

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 11197 of 2015

Date of Decision: 28.5.2015

M/s Vikas Impex, Panipat

....Petitioner.

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Gaurav Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to pay interest @ 18% per annum on the earnest money, i.e. ₹ 16,51,015/- deposited by the petitioner in the year 2012 on account of non-allotment of plot under the category of 30 Crore Mega Project Scheme (in short “the Scheme”).

2. The petitioner applied for a plot in Sector 29, Part II, Panipat under the Scheme in the year 2012 and along with the application form (Annexure P-1), it deposited an amount of ₹ 16,51,015/- vide draft dated 28.1.2012 (Annexure P-2) against which receipt dated 2.2.2012 (Annexure P-3) was issued. When no plot was allotted to the petitioner, the petitioner made various representations, Annexures P-4 to P-6. Thereafter, the petitioner moved representations dated 23.6.2014 (Annexure P-7) followed by the representation dated 16.8.2014

(Annexure P-8) for refund of the earnest money deposited by it along with the application form, but to no effect. Respondent No.2 vide letter dated 20.8.2014 (Annexure P-9) asked the petitioner to furnish bank account with IFSC code, branch address etc. and deposited in its account the earnest money of ₹ 16,51,015/-. The said amount was deposited by respondent No.2 in the account of the petitioner without any interest. Thereafter, the petitioner sent a legal notice dated 24.1.2015 (Annexure P-10) to respondent No.2 for the grant of interest on the earnest money deposited by it, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved the representations, Annexures P-4 to P-8, respectively to respondent No. 2, but no response was received. Thereafter, the petitioner sent a legal notice dated 24.1.2015 (Annexure P-10) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision the legal notice dated 24.1.2015 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 28, 2015
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(REKHA MITTAL)
JUDGE