

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.09.2019****CWP No.22895 of 2019**

Prem Singh

...Petitioner

Vs.

Chandigarh Administration & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Sukhwinder Singh Kamboj, Advocate,
for the petitioner.Mr. Jaivir Chandail, Advocate,
for the respondents.**RAJIV NARAIN RAINA, J. (ORAL)**

1. When this matter came on for hearing on 28.08.2019, this Court passed the following order:

“Learned counsel for the petitioner contends that a demand on account of outstanding dues of licence fee by imposing penal licence fee is demanded from the petitioner when the house is in dilapidated condition and needs repairs. It is also submitted that when the government house was not fit for human habitation then the allottee is not entitled for paying penal rent and it is impermissible. The petitioner cannot be made to pay the costs by way of penal rent for the period when the accommodation was not habitable.

Issue notice of motion to the respondents.

On the asking of the Court, Mr. Vikash Garg, Advocate appearing for Mr. Jaivir Chandail, Addl. Government Pleader, UT Chandigarh accepts notice on behalf of the respondents. Learned counsel for the petitioner to supply requisite number of copies of paper book to the counsel opposite during the course of day.

Learned counsel appearing for UT Chandigarh prays for time to file reply.

In the meanwhile, operation of the impugned order shall remain stayed to the extent of the period spent under renovation.

List on 16.09.2019.”

2. Today, Mr. Chandail appears with a fresh order dated 13.09.2019 by which the earlier order has been corrected by reassessment of the penal rent for the period from 27.04.2016 to 21.10.2016 i.e. the period spent under renovation and, therefore, no penal rent/license fee could have been charged for the aforesaid period. The corrected order has reduced the earlier amount of Rs.23,057/- to Rs.1370/-, which includes Rs.393/- as interest @ 12% p.a. on outstanding amount as calculated provisionally upto 16.09.2019. A copy of the fresh order is retained on record as Mark ‘A’.

3. Since the grievance of the petitioner has been redressed, the instant petition is disposed of as having been rendered infructuous.

4. However, due to the muddle by the authorities in wrongly assessing penal rent, it is made clear that no interest be charged on this amount.

5. Since the petitioner has been forced to approach this Court to challenge an illegal order of penal rent for the period when the alleged house was under renovation and despite considering his representation/s in this regard to exclude the period when the petitioner has no use and occupation of the government house, this Court is of the view that the petitioner is entitled to litigation expenses, which are assessed at Rs.23,057/- i.e. equivalent to the amount shown outstanding in the first order. The litigation expenses be paid to the petitioner within one month from the date of

receiving of certified copy of this order and the same be made recoverable from the person/s who passed the impugned order so that they in future do not commit such mistakes.

16.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No