

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26105-2017

Date of Decision: July 25, 2018

Prem Bhutani

.....Petitioner

Versus

The Greater Mohali Area Development Authority and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Himanshu Jawa, Advocate for the petitioner.

Mr.Rupinder S.Khosla, Sr.Advocate with
Ms.Ishrat Phulka, Advocate for the respondents.

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SURYA KANT, J.(ORAL)

The petitioner was allotted residential apartment Type-II in the Purab Premium Apartments, Sector 88, SAS Nagar, Mohali by GMADA. The allotment price was ₹55.00 lacs. The allotment was made on 21.05.2012 and as per the payment schedule mentioned in the allotment letter, the last installment was to be paid upto 21.05.2015.

[2] The petitioner has been making efforts to pay the installments but after sometime, presumably when he was not in a position to pay the due installments, he applied for permission to mortgage the apartment and avail loan facility from the Bank so that entire balance allotment price could be paid. He applied for the permission in July 2015, but his request was declined.

₹55.00 lacs, the petitioner, in fact, had deposited more than ₹46.00 lacs though some of the payments were made belatedly. It is not a case where the petitioner made repeated defaults so as to term him as a habitual defaulter. In fact, the petitioner's *bona fide* to pay the entire allotment price is writ large from the fact that he wanted to mortgage the apartment to a nationalised bank and pay the balance allotment price.

[4] It is in this view of the matter that we direct the Chief Administrator, GMADA to reconsider the matter re: cancellation of allotment of the petitioner and consider the desirability of giving him one opportunity to avail loan facility so as to pay the balance allotment price alongwith interest/penal interest or other charges, as may be levied under the Rules/By-laws. The Chief Administrator, GMADA shall pass an appropriate order within a period of two months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

July 25, 2018
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(SUDIP AHLUWALIA)
JUDGE

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