

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20121 of 2018

Date of Decision: August 14, 2018

Nirmala Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Jai Bhagwan, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner was allotted Booth No.8, measuring 22.68 square meter, in PWD (B&R) Mechanical Workshop, Jind in public auction held on 07.02.1990. The allotment price was Rs.1,87,600/-. The booth was resumed on 06.07.2001 due to non-payment of installments. The resumption order was upheld by the Appellate as well as Revisional Authorities. However, on further challenge before this Court in CWP No.26037 of 2016 (Nirmala Devi versus State of Haryana and others) the revisional order was set-aside with a direction to the Revisional Authority to pass a fresh order with regard to the petitioner's liability to pay any amount other than what was specified in the order dated 29.01.1999. In deference thereto, the Principal Secretary, Town and Country Planning Department-cum-Revisional Authority has passed a well reasoned order dated 23.05.2018 which is self-explanatory. After giving brief history as to how the petitioner defaulted in payment of installments, Revisional Authority has justified the additional demand of Rs.1,03,450/- raised against the petitioner. The Revisional Authority has further mentioned that the Estate Officer was

asked to justify the additional demand of Rs.1,03,450/- raised against the

petitioner. In response thereto, the Estate Officer, Jind vide memo dated 06.03.2018 has intimated that the petitioner failed to make payment of installments in time, hence, total amount due as on 24.06.1999 was as under:-

“As principal and interest	: Rs.163664.50
Penalty (Rs.1407+3340+7335)	: Rs. 12088.00
Extension fees	: Rs. 1180.00
Total	: Rs.176932.50
Paid on 24.06.1999	: Rs. 77685.00
Balance	: Rs. 99247.50
Interest 24.06.1999 to 30.09.1999	: Rs. 4197.50
Total overdue amount	: Rs.103445.00...”

[2] On consideration of the entire material, the Revisional Authority has further concluded that:-

“.... The Estate Officer, HSVP, Jind has further informed that in the notice dated 29.01.1999 it was mentioned that Rs.70350 + 18% interest are due but due to clerical mistake 18% interest for delayed period was not shown in the notice dated 24.04.1999 issued under Section 17(3) HSVP Act, 1977. A copy of the calculation sheet supplied by the Estate Officer, HSVP, Jind is annexed herewith. In view of the report received from the Estate Officer, HSVP, Jind, it is evident that amount of Rs.103450/- mentioned in the letter dated 07.09.1999 was rightly calculated. In CWP No.11767 of 2002 titled as Sandeep Malik vs. HUDA and others, decided vide order dated 25.02.2016, the Hon'ble High Court has upheld charging of interests on the delayed payment of installments at the rate of 18% PA. Adequate relief has already been granted to the petitioner by the Revisional Authority vide order dated 14.06.2016. Surprisingly, no demand has been raised by the Estate Officer, HSVP, Jind in compliance of the order dated 14.06.2016. Therefore, the Estate Officer, HSVP, Jind is

hereby directed to communicate the amount due to the petitioner as per current HSVP rates within 30 days from receiving copy of this order which shall be cleared by the petitioner within next two months failing which resumption order shall stand revived. Disposed off.....”

[3] It may also be mentioned here that alongwith the revisional order, a complete statement of account has been sent to the petitioner explaining every penny due or deposited, the interest component, penalty and extension fee etc., levied on the petitioner. The duration of the period for which interest has been levied on different occasions has also been duly explained in the statement of account.

[4] We have heard learned counsel for the petitioner and are satisfied that the factual issues determined by the Revisional Authority after considering the details furnished by Estate Officer, do not warrant any interference by this Court.

[5] Dismissed.

[SURYA KANT]
JUDGE

August 14, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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