

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19588-2015

Date of Decision: July 31, 2018

Rattan Devi

.....Petitioner

Versus

Haryana Urban Development Authority and others

.....Respondents

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

Present: Mr.Sudhir Aggarwal, Advocate for the petitioner.

Mr.Lokesh Sinhal, Advocate for the respondents.

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SURYA KANT, J.(ORAL)

The impugned order dated 31.03.2014 (Annexure P16) passed by the Estate Officer-I, HUDA, Gurgaon levying 'Extension Fee' on the petitioner squarely falls within the ambit of Section 16(1) of the Haryana Urban Development Authority Act, 1977 (for brevity, 'the Act'). Such an order is, therefore, appealable under Section 17(5)&(6) of the said Act. The appellate order can be further assailed before the State Government-cum-Revisional Authority under Section 17(8) of the Act.

[2] The issue raised in the instant writ petition is purely a question of fact as to what was the date of offer of possession to the petitioner? Such a question can be effectively determined by the Appellate Authority by summoning the relevant record. The writ petition is, accordingly, disposed of relegating the petitioner to avail the remedy of appeal under Section

petition, it is directed that if the appeal is filed within one month from today, no objection qua limitation shall be taken or entertained and the appeal shall be decided on merits preferably within a period of three months from its filing. The Appellate Authority shall decide the appeal uninfluenced of the stand taken by the Estate Officer before this Court in the written statement.

**(SURYA KANT)
JUDGE**

July 31, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

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