

CWP-15529-2020(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-15529-2020(O&M)

Date of decision: 05.04.2024

Haryana Urban Development Authority & anr.

...Petitioners

Versus

Permanent Lok Adalat & anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Arvind Seth, Advocate,
for the petitioners.

Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the award dated 19.07.2019 (Annexure P-1) passed by respondent No.1 on the application filed by respondent No.2 under Section 22C of the Legal Services Authorities Act, 1987, vide which the application filed by respondent No.2 was allowed with costs and the petitioners were directed to deliver physical possession of Plot No.705, Sector 7, Urban Estate, Kurukshetra to respondent No.2 and sanction his site plan for construction of his house within one month. The petitioners were further directed to pay the compensation to the tune of Rs.50,000/- and litigation expenses to the tune of Rs.11,000/- along with interest @ 6% from the date of award till the date of actual disbursement.

Learned counsel appearing on behalf of respondent No.2

contends that initially non-construction charges were demanded to the tune

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of Rs.94.71 lacs and that during the pendency of the proceedings, a policy was notified by the State of Haryana extending concession to the allottees. Applicant-respondent No.2 received memo No.181710 dated 13.11.2020 as per which it was conveyed that an amount of Rs.5,36,276/- is due against the said plot. It is submitted that the respondent-applicant approached the petitioner-HSVP to deposit the said amount as demanded in terms of the subsequent policy, however, the said amount was not accepted by them due to the pendency of the writ petition. It is submitted that respondent No.2 is still willing to deposit Rs.5,36,276/- as intimated vide aforesaid memo along with simple interest @ 12% per annum with effect from the said date.

The said offer is not seriously opposed by learned counsel for the petitioners.

Accordingly, the present writ petition is disposed of and the award passed by the Permanent Lok Adalat Public Utility Services, Kurukshetra is modified. The petitioners-HSVP shall deliver the physical possession of the plot, to respondent No.2 on depositing of the amount i.e. Rs.5,36,276/- as communicated vide aforesaid memo along with simple interest @ 12 % per annum as undertaken by the counsel today, within a period of eight weeks from today. The building plan, if any, submitted by the respondent-applicant shall also be processed. The litigation expenses and harassment charges as awarded by the Permanent Lok Adalat Public Utility Services, Kurukshetra, is, however, set aside.

05.04.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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