

Kulwant Singh and another

... Petitioners

v/s

Sh. Ashok Kumar Garg

... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGANPresent :- Mr. Gourave Bhayyia Gilhotra, Advocate
for the petitioners.Mr. Vishal Sodhi, Advocate
for the respondent.

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AVNEESH JHINGAN, J. (ORAL)

The petitioners (husband and wife) filed a writ petition claiming the relief that flat be allotted to them subject to paying the dues along with interest. The petitioners were relegated to approach the appropriate Forum for redressal of the grievances. However, the builder was directed to refund the amount initially deposited by the petitioners, in case an application is moved for refund. The present petition is filed pleading that inspite of making application, refund has not been made.

Learned counsel for the respondent submits that according to the respondent there is a refund due of ₹ 4,95,000/- for which he has brought a demand draft also. Learned counsel for the petitioner states that as per his instructions, petitioner No.2 is no longer alive. He further pleads that there is another refund due also for which original receipts are with the petitioner.

Learned counsel for the respondent states that in case the receipts are produced and could be verified, the said amount would also be refunded as expeditiously as possible but not later than three months from

producing the receipts.

The contempt petition is disposed of with a direction that petitioner No.1 and legal representatives of petitioner No.2 shall file an affidavit to the respondent that the demand draft of refund amount be issued in the name of one of the legal representatives, as to be mentioned in the affidavit and they would return the original documents. The draft of ₹4,95,000/- would be given by the respondent to the petitioner within one week of filing of their affidavit.

The respondents shall look into the original receipts now to be produced and do the needful as expeditiously as possible but not later than three months from the date of producing of the receipt. However, it is clarified that in case there arises any dispute with regard to the receipts now produced, the petitioner shall be at liberty to avail remedies in accordance with law.

26.11.2019

Janki

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No