

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

CWP No.12420 of 2022 (O&M)

Date of Decision :19.01.2024

Vijay Kumar and another

.....Petitioners

Versus

New Mandi Township, Punjab through its administrator

..... Respondent

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE
 HON'BLE MR.JUSTICE VIKRAM AGGARWAL, JUDGE**

Present : Mr. Vipul Sachdeva, Advocate for the petitioners.

Mr. Karanjit Singh, Addl.A.G. Punjab.

ARUN PALLI, J. (Oral):

The petitioner was allotted a shop No.12 (M.A.), Mandi Fazilka, in an auction, vide letter dated 11.03.2014. Though, he deposited a part of the sale consideration but since failed to deposit the balance EMI, the authorities, vide order dated 22.06.2017, cancelled the allotment. 10% of the consideration amount, deposited by the petitioner, was ordered to be forfeited and the balance was required to be refunded to the petitioner. For, despite cancellation of allotment, the amount, the petitioner was entitled to was not refunded, he was constrained to approach this Court, vide this petition. He has prayed for a mandamus commanding the respondents to refund the requisite amount along with interest at the rate of 12% per annum.

Learned counsel for the respondents, on instructions, submits that Rs.13,59,039/- has since been credited in bank account of the petitioner after deducting the forfeiture amount as also the amount on account of penalty and interest. However, he concedes that the calculations to justify the amount that has been deducted by the respondents-authority were not furnished to the petitioner and/or even the order narrating this position was never passed by the

competent authority. Therefore, it is urged that let this petition be disposed of, for it has substantially served its purpose. And, in case, the petitioner has any grievance, qua the calculations or the amount deducted by the respondents-authority, he shall be at liberty to move the competent authority, within two week's from today, by filing a detailed representation, which shall be taken cognizance of and the necessary orders, in accordance with law, after hearing the petitioner, shall be passed thereon, within a period of three months, from the receipt of the said representation.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents. Accordingly, he submits that let this petition be disposed of in terms of the statement made by him.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties. This Court is sanguine that the authority shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed, within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim/grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

19.01.2024
Manoj Bhutani

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