

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10780 of 2014 (O&M)

Date of Decision:- 17.11.2015.

Amarjit Singh and others

.....Petitioners

Versus

New Mandi Township, Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Harinder Sharma, Advocate for the petitioners.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

SURYA KANT, J. (ORAL)

1.) The petitioners were allotted shop No.22 in the New Mandi Township at Faridkot in an open auction. Being the highest bidders and on deposit of 25% bid amount, the petitioners were informed vide memo dated 15.3.1993 (P-4) that they could deposit the balance amount in six installments, the first one being due on 26.5.1993 and the last one on 26.11.1995.

2.) The admitted fact is that the petitioners deposited the sum of ₹3,93,680/- on 29.6.2010 only. No installment earlier thereto was deposited.

3.) The Authorities consequently served them with a demand

notice for payment of ₹ 3,95,045/- towards interest. The aggrieved petitioners have approached this Court.

4.) We have heard learned counsel for the parties and considered their submissions in the light of the previous decisions of this Court (P-6) and (P-9). It appears to us that the completion of development works being not a pre-condition for the deposit of deferred sale-consideration, by way of installments and levy of interest on the delayed payments being one of the terms and conditions of allotment, no fault can be found with the demand raised against the petitioners.

5.) However, since the petitioners are said to have deposited the due amount on 30.9.2014, nothing more hitherto shall be recoverable from them.

6.) Further, in view of the categorical stand taken by the Board that the remaining development works have already been executed through various agencies, we find no legal impediment against delivery of physical possession of the site to the petitioners so as to enable them to raise the construction. The Authorities are directed to do the needful in this regard within a period of two months.

7.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

November 17, 2015.

sandeep sethi