

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

116

**CWP No.28716 of 2022
Date of Decision: 14.12.2022**

Amar Singh

....Petitioner.

Versus

Housing Board Haryana and others

....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. Pankaj Kundra, Advocate for
Mr. Deepak Sabherwal, Advocate for the respondents.

HARINDER SINGH SIDHU, J.

The petitioner had applied for allotment of a EWS Flat at Sonapat 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.44,000/- on 08.09.2014. The petitioner was issued an allotment letter dated 15.12.2017 (Annexure P-4), as per which he was required to deposit Rs.1,36,900/- towards allotment money and thereafter possession of the flat would be handed over to him. The petitioner, however, failed to deposit the abovesaid amount. As the petitioner was not able to arrange funds, he applied for surrender of the flat on 05.03.2018.

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. Pankaj Kundra, Advocate, for 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 to 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.44,000/- 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

14.12.2022
D.Gulati

(LALIT BATRA)
JUDGE

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