

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 7566 of 2020 (O&M)

Date of decision:- 29.05.2020

M/s Aggrhari Traders through its Proprietor Ram Shankar

.....Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Sunil Kumar Bhardwaj, Advocate, for the petitioner.
Mr. Pankaj Jain, Sr. Standing Counsel for U.T. Chandigarh.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for both the parties, the matter is being taken up and heard via video conferencing (Webex App software).

The petitioner has filed this petition praying for payment of interest at the rate of 6% per annum on the EMD of Rs. 10 lacs that has been refunded to them on 21.05.2020. It is submitted that in a case of similarly situated person, this Court in Civil Writ Petition No. 7324 of 2020 has granted the relief of grant of interest @ 6% per annum by order dated 20.05.2020. It is stated that in such circumstances the respondents be directed to confer the same benefit on the petitioner keeping the concept of parity in mind.

Learned Senior Standing Counsel appearing for Union Territory, Chandigarh submits that from a perusal of the orders passed by this Court in Civil Writ Petition No. 7324 of 2020 it is not clear as to from which date the interest has to be awarded. He also submits that in the instant case the petitioner is not entitled to any interest on the basis of Clause 16 of the tender notice which is relied upon.

Having heard learned counsel for the parties it is observed that a representation/legal notice (Annexure P-5) has been filed by the petitioner claiming the aforesaid interest which is pending before the respondents' authorities.

Learned Senior Standing Counsel appearing for Union Territory, Chandigarh submits that the said representation/legal notice (Annexure P-5) shall be considered and decided by the authorities expeditiously in accordance with law preferably within a period of one week keeping the decision of this Court rendered in Civil Writ Petition No. 7324 of 2020 in mind by taking all other factual aspects into consideration. He further submits that the decision so taken will be communicated to the petitioner.

In the circumstances and keeping in mind that a representation/legal notice (Annexure P-5) is pending before the respondent-authorities and the issue involved requires application of mind to the facts of the case, the petition is disposed of by directing the U.T. Administration, Chandigarh to take a decision on the representation/legal notice (Annexure P-5) within a period of one week and thereafter communicate the decision to the petitioner as undertaken by the learned Senior Standing Counsel appearing for Union Territory, Chandigarh.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.05.2020

ravinder sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No