

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1533 of 2015(O&M)

Date of Decision:-21.03.2018

Mrs. Kiran Dhull & Ors.

.....Petitioners.

Versus

Sh. R.S. Verma & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- None for the Petitioners.

Mr. Babbar Bhan, Advocate for the respondents.

JASWANT SINGH, J.(ORAL)

28 Petitioners had become members of The Haryana Officers Co-operative Group Housing Society Limited (Shikhar Apartment) Mansa Devi, Panchkula after having purchased the flats from original allottees and upon payment of admission fee as well as Share Capital. They thus become owners in possession of the flats. They were aggrieved with the charging of Rs.1 lac as transfer fee by the society and thereby filed CWP No.6803 of 2011, which was allowed vide judgment dated 11.12.2012 holding that the society had no power to recover the aforesaid amount of transfer fee and therefore, directed the refund of the said amount.

Petitioners filed the present contempt alleging that the required amounts of refund had not been paid.

Upon notice, reply has been filed, wherein it is stated that the

matter had been taken up right upto the Hon'ble Supreme Court, which has now been decided in favour of the petitioners. The refund could only be ordered after a decision had been ratified by the general house of the society as per Byelaw No.19 of the Byelaws of the society.

It is further stated that the amount after the passing of the resolution of the general house on 27.09.2015 stands refunded as per the details contained in Annexure R-1-2/1. The delay in complying with the directions of this Court has thus been explained. Mr. Babbar Bhan, Advocate states that the order thus stands complied with.

None has appeared on behalf of the petitioners to refute the factual position.

In view of the above, present contempt petition is hereby disposed of.

(JASWANT SINGH)
JUDGE

March 21, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>