

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27397 of 2016.

Date of Decision: March 28, 2017

Surinder Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ivneet Singh Pabla, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The land of the petitioners fully described in para No.2 of the writ petition was put to acquisition but a part thereof was released on their request subject to the condition to deposit the External Development Charges (EDC). The petitioners deposited a sum of Rs.5,94,000/- on 23.08.2006 vide receipt (P-2). Subsequently, the entire acquisition was quashed by this Court as a result of which the petitioners sought refund of the EDC amount deposited by them. HUDA authorities while refunding the amount, have deducted 10% of the EDC amount vide order dated 19.01.2009. The petitioners represented against 10% deduction and served the authorities with a legal notice also on 17.08.2009 (P-6). Thereafter, the petitioners approached the District Consumer Disputes Redressal Forum which has declined to interfere on the ground that it is a 'policy matter'. The petitioners have been, however, granted liberty to approach the appropriate forum, vide above-stated order dated 23.12.2015.

We have heard learned counsel for the petitioners and gone through the record.

No reason whatsoever has been assigned by the HUDA authorities as to on what basis 10% of the EDC amount was deducted. Needless to say that even if there is some justification for such deduction, it is imperative upon the authorities to assign such reason in support thereof. The order of deduction is totally cryptic. In this view of the matter, we dispose of this writ petition with a direction to the Chief Administrator, HUDA, Panchkula, to call for the records and determine as to why 10% of the EDC amount deposited by the petitioners has been deducted when subsequently the entire acquisition stood quashed. The petitioners' claim shall be decided by way of a reasoned order which shall be passed within a period of four months from the date of receiving a certified copy of this order. If the petitioners are found entitled to any refund, the needful shall also be done within the afore-stated period.

Dasti.

[SURYA KANT]
JUDGE

March 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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

102 CM No.4595 of 2017 in
CWP No.27397 of 2016

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Surinder Kumar and others versus State of Haryana and others

Present : Mr.Ivneet Singh Pabla, Advocate,
for the applicant-petitioners.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and the document (P-10) is taken on
record.

CM stands disposed of.

(SURYA KANT)
JUDGE

March 28, 2017
mohinder

(SUDIP AHLUWALIA)
JUDGE