

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

**COCp-2642-2016 (O&M)
Date of decision : 20.02.2023**

Resident Welfare Society (House Owners)

...Petitioner

Versus

Vikas Gupta and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vijay Pal, Advocate
for the petitioner.

Mr. Vicky Chauhan, Advocate for
Mr. Deepak Balyan, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 27.02.2016, passed by this Court in CWP-18687-2012, vide which, the following directions were issued:

“[6] There is no gain saying that the allottees would be liable to pay the actual and genuine enhanced allotment prices of the plots provided that adequate details are furnished to them in a fair, reasonable and transparent manner. Since the impugned notices are de-horse of such information, we dispose of these writ petitions with liberty to the respondents to issue fresh notices, subject to the following further directions:-

(i) the respondent-authorities will upload the details of the subject-enhancement including the reasons justifying the additional demand now raised and such comprehensive selfspeaking tentative order shall also be appended with

individual demand notice to be served on the allottees;

(ii) the allottees or their Residents Welfare Society (in representative capacity) may seek further information, if need be, for submitting their effective replies to the demand notices;

(iii) the Chief Administrator, HUDA shall constitute a Committee comprising an officer in the rank of Administrator, one Estate Officer and Chief Accounts Officer, HUDA who shall consider the replies and submit a reason-based report justifying the enhancement, if any. The final order shall be based upon such report only.

(iv) till such order is passed, the allottees shall not be compelled to pay any additional amount. However, if an allottee has already deposited the enhanced amount, it may be retained by HUDA subject to its adjustment and/or refund depending upon the final decision.

(v) if HUDA has taken a decision in respect of any residential Sector to refund any amount to the allottees, let such benefit of refund be extended to similarly placed other allottees as well. However, if final adjudication in respect of such Sector is yet to attain finality, then the amount be retained though the final decision shall be required to be taken within a period of four months.”

Learned counsel for the petitioner submits that despite the aforesaid order, the HUDA is again demanding additional amount by issuing fresh notices.

As per directions contained in paragraph (iv) of the aforesaid order, it was directed that till such order is passed, the allottees shall not be compelled to pay any additional amount, however, if an allottee has already

deposited the enhanced amount, it may be retained by HUDA subject to its adjustment and/or refund depending upon the final decision.

As per affidavit of the respondent, a speaking order has already been passed.

The arguments raised by learned counsel for the petitioner that again the demand notices have been issued does not amount to any willful disobedience of the order passed by this Court as the directions were only not to demand any additional amount till the time the order is passed, which, as per affidavit, has already been passed.

In view of the same, no case of any willful disobedience is made out against the respondents and the present petition is dismissed.

Rule stands discharged.

At this stage, learned counsel for the petitioner submits that the petitioner may be granted liberty to challenge the action of the respondent, in accordance with law.

Liberty is granted as prayed for.

20.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No