HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CWP No.22902 of 2018 (O&M)
Date of Decision: 10.09.2018

****

Kiran Makhija ...Petitioner

VS.

HUDA & Anr. ... Respondents

****

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

****

Present: Mr. Pavan Malik, Advocate for the petitioner

****

SURYA KANT J. (Oral)

(1) This is the second round of litigation at the instance of petitioner against HUDA authorities.

(2) The facts are like this.

(3) Plot No.2238-P measuring 420 sq.meters, Sector 57, Urban Estate, Gurugram was allotted to the petitioner's brother on 14.01.2005. It was later on transferred in her favour on the joint request under the head of 'family transfer' on 31.10.2012/18.10.2012. The petitioner was asked vide memo dated 27.12.2012 to pay additional allotment price of ₹ 28,19,422/- allegedly on account of enhancement in the land compensation. As the petitioner was being threatened to levy heavy interest, she deposited the amount, under protest, on 14.05.2013 and 01.06.2013/03.06.2013. The petitioner thereafter approached this Court by way of CWP No.11043 of 2014 which was disposed of with a direction to HUDA authorities to decide her representation questioning the additional demand. It is alleged that the said direction has not been complied with so far which has compelled the petitioner to initiate contempt proceedings which are pending.

(4) Meanwhile, HUDA floated One Time Settlement Scheme on 5.05.2018 whereunder the allottees-in-default were given opportunity to clear

V.Vishal
2018.09.20 11:06
I attest to the accuracy and
integrity of this document

their dues and seek rebate upto 40% on the outstanding dues. This benefit was open only for a period of two months from the date of launch of the Scheme.

(5) The petitioner made a representation on 20.05.2018 (P11) and sent its copies through Speed Post on 26.05.2018 as well as through email requesting HUDA authorities to adjust the amount deposited by her under protest on 14.05.2013 and 01.06.2013/03.06.2013 under the One Time Settlement scheme and refund the excess amount found to have been paid by her.

(6) Since no action appears to have been taken on the representations, referred to above, hence the instant writ petition.

(7) The question which thus falls for consideration is whether the amount deposited by petitioner under protest towards additional price of the plot can be adjusted by HUDA authorities under the OTS scheme and allow her admissible rebate for the reason that she approached the HUDA authorities within the stipulated period of two months from the date of launching of the scheme?

(8) It appears that the issue raised by the petitioner firstly requires consideration at the hands of HUDA authorities. Consequently, the writ petition is disposed of with a direction to the Chief Administrator, HUDA to consider and decide the above-mentioned claim of the petitioner by way of reasoned order within *two months* from the date of receipt of certified copy of this order.

(9) Ordered accordingly.

(Surya Kant)
Judge

10.09.2018 **(Sudip Ahluwalia)**
vishal shonkar **Judge**

1. Whether speaking/reasoned? ***Yes***
2. Whether reportable? ***No***

V.Vishal
2018.09.20 11:06
I attest to the accuracy and
integrity of this document