

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

**COCP-736-2023 (O&M)
Date of decision: 05.05.2023**

Sammatt Singh

... Petitioner

Vs.

Ajit Balaji Joshi and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Ms. Vasundhra Asija, Advocate for
Mr. P.S. Chauhan, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (ORAL)

CM-8041-CII-2023

For the reasons stated in the application, same is allowed and
Annexures P-7 to P-12 are taken on record.

CM stands disposed of.

COCP-736-2023

The petitioner alleges violation of the order dated 05.01.2023
passed in CWP-30334-2022, vide which it was directed that Chief
Administrator, HSVP, Panchkula will decide the representation filed by the
petitioner for grant of 'No Dues Certificate'.

On 10.04.2023, following order was passed: -

“Counsel for the petitioner has submitted that in the year 2014, the entire amount has been deposited with the HSVP but till date, No Due Certificate is issued. It is further submitted that whatever is found due, the petitioner is ready to pay the same.

Counsel for the State has placed on record an affidavit of the Administrator, HSVP, Hisar, along with a speaking order, in which it is stated that since some matter is sub judice before the Civil Court regarding the challenge to the notices issued for enhancement of the amount to be paid by the allottees on account of the compensation enhanced by the Hon’ble Supreme Court in the judgment dated 17.10.2022 and since the matter is sub judice, the same cannot be decided individually.

In reply, counsel for the petitioner has submitted that the petitioner is ready to given an undertaking that if at a subsequent stage any amount is due, he will pay the same, however, the respondents cannot stall the issuance of No Due Certificate.

After hearing the counsel for the parties, it is apparent that a speaking order dated 22.02.2023 passed by the Administrator, HSVP, is in gross violation of the direction given by this Court as an allottee cannot be denied No Due Certificate, especially in view the peculiar facts and circumstances of the case, when the petitioner has already cleared all the dues in the year 2014. The respondents can always issue the certificate with a rider that if at a subsequent stage, any amount is found due, the petitioner will pay the same.

List again on 05.05.2023.

In the meantime, fresh compliance affidavit be filed failing which the respondents will remain present in the Court on the date fixed.”

Learned counsel for the petitioner has placed on record certain documents, to submit that the petitioner is giving representations to the Estate Officer, HSVP, Hisar regarding issuance of No Dues Certificate and payment of enhanced compensation for the category of 14 marla residential house, in which some amount has been paid.

Affidavit of Administrator, HSVP, Hisar, filed in the Court today, is taken on record, in which it is stated that the petitioner has deposited outstanding dues upto 2014 and the enhancement notice was issued by the Estate Officer, HSVP, Hisar on 12.07.2015 for deposit of Rs.15,95,154/- and the petitioner has not cleared the entire outstanding amount. It is further stated that speaking order has already been passed in this regard intimating the petitioner that dispute regarding enhancement is subjudice before the Court.

Since only direction given by the writ Court is to decide the representation, in view of the disputed facts raised by both the sides, no further action is called for in the present petition.

Accordingly, present petition is rendered as infructuous.

Liberty is granted to the petitioner to avail the alternative remedy, in accordance with law, if so required.

[ARVIND SINGH SANGWAN]
JUDGE

05.05.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No