

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.11065 of 2014 (O&M)

Date of decision: 16.09.2015

Darshan Kumar & another

... Petitioners

v.

State of Haryana & others

... Respondents

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

Present: Mr. Nitin Jain, Advocate for the petitioners.

Mr. Rahul Dev Singh, DAG, Haryana.

Mr. Lokesh Sinhal, Advocate for HUDA.

...

S.J. VAZIFDAR, ACTING CHIEF JUSTICE.

CM No.12189 of 2015:

Application is allowed as prayed for. Replication to the written statement is taken on record.

Application is disposed of.

Main case:

The issue in this case is whether the HUDA is entitled to charge interest on the delayed payment as per the policy issued by the HUDA from time to time in addition to the interest i.e. chargeable under the letter of allotment. We are informed that this issue was decided by a Division Bench of this Court in LPA No.933 of 2009 titled as Haryana Urban Development Authority & another v. Vinod Mittal & others. We are further informed that the respondents in the LPA have challenged the judgment by filing SLP being SLP (Civil) No.16423 of 2013. It is agreed between the counsel that the result of the judgment of the Supreme Court would govern the result of this writ petition.

Learned counsel appearing on behalf of the petitioners states

that to leave no room for doubt, the petitioners are willing to pay the amount

claimed by the respondents as ordered by the revisional authority by an order dated 19.11.2013 but without prejudice to their rights and contentions including their right to be repaid the amount in the event of their being entitled to refund in view of the judgment of the Supreme Court. According to HUDA, an amount of about Rs.26 lacs was due and payable as on 31.12.2013. The HUDA will intimate the petitioners the additional amount i.e. due and payable as on 30.09.2015 in accordance with the impugned order of the revisional authority.

The Writ Petition is, accordingly, disposed of by the following orders:-

- (i)HUDA shall inform the petitioners the amount which according to them is due and payable by the petitioners as per the impugned order of the revisional authority upto 30.09.2015.
- (ii)The petitioners agree and undertake to pay the said amount to HUDA by 15.11.2015. The payment shall be entirely without prejudice to the rights and contentions of the petitioners.
- (iii)Upon receipt of the judgment of the Supreme Court in the case of M.K. Jain (supra), HUDA shall re-calculate the amount in accordance with the judgment. In the event of there being any refund due to the petitioners, HUDA shall refund the same together with interest at the rate of 10% per annum within eight weeks of the receipt of the judgment. In the event of the matter not being decided by the Supreme Court, this petition shall stand revived without further orders.

(iv) In the event of the petitioners making payment as aforesaid, HUDA shall execute all deeds and documents and do/perform all deeds acts, matters and things necessary to perfect the petitioners rights on the basis that the entire payment due in respect of the said property has been made within a period of eight weeks of the amount being determined. Needless to add that this would be subject to the petitioners also complying with all other requirements necessary including to have the property transferred in their names.

The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

16.09.2015
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