

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

116

**CWP No.19850 of 2022(O&M)
Date of Decision: 05.09.2022**

Balwant Singh

....Petitioner

Versus

Housing Board Haryana and another

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana for
Mr. Aman Bahri, Additional A.G. Haryana.

Harinder Singh Sidhu, J.

The petitioner is an Ex-serviceman having retired from the Indian Army. A scheme for allotment of flats for serving/Ex-servicemen/Defence and Paramilitary Personnel of Haryana upto the rank of JCOs and equivalent and their widows or orphans on hire-purchase basis in various Districts of Haryana including at Sector-9A and 10, Mahendergarh was floated by the respondents. The petitioner being eligible applied for allotment of a flat under the aforesaid scheme and deposited Rs.1,61,000/- as earnest money along with the application. He was successful in the draw of lots for allotment of flats under the aforesaid scheme held on 31.12.2014. On 09.02.2015, allotment letter was issued to him. The petitioner deposited Rs.2,42,000/- with the respondents vide demand draft dated 11.03.2015. By including that amount, the petitioner had deposited 25% of the cost of the flat i.e. Rs.4,03,000/-.

However, despite the repeated requests, the possession of the flat has not been handed over to the petitioner. When the repeated requests of the petitioner to hand over possession of the flat were not successful, the petitioner submitted a representation dated 25.07.2018, seeking a refund of the amount deposited by him. No action has been taken on the said representation as well.

The petitioner states that as the respondents have failed to hand over possession to him, he is entitled to refund of the amount deposited by him along with interest. He has relied upon a decision of this Court wherein vide order dated 30.05.2022, CWP No.19124 of 2021 and a bunch of petitions were disposed of. Of the 18 petitions disposed of by that order, six related to two schemes which were scrapped. 12 petitions were in respect of schemes in Faridabad, Dadri, Mahindergarh and Rohtak which had not been scrapped. The Court directed that even as regards the schemes which have not been scrapped, in view of the request of the petitioners to refund the money, the money deposited by each of the petitioners in those schemes be refunded along with mean savings bank interest of the State Bank of India, running from the date of the closing of the registration in respect of each scheme.

Accordingly, this petition is disposed of with a direction to the respondents to refund the entire amount deposited by the petitioner along with mean savings bank interest of the State Bank of India, running from the date of the closing of the registration in respect of the scheme by 30.11.2022. It is made clear that if the amount along with interest aforesaid

is not refunded by that date, penal interest @10% per annum with compounding would be payable, as directed in the order dated 30.05.2022 (Annexure P-4).

(HARINDER SINGH SIDHU)
JUDGE

(LALIT BATRA)
JUDGE

05.09.2022
D.Gulati

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