

**Item No. D-32 HP State Industrial Development
Corporation Ltd. VS. M/s Himachal Filament
(P) Ltd. & others.**

OSA No. 2 of 2016.

22.04.2026. Present: Mr. Mehar Chand Thakur, Advocate, for the appellant.

Mr. Raman Sethi, Advocate, for respondents No. 1 to 3.

Learned Counsel for the appellant submits that in the suit for recovery of Rs.2,49,06,814/-, the element of interest was Rs.98,91,857/-. The same has been denied and the suit has only been decreed for the principal amount of Rs. 1,49,34,000/- as on 17.08.1999, when the entire loan was dispersed to the defendant alongwith interest.

The appeal is thus against the denial of interest from 23.09.2002 to 06.08.2008. While recording a finding under Issue No. 1, regarding the entitlement to the decree of the suit for any another amount, the onus was upon the plaintiff. The denial was on the ground that possession of the unit was taken over on 10.10.2002 and no effort was made for selling the property for six years till 06.08.2008.

It is submitted that reliance was placed upon the statement of the plaintiff's/appellant's witness-PW-2 Mr. Pawan Kumar Bali, Manager Project (Legal) of the Corporation. It is submitted that there is no specific defence as such raised in the written statement regarding the fact that the interest element was not liable to be recovered on account of the conduct of the appellant and in the absence of any such stand having been taken in written statement, learned Single Judge could not have travelled beyond the issue and granted the

relief without putting the plaintiff to notice and without an issue having been framed on the same.

Faced with this situation, learned Counsel for the respondent prays for time to address argument on this issue.

List on **01.06.2026**.

(G.S. Sandhawalia)
Chief Justice.

April 22, 2026
(hemlata)

(Bipin C. Negi)
Judge