

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

CWP No.6647 of 2015 (O&M)

Date of Decision: 27.08.2018

Sandeep Kumar

...Petitioner

VS.

Chandigarh Housing Board & Ors.

... Respondents

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

Present: Mr. Anil Rathee, Advocate for the petitioner

Mr. Shekhar Verma, Advocate for the respondents

SURYA KANT J. (Oral)

(1) The writ petition regarding restoration of booth No.35, Modern Housing Complex, Manimajra, Chandigarh was disposed of by this Court vide order dated 06.07.2017 though with liberty to seek its revival in case the settlement for which efforts were to be made, was not acceptable. In deference to the liberty granted, the writ petitioner has sought revival of the writ petition. Thereafter and pursuant to the concerted efforts made by this Court, the Chandigarh Housing Board has handed over communication dated 26.07.2018, the relevant part of which reads as follows:-

“1. The office is ready to recover the balance amount of Rs.8,66,667/- in lump sum against Booth No.35, MHC, Manimajra, Chandigarh.

AND

2. The office is also ready to accept the amount in installment as under:-

<i>1</i>	<i>Balance to be paid on account of cost i.e. 38,07,500/- (Reserve</i>	<i>Rs.5,65,281/-</i>
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	<i>Price) – 34,42,219/- (amount already paid against the Booth)</i>	
<i>2</i>	<i>Ground Rent @ 2.5% per to be paid per annum of the reserve price</i>	<i>95,188/-</i>
<i>3</i>	<i>Goods and Services Tax</i>	<i>1,18,884/-</i>
<i>4</i>	<i>Service Tax</i>	<i>88,313/-</i>

As above the amount of Rs.5,65,281/- in installments is as under:-

<i>Rs.5,65,281/- in 4 installments</i>	<i>Interest in months w.e.f. August 2018</i>	<i>Interest @ 18%</i>	<i>Total Installment</i>	<i>Installment due on</i>	<i>Date upto which amount must be made</i>
<i>141320</i>	<i>5</i>	<i>10599</i>	<i>151919</i>	<i>1st Jan, 2019</i>	<i>10th of Jan, 2019</i>
<i>141320</i>	<i>11</i>	<i>23318</i>	<i>164638</i>	<i>1st July, 2019</i>	<i>10th of July, 2019</i>
<i>141320</i>	<i>17</i>	<i>36037</i>	<i>177357</i>	<i>1st Jan, 2020</i>	<i>10th of Jan, 2020</i>
<i>141320</i>	<i>23</i>	<i>48755</i>	<i>190076</i>	<i>1st July, 2020</i>	<i>10th of July, 2020</i>
<i>Total</i>			<i>6,83,990/-</i>		

However, the dues of a/c of Ground Rent/Service Tax/Goods and Service Tax except Rs.6,83,990/- shall be recovered in lump sum.”

- (2) The petitioner still has objections against levy of (i) Goods & Services Tax; (ii) Service Tax; and (iii) the ground rent being levied from 1998 as the same is stated to have been paid upto 2012.
- (3) The matter is thus disposed of with liberty to the petitioner to submit a representation-cum-objection against the above-stated components and let the same be considered by the Chairman of the respondent-Board

sympathetically and objectively within two weeks from the date of submission of the representation. Meanwhile, the petitioner may, if so advised, accept the offer without prejudice to the decision to be taken on his representation.

(4) Ordered accordingly.

(Surya Kant)
Judge

27.08.2018

vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No