

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

**CWP No.16403 of 2015
Date of Decision:-30.11.2015**

M/s Satnam Singh and sons through Parminder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Girish Agnihotri, Senior Advocate with
Mr. Vikram Vir Sharda, Advocate and
Mr. Arvind Seth, Advocate
for the petitioner.

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

Mr. Sanjeev Soni, Advocate
for respondents No.3 and 7.

SURYA KANT J.(Oral)

The petitioner was allotted SCF No.83, Sector 61, Phase-VII, SAS Nagar, Mohali in an open auction held on 14.12.2000 for a total consideration of Rs.76,00,000/-. The amount could be paid along with 15% interest in four instalments as per the schedule mentioned in Clause [VI] of the allotment letter dated 24.1.2001. The last instalment was payable on 14.12.2004.

2. As the petitioner failed to deposit the due instalments, the allotment was cancelled vide order dated 26.6.2003.

3. The petitioner filed appeal and then a revision petition before the State Government. The Revisional authority passed an interim order on 7.6.2005 directing the Senior Law Officer, PUDA, Mohali to inform the petitioner within 30 days the balance amount payable by it.

4. Even without awaiting for the details from PUDA, the petitioner is said to have deposited a sum of Rs.23,00,000/- on 27.6.2005.

The petitioner, thereafter, made two more deposits of Rs.9,00,000/- + Rs.9,37,500/- on 12.7.2005.

5. After receiving the above mentioned payment of more than Rs.41,00,000/-, PUDA authorities sent a communication dated 2.8.2005 (Annexure R-7/1) asking the petitioner to deposit a sum of Rs.29,81,967/- towards "interest on delayed payment/penalty".

6. The communication is totally vague and evasive as it does not disclose whether the amount of Rs.23,00,000/- deposited by the petitioner on 27.6.2005, was accounted for or not and if so, how the interest and penalty was levied and calculated.

7. It is true that the revisional authority did not waive off the penal interest but fact of the matter is that it granted three months' time to the petitioner to clear the dues, if any.

8. In these circumstances, PUDA/GMADA authorities were obligated to intimate the petitioner in clear terms as to how much amount the petitioner was still liable to pay and under which head. The statement of accounts ought to have been communicated to the petitioner to justify

the outstanding dues.

9. It is not out of context to mention here that even before the above mentioned payment of more than Rs.41,00,000/-, the petitioner had also upto 17.1.2005 deposited about Rs.37,00,000/-. Thus, the authorities were obligated to furnish details of the due amount to the petitioner instead of sending a cryptic communication.

10. The petitioner is said to have deposited yet another amount of Rs.22,00,000/- to the respondents. There is no notice sent to the petitioner after 2.8.2005 intimating the due amount, if any. Similarly, the authorities never treated the petitioner as an unauthorized occupant, and the premises continued to be in physical occupation of the petitioner. Unfortunately, the only communication sent to the petitioner is the letter dated 1.6.2007 (Annexure P-12) intimating that copy of the revisional order dated 27.6.2006 was yet not received by the authorities.

11. As the facts would speak for themselves, the petitioner is not a chronic, habitual or wilful defaulter. It has rather demonstrated its bona fide by making unilateral payments at its own without receiving any self-explanatory demand notice.

12. The petitioner applied for 'no due certificate' and then only it was informed that its accounts are yet to be settled. Since the petitioner is ready and willing to deposit the balance amount, if any, we are of the concerned view that the matter requires intervention of the Chief Administrator, GMADA.

13. We, thus, allow this writ petition nullifying the impugned action of cancelling the allotment and restore the site in favour of

petitioner, however, subject to the condition that the balance amount, if any, along with interest etc. shall be determined by the Chief Administrator GMADA, who shall call for the records and pass a reasoned order after hearing the petitioner and the Estate Officer. The petitioner shall be furnished a complete statement of accounts in support of the demand that may be raised against it by the Chief Administrator.

14. The appropriate orders be passed within a period of three months from the date of receipt of copy of this order and as soon as the due amount, if any, is determined, the petitioner shall deposit the same within a period of three months from the date of determination, whereupon the no dues certificate shall be issued to it.

**(SURYA KANT)
JUDGE**

November 30, 2015
Vijay Asija

**(HARI PAL VERMA)
JUDGE**