

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8183 of 2017.

Date of Decision: April 21, 2017

Ruchika Aggarwal

.....Petitioner

versus

Haryana Urban Development Authority and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Vivek Khatri, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner has raised two-fold issues. Firstly, she contends that she is not liable to pay any interest on the installments payable towards allotment price of Plot No.827-P, Sector-55 at Faridabad and secondly, she contends that possession of the plot has not been handed-over to her though more than 12 years have passed after the allotment.

[2] As regard to the first plea, clause 6 of the allotment letter dated 31.05.2004 (P-1) clearly recites as follows:-

“... In case the payment of installment(s) is not made by the due date, interest at the rate of 14% p.a. (simple) shall be chargeable for the delayed payment of installment(s) irrespective of the fact whether possession has been offered or not without prejudice to the rights of Authority to take action under Section 17 of the HUDA Act.....”

[3] The petitioner having accepted the terms and conditions of the allotment cannot wriggle out the liability to pay interest on the due installments. Otherwise also, the payment of installments is deferment of the sale consideration for which the respondents are entitled to charge interest.

So far as possession of the plot is concerned, there is a merit in

the petitioner's contention. The development works are required to be completed within a reasonable period.

[5] We thus dispose of this writ petition with a direction to the Chief Administrator, HUDA, Panchkula and the Estate Officer, HUDA, Faridabad to complete the development works in a time bound manner and ensure that physical possession of the plot is handed-over to the petitioner as early as possible but not later than four months from the date of receiving a certified copy of this order.

[6] However, if the petitioner has paid any excess amount, she may make out a case for refund which shall be considered by the Authority in accordance with law.

[SURYA KANT]
JUDGE

April 21, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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