

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3784 of 2016 (O&M)
DATE OF DECISION: 26.02.2016

M/s Bhagat Ram Kanhiya Lal

....Petitioner

versus

State of Haryana and others

....Respondents

2. **Civil Writ Petition No.3813 of 2016**

M/s Durga Trading Company

....Petitioner

versus

State of Haryana and others

....Respondents

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

Present: Mr. Keshav Partap Singh, Advocate for the
petitioners

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

Issue notice of motion in both the petitions returnable
forthwith.

2. Service waived qua all the respondents, Mr. Deepak
Balyan, Addl. Advocate General, Haryana, having accepted
notice on their behalf.

3. The issues that arise in these petitions are common.
The petitions are, therefore, disposed of by this common order
and judgment.

4. The petitioners' entitlement to the plots is not in
dispute. What was in dispute was the reserve price. The Chief

Administrator by an order dated 02.07.2013 held that the reserve price to be charged from the petitioners should not be affected by the open auction held on 01.12.2009 and, therefore, directed the office to re-fix the reserve price for the petitioners and other similarly situated allottees payable on the same date, as earlier considered, without considering the auction prices fetched in open auction held on 01.12.2009. The competent authority has yet not complied with the order by re-fixing the reserve price.

5. The petitioners also contend that they are entitled to interest on the amount of 25 per cent deposited by them in the year 2011. It would be open to the petitioners to so contend before the competent authority. The competent authority will consider the same as well. In the event of it being found that the petitioners are entitled to interest, credit shall be given to the petitioners to that extent from the reserve price to be fixed afresh.

6. In the event of the petitioners being aggrieved by the reserve price fixed, they shall be at liberty to pay the same under protest and without prejudice to their rights and contentions. In that event, the respondents shall put the petitioners in possession of the premises leaving it open to the petitioners to adopt appropriate proceedings for the recovery of any amounts. Thereafter the competent authority shall determine the final amount to be paid taking into consideration the reserve price determined and the credit, if any, to be granted to the petitioners. The same shall be done by the respondents by 30.06.2016 provided that the petitioners

send a further representation regarding their claim for interest.

7. The petition is accordingly disposed of.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

26.02.2016
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(ARUN PALLI)
JUDGE