

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

CWP No. 19884 of 2016

DATE OF DECISION : 23.09.2016

Harinder Pal Singh

.... PETITIONER

Versus

The Greater Ludhiana Area Development Authority, Ludhiana and others

..... RESPONDENTS

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

HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vikas Singh, Advocate,
for the petitioner.

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RAMENDRA JAIN, J.

1. On the basis of an application for transfer of the plot No. 1036, Phase – 3, Dugri, Ludhiana, submitted by Shri Daljit Singh Mann, the original allottee, the said plot was transferred in favour of the petitioner and was re-allotted vide allotment letter dated 23.07.2008 (Annexure P-1). After payment of the entire due amount by the petitioner, he was issued 'No Due Certificate' dated 06.10.2008 (Annexure P-3), subject to the condition that the enhanced price shall be paid to the respondents within 30 days of the demand; and if due to audit some amount is found due then the office shall be within its rights to recover the same. Thereafter, with regard to the plot in question, the petitioner entered into an agreement to sell with Smt. Manwinder Kaur wife of Harcharan Singh. Accordingly, on an application by the petitioner, vide letter dated 23.04.2013 (Annexure P-4), the respondents granted him permission to sell the said plot. Subsequently, vide

demand notice dated 03.05.2013 (Annexure P-6), the respondents raised additional demand of ₹ 14,89,900/- from the petitioner towards the plot in question. After making payment of the said amount under protest, the petitioner challenged the demand notice dated 03.05.2013 by filing CWP No. 13446 of 2014, which was disposed of on 15.07.2014 with a direction to the Estate Officer, Greater Ludhiana Area Development Authority (for short 'GLADA') to pass a self-speaking order after giving opportunity of hearing to the petitioner and also give him the statement of account of the said plot. Accordingly, vide order dated 12.11.2014 (Annexure P-7), respondent No.3 observed that the petitioner was liable to pay all dues, which he had already deposited. Since after issuing NOC, the ownership of the plot was transferred in the name of Smt. Manwinder Kaur, therefore, the deposited amount cannot be refunded to the petitioner. The said order dated 12.11.2014 as well as the demand notice dated 03.05.2013 were challenged by the petitioner by filing CWP No. 8250 of 2015, while claiming that the amount recovered from him was excess to the allotment price. In the alternative, he asserted that no interest could be levied as he deposited the amount within one month of the demand raised and the delay in raising such demand lies on the part of the authorities. While disposing of the said writ petition vide order dated 17.08.2015, the petitioner was relegated to approach the Administrator/Chief Administrator, GLADA, by filing appeal. In compliance with the said order, the petitioner filed an appeal dated 10.09.2015 (Annexure P-8), which was dismissed by the Chief Administrator, GLADA (respondent No.1 herein) on 09.10.2015 (Annexure P-9).

2. Now, the petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, challenging the demand notice dated 03.05.2013 (Annexure P-6), order dated 12.11.2014 (Annexure P-7) passed by the Estate Officer, GLADA (respondent No.3) and the order dated 09.10.2015 (Annexure P-9) rendered by respondent No.1. He has also prayed for direction to the respondents to refund the recovered amount with interest.

3. Learned counsel for the petitioner argued that once the petitioner had been issued 'No Objection Certificate', the respondents were not authorised to recover any amount from him, if the same was found due from Daljit Singh, the original allottee. The petitioner could not be burdened with interest or penalty for non-payment of the said amount, as the same remained unpaid due to mistake of the respondents. Therefore, the petitioner is entitled to refund of the amount already deposited by him under protest.

4. A perusal of the impugned order dated 09.10.2015 passed by respondent No.1 would reveal that on 23.04.2013, when the petitioner applied for getting permission to sell certificate regarding his plot in favour of Smt. Manwinder Kaur, it came to the notice of the authorities that one instalment was pending against the plot in question, as at the time of issuance of re-allotment letter in favour of the petitioner, due to inadvertence, the receipt dated 26.06.2008 amounting to ₹ 7,11,898/- regarding another plot (i.e. plot No. 1031, Phase – 3, Dugri, Ludhiana) was considered towards the plot in question (plot No. 1036, Phase – 3, Dugri, Ludhiana). Thus, non-payment of the instalment which was due in the year 2008 came to the notice of the authorities in the year 2013. Therefore, after

adjusting total amount deposited by the petitioner, computerized statement of account of rescheduling instalments was prepared.

5. In view of the above, we do not find any illegality in the impugned demand notice and the orders passed by respondents No.1 and 3. In our opinion, the impugned order dated 09.10.2015 cannot be faulted. Hence, we are not inclined to entertain the instant writ petition.

6. Dismissed.

**(RAMENDRA JAIN)
JUDGE**

September 23, 2016
ndj

**(AJAY KUMAR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No