

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

112

CWP-2209-2022 (O&M).

Date of Decision: 21.04.2022.

Atul Gupta

....Petitioner.

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd.

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Pulkit Goyal, Advocate for the petitioner.

Ms. Vasundhara Asija, Advocate, for
Mr. Ankur Mittal, Advocate for the respondent.

Amol Rattan Singh, J. (Oral)

On 04.04.2022 the following order had been passed by this court:-

“The issue in this petition is within an extremely narrow compass to the extent as to whether the deposit made by the petitioner on 01.07.2021 in terms of the Amnesty Scheme as expired on the 30th of June, 2021, should be considered to be fatal to the case of the petitioner, or a delay of one day only, should be overlooked and his deposit accepted by the respondents (in respect of payment for a plot which had earlier been allotted to him in the year 2013 and admittedly for which the petitioner did not earlier make payments on time).

Yet, the Government in its wisdom created an Amnesty Scheme allowing all such kind of persons who had not made payments on time, to make the payments alongwith the interest etc. upto 30.06.2021, with the petitioners' wife also having been allotted another plot in respect of which she made the complete payment before/on 30.06.2021, but with the petitioner having made it only on the 1st of July 2021.

Though undoubtedly the respondents would be right as has been also projected by Mr. Mittal, learned counsel appearing for them, that the delay actually not being of one day but of 8 years, the petitioner cannot be granted any further leniency; yet, in view of the fact that the entire payment was actually made alongwith interest as was required simply one day after 30.06.2021, i.e. on 01.07.2021, we would be inclined to take a very lenient view in the matter and direct the respondent to not cancel the allotment of the petitioner, but with learned counsel for the respondent seeking time to take instructions as to whether in the meanwhile the plot in question has already been allotted to any third party or not.

On his request, adjourned to 21.04.2022.

It is however made clear that if the plot has not so far been allotted to a 'third person', it be not allotted till the next date of hearing.

It is to be noticed that Mr. Mittal has also submitted that the entire amount as was deposited by the petitioner on 01.07.2021, and even prior to that in the year 2013, has already been refunded to him.

Naturally, if the petitioner is to be allotted the plot in the aforesaid circumstances, it would not be taken to be precedent but only in the circumstances of the case as enumerated hereinabove.”

Today learned counsel appearing for the respondent (HSI IDC) submits that she has taken instructions to the effect that the plot in question has not been allotted to any other person and therefore no third party rights have been created so far.

However, she also submits that the amount of Rs.10,76,246/- has been refunded to the petitioner and therefore he will have to re-deposit

the same along with interest thereupon till the date of deposit, in the same terms as interest was charged earlier.

Though learned counsel for the petitioner submits that the petitioner having been given the refund only in December, 2021, interest should be paid by him only thereafter; however, this being a petition where a special concession is being given to the petitioner on the ground that he had made the deposit under the Amnesty Scheme only one day after scheme closed, i.e. instead of 30.06.2021 he made a deposit on 01.07.2021, we do not see any ground for him to not pay the interest upto the date of deposit running from 01.07.2021.

Accordingly, the petitioner would make the deposit of the amount within one month, after which the allotment would be made to him as per the scheme.

The remaining amount of 75% of the sale consideration would also be deposited as per the scheme.

The petition stands disposed of.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

21.04.2022

jitender

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