

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

CWP No.11880 of 2018 (O&M)

Date of Decision :18.01.2024

Tirath Singh

.....Petitioner

Versus

Haryana Shahari Vikas Pradhikaran and others

..... Respondents

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

HON'BLE MR.JUSTICE HARKESH MANUJA, JUDGE

Present : Mr. Tarun Dhingra, Advocate for the petitioner.

Mr. Deepak Balyan, Advocate for HSVP.

ARUN PALLI, J. (Oral):

On 01.09.2022, this Court had passed the following order:-

“Mr. Balyan has placed on record a communication dated 13.01.2020 from the Estate Officer to the petitioner. He contends that the entire payment that was liable to be paid to the petitioner has either been refunded or adjusted.

Learned counsel for the petitioner however states that the details of calculation has not been provided to the petitioner. The petitioner may intimate Mr. Balyan the amount which according to him is still due to the petitioner and Mr. Balyan will have instructions regarding this.

Adjourned to 21.09.2022.”

For, in compliance to the order, referred to above, the necessary calculations were communicated to the petitioner, learned counsel for respondents-HSVP on 16.11.2023 prayed that petition be disposed of as

having been rendered infructuous. But since none appeared for the petitioner the matter was adjourned.

It is not in dispute that pursuant to the said calculation (ibid) an amount of Rs.9,34,827/- have since been refunded to the petitioner through RTGS on 14.03.2019.

However, learned counsel for the petitioner submits that the petitioner had tendered all 6 installments in terms of the letter of allotment of 2010, though as per HSVP circular only three installments were to be tendered. He submits that last three installments that were deposited in 2014, 2015 and 2016 are actually to be considered to have been remitted after the date of repossession (08.09.2018). Consequently, the last installments are to be considered in relation to the year 2019, 2020 and 2021, respectively. Therefore, he submits that petitioner would rather be entitled to interest w.e.f. 2014 till date on the last three installments in terms of the circular of the respondents-authority. Be that as it may, he submits that since the authorities have already credited Rs.9,34,827/- in the bank account of the petitioner, qua his remaining grievances, if any, petitioner would move the respondents-authorities by filing a comprehensive representation. Accordingly, he submits that with this limited liberty the petition be disposed of.

Learned counsel for the respondents submit that in the event the petitioner moves any such representation, within four weeks from today, the Competent Authority shall take cognizance thereof and necessary orders in accordance with law shall be passed thereon within 8 weeks from the receipt of any such representation, after affording an opportunity of hearing to the

petitioner.

Accordingly, the petition is disposed of in terms of the statement made by learned counsel for the parties. This Court is sanguine that the authorities 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-HSVP.

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

(HARKESH MANUJA)
JUDGE

18.01.2024
Manoj Bhutani

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