

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16076-2015

Date of Decision: February 02, 2017

Vishnu Bagwan Aggarwal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.H.S.Rakhra, Advocate
for the petitioner.
Mr.Aman Dhir, Advocate
for Haryana Housing Board.

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SURYA KANT, J.

The issue which falls for consideration in this case is whether the demand raised by Housing Board vide Memo dated 01.01.2014 (Annexure P-12) asking the petitioner to deposit Rs.1,16,872.00 towards allotment price of H.No.1746-MIG-A, Sector 11-12, Part-I, Panipat is justified and based upon correct statement of accounts?

The petitioner was allotted the above mentioned dwelling unit in the year 1984 for a sale consideration of 89,500/-, which was duly paid by him. Thereafter the authorities raised three additional demands due to enhanced compensation paid for the acquired land. While the petitioner claims that he has already paid the amount towards three additional demands, the case of Housing Board is that the same were required to be deposited by the end of the year 1989 but the petitioner deposited the same

till the year 2005. As a result of the delay, the petitioner has been subjected to interest/compound interest.

The fact of the matter is that allegations and counter-allegations are based upon guess work only as no complete statement of accounts has been asked for or supplied to the petitioner. It is only from the entries made in the statement of accounts that one can determine whether the demand raised by the Housing Board is justified or not. In this view of the matter and knowing fully that this Court cannot in these proceedings adjudicate a pure question of fact, the writ petition is disposed of with a direction to the Housing Board to supply complete statement of accounts to the petitioner within one month from the date of receipt of a certified copy of this order. On receipt thereof, the petitioner shall submit his objections, if any, within two weeks thereafter. The Competent Authority in the Housing Board shall consider those objections and determine the liability of the petitioner, if any. No sooner a communication of the determination is sent to the petitioner he will deposit the said amount whereupon 'No Objection Certification' may be issued.

The petitioner may deposit the said amount without prejudice to his legal rights and, if aggrieved, he may approach the appropriate forum.

Disposed of.

(SURYA KANT)
JUDGE

February 02, 2017

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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No