



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

121

**LPA-1109-2026 (O&M)
Decided on : 22.04.2026**

ARUN KUMAR GUPTA & ANOTHER

...Appellants

Versus

STATE OF HARYANA AND OTHERS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

PRESENT: Mr. Dhruv Sihag, Advocate
for the appellants.
(Appeared Through Virtual Mode)

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 23.03.2026 passed by the learned Single Judge, whereby the writ petition bearing CWP No. 362 of 2026 filed by the petitioners (appellants herein) has been dismissed and the challenge to the cut-off date adopted by respondent No. 5-Society regarding levy of Rs. 10,000/- as transfer fee in pursuance to the notification dated 22.06.2018 issued by the Government of Haryana, has been upheld.

2. It may be noted that the grievance raised by the appellants before the learned Single Judge was that he had purchased a flat in Rail Vihar Society (respondent No. 5) and had deposited a sum of Rs. 93,000/- vide

**LPA-1109-2026 (O&M)**

receipt dated 20.10.2015 qua transfer fee of a flat, which amount had been fixed by respondent No. 5-Society. Subsequently, a letter was issued by the said Society in March, 2024 whereby the transfer fee was reduced from Rs. 93,000/- to Rs. 10,000/- w.e.f 22.06.2018 keeping in view the notification dated 22.06.2018 issued by Additional Chief Secretary, Government of India in this respect. The society unilaterally adopted 22.06.2018 as cut-off date. Learned counsel for the appellants contends that the said cut-off date was arbitrarily fixed so as to exclude the claim of the appellants, as they had paid quite a higher amount for transfer charges in the year 2015.

3. Learned counsel for the appellant further submits that there was no rationale behind granting the benefit from 22.06.2018 and not extending the same to transactions done prior thereto, including the year 2015 in which year, higher amount as transfer/fee was paid by the appellants.

Learned counsel for the appellants further submits that since the resolution passed by society in the year 2022 was given retrospective effect i.e. the same was made applicable from 22.06.2018, the same benefit ought to have been extended to the appellants as well, who had purchased the flat and paid a sum of Rs. 93,000/- as transfer charges on 22.10.2015.

4. We have heard learned counsel for the appellant and have gone through the case file with his able assistance.

5. It may be noted that respondent No. 5-Society is a private society which had fixed its own norms regarding the payment of transfer fee. The appellants paid a sum of Rs. 93,000/- as transfer fee in the year 2015 without raising any grievance. On being asked as to whether any objection had been raised by the appellants qua payment of such fee / charges at the

**LPA-1109-2026 (O&M)**

time of said payment, learned counsel for the appellant candidly conceded that no such grievance was ever raised. The only argument raised by the learned counsel for the appellants is that once the Society, by its resolution dated 07.03.2022, fixed the transfer fee at Rs. 10,000/- and vide letter dated 01.03.2024 made the same applicable with effect from 22.06.2018, the same should be made applicable upon the transfers which took place even prior to the said date.

6. However, it may be noticed that as per the resolution passed by the respondent No. 5-society in the year 2022, the same should have given retrospective effect only on the ground that the Government of Haryana vide its notification dated 22.06.2018 directed respondent No. 5-society to charge Rs. 10,000/- as transfer fee. The said notification of the Government of Haryana was issued on 22.06.2018 which has been duly adopted by respondent No. 5-society so as to give retrospective effect to its resolution dated 07.03.2022 from date 22.06.2018, hence, the basis for fixing the cut-off date by the respondent No. 5-Society as 22.06.2018 which is the date when the notification was issued by the Government of Haryana to charge less amount of fee for transfer is thus perfectly valid and legal and therefore, transfer of flats which got effected prior to the said date cannot claim the benefit of the reduced fee. The learned Single Judge vide impugned order dated 23.03.2026 has rightly upheld the validity of the said cut-off date.

7. Furthermore, the appellants did not raise any grievance regarding the payment of Rs. 93,000/- as transfer charges in the year 2015. Once no such objection was raised and the amount sought by society was paid, the appellants cannot at this stage say that, merely because the

**LPA-1109-2026 (O&M)**

resolution dated 07.03.2022 fixes the transfer fee at Rs. 10,000/- with effect from the date of the notification issued by the Government of Haryana, i.e., 22.06.2018, they should also be extended same benefit by applying the cut-off date retrospectively to a period prior to October 2015, when the said amount was paid. The basis of the argument raised by learned counsel for the appellants is incorrect, inasmuch as the Government of Haryana, vide notification dated 22.06.2018, directed the respondent No. 5-Society to fix the transfer fee at Rs. 10,000/-. Even the said notification has not been challenged by the appellants.

8. Keeping in view the totality of the facts and circumstances of the present case, there is no valid reasons have been raised in the present appeal and the present appeal has been filed only for the sake of filing the appeal without any substantive basis and no perversity has been shown to this Court with the impugned order that the same is contrary to the facts or the settled principle of law.

9. Hence, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, present appeal is dismissed with the payment of Rs. 25,000/- as cost to be deposited with *Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCQ 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch* by appellants.

11. In case, the said cost of Rs. 25,000/- is not deposited within the period of four weeks from the date of receipt of copy of this Court, the case



LPA-1109-2026 (O&M)

be listed before the Competent Court of law for recovering the said amount from the appellant.

12. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

22.04.2026

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*