



211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2866-LPA-2019 in/and
LPA No.1314 of 2019
Date of Decision : 22-01-2026

HARYANA URBAN DEVELOPMENT AUTHORITY, PANCHKULA
(NOW HARYANA SAHARI VIKAS PRADHIKARAN) THROUGH
ITS ESTATE OFFICER AND OTHERS

.....Appellant(s)

VERSUS

PERMANENT LOK ADALAT, PUBLIC UTILITY SERVICES, ADR
CENTRE, DISTRICT COURT COMPLEX, SIRSA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Arvind Seth, Advocate for the appellants.

Mr. B.S Mittal, Advocate
for respondents No.2, 4, 5, 8, 10, 11, 17 to 20, 22, 108 and 110

Mr. Darpan Kumar, Advocate for
Mr. Manvinder Singh Sidhu, Advocate
for respondent No.3.

Mr. Kartar Singh, Advocate
for respondents No.12, 13, 39, 71, 88, 89, 94, 96 to 100, 102 to
105, 119 to 122 and 124 to 126.

Mr. Ajay Kamboj, Advocate with
Ms. Kiranpreet Kaur, Advocate and
Mr. Pardeep Kamboj, Advocate
for respondent Nos.23 to 36, 40 to 70, 72 to 78, 81, 82, 84 to
87, 90 to 92, 106 and 107.

Mr. Vijender Rana, Advocate
for Mr. S.K Nehra, Advocate
for respondent No.85.

Ms. Neha Randhawa, Advocate
for Mr. Dheeraj Narula, Advocate
for respondents No.115 to 117.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-2866-LPA-2019

Present application has been filed by respondent No.2 for filing reply to the application for condonation of delay of 215 days in filing the appeal.

Keeping in view the contents mentioned in the application, the same is allowed.

Reply to the application for condonation of delay of 215 days in filing the appeal is taken on record, subject to all just exceptions.

LPA No.1314 of 2019

1. Present appeal has been filed against the judgment/orders dated 07.09.2018 passed by the learned Single Judge by which, the order passed by the Permanent Lok Adalat dated 02.06.2016, granting the benefit to the respondents-allottees with regard to the refund of the amount paid towards enhancement with interest, has been upheld.

2. At the outset, learned counsel appearing on behalf of the respondents submits that the claim which is being raised by the respondents so as to retain the amount deposited under the demand of enhancement, was also challenged by the similarly situated allottees before the Consumer Forum. As per the order passed by the Consumer Forum, such claim of enhancement was found to be illegal and a direction was given to refund the same in case it was paid. The said decision of the Consumer Forum was challenged by the appellants before the Hon'ble Supreme Court of India in ***SLP(Civil) 2324-2392 of 2009 titled "HUDA and others Vs. Ekta Jain and others"***, which came to be decided on 01.07.2013 and as per the decision of

the Hon'ble Supreme Court, the claim of the appellants to seek an amount of enhancement with interest was bad and was not liable to be paid by the allottees. Hence, once the issue has already attained finality, the same cannot be raised again especially when there is no differentiating fact between the respondents in *SLP(Civil) 2324-2392 of 2009* and the respondents herein.

3. Learned counsel appearing on behalf of the appellants concedes the fact that similar issue has already been decided by the Hon'ble Supreme Court of India wherein, the enhancement claimed was found to be unjustified and also that there is no differentiating fact between the respondents before the Hon'ble Supreme Court of India and in the appeal herein. Learned counsel for the appellants submits that keeping in view the fact that a fresh order has been passed by the Permanent Lok Adalat, they are well within their jurisdiction to agitate the same question again for the consideration of this Court, especially when a fresh speaking order was passed by the appellants denying the said claim of the respondents.

4. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. Once, it is a conceded fact that a claim identical to the one raised by the respondents herein was raised by the similarly situated allottees before the Consumer Courts as well, and that the said matter has already attained finality upto the Hon'ble Supreme Court of India in favour of allottees who are similarly situated as respondents herein, as per the settled principle of law settled in *Civil Appeal No.1943 of 2022* titled "*Lt. Col. Suprita Chandel Vs. Union of India and ors.*" decided on 09.12.2024 and *Civil Appeal No.9849 of 2014* titled "*State of Uttar Pradesh and others Vs.*

Arvind Kumar Srivastava and others”, decided on 17.10.2014, wherein it has been held that similarly situated persons should be extended the benefit without the need for them to approach the Court. The legal principles which emerge from the reading of the judgment passed by the Hon’ble Supreme Court of India in the *Arvind Kumar Srivastava’s case (supra)*, are as follows:-

“XXX.....22.1 The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons needs to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.”

6. As per the principle settled by Hon’ble Supreme Court of India in *Suprita Chandel’s case (supra)*, the similarly situated persons shall be entitled to the same benefits. The Relevant Paragraph Nos.14 and 15 of the said judgment are as under:-

XXXX.....

14. It is a well settled principle of law that where a citizen aggrieved by an action of the government department has approached the court and obtained a declaration of law in his/her favour, other similarly situated ought to be extended the benefit **Central Excise, New Delhi and others, (1975) 4 SCC 714.**

15. In *K.I. Shephard and others Vs. Union of India and others, (1987), 4 SCC 43*, this Court while reinforcing the above principle held as under:-

“19 The writ petitions and the appeals must succeed. We set aside the impugned judgments of the Single Judge and Division Bench of the Kerala High Court and direct that each of the three transferee banks should take over the excluded employees on the same terms and conditions of employment under the respective banking companies prior to amalgamation. The employees would be entitled to the benefit

of continuity of service for all purposes including salary and perks throughout the period. We leave it open to the transferee banks to take such action as they consider proper against these employees in accordance with law. Some of the excluded employee have not come to court. There is no justification to penalise them for not having litigated. They too shall be entitled to the same benefits as the petitioners".

7. Learned counsel for the appellants has not been able to rebut that the benefit claimed by the respondents and allowed by the Permanent Lok Adalat, which also has been upheld by the Learned Single Judge, has already been extended to the similarly situated allottees in terms of the order passed by the Consumer Court, which order was upheld upto Hon'ble Supreme Court of India.

8. That being so, in the present case, there exists no occasion to take a different view than the one which has already attained finality up to the Hon'ble Supreme Court of India qua the allottees who are similarly situated as the respondents herein.

9. Reliance can also be placed upon the judgment of this Court in **CWP No.4382 of 2002** titled **"Satbir Singh Vs. State of Haryana"**, decided on **21.03.2002** wherein, it has been held that once, an issue has already attained finality, the said decision should also be made applicable upon all the similarly situated person rather than forcing everyone to approach the Court to seek the same relief.

10. In the present case, the appellants forced the respondents to approach the Permanent Lok Adalat to claim the same relief, which has been granted to all the similarly situated allottees upon adjudication by competent Court of law and the relief so granted is being challenged by way of the

present appeal. The said appeal is only to re-agitate the issue which has already been finalised upto Hon'ble Supreme Court of India hence, the same cannot be permitted to be agitated and argues that a fresh order was passed by the respondents declining the same claim despite the judgment of the Hon'ble Supreme Court of India in favour of the similarly situated allottees by respondents.

11. Learned counsel for the appellants have not been able to rebut the said settled principle of law.

12. The only argument raised to differentiate between the respondents before the Hon'ble Supreme Court of India and the respondents herein is that the respondents herein have deposited the enhanced amount whereas, the same was not deposited by the respondents before the Hon'ble Supreme Court of India.

13. It may be noticed that even if some of the respondents chose to deposit the amount, which demand at the hands of the appellants was not in consonance with the law, it will not preclude the respondents to claim the refund for the same.

14. Further, it may be noticed that some of the respondents before Hon'ble Supreme Court of India also had deposited the amount and the refund of the same was made by the appellants.

15. Learned counsel for the appellants submits that the amount was deposited in the year 2002 and the same was claimed back in the year 2016 and the interest is also being claimed on the deposit of the enhanced amount.

16. Learned counsel for the respondents submits that no interest will be claimed on the amount deposited and only the actual amount, which

was deposited, be refunded back by the HUDA within a period of **8 weeks** from the receipt of copy of this order.

16. Ordered accordingly.

17. However, in case, HUDA fails to refund the said amount within a period of **8 weeks** of the receipt of copy of this order, then the concession granted by the allottees for not claiming the interest will stand waived off, and they will be entitled to the interest as directed by the Permanent Lok Adalat, which direction has already been upheld by the Learned Single Judge vide order dated 07.09.2018.

18. Pending miscellaneous applications, if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

22-01-2026
Sapna Goyal

NOTE:

Whether speaking : YES/NO
Whether reportable :YES/NO