

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17176 of 2018.

Date of Decision: July 17, 2018

Sunita Sharma

.....Petitioner

versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Raman Gaur, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The residential plot allotted to the petitioner bearing No.169, Sector-38, Gurugram was resumed due to non-payment of due installments. The petitioner lost appeal as well as writ petition before this Court against which she filed SLP (C) Nos.8198-8199 of 2013 before the Hon'ble Supreme Court. The SLP was disposed of vide order dated 18.10.2013 with the following directions:-

“.... In our opinion, the petitioner deserves relief in similar terms subject to the rider that in the event of acceptance of her representation by Chairman, HUDA, she will have to pay the current market price of the plot in question.

The special leave petition is accordingly disposed of in the following terms:

1. Within 30 days from today, the petitioner may make a representation to Chairman, HUDA for condonation of delay in the deposit of 15% of the price specified in the allotment letter.
2. The application of the petitioner shall be accompanied by an undertaking in the form of an affidavit that in the event of acceptance of her representation, she

will pay the current market price of the plot in question.

3. The representation of the petitioner shall be decided by the competent authority within 60 days of its submission. While doing so, the competent authority shall keep in view the contents of affidavit dated 06.10.2010 filed by Shri D.P.S.Nagal in CWP No.10424 of 2010- Ramesh Kumar versus Haryana Urban Development Authority and others.

4. If the competent authority finally accepts the representation of the petitioner and restores the allotment, then she shall deposit the current market price within a maximum period of two months.....”

[2] It appears that in compliance to the directions reproduced above, the Estate Officer, HUDA with the approval of Chief Administrator, HUDA, has decided to restore the plot on payment of allotment price of Rs.24,400/- per square meter besides 10% surcharge and interest @18% per annum for the delayed period. The petitioner deposited Rs.60.00 lacs and thereafter filed a revision petition before the State Government challenging the rate of allotment and other charges levied on her. The revision petition was allowed in part vide order dated 13.12.2017 in the following terms:-

“... Therefore, keeping in view the circumstances in the present case, I deem it proper to grant one more chance to the petitioner to deposit the amount. While giving this opportunity to the petitioner, it would meet the ends of justice for both the parties if the cost of plot as conveyed to her vide letter dated 10.02.2014 and 21.02.2014, i.e., the cost of plot to the tune of Rs.69,78,400/- (A) + (B) + Rs.20,27,016/- (C) = Rs.91,10,092/- is updated by charging interest @12% per annum. The Estate Officer, Gurugram shall be calculate the dues and convey the same to the petitioner within 7 days from the date of receipt of copy of this order. The dues so conveyed by the

Estate Officer, Gurugram shall be deposited by the petitioner within 60 days from the date of issue of demand letter by the Estate Officer. It is made clear that in case, the petitioner fails to deposit the amount demanded by the Estate Officer within given time, the above opportunity shall stand withdrawn and the allotment of plot shall stand cancelled without any notice.

The Revision Petition is disposed of in above terms....”

[3] The short grievance of the petitioner in the instant writ petition is that the balance amount, in terms of the above-reproduced order of Revisional Authority, has not been conveyed to enable her to deposit the same and get the plot restored.

[4] Having heard learned counsel for the petitioner and keeping in view the stand taken by her, the writ petition is disposed of with a direction to the Estate Officer-II HUDA, Gurugram to consider the above stated claim of the petitioner and take an appropriate decision in the light of the order dated 13.12.2017 passed by the Revisional Authority, within a period of two months from the date of receiving a certified copy of this order.

[5] *Dasti.*

[SURYA KANT]
JUDGE

July 17, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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