

CWP-3337-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3337-2023

Date of decision : 17.02.2023

The Mahalaxmi Co-op Group Housing Society Ltd.

.....Petitioner

VERSUS

The State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Jitender S. Kundu, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that there is an excess amount of Rs.26,85,475/-, which has been deposited by him but the same is not being refunded to the petitioner despite several efforts made by him. Petitioner has sent several representations to the respondents but have failed. The last representation through email for refund of the excess amount has been sent on 27.12.2021 but the same has been rejected on 10.01.2022 on the ground that the Master File has not been received. This cannot be a ground for non-consideration of the application of the petitioner. Thereafter, the petitioner has served a notice through counsel dated 21.03.2022 (Annexure P-6) for redressal of the grievance but the same has not been decided till date. Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to respondents No.2 and 3 to consider and decide the legal notice referred to above within some specified time.

Notice of motion.

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On the asking of the Court, Mr. Pravindra S. Chauhan, Sr. Addl. A.G., Haryana, accepts notice on behalf of the respondents.

In the light of the statement made by the learned counsel for the petitioner, the present writ petition is disposed of without going into merits of the case or commenting thereon, directing respondents No.2 and 3 to consider the legal notice dated 21.03.2022 (Annexure P-6) served by the petitioner and pass a speaking order thereon within a period of six weeks from the date of receipt of certified copy of this order. The decision so taken be conveyed to the petitioner forthwith.

In case the claim of the petitioner is accepted, the amount be released to it within a further period of four weeks.

(AUGUSTINE GEORGE MASIH)
JUDGE

17.02.2023
Harish

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No