

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-23964-2018

Date of Decision: 19.9.2018

Narinder Kumar Sood

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Mr. Kunal Dawar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to pay interest on the amount of ₹ 2,03,186/- from 23.7.1999 to 12.6.2018, as the said amount was charged illegally from the petitioner and refunded to him on 12.6.2018.

2. The petitioner was allotted a commercial built up booth No.8, Sector 18, Faridabad in an open auction on 10.10.1989 at a total price of ₹ 2,30,000/- vide allotment letter dated 10.7.1989 (Annexure P-1). The petitioner deposited 25% of the price of the booth within 30 days from the date of allotment. The remaining 75% amount was to be deposited in ten half yearly installments along with interest which was to accrue from the date of offer of possession. Since, the petitioner could not deposit the installments in time, respondent No.4 vide order dated 24.9.1997 resumed the booth in question. The petitioner filed an appeal before respondent No.3 who vide order dated 16.3.1999 (Annexure P-2) disposed of the said appeal

days and ordered to restore the booth in case the dues were paid within the said period. In pursuance thereto, the petitioner deposited the amount of ₹ 7,87,409/- vide receipts dated 15.10.1998 to 23.7.1999. The petitioner further filed an appeal before respondent No.2 challenging the compound interest as penalty and also against the memo dated 19.7.1999. The said appeal was held to be not maintainable by Respondent No.2 vide order dated 15.6.2000 as no final order was passed by respondent No.4. Against the order dated 15.6.2000, the petitioner filed a revision before respondent No.1. The said revision was dismissed by respondent No.1 vide order dated 18.12.2000, against which the petitioner filed CWP-7616-2012. This Court vide order dated 18.1.2016 (Annexure P-3) quashed the order passed by respondent No.1 and the memo dated 19.7.1999 and directed respondent No.1 to calculate the interest in terms of the allotment letter and, if any, excess amount is found to have been paid by the petitioner, the same shall be refunded. Thereafter, respondent No.1 passed an order dated 26.4.2016 (Annexure P-4) to the effect that the order of this Court shall be implemented and intimation would be sent to the petitioner within one week after making fresh calculations. Since the order, Annexure P-3, passed by this Court was not complied with, the petitioner filed COCP-629-2018. After issuance of notice in the said contempt petition, an affidavit along with calculation sheet (Annexure P-5) was filed wherein it was mentioned that excess amount of ₹ 2,03,186/- was charged from the petitioner and the same shall be refunded to the petitioner. However, vide memo dated 4.5.2018 (Annexure P-6), the account details of the petitioner were sought. This Court vide order dated 8.5.2018 (Annexure P-7) disposed of the said contempt petition. The said amount was refunded to the petitioner but

without any interest. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and a direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of one month from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
JUDGE

September 19, 2018
gbs

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No