



Rev.Aplw.No.146/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

Rev.Aplw.No.146/2024

Ms/.Sikora Salvador International Limited
rep.by its Director Ramakrishnan
having office at No.259/1, Bye Pass Road
Poonamallee, Chennai 600 056.

... Petitioner

Vs.

Chennai Metropolitan Development Authority
rep.by its Member Secretary
Having office at No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.

... Respondent

Prayer : Review application filed under Order 47 Rule 1 read with Section 114 of CPC to review the order dated 14.09.2022 insofar as WP.No.24568/2022.

For Petitioner : Mr.S.Karthikeyan for
Mr.A.Arvind Athithan

For Respondent : Mr.Y.Bhuvanesh Kumar
Standing counsel



Rev.Aplw.No.146/2024

JUDGMENT

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This review application is filed by the review petitioner to review the order dated 14.09.2022 made in WP.No.24568/2022 insofar as it relates to interest for the delayed payment.
- (2) This Court, while passing the order in the writ petition, specifically held that interest is not sanctioned in the Award. However, it is to be noted that a sum of Rs.33,85,000/- was collected along with the interest for the delay in payment. It is not in dispute that a sum of Rs.8,97,082/- was collected towards interest for the late remittance. Therefore, this amount which had been collected by the respondent, has to be refunded.
- (3) The learned Standing counsel for the respondent submitted that interest component was due to the delay in payment of the charges requested by the CMDA for the purpose of planning permission. Interest is levied by way of penalty for non-payment of charges on time and the direction of this Court was to refund the amount that was collected towards the statutory dues. Since the application for development was withdrawn and



Rev.Aplw.No.146/2024

WEB COPY

the amounts were directed to be refunded, the interest collected for delay remittance, is not different from the amount which they have collected.

(4)Therefore, paragraph No.4 in the order dated 14.09.2022 in WP.No.24568/2022 is modified to read as follows:-

"4.Regarding refund of a sum of Rs.33,85,000/-, the respondents are directed to refund a sum of Rs.33,85,000/- along with interest namely, a sum of Rs.8,97,082/- to the petitioner without any delay."

(5)It is now represented that a sum of Rs.33,00,000/- had already been paid.

Therefore, the balance amount indicated above, has to be paid within a period of six weeks from the date of receipt of a copy of this order.

(6)The review application stands **disposed of accordingly**. No costs.

24.01.2025

AP

Internet : Yes

To
The Member Secretary
Chennai Metropolitan Development Authority
Having office at No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.



WEB COPY



Rev.Aplw.No.146/2024

S.S. SUNDAR, J.,

AP

Rev.Aplw.No.146/2024

24.01.2025