

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16666 of 2018.

Date of Decision: July 11, 2018

Ashish Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ashish Pannu, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners are members of respondent No.4-Ruhani Adarsh EWS Co-operative Group Housing Society Limited. The Society has been allotted a residential plot in Sector-20, Panchkula where multi-storied apartments have been constructed. The Society has been served by HUDA with a show-cause notice asking to deposit additional allotment price for the allotted land, allegedly on account of enhancement in compensation made by the Courts. The Society is separately agitating against the said demand notice. Meanwhile, HUDA has formulated 'One Time Settlement Scheme' (P-6) which is operative for two months w.e.f. 15.05.2018. Under this Scheme, an allottee-in-default can deposit the due amount and get rebate upto 40%. The 'One Time Settlement Scheme', however, further contemplates that the allottee who wants to avail the benefit under the Scheme will be debarred from litigating the matter in Courts and shall have to withdraw the pending litigation.

It appears that members of respondent No.4-Society are divided on the issue as to whether or not they should avail the benefit of

'One Time Settlement Scheme'. This Court in CWP No.16489 of 2018 (Resident Welfare Association, Sector-8, Jind and others versus State of Haryana and others) decided on 09.07.2018, wherein also this very issue came up for consideration, has observed that HUDA by way of an executive fiat cannot debar or prevent a person from approaching the Court of law. In this view of the matter, it appears beneficial for the petitioners and other members of respondent No.4-Society to avail the benefit of 'OTS' Scheme and get the permissible concession/rebate without prejudice to the rights of the Society to separately agitate against the enhancement of allotment price. Let the HUDA authorities also consider the matter in the light of the observations made herein-above.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

July 11, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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