

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12452 of 2016

Date of Decision: 8.8.2016

Gurmail Singh

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Vinay Kumar Gupta, Advocate for the petitioner.

Mr. Alok Jain, Additional Advocate General, Punjab.

Mr. Shekhar Verma, Advocate for respondents No.2 and 3.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to proceed with his representation dated 25.2.2016 (Annexure P-3) and to release the interest due on account of delayed period.

2. The petitioner applied for allotment of a residential apartment Type I in Purab Premium Apartments in general category at Sector 88, SAS Nagar vide application Form No. 20155 and deposited earnest money of ₹ 3,70,000/-. The petitioner deposited a total sum of ₹ 33,94,750/- (including the earnest money of ₹ 3,70,000/-). The Letter of Intent (LOI) was issued to the petitioner on 18.5.2012 (Annexure P-1). As per condition

3 of the LOI, the possession of the apartment was to be handed over after completion of development works at site in a period of 36 months from the date of issuance of LOI. Further, it was mentioned therein that in case for any reason, the authority was unable to deliver the possession of apartments within stipulated period, the allottee shall have the right to withdraw from the scheme by moving an application to the Estate Officer and in such case the authority had to refund the entire amount deposited along with interest @ 8% compounded annually. When the respondents failed to develop the proposed scheme and the development was in its initial and barren stage, the petitioner requested the respondents for allotment of a plot in some other developed colony, but to no effect. Accordingly, the petitioner requested the respondents to refund his amount with compound interest. Respondent No.3 vide letter dated 13.8.2015 (Annexure P-2) cancelled the LOI of the petitioner and granted permission of refund to the allottee. However, no interest was granted for the delayed period. The petitioner moved a representation dated 25.2.2016 (Annexure P-3) to respondent No.3 for release of the interest on account of delayed period, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 25.2.2016 (Annexure P-3) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 25.2.2016 (Annexure P-3), in

accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order. It is further directed that in case the petitioner is found entitled to the amount of interest, the same be released to him within next one month, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

August 8, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No