

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

CWP-14321-2015 (O&M)
Date of decision:- 17.08.2015

Rakesh and others

...Petitioners

Versus

Haryana Urban Development Authority, Panchkula and others

...Respondents

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

Present: Mr. Gaurav Bakshi, Advocate,
for the petitioners.

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

CM-10147-2015 (for exemption)

The application is allowed subject to all just exceptions.

CWP-14321-2015

The petitioners were allotted plots of land as per separate allotment letters dated 23.04.2015, 25.04.2015 and 26.04.2015 (Annexure P-3).

2. Clause 5 of the letters of allotment reads as under:-

*“The balance 75% amounts i.e.
Rs. 56,325,000/-, Rs. 38,775,000/-,
Rs. 36,375,000/-, Rs. 39,525,000/-,
Rs. 39,525,000/-, Rs. 45,750,000/-,
Rs. 40,500,000/-, Rs. 35,025,000/-,
Rs. 35,775,000/-, Rs. 37,500,000/-,
Rs. 37,275,000/-, Rs. 40,500,000/-
respectively of the above prices of the
plots/buildings can be paid in lump sum
without interest within 60 days from the
date of issue of the allotment letters or in
8 half yearly/annual installments. The
first installment will fall due after the
expiry of six months of the dates of issue
of these letters. Each installment would be
recoverable together with interest @ 12%
p.a. on the remaining amount as
mentioned in Sr. No. 23. In case, balance*

75% of the tentative price of the plots is paid in lump sum within 60 days from the dates of issue of these allotment letters, the rebate of 5% in the price of plots will be allowed.”

3. The petitioners contend that the properties have not been developed as yet. They further contend that under regulation 13 of the Haryana Urban Development Disposal of Land and Building Regulation, 1978, the possession of the land is to be delivered to the transferee or lessee as soon as the development works in the area where the land is situated are completed. They further contend that the development works have not been completed. There are major items still to be completed. The petitioners' case is that there is not even any access to the plots. They submit that interest would be payable only after the possession is given and that the possession ought to be offered only upon all the development works being completed.

4. We do not wish to express any view in this regard. The installments are to fall due only from October, 2015 and continue upto April, 2019. As yet, the respondents have not expressed any view in this regard. It is not necessary, therefore, for us to express any view in this regard at this stage. Whether the offer of possession is valid or not and whether interest is payable even after possession has not been given are issues which are likely to arise at a later stage. That does not warrant our expressing an opinion in advance.

5. The petition is, therefore, disposed of by requesting the respondents to respond to the petitioners' representations at Annexure P-5.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

17.08.2015

Amodh