

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

CWP No.25762 of 2022

Date of Decision: 20.12.2022

Jagdeep

.....Petitioner

Versus

Housing Board Haryana and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. S.S. Nain, Advocate for the petitioner.

Mr. Deepak Sabherwal, Advocate for the respondents.

HARINDER SINGH SIDHU, J

The petitioner had applied for allotment of a EWS Flat at Karnal meant for BPL category. Along with the application, he deposited an amount of Rs.44,000/- as earnest money. He was declared successful in the draw of lots. Thereafter, he deposited another amount of Rs.44000/-, Rs.1605/- and Rs.2700/- vide receipts (P.2 to P.4). The petitioner was issued an allotment letter dated 15.12.2017 (Annexure P-5), as per which he was required to deposit Rs.1,23,650/- towards allotment and thereafter possession of the flat would be handed over to him. The petitioner, however, failed to deposit the abovesaid amount and therefore, allotment of the Flat has been cancelled vide letter dated 05.11.2018.

The grievance of the petitioner is that though he has applied for surrender of the flat, the amount paid by him has not been refunded to him.

Mr. Deepak Sabherwal, Advocate for the respondents has relied on the terms and conditions of the allotment letter as per which if an allottee fails to execute the agreement and take possession of the flat within 30 days of the issue of allotment letter, his name is liable to be removed from the allotment and 50%

of the earnest money deposited by him is to be forfeited.

Learned counsel for the respondent states that earnest money deposited by the petitioner was Rs.44,000/-. 50% thereof is liable to be forfeited. The remaining amount i.e. Rs.22,000/- being 50% of the earnest money and the amount deposited after the draw of lots i.e. Rs.44000/-, Rs.1605/- and Rs.2700/- would be refunded to the petitioner along with interest as per rules.

In view thereof, the instant petition is disposed of. The needful be done within a period of six weeks from today.

(Harinder Singh Sidhu)
Judge

December 20, 2022
manoj

(Lalit Batra)
Judge

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