

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.12387 of 2020 (O&M)
Date of Decision :30.01.2024

Jetha Singh

.....Petitioner

Versus

Chief Administrator, Grater Mohali Area Development Authority and
others

..... Respondents

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

Present : Mr. G.L. Bajaj, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate for the respondents.

ARUN PALLI, J. (Oral):

The petitioner herein has prayed for the following substantive
relief:-

“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of appropriate writ,
order or direction especially in the nature of Certiorari
quashing the order dated 31.10.2019 (P-21) passed by
respondent No.1 by which he rejected the claim of the
petitioner qua interest, being illegal, arbitrary.

It is further prayed that a direction may kindly
be issued to the respondents to pay compound interest @
8% to the petitioner on the amount paid by him from the
date of deposit, till its actual realization and also to refund
the amount of Rs.1,41,000/- obtained from the petitioner as
2% Cancer Cess along with interest @ 18% from the date
of its payment, till its realization.”

Learned counsel for the petitioner submits that petitioner being
successful in the draw of lots held on 28.05.2014, was issued Letter of Intent

(for short 'LOI') on 08.07.2014 (P2), for allotment of a residential plot measuring 300 sq. yards in the Freedom Fighters Category at IT City, SAS Nagar. It is not in dispute either that he had deposited Rs.64,08,450/- with the respondents-authority as per the conditions of LOI.

Learned counsel for the respondents fairly concedes that owing to lack of development in the area, neither a regular LOI was issued to the petitioner and there was no occasion to deliver actual physical possession of the proposed site either. Pursuant to an application moved by the petitioner for refund, the authority, vide order dated 01.06.2018, reimbursed the amount deposited by the petitioner. He submits that the limited grievance that the petitioner has is: that as the authority retained the amount deposited by the petitioner from 2014 till June 2018, for no fault of his, he was entitled to refund along with interest. Likewise, the petitioner has also sought refund of Rs.1,41,000/- deposited by the petitioner as 2% Cancer Cess along with interest. It is submitted that as regards payment of interest on the amount (Rs.64,08,450/-) deposited by the petitioner which has since been refunded, in the wake of the decision dated 27.07.2016, rendered by the Division Bench of this Court in **CWP No.22500 of 2015 (Vikas Goyal Vs. Greater Mohali Area Development Authority and another)**, the matter in issue is squarely covered and the petitioner would be entitled to interest in terms thereof.

Learned counsel for the respondents fairly concedes that the matter regarding payment of interest on the refunded amount is covered by the judgment in **Vikas Goyal (supra)**. As regards refund of Rs.1,41,000/- deposited by the petitioner as Cancer Cess, it is urged that let this petition be disposed of to enable the competent authority to consider the claim of the petitioner in this regard and pass necessary orders in accordance with law. It is

further submitted that a composite order as regards payment of interest qua the amount deposited by the petitioner from time to time (totaling Rs.64,08,450/-) as also his claim for refund of Rs.1,41,000/- as 2% Cancer Cess along with interest, would be passed within 4 weeks from today. Further, he submits that before any such orders are passed, the petitioner shall be heard and the orders passed in this regard would be communicated to him.

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

30.01.2024
Manoj Bhutani

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