

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.30654 of 2015

ORDER:

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Heard.

This writ petition is directed against the order of the 2nd respondent, dated 30-07-2015 rejecting the request of the petitioner for refund of EMD on the ground that she has not applied within 45 days as stipulated in the allotment order. While rejecting the said request, the respondents have considered the petitioner's representation, dated 20-07-2015, but declined to refund the EMD. The order impugned is questioned inter alia on the ground that the petitioner's representation was in fact not properly considered inasmuch as according to the petitioner, she applied for cancellation as early as on 10-08-2014. Hence, she is entitled for refund of EMD as her application was within time, alternatively it was also prayed that the petitioner may be permitted to continue with the scheme by paying differential amount and second instalment and avail NOC from Telangana Housing Board for applying Housing loan from Bank. The said request of the petitioner is not at all considered under the impugned order.

When the writ petition was initially heard on 21-09-2015, the specific contention of the petitioner is that she has opted to continue with the Scheme and has opted to pay differential amount and the same is recorded and the learned Standing Counsel was required to get instructions in that regard.

Today, learned Standing Counsel, on instructions, states that if the petitioner is ready and willing to pay the differential amount in case she continues with the Scheme, the Housing Board would consider the request of the petitioner to continue with the Scheme subject to payment of differential amount.

Learned counsel for the petitioner states that as already recorded, the petitioner has no objection to continue with the Scheme and would pay the differential amount notified by the Housing Board.

Recording the same, therefore, the writ petition is disposed of directing

respondents 2 and 3 to consider the request of the petitioner to continue with the Scheme subject to payment of differential amount in terms of the payment schedule already fixed by the Housing Board. Respondents 2 and 3 shall accordingly consider the petitioner's request for continuation with the scheme, subject to the condition aforesaid and inform the petitioner the amount payable, so that the petitioner would be in a position to deposit the said amount within a reasonable time. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 29-10-2015

Prv

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