



126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.8110 of 2025 (O&M)
Date of Decision: 18.08.2025

USHA RANI

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

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ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 03.05.2023 (Annexure P-9) passed by the respondent-HSVP, whereby her representation for refund of the amount paid by her against the extension fee, has been declined.

2. Learned counsel for the petitioner submits that on 21.01.2019 the petitioner had paid an amount of Rs.1,57,964/- as demanded by the respondent-HSVP towards extension fee. The policy dated 12.04.2013 had been modified on 06.03.2019 and it was stated therein that it would be applicable retrospectively and, therefore, it ought to be applied in the case of the petitioner and the excess amount ought to be refunded to the petitioner.

3. Issue notice to the respondents.

4. Mr. Ankur Mittal, Advocate, Mr. Shivendra Swaroop, Ms.



Kushaldeep Kaur, Ms. Ashna Singh, Ms. Saanvi Singla, and Ms. Sharvi Dadhwal, Advocates, accept notice on behalf of the respondent-HSVP and submit that the petitioner did not carry out the construction within the stipulated period of two years and therefore, the extension fee was rightly levied. The possession of the plot was offered to the petitioner on 22.12.1998 and the possession certificate was issued to her on 23.03.2009.

5. Heard.

6. The petitioner is stated to have purchased a residential plot measuring 180 Sq.Mtrs. from the original allottee in the year 1997. The original allottee had been allotted the said plot in the year 1993. In terms of Clause 18 of the allotment letter dated 23.03.1993 (Annexure P-1) issued to the original allottee, the construction was to be completed within a period of two years from the date of possession. The possession of the plot had been offered to the petitioner on 22.12.1998 but the possession certificate was issued to her on 23.03.2009. In terms of the policy dated 12.04.2013 (Annexure P-4), extension in the time limit for construction of residential/commercial plots beyond the stipulated period of two years shall be granted on payment of extension fee. The petitioner had paid an amount of Rs.1,57,964/- towards extension fee on 21.01.2019. After the petitioner had paid the extension fee, the policy dated 12.04.2013 was modified on 06.03.2019 and the charges of extension fee had been reduced.

7. It is apparent that the petitioner had paid the extension fee on 21.01.2019 in terms of the policy dated 12.04.2013, which was applicable at that time. Once the petitioner had settled her claim in terms of the existing



policy, she cannot take any benefit from the policy which was issued subsequently on 06.03.2019. We do not find any merit in the arguments of learned counsel for the petitioner that the policy dated 06.03.2019 was applicable retrospectively for the reason that it is stipulated in the terms and conditions that the policy would be applicable retrospectively only for all pending cases. The case of the petitioner had been settled under the previous policy and therefore, it cannot be construed to be a pending case.

8. It is apt to notice that the petitioner had paid the extension fee on 21.01.2019 and this petition has been preferred by the petitioner in the year 2025. The petitioner is stated to have sent representation, and the representation was declined by the order dated 03.05.2023.

9. In the aforementioned facts and circumstances, we do not find any merit in this petition seeking refund of the extension fee which she had already been deposited under the previous policy. Consequently, this petition being devoid of any merit stands dismissed.

**(ANUPINDER SINGH GREWAL)
JUDGE**

**(DEEPAK MANCHANDA)
JUDGE**

August 18, 2025
sandeep

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| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable : | Yes/No |