

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-8532-2018

Date of Decision: 5.4.2018

Anaib Singh

....Petitioner.

Versus

State of Punjab and another

...Respondents.

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

PRESENT: Dr. Deepak Jindal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant 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 give interest @ 8% compounded from the date of deposit till 16.2.2016 when the amount was refund and to further pay interest @ 12% per annum from 17.2.2016 on the interest accumulated upto 16.2.2016 till its realization. Further, a direction has been sought to the respondents to refund the service tax amounting to ₹ 16,995/- deducted from the refund amount.

2. The respondents pronounced a Scheme, namely, Purab Premium Apartments Sector 88, SAS Nagar, Mohali to allot different types of plots to the general public on the basis of draw of lots. In response thereto, the petitioner applied for Type 2 Apartment along with 10% earnest money. Being successful in the draw of lots, the petitioner was issued a Letter of Intent (LOI) dated 21.5.2012 (Annexure P-1) for the allotment of Type 2 Apartment. As per the bank counterfoil, Annexure P-2, the petitioner deposited ₹ 11 lakhs on 21.6.2012, i.e. within 60 days from the

clear from the counterfoils (Annexure P-3 Colly). Since the possession of the apartment which was to be handed over within a period of 36 months from the date of issuance of the LOI, was not handed over, the petitioner opted for withdrawal from the scheme and vide letter dated 6.1.2016 (Annexure P-4) requested respondent No.2 for refund of the amount along with interest. Respondent No.2 vide letter dated 16.2.2016 (Annexure P-5) refunded the said amount after deducting a sum of ₹ 16,995/- as service tax. Thereafter, the petitioner moved a representation, Annexure P-6, to respondent No.2 for refunding the amount along with interest, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation, Annexure P-6, to respondent No.2, but no action has so far been taken thereon.

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 directing respondent No.2 to take a decision on the representation, Annexure P-6, 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 certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 5, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE