
(2013) 12 P&H CK 0199

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. Nos. 6557 and 14568 of 2007

Inder Sain Goel

APPELLANT

Vs

Punjab Financial Corporation

RESPONDENT

Date of Decision : 05-12-2013

Acts Referred:

Citation : (2014) 175 PLR 78

Hon'ble Judges : Sanjay Kishan Kaul, C.J;Augustine George Masih, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

Sanjay Kishan Kaul, C.J.—These petitions seek to raise a common issue and thus, are being disposed of by common order. For brevity, facts are being taken from Civil Writ Petition No. 14568 of 2007. The petitioner, vide the present writ petition filed under Article 226 of the Constitution of India, seeks to assail the impugned notice of demand issued by respondent No. 3 arising from the order dated 23.4.2007 showing an outstanding due from the petitioner of Rs. 61,99,377/-. On the first date of hearing of 18.9.2007, the petitioner offered to deposit a sum of Rs. 4 lacs with the respondent-Corporation for one month and on the basis of the same, notice was issued with a direction that no coercive steps be taken in the meantime to effect recovery. However, the petitioner deposited only Rs. 3 lacs and the remaining Rs. 1 lac was directed to be paid within two weeks from 18.10.2007. This one lac was, however, not accepted by the respondent because the purpose for which the amount was sought to be deposited as per the then prevalent One Time Settlement Scheme was stated to have elapsed. This is apparent from the order dated 25.2.2008 wherein it has been recorded that statement of account for a sum of Rs. 3,75,291/- had been accepted, but the OTS had been cancelled despite the fact that the petitioner offered to pay interest at 15% per annum for subsequent period. The petition was ultimately admitted on 24.3.2008 and recovery in dispute was stayed.

2. We are informed that a fresh OTS scheme was floated in 2009 and the

petitioner deposited full amount under the OTS scheme de hors the amount of Rs. 3 lacs deposited in pursuance to the order dated 18.9.2007. The account of the petitioner thus, stood settled though, the no dues certificate has not been issued.

3. Learned counsel for the petitioner submits that the only issue pending is of the refund of Rs. 3 lacs deposited with interest.

4. Learned counsel for respondent does not dispute that the amount in terms of the OTS policy was deposited by the petitioner. He, however, submits that the amount earlier deposited of Rs. 3 lacs was adjusted towards interest.

5. We find the aforesaid plea unacceptable for the reason that once the settlement has taken place under current OTS and the earlier OTS proposal was cancelled, scheme having elapsed, deposit of Rs. 3 lacs cannot be adjusted in this manner. This would imply that whether the petitioner had deposited Rs. 3 lacs or not the amount would be the same, an unacceptable position.

6. We thus, direct respondents No. 1 and 2 to refund the amount of Rs. 3 lacs, but in the given facts of the case, it will not carry any interest if refunded within a period of one month from today, failing which it will carry simple interest at 9% per annum from the date of deposit. The petition stands disposed of in the aforesaid terms, leaving the parties to bearing their own costs.