

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

**CWP No.7842 of 2015
Date of decision: 15.7.2015**

Jainarayan Jakhar and others

.....Petitioners

Vs.

Haryana Urban Development Authority and others

.....Respondents

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

Present: Mr. Lajpat Sharma, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl.A.G.Haryana.

Ajay Kumar Mittal,J.

1. The petitioners pray for quashing the impugned orders dated 20.3.2015, Annexures P.11 to P.13 passed by respondent No. 4 - Sarva Haryana Gramin Bank demanding interest of overdue period i.e. 1.12.2014 to 30.5.2015. Further prayer has been made for directing respondent No.2 - Estate Officer, Haryana Urban Development Authority, Karnal (HUDA) to pay interest on the earnest money to respondent No.4-Bank.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The HUDA invited application forms for allotment of plots in Sectors 32(Part) and 33(Part) in District Karnal. The last date for submission of application forms was 30.5.2014 and the draw was to be held on 24.11.2014. The petitioners

being eligible applied for plots measuring 10 marlas each and filled their applications forms individually. The petitioners got the earnest money financed through respondent No.4 Bank. They paid interest on the earnest money for a period of six months at the rate of 10.75% i.e. ₹ 19990/- each. The draw could not be held due to stay granted by this Court in CWP No.23952 of 2014 (*Harpreet Singh vs. Chief Administrator, HUDA, Haryana and others*). A public notice dated nil Annexure P.7 in this regard had been issued by respondent No.2 to the effect that the applicants who were not willing to wait for the litigation or vacation of stay order could withdraw their applications and get refund of the earnest money alongwith simple interest at the rate of 5.5.% per annum with effect from the date of closing of the scheme i.e. 30.5.2014 till the date of actual payment and the applicants who were willing to wait for the litigation, they shall be paid simple interest at the rate of 5.5% per annum from 1.12.2014 i.e. after the expiry of six months from the date of closing of the scheme till the draw was held. According to the petitioners, they being not at fault filed representation dated 12.2.2015, Annexure P.8 to respondent Nos.2 and 4 with the prayer that future interest be paid by respondent No.2 to the Bank. Vide order dated 20.3.2015, Annexures P.11 to P.13, respondent No.4 Bank issued letters to the petitioners demanding interest for overdue period i.e. from 1.12.2014 to 30.5.2015 on account of delay in draw of lots. On 2.4.2015, Annexures P.14 to P.16, the petitioners again filed representations before the respondents. Having received no response, the instant writ petition.

3. We have heard learned counsel for the parties.

4. It is the admitted position that HUDA had invited applications

for draw of plots in Sectors 32(Part) and 33(Part), Karnal. The petitioners had applied for plots of 10 marlas each by getting the earnest money financed through respondent No.4 Bank. The draw was scheduled to be held on 24.11.2014. However, the same was stayed by this Court in CWP No.23952 of 2014 on 21.11.2014 as oustees's case was pending before the Apex Court. Respondent No.2 issued circular dated nil, Annexure P.7 to the effect that the applicants who were not willing to wait for the litigation or vacation of stay order could withdraw their applications and get refund of their earnest money alongwith simple interest at the rate of 5.5% per annum. As already held by us in connected petitions today i.e. CWP Nos.3855 and 4670 of 2015, the respondents could not be held liable to pay interest to the Bank as the stay had been granted by this Court on 21.11.2014 on the basis of the matter being pending before the Apex Court. Moreover, the respondent authorities had already issued public notice Annexure P.7 awarding interest at the rate of 5.5.% per annum for the delayed period which appears to be just and valid in the facts and circumstances of the case. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

July 15, 2015
'gs'

(Rekha Mittal)
Judge