

ITEM NO.2

COURT NO.10

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 31665/2014

(Arising out of impugned final judgment and order dated 20/11/2013 in RSA No. 4609/2013 passed by the High Court Of Punjab & Haryana At Chandigarh)

SARDUL SINGH

Petitioner(s)

VERSUS

STATE OF PUNJAB AND ORS
(with interim relief and office report)

Respondent(s)

Date : 06/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Saurabh Kaushik, Adv.
Mr. Subhasish Bhowmick, Adv.

For Respondent(s) Mr. Nikhil Nayyar, Adv.
Mr. Kuldip Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is partly allowed in terms of signed
order. No costs.

(NEELAM GULATI)
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 260 OF 2017
(Arising out of SLP(C) No. 31665 of 2014)

SARDUL SINGH

Appellant(s)

VERSUS

STATE OF PUNJAB AND ORS

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The question involved in the instance appeal is that whether the appellant has to pay the interest on the amount which was allegedly received by him as compensation. However, learned counsel for the appellant submitted that he has deposited the amount of compensation which has been received though belatedly.

The notice was issued to the appellant to make the payment of Rs.10,18,352/- (Rupees ten lacs eighteen thousand three hundred and fifty two only) as interest of the amount which he has illegally withdrawn on account of compensation, which was not payable to him. The transaction on the basis of which he has drawn that compensation has been found to be illegal and void. Appellant questioned the recovery notice relating to interest in the trial court and filed a suit for

injunction restraining the recovery of the amount. The trial court, the first appellate court as well as the second appellate court have not interfered and hence the unsuccessful plaintiff has come in the present appeal before us.

Having heard learned counsel at great length and considering the facts and circumstances of the case, the rate of interest @ 12.5% which has been levied upon the appellant may not be appropriate, it would be just and equitable to direct the payment of interest at the rate of 9% per annum.

Let interest be levied at the rate of 9% per annum instead of 12.5%. Let amount be paid within two months.

The appeal is partly allowed. No costs.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI
January 06, 2017