

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

366

**Civil Writ Petition No.20446 of 2002
Date of Decision:25.02.2016**

Priyanka Singhi

....petitioner

Versus

State of Haryana and another

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

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

Present: Mr.Ankur Bali, Advocate for
Mr.Vikas Jain, Advocate
for the petitioner

Mr.Deepak Sabherwal, Advocate
for the respondents

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

The petitioner has challenged the respondents' action in forfeiting the entire amount paid by him in respect of the allotment of a plot at Faridabad. The petitioner applied for the allotment on 30.01.2001. Draws were held and the petitioner was allotted a plot on 20.09.2001. It is important to note that on 15.10.2001, itself, the petitioner forwarded a letter to the respondents seeking refund of the amount as he was not interested in the plot. Possibly due to a gap in communication, the respondents issued an allotment letter dated 23.10.2001. Petitioner addressed a letter dated 21.11.2001, intimating the respondents regarding his refusal for allotment of the plot. The respondents contend that the letter was received on 22.11.2001 i.e. on 31st day after the issuance of letter of allotment.

Clause 4 of the letter of allotment reads thus:

“In case you refuse to accept this allotment you shall communicate refusal by a registered A.D letter so as to reach this office within 30 days from the date issuing of allotment letter failing which this allotment shall stand cancelled and earnest money deposited by you shall be forfeited to the authority and shall have no claim for damages.”

Whichever way this matter is looked at, the petitioner intimated the respondents within a period of 30 days. The date on which the letter was addressed is to be excluded. Further, the doubt, if any, is set at rest by the fact that the petitioner had intimated the respondents regarding the refusal to accept the allotment even before the letter of allotment was received. The letter dated 21.11.2001 only informed the respondents of the same.

In the circumstances, the petition is allowed. The impugned orders are quashed and set aside. The amount shall be refunded together with the interest @8% per annum from 15.10.2001 till the payment and its actual realisation. The payment shall be made by 30.04.2016, failing which the interest shall be payable @ 12% per annum.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

February 25, 2016
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**(ARUN PALLI)
JUDGE**