

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

**CWP No. 28569 of 2017 (O&M)**

**-1-**

**CWP No. 28569 of 2017 (O&M)  
Decided On : 07.02.2018**

**Tilak Raj Gogia**

**...Petitioner**

**versus**

**The Chief Administrator, HUDA and another**

**...Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HOB'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Bishan Dass Rana, Advocate,  
for the petitioner.

**ANUPINDER SINGH GREWAL, J.**

**CM NO. 1488 OF 2018**

This is an application for placing on record the order dated 13.01.2017 as Annexure P-9.

For the reasons mentioned in the application, same is allowed and Annexure P-9 is taken on record.

**MAIN CASE**

1. The petitioner has impugned the order dated 10.07.2017 (Annexure P-1), whereby the claim of petitioner for refund of excess amount for allotment of plot has been rejected.

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
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**CWP No. 28569 of 2017 (O&M)**

**-2-**

2. The petitioner had earlier preferred CWP No. 340 of 2017 which was disposed of by Division Bench of this Court by directing the Chief Administrator, HUDA to consider and decide the petitioner's claim by passing a reasoned order.

3. The petitioner had been allotted a plot measuring 275 square yards on 31.12.1987. The physical possession was handed over to the petitioner on 05.05.1997. As per Clause 6 of the Allotment Letter (Annexure P-2), the petitioner was required to pay the balance amount within 60 days from the date of issue of allotment letter or in six annual instalments. Each instalment fell due after one year of the date of issuance of letter of allotment and was recoverable with interest on the balance amount @ 10%.

4. It is apparent from the impugned order that the petitioner did not pay even a single instalment within the prescribed period, although the possession of plot was handed over to the petitioner on 05.05.1997. He had not completed construction even ten years thereafter and had paid the extension fee on 26.04.2007. The occupation certificate was obtained by the petitioner from Municipal Corporation on 26.03.2008. It is, thus, apparent that the extension fee was charged from the petitioner as per the terms and conditions of the allotment letter and the policy of HUDA. There is no material on record which would indicate that the payments made by the

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

**CWP No. 28569 of 2017 (O&M)**

**-3-**

petitioner were in excess of the amount due. Therefore, we do not find any infirmity in the impugned order warranting interference while exercising jurisdiction under Articles 226/227 of the Constitution of India. Consequently, the petition stands dismissed.

**(ANUPINDER SINGH GREWAL)  
JUDGE**

**(AJAY KUMAR MITTAL)  
JUDGE**

**FEBRUARY 07, 2018**  
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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO