

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

112

CWP No.130 of 2021
Decided on 06.01.2021

Haryana Urban Development Authority, (Now Haryana Shehri Vikas
Pradhikaran)Petitioner

VERSUS

State of Haryana and AnrRespondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr.Deepak Sabherwal, Advocate, for the petitioner.

AJAY TEWARI, J. (Oral)

1. By this petition, the petitioner has challenged the order of the Principal Secretary to Government of Haryana, Town and Country Planning Department, Chandigarh, (Annexure P-9), allowing the revision in favour of respondent No.2 wherein, it has been directed that the petitioner shall refund the amount of earnest money deposited by respondent No.2.

2. The brief facts of the case are that the respondent No.2 had applied for allotment of 14 marla plot in Sector 21 P, Rohtak alongwith an earnest money of Rs.7,45,500/- financed by Bank of Baroda, Sector 16, Faridabad. On 16.10.2017, draw of lots were held where respondent No.2 was found to be successful. On 27.10.2016 i.e. after 11 days, the petitioner informed the respondent No.2 that he had been declared as successful. On 07.11.2017, respondent No.2 wrote a letter to the petitioner stating that it was not possible for him to raise the money and prayed for refund of the earnest money. The Estate Officer rejected the prayer of respondent No.2. Respondent No.2 approached this Court and this Court had directed the Estate Officer to decide his claim. The Estate

Officer rejected the same and thereafter, the respondent No.2 filed the revision as mentioned above. The revisional Authority relying upon the Regulation 5(5) of the HSVP (Disposal of Land and Building) Regulation, 1978, allowed the revision. The said regulation is reproduced as under:

“(5) The applicant to whom the land/building has been allotted shall communicate his acceptance or refusal in writing within 30 days of the date of allotment, by registered post to the Estate Officer. In case of acceptance, the letter shall be accompanied by such amount as intimated to him in the allotment letter. In case of refusal, he shall be entitled to the refund of the money tendered with the application. In case he fails to either accept or refuse within the stipulated period, allotment shall be deemed to be cancelled and the deposit made under sub regulation (2) may be forfeited to the Authority and the applicant shall have no claim for damages.”

3. Learned counsel for the petitioner states that there was an amendment in sub Regulation (3) of Regulation 5 and as per that amendment, the prayer for refund could not have been entertained. He has however, accepted that Regulation 5(5) of the HSVP (Disposal of Land and Building) Regulation, 1978, still exists in the statute book.

4. In the circumstances, we are not in a position to accept the

prayer of the petitioner and the writ petition is dismissed as such.

5. Since the main case has been decided, the pending miscellaneous application, if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

06.01.2021
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>