

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17154 of 2018.

Date of Decision: July 16, 2018

Residents Welfare Society, Sector-26, PanchkulaPetitioner

versus

Haryana Urban Development Authority and othersRespondents

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

Present: Mr.Tejeshwar Singh, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is a Resident Welfare Association formed by the allottees of plots in HUDA, Sector-26, Panchkula. Its grievance is against the demand notices dated 24.05.2018 (P-39) and Calculation Sheet dated 11.05.2018 (P-39A), whereby plot-owners of the above-mentioned Sector have been asked to pay additional allotment price at different rates depending upon the category to which an allottee belongs. The members of the petitioner-Association have multiple grievances against the manner in which liability towards additional price has been calculated and fastened on them.

[2] While the petitioner/its members were in the process of submitting their objection-cum-representations, HUDA has meanwhile notified 'One Time Settlement Scheme' whereunder if an allottee-in-default deposits the due allotment price, such allottee is entitled to rebate to the extent of 40% or so. The members of the petitioner-Association also want to avail the benefit of the aforesaid Scheme but their grievance is that the said Scheme imposes a rider to withdraw the pending Court cases and/or will not

litigate the matter in the Court of law. Since the members of the petitioner

are aggrieved by the calculation made by HUDA authorities, they obviously seek protection of their right to approach the appropriate forum or the Court of law, even after availing the rebate permissible under 'One Time Settlement Scheme'.

[3] This Court disposed of CWP No.16594 of 2018 (House Owners Welfare Association versus Haryana Shahri Vikas Pradhikaran and another) on 10.07.2018, wherein also the members of petitioner-Association challenged the demand notice and calculation sheet, with the following directions:-

- “(i) The members of the petitioner-Association may avail the benefit of 'One Time Settlement Scheme' which is operative w.e.f. 15.05.2018 for a period of two months and avail the concession admissible thereunder;
- (ii) HUDA authorities will entertain their request for the grant of benefit under the 'One Time Settlement Scheme';
- (iii) There shall be a joint Committee comprising, Chief Administrator, HUDA; Estate Officer, HUDA, Panchkula and the Chief Controller of Finance, Haryana Urban Development Authority, Panchkula, who shall consider the representation-cum-objections submitted by the petitioner-Association against the revised demand notice dated 24.05.2018 read with Calculation Sheet dated 11.05.2018 and decide the same by way of reasoned order after hearing representative of the petitioner-Association.

Let the needful be done within a period of four months from the date of receiving a certified copy of this order.....”

[4] The instant writ petition is thus also disposed of in the same terms.

[5] Meanwhile, members of the petitioner-Society may avail the benefit of 'One Time Settlement Scheme' launched by HUDA w.e.f.

15.05.2018 which is said to have been further extended.

In view of the observations made in House Owners Welfare Association's case (supra), the condition that the petitioner-Society or its members will not go to the Court of law cannot be imposed upon them. The members of the petitioner-Society thus shall be at liberty to avail the concession of the Scheme without prejudice to their legal rights subsequent to the determination of final allotment price which shall be made by the Committee of the Officers, as directed above.

[SURYA KANT]
JUDGE

July 16, 2018

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(SUDIP AHLUWALIA)
JUDGE

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