

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

**CWP No.33724 of 2019 (O&M)
Date of Decision: 08.09.2022**

Jagbir Singh

...Petitioner

Versus

Housing Board Haryana and Ors.

...Respondents

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

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr. Deepak Balyan, Advocate and
Mr. Viresh Dahiya, Advocate for
the respondents-Housing Board, Haryana.

HARINDER SINGH SIDHU, J.

Petitioner, who is an Ex-serviceman having retired from the Indian Army has filed this petition seeking directions to quash the order dated 23.04.2019 (P.7) vide which the Secretary-Housing Board, Haryana-respondent No.2 has ordered that the amount deposited by him be refunded after forfeiting 10% of the amount deposited by him, in terms of Regulation 12 of the Housing Board Haryana (Allotment, Management and Sale of Tenements) Regulation, 1972.

Respondent No.1 - Housing Board, Haryana (for short “respondent No.1”) floated a scheme for allotment of flats to serving/ex defence and Para-military Personnel of Haryana upto the

rank of JCOs at various places in Haryana. The petitioner being eligible applied for allotment of a flat in Jhajjar under the said scheme. He deposited Rs.1,94,000/- as earnest money along with the application. He was successful in the draw of lots, which was held on 24.12.2014. On 10.02.2015, allotment letter was issued to him. The petitioner deposited Rs.2,91,000/- with the respondents vide demand draft dated 01.05.2015. By including that amount, the petitioner had deposited 25% of the cost of the Flat i.e. Rs.4,85,000/-.

However, despite repeated requests being made by the petitioner, the possession of the flat was not handed over to him. Left with no other option, the petitioner got issued a legal notice dated 20.10.2018, seeking a refund of the amount deposited by him. He also filed CWP No.33507 of 2018 which was disposed of on 19.12.2018. The respondents were directed to consider and decide the legal notice by passing a speaking order.

In compliance therewith the respondents have passed the impugned order.

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, the impugned order is quashed.

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 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.

(Harinder Singh Sidhu)
Judge

September 08, 2022
manoj

(Lalit Batra)
Judge

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