

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

**CWP No. 28013 of 2013
Date of Decision:-13.01.2015**

Sanjay Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. P.K. Jangra, Additional Advocate General, Haryana
for respondent No.1-State.

Mr. Raman Gaur, Advocate
for respondent No.2-HUDA.

HEMANT GUPTA J.(Oral)

The petitioner claims interest on the amount of Rs.4,05,000/- deposited by him on 12.1.2004 towards the dues standing against the booth allotted to one Jai Narain on 06.11.1989. The said plot was resumed on 29.3.1995 for non-payment of the balance 75% of the sale consideration. The appeal against the order was dismissed on 09.11.2004. The petitioner filed a revision against the order passed by the Administrator on the strength of General Power of Attorney dated 18.11.2003. The predecessor-in-interest of the original allottee also filed a revision. The Revisional Authority noticed the fact that the petitioner has deposited a sum of Rs.4,05,000/- through bank draft dated 12.1.2004 towards the dues standing against the booth but the revisions were dismissed for the reason

that there is no justification for long delay of eight years in filing the appeal and when the order of resumption has been passed by providing full opportunity to the allottee. It may be noticed that the legal heirs of the allottee filed a writ petition before the Court bearing CWP No.11690 of 2011 against the order passed in revision, which was dismissed on 14.2.2012, wherein the fact of depositing of Rs.4,05,000/- by the petitioner was noticed.

In the present petition, the petitioner has sought interest on the amount of Rs.4,05,000/- deposited by him.

We find that there is neither any equity nor law in favour of the petitioner. The petitioner entered into an agreement dated 18.11.2003 for purchase of booth after the same was resumed. The petitioner filed an appeal after agreement was executed and deposited a sum of Rs.4,05,000/-. This Court in the earlier writ petition recorded a finding that the agreement executed between the petitioner and the original allottee, shows that the parties are taking benefit of speculation in the market with a profiteering motive. Since the petitioner is not an allottee, therefore, the amount voluntarily deposited by him cannot be said to make the respondents liable to pay interest on the said amount.

Consequently, we do not find any merit in the present writ petition and the same is hereby dismissed.

(HEMANT GUPTA)
JUDGE

January 13, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE