

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

2023:PHHC:093086-DB

CWP-7648-2019 and other connected matters

Date of Decision: 24.07.2023

Surender Kumar

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Pradeep Singh Sheoran, Advocate, for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

Ms. Meghna Malik, Advocate,
for Ms. Shubhra Singh, Advocate, for respondent Nos.2 and 3.

G.S.SANDHAWALIA, J. (Oral)

1. The present judgment shall dispose of 4 cases i.e. CWP Nos. 7648, 7665, 7716 and 7758 of 2019 since the issue in consideration is common. Facts have been taken from ***CWP-7648-2019, Surender Kumar vs. State of Haryana and others.***

2. Prayer in the present set of case is for directing respondent No.3 to refund the extra amount recovered by them in the name of pending dues, interest and penal interest in compliance with the order of the Chief Administrator, HSAMB.

3. A perusal of the order dated 06.02.2014 (Annexure P-12) would go on to show that the Principal Secretary to the Government Haryana, Agriculture Department had directed that the petitioners-revisionists would be liable to pay simple interest @15% p.a. on the delayed installments alongwith

charged from the petitioners. The revised calculations were to be intimated to the petitioners by the Market Committee within 15 days from the date of receipt of the order and the balance payment alongwith interest as ordered above was to be paid within two months thereafter alongwith upto date interest on the delayed payments. Excess payment, if any, was to be refunded to the petitioners within 15 days without interest failing which interest @15% p.a. was liable to be payable to them. The operative part of the order reads thus:-

“5. I have carefully considered the submissions made by both the parties and have perused the record. Keeping in view the factual position and the fact that the possession in this case was deemed to have been offered on 30.06.2007, the ends of justice would be met if the order dated 15.05.2013 passed by the Respondent No.1 i.e. Chief Administrator, HSAMB is modified to the extent that the petitioners/revisionists would be liable to pay simple interest @ 15% per annum on the delayed instalments alongwith penal interest @ 4% per annum to be calculated on simple interest basis is charged from the petitioners. Since the petitioners have already constructed the shops on the plots allotted to them on the same pattern as they have done by other similarly placed allottees, therefore, no extension fees need to be charged from them. I, therefore, order that the petitioners shall be liable to pay simple interest @15% per annum alongwith penal interest @4% per annum to be calculated on simple interest basis. I order accordingly. The revised calculations shall be intimated to the petitioners by the Market Committee within 15 days of receipt of this order and the balance payment alongwith interest as ordered above shall be paid within

two months thereafter alongwith upto date interest on the delayed payments. Excess payment, if any, shall be refunded to the petitioners within 15 days without interest failing which interest @15% per annum shall be payable to them.”

4. Keeping in view the above, an order was passed on 08.02.2023 wherein, it was noticed that a decision was likely to be taken by respondent Nos.2 and 3 within a period of four weeks. On 20.04.2023, it was brought to the notice of this Court that a decision had been taken by the Chief Administrator that the order passed by the Revisional Authority would be implemented and the refund of the amount due towards the petitioners will be calculated and disbursed within a period of eight weeks. Photocopy of the communication dated 19.04.2023 addressed to the Additional Advocate General, Chandigarh has been produced, which reads thus:-

“Subject:- Decision in the Case titled (i) CWP No. 7648 of 2019, 7665 of 2019, 7716 of 2019, 7758 of 2019 and 9382 of 2019. (Plot NO. 16, 18, 19, 21 and 47 NGM Sub Yard, Dhigawa Market Committee, Loharu.)

On the above cited subject it is intimated that in compliance of the above referred orders of the Board Head Quarter and Hon'ble High Court order dated 20-04-2023 the amount as per calculation sheet, this office disbursed/refund to the allottees bank account as per detail given below:-

Sr. No.	Shop/ Plot No.	Name	Amount	UTR No. DATED 01-07-2023
1	16	Sh. Kartar Singh S/o Sh. Ramswarup	964288/-	HDFCR52023070168621112
2	18	Sh. Surender S/o Sh. Partap Singh	970447/-	HDFCR52023070168617192
3	19	Sh. Naresh Kumar S/o Sh. Lankeshwar	418575/-	HDFCR52023070168628483
4	47	Sh. Rajpal S/o Sh. Norang	852890/-	50200002462641

It is also brought to your kind notice that the Completion

Certificate not issued in favour of shop plot No. 21 (Sandeep Kumar) till date. The CWP no. 9382 of 2019 titled as Sandeep Kumar Vs State of Haryana and others is also filed by the allottee in Hon'ble High Court, Chandigarh and it was also for consideration on dated 20.04.2023. This office also asks the guidelines from the HSAM Board HQ for further proceeding in this case. The next date of hearing is 24-07-2023.

It is for your kind information and necessary action please.”

5. It is, thus, apparent that the petitioners have been refunded the amount whereas there is a dispute regarding one Sandeep Singh where there is no completion certificate in his favour and further guidelines have been sought from HSAM Board HQ by the concerned officer.

6. Resultantly, we dispose of the writ petitions wherein amounts have been refunded with a further direction that respondent Nos.2 and 3 shall also supply detailed statement and the break up of the amounts within a period of two weeks from today as per the directions of the order sought to be implemented which have been refunded. If required, the petitioner can agitate for their grievances in case the refund is not as per the order sought to be implemented. In case there is no further legal impediment as such, the additional prayer made providing the conveyance deed in favour of the petitioners regarding the plot in question will also be implemented expeditiously provided the petitioners apply in accordance with the procedure prescribed. .

(G.S. SANDHAWALIA)
JUDGE

24.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No