

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

(115)

**CWP-15918-2023
Decided on : 27.07.2023**

Surya Parkash

.....Petitioner(s)

Versus

Housing Board Haryana & another

.....Respondent(s)

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

Present: Mr.Mukesh Yadav, Advocate for the petitioner (s).

Mr.Pankaj Kundra, Advocate, for
Mr.Deepak Sabherwal, Advocate, for the respondents.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of direction to the respondents to decide the representation dated 08.09.2020 (Annexure P-7) wherein he is seeking refund of the balance amount on account of the fact that he did not take possession of the flat in question which was allotted to him and which was later cancelled by the respondent-Board.

2. It is the case of the petitioner that he had applied for allotment of flat at Rewari and deposited a sum of Rs.50,000/- on 06.07.2018. Counsel for the petitioner has referred to Annexure P-6 regarding this aspect whereby the formal letter of intent dated 17.12.2018 had also been issued showing the fact that deposit of Rs.1 lakh had already been received. He has placed reliance upon Clause 2 that in case he fails to take possession of the flat, 50% of the earnest money is to be forfeited. Clause 2 reads as under:

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“2. If the allottee fails to execute the agreement and to take possession of the house/flat within 30 days of the issue of this letter his/her name shall be removed from the allotment register and 50% of the earnest money deposited by him/her shall be forfeited.”

3. It is in such circumstances, the refund is prayed for as per the representation dated 08.09.2020 (Annexure P-7).

4. Mr.Pankaj Kundra, Advocate puts in appearance on behalf of Mr.Deepak Sabherwal, Advocate, for the respondents on having advance copy.

5. Keeping in view the above and in view of the fact that decision making has not yet completed, we are of the opinion that no useful purpose would be served by calling upon the respondents to file reply as it would only delay the proceedings.

6. Accordingly, the present writ petition is disposed of, directing the respondents-Board to take a decision on the representation dated 08.09.2020 (Annexure P-7) and process the case of the petitioner if he is entitled for the said refund, as claimed, within a period of 2 months from the receipt of certified copy of this order. In case the said relief is to be denied, a speaking order be passed and communicated to the petitioner.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

27.07.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No