



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-32043-2024 (O&M)

Date of decision: 28.11.2024

The Chief Administrator, Haryana Urban Development Authority (now
Haryana Shehri Vikas Pradhikaran) and others

...Petitioners

VERSUS

The Permanent Lok Adalat for Public Utility Services, Panipat and others

...Respondents

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

Present :- Mr. Udaiveer Singh Sidhu, Advocate for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the award dated 22.10.2021 passed by the Permanent Lok Adalat (Public Utility Services), Panipat in Case No.89-A/2018, the petitioner has approached this Court after a period of nearly 03 years since the passing of the award.

2. Briefly summarized, the facts as averred in the writ petition are that plot No.1476, Sector-24, Urban Estate, Panipat measuring 304.75 square meters was allotted to one Sh. Randhir Singh son of Sh. Amar Singh, vide office memo No.10797 dated 26.10.2006 at a tentative cost of Rs.14,21,354/-. The possession of the plot was also offered along with the allotment letter. Eventually, allottee-Sh. Randhir Singh sought transfer permission of the said plot in the name of Sh. Deepanshu Jain (respondent No.2-applicant) on 15.12.2008. At the time of considering the application



seeking transfer permission, the first and second installments of Rs.3,55,338/-, possession interest of Rs.2,35,912/- and extension fee of Rs.6,095/- were stated to be overdue against the said plot. The same was informed to the original allottee-Sh. Randhir Singh vide letter dated 30.12.2008. The above said amount of Rs.3,55,338/- alongwith the possession interest and extension fee was hence deposited by the original allottee vide receipt No.325578 dated 22.01.2009 whereupon the re-allotment of the plot in favour of Sh. Deepanshu Jain was allowed. An indemnity bond was also executed by respondent-reallottee/Sh. Deepanshu Jain which contained that he shall not raise any dispute regarding the interest paid by the transferor in respect of the delayed payment of installments/enhanced/possession interest apropos the plot/building. A fresh letter of allotment was accordingly issued in favour of respondent No.2 on 03.02.2009.

3. The original allottee Sh. Randhir Singh, however, submitted an application on 12.11.2009 claiming that he had deposited penal possession interest which was unjustified since the lapse was entirely at the ends of Haryana Shehri Vikas Pradhikaran and claimed a refund thereof.

4. After analyzing the issue, the department directed refund of the penal interest amount alongwith the possession interest to the tune of Rs.1,75,894/- to the original allottee-Sh. Randhir Singh vide order dated 26.05.2010.

5. The actual physical possession of the plot was offered eventually to respondent No.2-Deepanshu Jain, as per the revised



demarcation dated 09.06.2010, vide E.O. HSVP, order No.2922 dated 27.03.2015. He thereafter applied for execution of a conveyance deed in his favour on 27.05.2016 which was however not done on account of outstanding demand of Rs.3,07,500/- which was demanded vide memo dated 04.07.2016.

6. As against the said demand, an application under Section 22C of the Legal Services Authorities Act, 1987 was filed before Permanent Lok Adalat (Public Utility Services), Panipat.

7. The petitioner-Haryana Shehri Vikas Pradhikaran entered appearance before the Permanent Lok Adalat (Public Utility Services). During the course of arguments, learned counsel appearing on behalf of the petitioner-HSVP submitted as under:-

“2. Sh. G.L. Goel counsel for respondents-HUDA has stated that as per the court orders the deposited amount shall be refunded to the respondents.”

8. During the Course of arguments, the further submission of the petitioner-HSVP as recorded by the Permanent Lok Adalat (Public Utility Services) in its award are as under:-

“5. Sh. G.L. Goel Counsel for the respondents-HUDA has also expressed his ignorance regarding the amount, as to on which score, HUDA had demanded this money. Since no plausible reason has been assigned by the respondents regarding this demand of Rs.3,07,500/- from the applicant and has not justified this demand. Therefore, at this state,



applicant is not liable to pay this amount to the respondents.”

9. Taking into consideration that the learned counsel for the petitioner-HSVP himself stated that he is ignorant about the basis on which the demand has been made and that they shall refund the amount as per the orders passed by this Court, hence, this Court fails to find any logic for raising a challenge to the said award.

10. Another argument has been raised by the learned counsel for the petitioners that the amount of Rs,1,75,894/- was ordered to be refunded as overdue possession interest and the same had been released by them in favour of Sh. Randhir Singh and that by directing the refund of the said amount in favor of respondent No.2, the petitioner-HSVP is prejudiced. A query was put to the learned counsel as to what was its pleaded case and as to whether any evidence was led by it to establish the refund of amount or not, he contends that neither the application filed by respondent No.2-applicant nor the reply filed on behalf of the petitioner-HSVP is on record or in his possession. There is also no reference to the evidence or pleading about the manner by which the possession interest of Rs.1,75,894/- has been returned/refunded to Sh. Randhir Singh-respondent No.3.

11. Under the given circumstances, it is evident that a new factual case is being set-up by the petitioner-HSVP at this stage before the High Court, which was apparently not a pleaded case in the Courts below. There is no explanation furnished as to how and under what circumstances, a statement was made on behalf of the counsel for the petitioner-HSVP about refund of the amount to the respondents. Considering that the original



allottee-Sh. Randhir Singh was the respondent in the proceedings before the Permanent Lok Adalat (Public Utility Services). There is also no averment in the pleading that any evidence was led to establish refund or that Sh. Randhir Singh admitted refund of the possession interest to him alongwith penal interest. Now the present petition has been filed without explaining their own stand and statement of counsel before the Permanent Lok Adalat (Public Utility Services), from any documentary evidence. Besides, no explanation has also been put-forth as to why the petitioner-HSVP did not prefer any appeal, against the above said award dated 22.10.2021 passed by the Permanent Lok Adalat (Public Utility Services) earlier and has come before this Court only in November-2024.

12. This Court is thus not in a position to appreciate the arguments advanced on behalf of the petitioner-Haryana Shehri Vikas Pradhikaran, for want of necessary documents and pleadings, and cannot find a fault in the award passed by the Permanent Lok Adalat (Public Utility Services) in view of the specific statement and the submissions of the counsel for the petitioner-HSVP itself in the proceedings before the Permanent Lok Adalat (Public Utility Services).

13. The present writ petition is accordingly **dismissed**.

14. However, the Chief Administrator, Haryana Shehri Vikas Pradhikaran, is directed to conduct a departmental inquiry against the officials who have purportedly mis-conducted by instituting the present petition and not defending the case properly. If the assertions are correct, the authorities shall be at liberty to effect the recovery of the loss, that may



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have so occasioned to the Haryana Shehri Vikas Pradhikaran, from the erring officials.

15. Let the above said exercise be completed by the Chief Administrator, Haryana Shehri Vikas Pradhikaran, within a period of 06 months of receipt certified copy of this order and let this Court be apprised of the final outcome of the same.

(VINOD S. BHARDWAJ)
JUDGE

28.11.2024
Mangal Singh

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