

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22213 of 2018 (O&M)

Date of Decision: 04.09.2018

Urmila Ahlawat

...Petitioner

VS.

HUDA & Anr.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. RS Panghal, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The petitioner was successful in the draw of lots for allotment of plot No.67 measuring 10 marla in Sector 21P, Rohtak. However, before the allotment letter could be issued, she surrendered the plot and sought refund of the earnest money. Her application dated 30.10.2017 seeking refund of the earnest money has been turned down by the Estate Officer, Rohtak on the basis of some instructions dated 23.04.2018 said to have been issued by the Chief Administrator, HSVP, Panchkula. A copy of those instructions has been placed on record as Annexure P8.

(2) The contention raised by the petitioner is that the Instructions (P8) cannot be applied retrospectively as she had surrendered the plot and sought refund much before issuance of these Instructions. It appears that the contention raised by the petitioner requires consideration at the hands of the Chief Administrator, HSVP as it is not discernible from the Instructions dated 23.04.2018 that the same can be applied retrospectively. The Chief Administrator is also obligated to explain whether he possesses the power to issue instructions which can have retrospective adverse effect.

(3) The writ petition is accordingly disposed of with a direction to the Chief Administrator, HSVP to treat the copy of this writ petition as a representation on behalf of the petitioner against the reply of the Estate Officer dated 30.04.2018 and decide the same by passing a reasoned order in the light of the observations made hereinabove within a period of three months from the date of receipt of certified copy of this order.

(4) Ordered accordingly.

(Surya Kant)
Judge

04.09.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No