

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.18687 of 2012
Date of Decision: February 27, 2016

Residents Welfare SocietyPetitioner
versus
Haryana Urban Development Authority and another
.....Respondents

[2] Civil Writ Petition No.2072 of 2001
Rajinder Parkash Sharma and othersPetitioners
versus
State of Haryana and othersRespondents

[3] Civil Writ Petition No.19454 of 2005
Rajinder Kumar and othersPetitioners
versus
State of Haryana and othersRespondents

[4] Civil Writ Petition No.2038 of 2006
Brig.(Retd.) Ishwar Singh Punia and othersPetitioners
versus
State of Haryana and othersRespondents

[5] Civil Writ Petition No.18724 of 2007
Mrs.Kanta SinghPetitioner
versus
State of Haryana and othersRespondents

[6] Civil Writ Petition No.11392 of 2009
Sukhvinder SinghPetitioner
versus
State of Haryana and othersRespondents

[7] Civil Writ Petition No.25666 of 2012
House Owner SocietyPetitioner
versus
Haryana Urban Development Authority and another
.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present : Mr.Anand Chhibber, Senior Advocate with
Mr.Vikas Bali, Advocate,
Mr.S.K.Lamba, Advocate,
Mr.Amit Jain, Advocate,
Mr.Suman Jain, Advocate, for the petitioner(s).
Mr.Anil Chawla, Advocate,
Mr.Padam Kant Dwivedi, Advocate,
Mr.Arun Walia, Senior Advocate with
Mr.Rohit, Advocate,
Mr.Deepak Sabharwal, Advocate, for HUDA.

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

Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.18687 of 2012, 2072 of 2001, 19454 of 2005, 2038 of 2006, 18724 of 2007, 11392 of 2009 and 25666 of 2012 as the issues raised in these writ petitions are broadly common in nature.

[2] For the purpose of disposal of these matters, reference is being made to CWP No.18687 of 2012.

[3] The petitioner is a Residents' Welfare Society of Sector-26, Panchkula representing all the plot holders in that residential Sector developed by Haryana Urban Development Authority (for short, 'HUDA'). The Society has laid challenge to the enhancement notices dated 02.09.2011 and 03.08.2012 whereby the allotment price of the plots has been enhanced 6th time now @ Rs.2200.51 per square meters.

[4] The respondent-HUDA-authorities though have defended the impugned notices and details of the cost-component have been brought on record in a tabulated form

to justify the 6th enhancement but having realized that the impugned notices are lacking material information and thus the allottees were groping in dark to know the actual basis resulting into the additional demand, learned counsel for HUDA on the basis of written instructions received vide memo dated 26.02.2016 states that the impugned notices may be treated to have been withdrawn with liberty to the respondent-authorities (HUDA) to issue self-speaking fresh demand notice(s).

[5] Ordered accordingly.

[6] There is no gain saying that the allottees would be liable to pay the actual and genuine enhanced allotment prices of the plots provided that adequate details are furnished to them in a fair, reasonable and transparent manner. Since the impugned notices are de-horse of such information, we dispose of these writ petitions with liberty to the respondents to issue fresh notices, subject to the following further directions:-

- (i) the respondent-authorities will upload the details of the subject-enhancement including the reasons justifying the additional demand now raised and such comprehensive self-speaking tentative order shall also be appended with individual demand notice to be served on the allottees;
- (ii) the allottees or their Residents Welfare Society (in representative capacity) may seek further information, if need be, for submitting their effective replies to the demand notices;

- (iii) the Chief Administrator, HUDA shall constitute a Committee comprising an officer in the rank of Administrator, one Estate Officer and Chief Accounts Officer, HUDA who shall consider the replies and submit a reason-based report justifying the enhancement, if any. The final order shall be based upon such report only.
- (iv) till such order is passed, the allottees shall not be compelled to pay any additional amount. However, if an allottee has already deposited the enhanced amount, it may be retained by HUDA subject to its adjustment and/or refund depending upon the final decision.
- (v) if HUDA has taken a decision in respect of any residential Sector to refund any amount to the allottees, let such benefit of refund be extended to similarly placed other allottees as well. However, if final adjudication in respect of such Sector is yet to attain finality, then the amount be retained though the final decision shall be required to be taken within a period of four months.

Dasti.

[SURYA KANT]
JUDGE

February 27, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE