

Court No. - 21

Case :- WRIT - C No. - 38361 of 2023

Petitioner :- Radha Devi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Dheeraj Kumar Dwivedi

Counsel for Respondent :- CSC,Vineet Pandey

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Arvind Srivastava, learned counsel for the petitioner, Shri Raj Kumar Tiwari, learned Standing Counsel for respondent no.1 and Shri Vineet Pandey, learned counsel for respondent nos.2 and 3.

2. The petitioner is an allottee of a commercial plot by U.P. Avas Evam Vikas Parishad in pursuance of allotment order dated 05.03.2013. The case of the petitioner is that she requested for being provided site plan of the plot on 14.03.2013. However, it was not made available by the respondents as the plot was under litigation. The petitioner claims that she had deposited Rs.12,05,000/- and Rs.61,93,000/- so far out of total sum of Rs.1,25,58,340/-. The respondents are now demanding hefty sum towards interest by the impugned order dated 28.08.2023 without giving benefit of zero period, during which, they were not in position to deliver possession of the allotted land to the petitioner. The manner in which the interest has been calculated has also not been disclosed to the petitioner. The petitioner has, therefore, prayed for quashing of the order dated 28.08.2023 and for a direction to the respondents not to recover interest on the remaining amount and also not to auction or allot the plot in favour of any third party.

3. Shri Vineet Pandey, learned counsel appearing for respondent nos.2 and 3 submits that under the allotment order, the petitioner was liable to pay 50 % of the premium amount but there is no evidence that she had deposited the aforesaid amount before due date. However, he does not dispute that in the impugned order, the date on which the aforesaid deposits have been made, has not been disclosed. The impugned order also does not disclose how the interest has been calculated. He, therefore, very fairly states that the respondents will pass a fresh order. Accordingly, the impugned

order dated 28.08.2023 is quashed.

4. The respondent no.3 is directed to pass a fresh order taking into consideration the specific case of the petitioner that the delay is attributable to the Parishad and not to her and, consequently, she would not be liable to pay any interest for the period during which the Parishad was not in a position to deliver possession.

5. The petition stands **disposed of**, accordingly.

Order Date :- 15.12.2023

Jyotsana

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)