



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

**RSA-3609-2018(O&M)
Date of decision: 17.09.2025**

Haryana Urban Development Authority

... Appellant

Versus

Lt. Col. (Mrs.) Kamal Kanta

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. B.R. Mahajan, Senior Advocate, with
Mr. D.K. Singal, Advocate,
for the appellant.

Mr. Abhishek Goyal, Advocate, and
Ms. Kanika, Advocate,
for the respondent.

VIKRAM AGGARWAL, J. (ORAL)

CM-9406-C of 2018

This is an application under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 100 days in filing the appeal.

Heard.

The reasons caused for delay of 100 days in filing the appeal have been found satisfactorily explained in the application and during arguments advanced by learned Senior counsel.

Accordingly, the application is allowed and the delay of 100 days in filing the appeal is condoned.

RSA-3609-2018(O&M)

This is defendant's appeal preferred against the judgment and decree dated 07.07.2017, passed by the Court of Additional District Judge,



Faridabad, dismissing the appeal filed by the appellant-defendant against the judgment and decree dated 16.03.2015, passed by the Court of Civil Judge (Jr. Division), Faridabad, vide which the suit for mandatory injunction instituted by the plaintiff was decreed.

2. For the sake of convenience, parties shall be referred to as per their original status.

3. Plaintiff - Lt. Col. (Mrs.) Kamal Kanta instituted a suit for mandatory injunction directing the defendants - Haryana Urban Development Authority (for short, 'HUDA') to issue No Dues Certificate and Occupation Certificate in respect of House No.48, Sector 8, Urban Estate, Faridabad (hereinafter referred to as '**suit property**').

4. The case set up by the plaintiff was that she was owner in possession of the suit property, which was re-allotted to her on 07.12.1984. Construction on the property was raised in 1986. Notice dated 01.12.1999 was issued to the plaintiff, calling upon her to deposit extension fee alleging, non-completion of construction.

4.1 The plaintiff preferred an appeal against the said notice. Vide order dated 10.07.2000, the appeal was allowed by the Chief Administrator, HUDA, Faridabad. Upon decision of the appeal, the plaintiff requested the defendants to issue No Dues Certificate and Occupation Certificate in respect of the suit property. Despite repeated requests, the said certificates were not issued, as a result of which the suit was instituted.

5. Defendants opposed the suit. Certain preliminary objections regarding maintainability, concealment of facts, jurisdiction etc. were raised. On merits, it was averred that the plaintiff had failed to comply with the



terms and conditions of the allotment letter and the applicable rules and regulations. It was averred that the ownership of the suit property had changed as it was re-allotted to the plaintiff on 07.12.1984. Construction was required to be started within a period of six months and the same was to be completed within 15 months from the date of issuance of the allotment letter, failing which the security amount of Rs.2,500/- would be forfeited. It was claimed that the plaintiff had failed to raise construction within the stipulated period, as a result of which memo dated 23.03.1987 was issued. Subsequently, memos dated 06.03.1990 and 16.04.1990 were also issued, followed by communication dated 20.02.1991, calling upon the plaintiff to pay the extension fee of Rs.8,384/- for the period from 1987 to 1989. However, the plaintiff did not pay any heed to the same.

5.1 It was averred that a show cause notice for enhancement was issued vide memo dated 13.01.1990, followed by another show cause notice dated 01.12.1999 for payment of enhanced compensation and extension fee.

5.2 It was averred that the appeal preferred by the plaintiff was decided on 10.07.2000, wherein the plaintiff was directed to obtain the Occupation Certificate within 60 days. However, the plaintiff failed to obtain the Completion Certificate. Subsequently, a demand for payment of Rs.82,735/- was raised, which was also not paid.

6. From the pleadings of the parties, the following issues were framed:

- “1. Whether the plaintiff is entitled to a decree of mandatory injunction, as prayed for? OPP**
- 2. Whether the suit of the plaintiff is not maintainable in the present form? OPD**



3. Whether the present suit is barred under Section 50(2) of the HUDA Act? OPD

4. Relief.”

7. Parties led their respective evidence.

8. The trial Court decreed the suit filed by the plaintiff vide judgment and decree dated 16.03.2025 and the appeal preferred against the same was dismissed vide judgment and decree dated 07.07.2017, leading to the filing of the instant appeal.

9. I have heard learned Senior counsel representing the appellant.

10. Learned Senior counsel submits that both Courts erred in decreeing the suit. Reference has been made to the impugned judgments and decrees and it has been submitted that they are not sustainable.

11. I have considered the submissions made by learned Senior counsel, but find the same to be devoid of merit.

11.1 Concededly, the suit property was transferred in the name of the plaintiff on 07.12.1984. It was claimed by the plaintiff that the construction had been completed in 1986, after which she applied for issuance of No Dues Certificate and Occupation Certificate. The action initiated by the defendants was challenged by the plaintiff before the Administrator, HUDA, and vide order dated 10.07.2000 (Ex.P3), the appeal was allowed with a clarification that construction had been completed in 1986. It was ordered that no extension fee would be charged and the Occupation certificate was directed to be obtained within 60 days. The plaintiff deposited a sum of Rs.15,000/- as compounding fee, for which receipt dated 30.12.1999 (Ex.P2) was produced. The same was also admitted by DW1 in his cross-



examination stating that the said amount had been deposited as compounding fee for obtaining the completion certificate.

12. That being so, there was nothing remiss on the part of the plaintiff and the defendants were, in fact, obliged to issue Completion Certificate along with No Dues Certificate to the plaintiff. It is not understood as to why, despite the order having been passed by the Administrator, HUDA, which was never challenged any further by HUDA, they continued to contest the suit filed by the plaintiff.

13. Both Courts examined the matter from the correct perspective and rightly decreed the suit. I do not find any reason to interfere in the said judgments and decrees.

14. The present appeal, therefore, is found to be bereft of merit and is accordingly dismissed.

15. Pending application(s), if any, also stands disposed of.

(Vikram Aggarwal)
Judge

September 17, 2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No