a reasoned order within a period of three weeks thereafter.

5. Needless to say, if the petitioners are aggrieved with the outcome of the aforesaid exercise, it shall be entitled to avail appropriate remedies, in accordance with law.

SACHIN DATTA, J

FEBRUARY 15, 2024/r