

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

120

CWP-2749-2022

Date of Decision: 09.05.2022

Sushma Bansal

....Petitioner

Versus

State of Punjab and another

....Respondents

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

Present: Ms. Aruna Sachdeva, Advocate
for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab.

Ms. Sandhya Gaur, Advocate
for respondent No.2-GMADA.

Amol Rattan Singh, J.(Oral)

On 28.04.2022, the following order had been passed by this
court:

“By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari, setting aside the order dated 21.12.2018 (Annexure P- 3), in terms of which the respondents are stated to have threatened to confiscate plot of the petitioner. She has further prayed for issuance of a writ in the nature of mandamus, directing the respondent-Department to receive the balance amount without interest and penal interest and deliver possession of the plot by “allocating a plot number”. She has further prayed that the respondents be

directed to pay 12% simple interest on 25% of the total money paid by the petitioner as per the instructions dated 22.05.2019 issued by the Additional Chief Secretary (Development), Punjab; and further that the operation of the order confiscating the plot and charging of penal interest be stayed during the pendency of the present petition.

Learned counsel for the petitioner submits that no letter of allotment having been actually issued to the petitioner, with only a letter of intent having been issued, the banks that she has approached for obtaining a loan to buy the plot in question (stated to be the State Bank of India and the Axis Bank) refused to advance such loans and therefore, beyond paying 25% of the total sale consideration, the petitioner could not pay the remaining installments on time, and that she had represented in that regard to the respondent-authority (GMADA). She also submits that in fact as regards payment of earnest money, the aforesaid banks had actually “tied up with GMADA” to facilitate loans to those who wish to apply for the plots in question but beyond the amount of the earnest money, the banks did not grant the petitioner that loan in the absence of a letter of allotment.

Having considered the matter, it is seen that the petitioner did not adhere to the schedule of the payment of the installments, as has been reproduced as a part of Annexure P-1 itself with this petition.

Though learned counsel submits that with the possession of the plot not having been delivered to the petitioner at any stage due to lack of development of basic infrastructure facilities in the area, interest is not chargeable, and she may be correct to that extent, however, other than the interest what the petitioner was definitely required to deposit was the basic

principle amount as demanded; and if she was thereafter aggrieved of payment of the interest, that part could have been looked into by this Court.

At this stage, learned counsel for the petitioner also wishes to rely upon certain judgments in that regard.

For consideration on those judgments, adjourned to 02.05.2022.”

Today, other than relying upon some judgments/orders of co-ordinate Benches of this court, learned counsel for the petitioner submits that development works not having been completed, the petitioner had first filed a complaint before the Real Estate Regulatory Authority, Punjab (RERA), which was disposed of on 07.01.2020 (copy Annexure P/6), on the ground that it had no jurisdiction to entertain the complaint and that the complaint/representation would lie before the competent authority of the Greater Mohali Area Development Authority (GMADA).

The appeal filed by the petitioner against that order dated 07.01.2020 was also dismissed, vide the order Annexure P/7 (shown to be undated), with a similar order passed.

Thereafter, she is stated to have filed a representation before the Estate Officer, GMADA on 09.09.2020 (copy Annexure P/8) and with a reminder thereafter stated to have been sent on 06.11.2020 (copy Annexure P/9), which she submits that still not been decided. She submits that the aforesaid representation/reminder was sent by registered post, the original receipt of which is available with her.

Thus, she submits that in terms of the ratio of the judgments of

(CWP No.25115 of 2016), Ram Kishan and another Versus State of Haryana and others (CWP No.4108 of 2016), and Shri Jaswant Singh and others Versus State of Punjab and others (CWP No.9989-2018)”, the petitioner is entitled to a similar relief.

Without making any comment on the aforesaid contention, it is to be however noticed of course, that the petitioner, with respect to an allotment made in the year 2010/2011, first approached even the Real Estate Regulatory Authority, Punjab (RERA), only in the year 2019, i.e. 8 to 9 years later, with no installment paid in between. However, the petitioner still wishes to cite the aforesaid judgments in support of her case.

Consequently, this petition is disposed of with a direction to the respondents to take a decision by way of a speaking order to be passed on the aforesaid representation, after hearing the petitioner, within a period of three months from the date of receipt of a certified copy of this order.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

09.05.2022
Varinder Prashad

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No