

COCP No. 182 of 2013

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 182 of 2013

Date of Decision: April 29, 2015

Poonam Arora

...Petitioner

Versus

D.P.S. Nagal & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. O.P. Gupta, Advocate
for the petitioner.

Mr. Raman Gaur, Advocate
for the respondents

AUGUSTINE GEORGE MASIH, J. (Oral):

On hearing the counsel for the parties, I am of the considered view that the Division Bench order dated 20.03.2012 clearly requires the respondents to communicate the balance amount payable by the petitioner within a period of one month and the petitioner to deposit the entire amount including interest thereon within one month thereafter. Accordingly, the respondents have calculated the amount due to the petitioner and has communicated the same to him on 04.03.2013 (Annexure R-2/1). In this communication, the amount due was calculated as ₹9,05,930/-. Subsequently, another affidavit dated 11.12.2013 has been filed, wherein, the delay which has occurred on the part of the respondents and the interest charged for the said period stands deducted and accordingly, total amount due comes to ₹5,66,579/-. Petitioner was required to deposit the said amount with the respondents.

Counsel for the petitioner has stated that as per Clause 6 of the

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allotment letter, no interest is to be charged upon the petitioner till the possession is offered to him. No possession has been offered to the petitioner which fact is disputed by the counsel for the respondents with reference to Annexure R-2/3 dated 16.05.2006.

Without going into this aspect as to whether the interest is chargeable upon the petitioner or not and the liability thereof, if any, keeping in view the order passed by the Division Bench where the petitioner is required to deposit the entire amount including interest thereon, this Court in the contempt jurisdiction would not adjudicate upon the same and therefore, leave it open to the petitioner to agitate in appropriate proceedings. In case, the petitioner intends to avail of the benefit of the judgment passed by this Court on 20.03.2012 (Annexure P-1), she will have to deposit an amount of ₹5,66,579 minus ₹30930 /- which stands already deposited on 26.11.2014 vide Demand Draft dated 25.11.2014. The total amount, therefore, now to be deposited by the petitioner is ₹5,35,649/- which shall be deposited by her by 27.05.2015. In case, the amount stands deposited as above, the physical possession of the plot shall be handed over to the petitioner within a period of 10 days from the date of deposit of the total amount as has been pointed out above.

Petitioner to approach the Estate Officer-I, HUDA, Gurgaon, for taking possession on deposit of the amount mentioned above.

The contempt petition is disposed of with above observations.

Rule discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

April 29, 2015
Harish