

CWP-10442-2017 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10442-2017 (O&M)

Date of decision : 10.01.2023

Rajiv Kumar Bhutani

.....Petitioner

VERSUS

Haryana Urban Development Authority and another

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Pavan Malik, Advocate, for the petitioner.

Mr. Vishal Garg, Advocate, for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-18716-CWP-2019

Replication along with Annexures P-22 to P-31 is taken on record, subject to all just exceptions.

Application stands disposed of.

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Learned counsel for the petitioner contends that the stand of the respondents that the possession of the plot was handed-over to the petitioner in the year 2010 is incorrect and as a matter of fact, possession has only been handed-over to the petitioner on 10.11.2020.

Counsel for the respondents acknowledges the fact with regard to the physical possession having been handed-over on the said date. He further states that the building plan has been approved on 07.06.2021 and the petitioner has carried out construction upto the level of DPC till 01.02.2022.

Having considered the submissions made by the learned counsel for the parties and keeping in view the admitted facts with regard to the

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possession of the plot having been handed-over to the petitioner on 10.11.2020, no interest on the installment amount as per clause 6 of the allotment letter dated 08.02.2005 (Annexure P-1) would be payable by the petitioner till the date of offer of possession. Since the possession has been handed-over on 10.11.2020, the interest, if any, on installment, if pending, would be payable after the said date. As regards the enhanced compensation of plot No.2100, Sector 57, Gurugram (old plot No.2509), the same along with interest would be payable by the petitioner, however, no extension fee could be charged from him in the light of the fact that the possession has not been handed-over to him upto 10.11.2020.

In the light of the above, in case the petitioner has already deposited the amount as has been stated by the counsel under protest, he would be entitled to the refund of the same. As regards the claim of interest on the amount deposited in excess, the same shall be considered by the Competent Authority and interest on the amount so deposited in excess, which is to be refunded to the petitioner, shall be decided within a period of six weeks from the date of receipt of certified copy of this order.

The writ petition stands disposed of accordingly.

It is left open to the petitioner to put forth his any other grievance which would be considered by the Competent Authority and appropriate orders passed in accordance with law.

(AUGUSTINE GEORGE MASIH)
JUDGE

10.01.2023
Harish

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No