

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3668-2023

DATE OF DECISION: 21.09.2023

DAVINDER JAIN

.....PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vineet Sehgal and Mr. J.S. Chandail, Advocates,
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

G.S.SANDHAWALIA, J. (ORAL)

1. The petitioner seek refund of amount of ₹9,85,842/- on the strength of a letter dated 07.07.2022 (Annexure P-4) issued by respondent No. 2 and also for payment of interest @ 12% on the said amount. The decision of the legal notice dated 006.10.2022 (Annexure P-7) in a time bound manner is also sought after granting opportunity of hearing.

2. On 11.05.2023, the following contentions of the petitioner counsel were recorded:-

“Learned counsel for the petitioner states that the amount which has been refunded to the petitioner is Rs.6,21,654/- (Rupees Six Lakh Twenty One Thousand Six Hundred and Fifty Four Only), whereas, the amount which was to be refunded as claimed was Rs.9,55,842/- (Rupees Nine Lakh Fifty Five Thousand Eight Hundred and Forty Two Only).

Let the counsel for the respondents give the account statements with regard to the non-refund of the

*amount which has been deducted by them.
List on 20.07.2023. ”*

3. Today, Mr. Aman Bahri, Addl. A.G., Haryana, has informed us that the amounts deposited by the petitioner were on account of labour cess and the excess amount had been duly refunded. It is pointed out that the total cost of construction was ₹13,50,02,981/- and therefore, after taking into consideration the amount of ₹19,71,684/- which had been deposited in two installments, the excess amount has been refunded.
4. It is the case of the petitioner that the amount had been deposited wrongly twice over.
5. Keeping in view the above, we are of the considered opinion that let a speaking order be passed by the competent authority on the legal notice dated 06.10.2022 (Annexure P-7) which had already been served upon the respondents, by adverting into all the facts so that it is open to the petitioner to challenge the same in case the benefit is not to be granted to him. Needful be done within a period of 06 weeks from the date of the receipt of the certified copy of this order.
7. Consequently, the petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

September 21, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No