



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

234

RSA-5670-2014 (O&M)

Date of decision : 30.04.2026

Chand Singh

..... Appellant

versus

The Administrator/Chairman and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vivek Singla, Advocate
for the appellant.

Mr. Anil Chawla, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

CM-13469-C-2014

This is an application seeking condonation of delay of 138 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 138 days in filing the appeal stands condoned.

Main case

1 Plaintiff is in in appeal aggrieved of the judgment and decree passed by the Lower Appellate Court.

2. Plaintiff filed suit seeking decree of declaration with the consequential relief of permanent injunction claiming that he purchased shop No.178 for a total consideration of Rs.32 lakh and deposited Rs. 8 lakhs at the time of auction. Remaining balance sale consideration of Rs.24 lakhs was to be paid in installments, i.e. on 01.12.2007, 01.06.2008, 01.12.2008, 01.06.2009, 01.12.2009 and 01.6.2010 in terms



of the allotment order dated 01.06.2007. Concededly, plaintiff did not deposit the installments in time. Two of the installments were deposited late. Penal interest @ 4% per annum amounting to Rs.52,000/- was charged. Plaintiff sought refuge under policy whereby, the defendants had powers to waive off the penal interest in appropriate cases and also sought parity vis-a-vis plot No.23 and 153.

3. Suit filed by the plaintiff was decreed by the Court of First Instance granting him parity with allottees of plot No.23 and 153.

4. In appeal preferred by the defendants, the judgment and decree passed by the Court of First Instance has been reversed holding that instructions of 1997 having been repealed by notification dated 10.03.2000 Ex.DX, the plaintiff is not entitled for waiver of interest.

5. Counsel for the appellant has assailed the findings recorded by the Lower Appellate Court. He submits that the defendants being a government instrumentality cannot be allowed to discriminate amongst the allottees. Once State has have taken a policy decision to waive off the interest and allottees of plot No.23 and 153 have been granted the relief under the said policy, the plaintiff cannot be denied same relief.

6. *Per contra*, Mr. Chawla would submit that the instructions of 1997 having been withdrawn by way of notification dated 10.03.2000, the defendants have no power vested in them to waive off the interest. Waiver granted to allottees of plot No.23 and 153 wrongly would not vest any right in the plaintiff to seek parity.

7. I have heard counsel for the parties and have carefully gone through the records of the case.



8. It is not in dispute that the instructions of 1997, whereby the authority had power to waive off the interest stand repealed by way of notification dated 10.03.2000 which is on record as Ex.DX. Merely for the reason that the allottees of plot No.23 and 153 have been granted waiver by the defendants, it shall not entitle the plaintiff to seek declaration claiming waiver as a matter of right.
9. Section 34 of the Specific Relief Act, 1963 requires that a person seeking declaration must exhibit entitlement to a legal character or a right. A mere chance or vague expectancy of a plaintiff cannot lead to decree of declaration. Reference can be made to ratio of law laid down by Supreme Court in M/s. Supreme General Films Exchange Ltd. vs. His Highness Maharaja Sir Brijnath Singhji Deo of Maihar and others 1975(2) SCC 530.
10. There being no right vested in the plaintiff, the Lower Appellate Court rightly dismissed the suit.
11. Finding no merits in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

30.04.2026

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No