

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP No.16366 of 2001(O&M)**

**Date of decision:11.2.2015**

**Mrs. Parveen Tandon and others**

**....Petitioners**

**VERSUS**

**State of Punjab and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA**

**HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. K.K. Saini, Advocate for  
Mr. S.K. Rishi, Advocate for the petitioners.

Mr. Manoj Bajaj, Additional Advocate General, Punjab  
for respondent No.1.

Mr. Naresh Parbhakar, Advocate  
for respondents No.2 to 4.

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**HEMANT GUPTA, J.(Oral)**

The petitioner seeks a writ of mandamus for directing the respondents for refund of 5% transfer fee said to be charged in excess from the petitioner.

The petitioners are the purchasers of Higher Income Group semi-finished freehold duplex houses in Sector 48-C, S.A.S. Nagar, Mohali, in the month of March, 1998 on the strength of Power of Attorney. Subsequently, the petitioner sought the transfer of the dwelling units in their name and deposited 10% of the cost of the house along with the other documents. It is stated in the writ petition itself that at that time, 10% of the total cost of the house was being charged qua the transfer fee by Punjab Urban Development Authority (for short 'PUDA'). The said amount was deposited and the allotment was transferred in favour of the petitioners. It is thereafter, a decision was taken to reduce the transfee fee to 5% in August, 2000 in respect

of the dwelling units allotted on or after 30.06.1997. In view of the subsequent decision of the PUDA, the petitioner sought refund of the excess amount said to have been deposited by the petitioners.

In the written statement, the stand is that it is a policy decision to charge the transfer fee. It is pointed out that it was on 13.07.2000, a decision was taken in the meeting presided over by the Chief Administrator. The decision reads as under:-

“On considering about this form, the Additional Chief Administrator, Patiala stated that the fixed fee for transfer of houses is 10% and the same is excessive. All the other additional Chief Administrators, supported the aforesaid assertion and stated that for getting the sale deed, State of Punjab is charging 6% whereas PUDA has fixed it 10%. It was unanimously resolved that transfer fee be reduced from 10% to 5%. It was further decided that the houses which have been allotted prior to 30.6.97, transfer fee will remain 10% on the same and the houses/plots which were transferred after 30.6.97, their transfer fee in future will be 5%. It was further decided that no transfer fee will be refunded. It will be added in the instructions of this form.”

In view of the said decision, the claim of the petitioners was resisted.

We have gone through the record and find no merit in the present writ petition. The petitioners are allottees of the dwelling units much before the cut-off date fixed by the respondents in the decision dated 13.07.2000. Not only the petitioners are allottees of the dwelling units prior to the cut-off date but even transfer was allowed on payment of the charges even before the decision. The decision is to charge 5% transfer fee in future. It does not deal with the concluded transactions such as the transfer in case of the petitioners. Therefore, the petitioners cannot avail the benefit of a subsequent decision which is not applicable to the petitioners.

Consequently, we do not find any merit in the present writ petition. The same is dismissed.

**(HEMANT GUPTA)**  
**JUDGE**

**FEBRUARY 11, 2015**  
‘D. Gulati’

**(HARI PAL VERMA)**  
**JUDGE**