

CWP No.10199-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.10199-2017 (O&M).
Decided on: May 12, 2017.**

TDI Infrastructure Limited

.. Petitioner(s)

VERSUS

Permanent Lok Adalat and another

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.S.K.Monga, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Respondent No.2 had been allotted Plot No.H-510 subject to the terms of the allotment by the petitioner. Subsequently, neither the possession was delivered nor any development was made compelling respondent No.2 to approach the Permanent Lok Adalat (Public Utility Services), Sonapat. The prayer of respondent No.2 was allowed, directing the petitioner-developer to allot Plot No.H-510, to her within a period of one year after making full developments on receipt of the amount. It was ordered that in case the possession is not handed over to respondent No.2, she would be entitled to interest @ 12 per cent per annum from the date when she had made the payment to the petitioner.

The petitioner preferred a writ petition CWP No.11540

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of 2015 for modification of the award for alternative plot but the said writ petition was permitted to be withdrawn giving liberty to the petitioner to file a review application before the Permanent Lok Adalat, offering alternative plot No.F-262. The petitioner had offered the alternative plot and demanded additional EDC (External Development Charges) of Rs.16,46,408.85 paise. The review application filed by the petitioner was again dismissed by the Permanent Lok Adalat reiterating that the petitioner cannot demand further amount towards EDC (External Development Charges) from respondent No.2 and that she would be liable to pay the enhanced EDC only within a period of two years of the allotment of Plot No.H-510 only.

The petitioner has again approached this Court claiming that the delivery of possession of Plot No.H-510 is not feasible on account of school site having ordered to be developed under the revised layout plan.

The petitioner having neither allotted any site nor any alternative site, was called in execution proceedings to comply with the order besides issuing a show cause notice as to why the person responsible for the affairs of the business of petitioner be not sent in civil prison. A copy of the order of the executing Court dated 27.2.2017, has been placed on record.

There does not appear to be any reason to interfere in the order passed by the Permanent Lok Adalat (Public Utility Services), Sonapat, requiring respondent No.2 to pay the enhanced EDC within a period of two years of the allotment of the plot No.H-510 only but the controversy is whether respondent No.2 would be entitled to Plot No.H-510 or F-262.

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The offer of the petitioner of alternative plot F-262 instead of H-510 appears to be a camouflage to deprive respondent No.2 of her right.

Counsel for the petitioner submits that the petitioner-developer is ready to offer possession of Plot No.F-262 to respondent No.2. The said offer can be put to respondent No.2 without any pre-condition of deposit of EDC charges of Rs.16,46,408.85 paise. In case this offer is made before the executing Court and is acceptable to respondent No.2, the executing Court can show indulgence on the basis of the consent of the parties, otherwise, I do not find any ground to interfere in the order passed by the Permanent Lok Adalat (Public Utility Services), Sonapat.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 12, 2017.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No