

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14170-2022 (O&M)
Date of decision : 15.03.2023

Rajula Bansal

....Petitioner

Versus

The Estate Officer, HSVP, Panchkula and others

....Respondents

AND

CWP-14169-2022 (O&M)

Aarzoo

....Petitioner

Versus

The Estate Officer, HSVP, Panchkula and others

....Respondents

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

Present: Mr. Anutej Singh Barnala, Advocate
for the petitioner(s).

Mr. Arvind Seth, Advocate
for the respondents-HSVP.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This order will dispose of CWP No. 14170 of 2022 and CWP No. 14169 of 2022. Facts are being taken from CWP No. 14170 of 2022. The amount with regard to disbursal in CWP No. 14169 of 2022 is Rs. 2,10,000/- and Rs.1,36,300/- in CWP No. 14170 of 2022.

Petitioner(s) have approached this Court with the grievance that despite deposit of an amount of Rs.1,36,300/- vide demand draft No.000418 dated 04.05.2004 in CWP No. 14170 of 2022 and Rs. 2,10,000/- in CWP No. 14169 of 2022 vide demand draft no. 000417 dated 04.05.2004 of Union Bank of India,

Branch, Panchkula, *qua* applications No.5947 and 5906 for allotment of 14 Marla Plot and One Kanal Plot in Mansa Devi Complex, the plot(s) have not been allotted and also the amount has not been refunded along with interest.

Upon a notice having been issued to the respondents, nothing concrete has come as to whether this amount has actually been disbursed to the petitioner (s) or not. It has been stated that the amount of Rs.1,36,350/-, as refund was sent through cheque No.62945 dated 27.12.2005 with refund No. RMDC11929 in CWP No. 14170 of 2022 and amount of Rs. 2,10,000/- was sent through cheque no. 62948 dated 27.12.2005 with refund No. RMDC11932 in CWP No. 14169 of 2022. Along with the same is attached certificate(s) of Union Bank of India dated 23.02.2023 and 16.02.2023, wherein it has been mentioned with regard to clearing of cheque No.62945 dated 27.12.2005 in CWP No. 14170 of 2022 and clearing of cheque no. 62948 dated 27.12.2005 in CWP No. 14169 of 2022, that the records are not available and therefore information cannot be provided. This makes it apparent that there is no record with regard to the amount having been actually disbursed to the petitioner(s). What has been projected by the learned counsel for the respondents is that the amount was to be disbursed by the Union Bank of India and therefore the liability and responsibility *qua* the refund by the Haryana Shehri Vikas Pradhikaran, Haryana, stood discharged.

This contention of the learned counsel for the respondents is unacceptable as it is an admitted position that the amount was received from the petitioner(s) by the respondents-HSVP. Although, it is asserted that the amount has been refunded as has been recorded above but there is no evidence to the said effect. The specific case of the petitioner (s) is that amount has not been refunded till date. Respondents have not been able establish the refund of such an amount being credited to the account of the petitioner(s). Merely because they had

of HSVP does not stand discharged. In the absence of any evidence with regard to the disbursement of the amount, the amount still stands to the credit of respondents-HSVP. Direction is therefore issued to respondent No.1 to disburse the amount of Rs.1,36,300/- as deposited by the petitioner vide demand draft No.000418 dated 04.05.2004 in CWP No. 14170 of 2022 and amount of Rs. 2,10,000/- as deposited by the petitioner vide demand draft No. 000417 dated 04.05.2004 in CWP No. 14169 of 2022 along with interest @ 12% per annum compound interest from the date of deposit till the date of disbursal.

The needful shall be done within a period of four weeks from today

In case of non-disbursal of the amount within the time as stipulated above, the interest payable would stand increased to 15%.

The writ petitions are disposed of accordingly.

It will be open to the HSVP to establish the factum of non-disbursal of the amount at the end of the Bank and to proceed against the Bank for lapse, if any.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 15, 2023

R.sharma

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.