
(2005) 08 DEL CK 0027

In the Delhi High Court

Case No : Writ Petition (C) 18175 and 18176 of 2004

Integrated Child Develop. and S.W.

APPELLANT

Vs

D.D.A.

RESPONDENT

Date of Decision : 02-08-2005

Acts Referred:

Citation : (2005) 08 DEL CK 0027

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : Sunil Gupta and P.I. Jose, for the Appellant; Sachin Chopra, for the Respondent

Final Decision : Allowed

Judgement

Mukul Mudgal J.

1. Rule. With the consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. The only dispute involved in the present writ petition arises from a challenge to the order dated 21st August, 2004, directing the deposit of the amount of Rs. 81,116/- calculated by the DDA as interest on the enhanced premium amount of Rs. 29,713/- with effect from 25th November, 1988 to 24th January, 2004 as raised by the respondent's letter dated 31st August, 2004.

3. There is a history of litigation between the parties and earlier a sum of Rs. 2,22,942/- was reduced to Rs. 29,713/- as additional premium pursuant to a judgment of this Court in Delhi Development Authority Vs. Lala Amar Nath Educational and Human Society and another, . This reduction to Rs. 29,713/- was done by the respondent by its letter dated 10th September, 2002. Upon a statement made before the Lok Adalat by the respondent the interest component was reduced from Rs. 6,63,194/-. The only question involve in the present writ petition is that the DDA's claim of interest of Rs. 81,116/- chargeable on account of interest on the differential premium of Rs. 29,713/- payable from 25th

November, 1988 to 24th January, 2004 The issue had earlier been raised before the Presiding Officer of the Permanent Lok Adalat of the DDA who had indicated that the 18% interest charged to arrive at a figure of Rs. 81,116/- was very exorbitant and of a penal nature and the deposit by the petitioner was delayed due to the wrong demand raised by the DDA. The Presiding Officer of the Lok Adalat also noted that the petitioner was a charitable institution and Therefore requested the DDA authorities to charge the minimum interest on the amount of Rs. 29,713/- Mr. Chopra, the learned counsel who appears for the respondent/ DDA has strenuously defended the rate of 18% interest awarded and submitted that there is no occasion to depart from the figure of Rs. 81,116/- and the request of the Lok Adalat was only recommendatory in nature and not binding.

4. Having considered the history of the case and the fact that the final amount payable by the petitioner became known firstly in the year 1990 and thereafter in the year 2002 when a final demand was made on the petitioner and after taking into account the recommendation of the Lok Adalat which though not binding but of persuasive nature as far as this Court is concerned, I am of the view that the interest of justice will be fully met if a lumpsum amount of Rs. 8,000/- be paid by the petitioner within 4 weeks to the respondent as full and final payment of interest payable to the DDA. This order has been passed in view of the history of litigation culminating in orders of this Court reducing the amount payable by the petitioner substantially and this order is being passed due to the aforementioned circumstances including the charitable nature of the petitioner institution.

5. The writ petition stands allowed and disposed off accordingly.