

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

103

**Civil Writ Petition No.2827 of 2016
Date of Decision:12.02.2016**

M/s Vikas Impex

....petitioner

Versus

Haryana Urban Development Authority and othersrespondents

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

Present: Mr.Gaurav Gupta, Advocate
for the petitioner

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

Notice of motion.

Service is waived as Mr.Vishal Garg, Advocate, present in the Court, accepts notice on behalf of the respondents.

The petitioner merely seeks the implementation of an order dated 11.08.2015, passed by the Chief Administrator, HUDA, para 5 of which is operative and the same reads thus:

"I have heard the proprietor of the petitioner-firm and have also perused the documents available in the file. The petitioner firm applied for allotment of industrial plot in Sector-29-II, Panipat under the category of 30 crore mega project scheme in the year 2012 and also deposited a sum of Rs.16,51,015/- as earnest money on 02.02.2012. The earnest money deposited by the petitioner firm was refunded on 12.09.2014 through RTGS without any interest. As per the HUDA policy dated 01.01.2014 as modified on 07.07.2014 simple interest @ 5.5 % per annum is payable on the earnest money after six months from the date of deposit. Ibid policy is prospective in nature and applies only on the applications submitted subsequently. However, keeping in view the fact that

the earnest money remained with HUDA from 02.02.2012 till 12.09.2014, the Chief Controller of Finance, HUDA, Panchkula is directed to pay simple interest @ 5.5 % per annum to the petitioner-firm on the earnest money after the expiry of 6 months from the date of deposit. A copy of speaking order be sent to all concerned immediately.”

The petitioner by its letter dated 17.11.2015 demanded payment as per the said order. There has been no payment to the petitioner till date. Absent any other order to the contrary or absent any other facts and circumstances, which entitle the respondents to withhold the payment, the payment must be made forthwith.

The petition is disposed of, by directing the respondents to pay the amount, as per the said order, unless the order has been modified or set aside or the respondents have any other claim against the petitioner. In the event of the respondents refusing to make payment by 31st March, 2016, they shall furnish reasons for the same. If the amount is not paid by 31st March, 2016, the amounts payable, to date, shall carry further interest @ 12% per annum. The petitioner is at liberty to challenge the order, in the event of there being any adverse effect of the petition.

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

**(ARUN PALLI)
JUDGE**

February 12, 2016
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