

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.24435 of 2016.

Date of Decision: March 02, 2017

Suman Yadav

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Ms.Bhavna Grewal, Advocate, for
Mr.R.D.Yadav, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

On the oral prayer made by learned counsel for the petitioner, Amritsar Development Authority through its Chief Administrator at Amritsar is ordered to be impleaded as respondent No.4.

Registry is directed to carry out necessary correction in the memo of parties.

[2] The petitioner seeks a mandamus to direct respondent No.2- “M/s College Group Infrastructure Private Limited” to refund a sum of Rs.20,75,765/- deposited by her late husband Manoj Yadav towards purchase of an apartment/flat. The petitioner also seeks interest @ 24% per annum.

[3] As per the averments made in the writ petition, respondent No.2 is a builder-cum-developer who floated a scheme, namely, “College Windsor Apartment” situated in Heritage City, Airport Road, Village Heir, Amritsar, in the year 2008. The husband of the petitioner also applied and on 07.10.2008 was allotted an apartment bearing No.204 Type 2 BL-C on

2nd floor in Block/Tower No.B1 having super area of 1293 square feet. The cost of the apartment was Rs.34,48,280/-, out of which the petitioner's husband paid Rs.20,75,765/-. It is alleged that neither the builder handed-over possession of the apartment complete in all respects nor the amount has been refunded. The husband of the petitioner served the respondents with a legal notice dated 15.09.2014 (P-2) and in reply thereto, the builder offered some other apartment to him. However, from the contents of the reply, it appears that the builder is adopting delaying tactics and is not in a position to fulfill its promise in terms of the original advertisement/offer.

[4] Unfortunately, husband of the petitioner died in a motor-vehicular accident on 08.04.2016, leaving behind her and two minor children who are now left with no source of income. It is in this backdrop that the petitioner seeks refund of the amount from respondent No.2.

[5] As the facts would speak for themselves, respondent No.2-builder initially failed to honour its obligation and subsequently due to change in circumstances, namely, the unfortunate death of petitioner's husband, it appears to be a fit case where the petitioner's claim for refund of the amount deposited by her deceased-husband requires sympathetic consideration by respondent No.2. Since intervention of the Chief Administrator, Amritsar Development Authority, under whom respondent No.2 has been granted licence is required, we dispose of this writ petition at this stage with a direction to the Chief Administrator, Amritsar Development Authority, Amritsar, to intervene in the matter and impress upon respondent No.2 to redress the grievance of the petitioner for the refund of the amount deposited by her deceased-husband, in the changed circumstances as noticed above.

[6] Let the needful be done within a period of two months from the date of receiving a certified copy of this order.

[7] Ordered accordingly.

[8] Dasti.

[SURYA KANT]
JUDGE

March 02, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No