

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

CWP-11043-2014

Date of decision:- 25.08.2015

Kiran Makhija

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Pavan Malik, Advocate,
for the petitioner.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner was allotted a plot of land in the year 2005. Admittedly, possession thereof was handed over to the petitioner in the year 2013 only during the pendency of the proceedings adopted by the petitioner for enforcement of her rights in respect of the allotment.

2. The petitioner firstly claims interest at the rate of 18% per annum from the date on which the amounts were deposited pursuant to the letter of allotment till the date on which the possession was offered i.e. 29.05.2013. The case is covered in favour of the petitioner by virtue of a judgement of this Court dated 27.09.2013 in CWP-5983-2013 titled as *Messers Akash Ganga and another Vs State of Haryana and others*. However, the rate of interest would be 9% per annum.

3. The respondents shall, therefore, pay the petitioner interest at the rate of 9% per annum from the date on which the petitioner deposited the amounts pursuant to the allotment till payment and/or realization. The

interest shall be calculated and paid over to the petitioner on or before 31.10.2015.

4. The next relief sought is of certiorari to quash a demand of ₹ 2,18,944/- allegedly towards interest. The possession of the property was offered by the respondents' letter dated 29.05.2013. The petitioner arranged for a demand draft of ₹ 24,17,000/- on 01.06.2013 which was a Saturday and tendered the same the following Monday i.e. 03.06.2013. From the facts, it appears that the demand for interest was unjustified. The demand, therefore, is quashed and set aside. The respondents are, however, at liberty to raise a fresh demand for interest, if any, as payable.

5. The petitioner also seeks an order quashing a demand letter dated 27.12.2012 for the enhanced amount. The petitioner has paid the enhanced amount under protest and without prejudice to her rights and contentions. The petitioner obviously seeks this relief to enable her to seek a refund. We are not inclined to grant this relief at this stage. We, however, grant alternate relief directing the respondents to supply information and/or necessary documents referred to in the petitioner's representation dated 15.01.2013 (Annexure P-4). Upon receipt of the information and/or documents, the petitioner is at liberty to adopt appropriate proceedings.

6. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

25.08.2015

Amodh