

Instructions No.2/HUDA/Finance.
HARYANA URBAN DEVELOPMENT AUTHORITY, SECTOR-6, PANCHKULA.

Endst. No. CCF-Acctt-II/2015 2790-91

Dated: 9/2/15

To

The Estate Officer-II,
Gurgaon.

Subject: Interest on deposit of additional price against original plot on account of enhancement but allotment of alternative plot in the adjoining/different sector.


Kindly refer to your letter No. 12716 dated 02.12.2014 about clarification for rate of interest on the amount deposited on account of additional price(enhancement) in the original sector (sector 52) but actual allotment of alternative plot allotted in the adjoining/different sector (sector-57), Gurgaon.

This office has already issued clarification vide this office memo no. HUDA-Acctt-II-2013/43644-45 dated 26.11.13 on basis of High Court decision dated 8.08.2013 in CWP No. 2759 of 2013 titled Mahender Pal Jain Vs. HUDA that in respect of allotment of alternative plot in the adjoining/different sector, the enhanced price shall be charged of the sector where alternative plot has been allotted.

In the present case, the additional price on account of enhancement was paid for Sector-52, but the plot was not allotted in this sector. Now question is what rate of interest for such paid amount is to be given to the plot owner. HUDA shall refund this amount along with interest @ 15% P.A. (simple). This will ensure equity in dealing by HUDA as the same interest @ 15% P.A. (simple) is being charged for recovery of the additional price on account of enhancement from the plot owners as per letter No.HUDA-CCF-Actt-1/2008/3654/7-78 dated 25.10.08 issued on basis of the judgement of Hon'ble Supreme Court of India in the case of Sh. Raj Singh Rana V/s HUDA in Civil Appeal No.4436 of 2008 (arising out of special leave petition No.13644 of 2005).

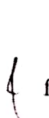
Instead of refunding the enhancement amount of Sector-52, Gurgaon to the plot owner, your office may update the amount @ 15% p.a. (simple) and adjust it against the demand of the additional price on account of enhancement in the Sector-57 Gurgaon i.e. alternative sector. If still some excess amount is left, same may be refunded with interest @ 15% p.a. (simple).

This may also be made applicable in other similar cases in respect of allotment of alternative plot in the adjoining/different sector


(Manohar Lal)
Sr. Accounts officer
for Chief Administrator, HUDA,
Panchkula

Copy is forwarded to the following for information and necessary action:

- 1) All the Administrators HUDA (in the state)
- 2) All the Estate Officers HUDA (in the State)
- 3) The G.M.,I.T. HUDA Panchkula with a request to upload this letter on the HUDA Web site.


(Manohar Lal)
Sr. Accounts officer
for Chief Administrator, HUDA
Panchkula