

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10214-2000 (O&M)

Date of Decision: September 12, 2018

Wing Cdr.(Retd.) Amarjit Singh

.....Petitioner

Versus

Chandigarh Housing Board and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Gaurav Chopra, Advocate for the petitioner.

Mr.Ashish Rawal, Advocate for CHB.

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SURYA KANT, J.(ORAL)

Prayer in this petition is for quashing the impugned order dated, 12.07.2000, passed by the Development Officer, Chandigarh Housing Board, whereby allotment made in favour of the petitioner of Dwelling Unit No.1062, Sector 39-B, Chandigarh, has been cancelled and the entire amount deposited by the petitioner has been forfeited.

[2] Counsel for Chandigarh Housing Board does not dispute the fact that the petitioner has deposited the amount but he submits that the last date to deposit the amount was 30.09.2017, whereas the petitioner, after making the part payment in June 2017 deposited the balance amount in July 2018 only. The petitioner is stated to be liable to pay GST also on the outstanding amount paid in July 2018.

[3] As regard to the expiry of the last date, we are not impressed by the objection raised by Chandigarh Housing Board. The matter was pending

in this Court and the petitioner has been craving through one or the other applications to permit him to pay the balance amount even subject to levy of penal charges and this Court even passed the order to this effect on 16.01.2017 and again on 02.03.2017 when the Scheme was very much in vogue.

[4] We are, thus, of the view that even if the petitioner has deposited the amount after 30.09.2017 the same be treated as made under the Scheme.

[5] As regard to the second objection, it does appear that the petitioner is liable to pay GST. Let the said amount be conveyed to the petitioner, which he will deposit within two weeks from the date of receipt of communication. Once the needful is done, a formal order for restoration of the apartment may be issued within a period of two months from the date of receipt of certified copy of this order.

[6] With these directions, the writ petition stands disposed of.

**(SURYA KANT)
JUDGE**

September 12, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |