

CWP-9420-2019

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2023:PHHC:119719

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9420-2019

Date of Decision:12.09.2023

SUBHASH

..... Petitioner

Versus

UNION OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Jitendra Dhanda, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana.

Mr. Mahender Joshi, Advocate for
Mr. R.S. Madan, Advocate
for respondent No.4.

Mr. M.S. Rana, Advocate for
Mr. Ashish Kapoor, Advocate
for respondent No.5.

JAGMOHAN BANSAL, J. (Oral)

1. Written Statement dated 06.07.2023 filed on behalf of respondents No.1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

2. Rejoinder to the reply filed on behalf of respondents No.1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

3. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to refund a sum of Rs.9,48,640/- which petitioner has deposited with respondents in excess of his liability.

4. The petitioner pursuant to advertisement by respondent- IOC applied for the retail outlet. The petitioner was issued LOI dated 25.04.2011. The petitioner as per directions of respondents deposited fee for using National Highway Land. The petitioner deposited fee on different occasions. The petitioner inadvertently deposited a sum of Rs.9,48,640/- in excess of his liability. The petitioner vide letter dated 02.04.2018 requested the respondents to refund excess amount. The aforesaid letter was followed by legal notice dated 31.07.2018. Despite repeated visits and communications, the respondents have not refunded aforesaid amount.
5. Learned counsels for the respondents do not dispute the fact that there is excess payment, however, respondents are shifting burden from one to another. The respondent No.3 is claiming that money is lying with respondent No.4 whereas NHAI- respondent No.4 is claiming that it is respondent No.3 who has to refund the money.
6. Be as it may be, there is excess payment on the part of petitioner and respondents are State instrumentalities. The respondents have no authority in law and equity to retain funds of the petitioner. The respondents are directed to refund aforesaid amount within 2 months from today.
7. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)

JUDGE

12.09.2023

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>