

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

CWP No. 8672 OF 2017

-1-

**CWP No. 8672 OF 2017
DECIDED ON : 17.04.2018**

Rajat Gupta

...Petitioner

versus

**Haryana Urban Development Authority
and another**

...Respondents

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

Present : Mr. V. D. Sharma, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondents.

ANUPINDER SINGH GREWAL, J.

1. The petitioner has impugned the order dated 17.03.2017 (Annexure P-8), whereby his claim for payment of interest on the amount deposited for allotment of plot, has been rejected. He has also challenged the Policy dated 25.01.2007 (Annexure P-5) to the extent that it has been made applicable prospectively.

2. The petitioner was allotted Plot No.196 measuring 209 square meters in Sector-7 of Haryana Urban Development Authority, Panipat, on 10.12.2004. The tentative price of the plot was ₹6,43,720/- and the petitioner had deposited 10% as earnest money on 10.12.2014 and ₹96,558/- was deposited after allotment on 09.01.2015 i.e within 30 days of the allotment. The petitioner is

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

CWP No. 8672 OF 2017

-2-

stated to have made payment of other instalments by 07.12.2010. The possession of plot was, however, not given to the petitioner and therefore, he served a legal notice dated 30.12.2015 to the respondents for payment of interest, as well as, delivery of possession. The petitioner then filed CWP No.3513 of 2016, which was disposed of on 23.02.2016 with a direction to the respondents to take a decision on the petitioner's representation. The respondents by the impugned order dated 17.03.2017, rejected the claim of petitioner for grant of interest on the ground that the Policy dated 25.01.2007 is prospective in nature and is not applicable to the case of petitioner as the allotment of the plot was made to the petitioner in the year 2004.

3. Learned counsel for the petitioner has contended that as the allotment of the plot had not been made to the petitioner despite having deposited the entire amount, he would be entitled to interest thereon. He has also urged that the policy to the extent that it is applicable only to the prospective cases, deserves to be set-aside, as it is arbitrary and ultravires Article 14 of the Constitution of India.

4. Learned counsel for the respondents has contended that earlier possession of the plot could not be given to the petitioner as there was some dispute with regard to the land abutting the plot in question which has now been resolved in the year 2017 by a team of District Town Planner, Panipat, Land Acquisition Officer, Rohtak, Executive Engineer, HUDA Division, Panipat and Estate Officer, HUDA,

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

CWP No. 8672 OF 2017

-3-

Panipat. It was urged that the development works i.e road, water supply, sewerage and electrification in front of the plot in question has been completed. He has also filed an affidavit of Estate Officer, HUDA, Panipat in this regard, which has been taken on record. According to the learned counsel, the policy has been made applicable from a prospective date and it cannot be held to be bad and made applicable retrospectively.

5. We have heard learned counsel for the parties.

6. The petitioner had been allotted a plot in the year 2004 and he had made the entire payment. The possession of said plot could not be given to the petitioner as there was dispute with regard to land abutting the plot which has been resolved in the year 2017. It is also stated in the reply that the development works including road, water supply, sewerage and electrification in front of the plot have been completed and the plot has been offered to the petitioner on 02.02.2018. A copy of the offer of possession is attached as Annexure R-1. The policy dated 25.01.2007 specifically provided that it would be applicable on those plots which shall be allotted henceforth.

7. Learned counsel for the petitioner was unable to demonstrate or substantiate that the Clause in the Policy dated 25.01.2007 which makes it applicable prospectively, is arbitrary or in violation of Articles 14 and 16 of the Constitution of India. Even otherwise, a policy would be deemed to be prospective in operation, unless it has been specified therein that it is applicable from a

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

CWP No. 8672 OF 2017

-4-

retrospective date. The plot had been allotted to the petitioner in the year 2004 and the policy had been issued in the year 2007 and made applicable thereafter. It was open to the respondents to formulate a policy which would be applicable in future keeping in view the financial constraints. There is no right of any individual to claim that the policy should be made applicable from a retrospective date.

8. Consequently, we do not find any merit in the instant petition and the same is hereby dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

APRIL 17, 2018

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Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO