

Patliputra Builders Ltd.

Civil Writ Jurisdiction Case No.14131 of 2021

FORUM

Patna High Court

ORDER DATE

24 Jan 2024

NOTE TYPE

Source extract

01 CONCLUDING COURT PASSAGE - SOURCE EXTRACT

8. The learned Standing Counsel for the respondent department also pointed out from the counter affidavit that the delay would create the liability of interest, interest on interest and penalty also, which has been tabulated in the counter affidavit dated 24.04.2023 filed by the department. We would only say that the statutory consequences follow. 9. It is submitted by the learned counsel appearing for the department that the quantum as submitted by the petitioner is also not the actual amounts made liable on delayed payment. 10. We agree with the learned counsel for the respondent that the interim order passed by another Division Bench, was only on the petitioner's submission that the amounts to be paid are Rs. 2,72,40,648/-. It is also pertinent that even the undertaking as seen from the interim order has not been complied with. We also have our own reservation as to whether by a judicial order, the necessary consequences of an order of the Settlement Commission, on non-compliance, can be set at naught by this Court. However, we need not look into that aspect since even according to the petitioner he has not complied with the interim order. 11. The order of the Settlement Commission and the interim order of this Court has worked itself out; both, on non-compliance of the conditions of payment, by the petitioner. The consequences with respect to immunity having been set at naught, would be visited on the petitioner. The Settlement Commission's order would not be enforceable, but we made it clear that the delayed payments made would be set-off against the demands raised against the petitioner either interest or principle due, as the statute mandates. 12. The writ petition would stand dismissed.

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