

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20329 of 2020

Date of Decision:-27.11.2020

Sunita Yadav.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

*[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court]*

Petitioner- Sunita Yadav has filed the present writ petition seeking quashing of orders dated 24.04.2020 (P-10) passed by respondent no 1-Financial Commissioner; order dated 01.12.2017 (P-8) passed by respondent no 2-Chief Administrator HSVP; and order dated 11.07.2011 (P-6) passed by respondent no 4-Estate Officer HSVP, vide which the action of deducting 10% of bid amount while refunding the remaining on account of surrender of site bearing SCO No 49, Sector 10-A, Gurugram has been upheld.

Learned Counsel for the petitioner has submitted that the authorities below have wrongly deducted an amount of Rs.25,03,000/-

being 10% of the total bid amount while refunding the money on his request. It is submitted that the respondent –HSVP had failed to provide the basic amenities to the site in question, due to which the petitioner was constrained to surrender the site in question and therefore, on account of its own fault, the respondents cannot be permitted to unduly enrich themselves by retaining 10% of the bid amount.

We have heard learned Counsel for the petitioner at length and have perused the paper-book with his assistance. However, we find no merit in the instant writ petition and therefore same is liable to be dismissed.

Admittedly, petitioner was successful bidder for commercial site in question conducted on 23.01.2008 and he deposited 10% of the total bid amount of Rs.2,53,00,000/-. It is further an admitted position that the petitioner had further deposited 15% of the bid amount as also another amount of Rs.30 Lacs on 05.08.2008. However, vide letter dated 15.04.2009 (P-4), the petitioner requested for return of the deposited amount as there is a “change in his investment plan”. Consequently, respondent no 4-Estate Officer refunded the amount deposited by petitioner by deducting 10% of the bid amount. Against the said order, petitioner gave a legal notice, which was not decided and therefore vide CWP No. 23487 of 2010, this Court directed the Estate Officer-respondent no 4 to decide his representation. The said representation has been decided by respondent No. 4-Estate officer, vide impugned order dated 11.07.2011 (P-6) whereby the claim of petitioner has been rejected. The said order was challenged by petitioner in the year 2017 i.e after a period of more than 6 years before Chief Administrator-HSVP, who has also dismissed the appeal vide impugned order dated 01.12.2017 (P-8), and these two orders have been

further upheld by Financial Commissioner vide order dated 24.04.2020.

On a pointed query by this Court, the counsel for the petitioner has not been able to explain the reason for approaching the appellate authority after a period of more than 6 years. Thus, the appeal preferred by the writ petitioner was barred by limitation and the authority concerned was not obliged to decide the same on merits. Be that as it may, the Chief Administrator HSVP still entertained the appeal and rightly dismissed the same on merits as well. As rightly held by the authorities below, the petitioner cannot be permitted to seek refund of the entire amount by building a completely new case of “non-development of site in question”. The reason given by petitioner in his surrender letter dated 15.04.2009 (P-4) was “change in investment plans” and not non-development of site in question. The counsel for petitioner has not been able to point out even a single document which could show that the petitioner had tried to raise the issue of non-development with higher authorities and pursued them. Mere filing of representations without seriously pursuing them, are of no consequence.

Hence in view of the above, the present writ petition is accordingly **dismissed** being bereft of merits.

(JASWANT SINGH)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

November 27, 2020
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No