

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1715-2017(O & M)
Date of decision : 05.12.2018

Ritu Garg

..... Petitioner

versus

M/s Unitech Ltd.and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDNSA

Present: Mr.Mukesh Kumar Verma, Advocate for the petitioner.,

Ms.Vertika H.Singh, Advocate for respondent No.1.

TEJINDER SINGH DHINDNSA, J. (ORAL)

Pleadings on record would indicate that the petitioner had filed an application under Section 22-C of the Legal Services Authorities Act, 1987(in short 'the 1987 Act') before the Permanent Lok Adalat, Public Utility Services, Rewari for settlement of the dispute with respondent-M/s Unitech Limited and the following specific prayers had been made in the application:-

“A. Hand over the possession of unit No. 0088 Block B, Floor–GF in UNIHOMES at Sector -15, Rewari to the applicant/petitioner.

B. Pay to the applicant/petitioner interest @ 18% p.a. on the amount paid by him i.e. ₹7,44,696/- for the period of delay i.e. from the dates of payment till the actual date of payment thereof in addition to Rs. 10/- per square ft of the floor super area per month from 01.09.2013 till date of actual payment thereof.

C. Pay to the applicant/petitioner amount of ₹ 1,00,000/- as compensation for causing her mental agony, hardship and harassment by their above illegal and dishonest act.”

Instant writ petition is directed against the order dated 09.07.2016 (Annexure P-7) passed by the Permanent Lok Adalat, Public Utility Services, Rewari and whereby an application filed by the petitioner, has been dismissed.

The instant writ petition was taken up for preliminary hearing by this court and on 01.03.2017, while issuing notice of motion, following order was passed:-

“It appears that Permanent Lok Adalat, Public Utility Services, Rewari, has taken up the adjudication as per the provisions of Section 22-C (8) of the Legal Services Authority Act, 1987, but the letter Annexure P2, dated 24.6.2013, signed by authorised signatory of M/s Unitech Limited proved on the record as EX.CW1/2, has not been properly taken into consideration and has not been properly appreciated which is a communication to the petitioner informing that Sudhanshu Yadav had paid Rs.7,44,695/- and the same stood credited in her favour on transfer of the said allotment in her name. There appears to be an apparent misreading of material on the record warranting remand of the case to the Permanent Lok Adalat, Public Utility Services, Rewari, which had acquired jurisdiction to adjudicate the matter of housing and real estate which was added vide notification dated 19.5.2009 in Section 22-A (b) of the Legal Services Authority Act, 1987.

Notice of motion to respondent no.1 for 4.5.2017.”

Learned counsel representing respondent- Unitech has very fairly stated that the contention as also submission noticed on behalf of the petitioner in the notice of motion order is factually correct. The same also stands admitted in the written statement filed by respondent-Unitech to the instant writ petition.

In the considered view of this Court, the matter needs to be remanded back to the Permanent Lok Adalat, Public Utility Services, Rewari for consideration afresh.

Accordingly the writ petition is allowed. The impugned order dated 09.07.2016(Annexure P-7) is set aside. Matter is remanded back to the Permanent Lok Adalat, Public Utility Services, Rewari to decide the application filed by the petitioner under Section 22-C of the 1987 Act, afresh and after hearing the parties concerned. It would be appreciated if the matter is decided expeditiously and in any case within a period of six months from the date of receipt of a certified copy of this order.

It is, however, clarified that this Court has not examined the case on merits.

Disposed of.

(TEJINDER SINGH DHINDNSA)
JUDGE

05.12.2018
sunita

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