

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

CWP No. 22436 of 2017

Date of Decision:-23.10.2017

Amarjeet Singh Sidhu and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Amit Jain, Advocate
for the petitioners.

Mr. Sahil Sharma, Deputy Advocate General, Punjab.

Mr. Aman Sharma, Advocate
for respondents No.2 and 3.

S.J. VAZIFDAR C.J.(Oral)

On 22.02.2012, a plot was allotted to the petitioners pursuant to an auction. However, vide an application dated 23.5.2014 the petitioners sought to surrender the plot. The application was accepted and the amount deposited by the petitioners was refunded after forfeiting 10% of the total cost of the allotment. The case is covered by the provisions of Punjab Regional and Town Planning and Development Act, 1995 and particularly under Section 45(3) thereof. Section 45(3) was amended with effect from 05.12.2013.

The impugned orders merely proceeded on the basis that the respondents are entitled to deduct 10% of the total amount upon an allottee surrendering the plot. However, the record does not indicate whether the petitioners made any application or raised any contention to the effect that no amount should have been forfeited or in any event an amount less than 10% ought to have been forfeited.

The only relief we are inclined to grant the petitioners is an opportunity to contend before the Estate Officer, Greater Mohali Area Development Authority, S.A.S. Nagar, Mohali that no amount ought to be forfeited and that in any event an amount less than the maximum amount of 10% ought to be forfeited. If such an application is made on or before 30.11.2017, the Estate Officer shall consider the same and pass a reasoned order after hearing the petitioners. It is clarified that the same would be subject to all the contentions of the petitioners as well as respondents.

The petition is accordingly disposed of.

(S.J. VAZIFDAR)
CHIEF JUSTICE

October 23, 2017
Vijay Asija

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No