

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20439 of 2018.

Date of Decision: August 17, 2018

Jaspreet Kaur

.....Petitioner

versus

Haryana Shahri Vikas Pradhikaran and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: None for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is resident of House No.1292, Sector 18-C, Chandigarh. She was allotted plot No.90 in Sector-27, Urban Estate, Panchkula under discretionary quota. Her grievance is against the demand notice dated 24.05.2018 (P-13) and Calculation Sheet dated 11.05.2018 (P-12), whereby she has been asked to pay additional allotment price of Rs.4,92,063/-. The petitioners has multiple grievances against the manner in which liability towards additional price has been calculated and levied on her. All these issues have been raised by her vide self-explanatory representation dated 15.06.2018 (P-16).

[2] While the petitioner was in the process of submitting her objection-cum-representation, HUDA meanwhile notified 'One Time Settlement Scheme' whereunder if an allottee-in-default deposited the balance allotment price, such allottee was entitled to concession/discount to the extent of 40% or so. The petitioner also wants to avail the benefit of the aforesaid Policy but her grievance is that the said Scheme imposes a rider that the allottee will have to withdraw the pending Court cases and/or will

not litigate the matter in the Court of law. Since the petitioner is aggrieved by the calculation made by HUDA authorities, she obviously seeks protection of her right to approach the appropriate forum or the Court of law even after availing the concession/discount permissible under 'One Time Settlement Scheme'. Still further, it is known whether the Scheme is still operative or stands closed.

[3] 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, where also such an issue with reference to One Time Settlement Scheme came up for consideration, observed as follows:-

“... In our considered view, the condition that the allottees will not be entitled to benefit of concession unless they withdraw their pending cases or give an undertaking not to file a court case cannot sustain as their legal rights cannot be curtailed by way of an executive fiat. In this view of the matter, we permit the members of the petitioner-Associations to avail the benefit of 'OTS' Scheme, dated 07.05.2018 without prejudice to their right to pursue the reply-cum-legal notice dated 21.09.2017. It is directed that payments to be offered by the members of the petitioner-Associations shall be accepted and adjusted subject to the speaking order to be passed on the reply-cum-legal notice dated 21.09.2017, for which we grant three months' time to respondent-authorities.....”

[4] The instant writ petition is thus disposed of without expressing any views on merits, with the following directions:-

- (i) The petitioner may avail the benefit of 'One Time Settlement Scheme' which was operative w.e.f. 15.05.2018 for a period of two months and avail the concession admissible thereunder, provided that the Scheme has been

further extended;

- (ii) HUDA authorities will entertain her request for the grant of benefit under the 'One Time Settlement Scheme', subject to clause (i) above;
- (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 against the revised demand notices dated 24.05.2018 read with Calculation Sheet dated 11.05.2018 and decide the same by way of reasoned order after hearing the petitioner.

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

Dasti.

[SURYA KANT]
JUDGE

August 17, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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