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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-2636-2018

Date of decision: 26.08.2019

Nisha Rani

.. Petitioner

Versus

Surinder Kumari and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sahil Kaushal, Advocate
for the petitioner.

Mr. S.C.Pathela , Advocate
for the respondents.

AVNEESH JHINGAN, J. (Oral)

The present contempt petition has been filed pleading wilful disobedience of the order dated 07.02.2018 passed by this Court in CWP No. 15630 of 2013. The operational part of the order is quoted below:

“ We have heard learned counsel for the parties.

Admittedly, in August, 2011, the respondents advertised freehold residential plots in Jalandhar in 94.97 acres Development Scheme (Surya Enclave) Jalandhar. The petitioner applied for the plot measuring 350 square yards and deposited an amount of ` 6,05,200/- being 10% of the tentative price of the plot in the State Bank of Patiala Branch, Nabha on 07.09.2011.

Vide letter dated 23.12.2011, the petitioner was intimated about allotment of corner plot No.30-D in the above mentioned scheme. The petitioner deposited ` 13,26,538/- vide bank drafts dated 19.01.2012, amounting to ` 5,00,000/-, ` 3,76,538/- and ` 4,50,000/-. After depositing the said amount, she was entitled to get executed agreement and to get

possession of the plot. She filed various representations for the same but in vain. As per stand of the respondents, the petitioner failed to deposit first, second and third installments on due date. There was no satisfactory explanation from the petitioner for the delay in depositing the amount in time. Further, vide resolution dated 17.08.2015, the allottees were given a chance to deposit the amount without any penal interest or penalty. The petitioner deposited 25% on 19.01.2012 but subsequently failed to deposit the installments. Since the petitioner defaulted in depositing installments, the respondents authorities issued notice dated 11.01.2013 calling upon the petitioner to deposit the balance amount failing which the resumption proceedings were to be initiated. She filed the representation but neither deposited the installments nor came forward to execute the agreement. Confronted with this situation, the petitioner restricted her claim to the refund of the amount alongwith interest, in terms of order dated 01.07.2015 passed in Appeal No. 1216 of 2014 by the National Consumer Disputes Redressal Commission, New Delhi in the case of Jalandhar Improvement Trust & another Vs. Sanjay Gupta which had under similar circumstances under 94.97 acres scheme for allotment of residential plots in Surya Enclave Extension, Jalandhar wherein the Jalandhar Improvement Trust was directed to refund the amount debited by the applicants/allottees alongwith interest 9% per annum till the date of payment.

In view of the stand taken by the petitioner restricting her claim to the refund of the amount, we direct the respondents to refund the amount deposited by the petitioner alongwith 9% interest per annum. The writ petition stands disposed of accordingly.”

Reply has been filed in Court today annexing the detail of calculations and the same is taken on record. A copy of the reply is handed over to learned counsel for the petitioner.

Learned counsel for the petitioner submits that in view of the reply, no cause of action survives for pursuing the contempt petition. However, liberty is sought to avail remedy in accordance with law, if aggrieved from the calculations.

Disposed of as infructuous with liberty as prayed for.

Rule issued against the respondents stand discharged.

26th August, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No