

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CWP-27958-2019 (O&M)
Date of decision: 05.02.2024

Sunil Jindal

...Petitioner

VERSUS

The Permanent Lok Adalat, Public Utility Services, Ludhiana and others

...Respondents

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

Present :- Mr. Vikas Mohan Gupta, Advocate for the petitioner.

Mr. Paras M. Goyal, Advocate and
Mr. Vipul Sharma, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CM-21727-CWP-2023

The instant application has been filed for seeking preponement of the date of hearing in the main petition which is otherwise fixed for 20.03.2024, and for disposal of the same in terms of the judgment **dated 11.10.2023** passed by this Court in **CWP-35310-2019** titled as '**Om Prakash Narang** Vs. **The Permanent Lok Adalat for Public Utility Services and another**'. The application is supported by an affidavit of the applicant-petitioner.

Pursuant to the notice issued by this Court, reply to the application has been filed today in the Court on behalf of respondent No.2 wherein reliance on legitimacy and validity of charges is placed on the circular dated 22.07.2016 issued by the National Housing Bank.

Counsel for respondent No.2 does not dispute that the said circular has already been considered by this Court in **Om Prakash Narang's** case (supra) and the said writ petition was allowed and the order dated 14.06.2019 passed by the Permanent Lok Adalat (Public Utility Services), Ludhiana, was also set aside.

In view of the above, the application is disposed of. The main case is preponed from 20.03.2024 and taken on Board of this Court for hearing today itself.

Main case:

Challenge in the present writ petition is to the order dated 14.06.2019 passed by respondent No.1-Permanent Lok Adalat (Public Utility Services), Ludhiana, in case No.214 dated 13.07.2018 on the ground that the same has been passed in violation of the circular dated 14.07.2014 issued by the Reserve Bank of India.

As per the contentions raised by the learned counsel for the petitioner in CM-21727-CWP-2023, the issue involved in the present writ petition has already been decided/settled by this Court in case of **Om Prakash Narang** (supra) and thus prayer has been made in the said application to dispose of the present writ petition in terms of the judgment passed therein.

Reply filed on behalf of respondent No.2 in the present writ petition does not carve out any ground of distinction or establish how the issue involved in the present case would not be covered by the ratio laid down in the judgment of Om Prakash Narang's case (supra).

In view of the above, the present writ petition is **allowed** in term the judgment dated 11.10.2023 passed by this Court in Om Prakash Narang's case (supra) and the order dated 14.06.2019 passed by respondent No.1-Permanent Lok Adalat (Public Utility Services), Ludhiana, in case No.214 dated 13.07.2018, is hereby set aside.

Respondent No.2 is directed to refund the foreclosure charges effected from the petitioner along with interest @ 6% per annum from the date of filing of the application before the Permanent Lok Adalat (Public Utility Services), Ludhiana, in terms of the judgment dated 11.10.2023 passed by this Court in Om Prakash Narang's case (supra).

(VINOD S. BHARDWAJ)
JUDGE

05.02.2024
Mangal Singh

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