



हरियाणा शहरी विकास प्राधिकरण

HARYANA URBAN
DEVELOPMENT AUTHORITY

Website: www.huda.gov.in
Toll Free No. 1800-180-3030
E-mail id: ccfhuda@gmail.com

Address: C-3 HUDA HQ Sector-6,
Panchkula

To

1. Sh. S.P. Goyal S/o Late Shri Babu Ram Goyal
H. No. 2101, Urban Estate, Jind.
2. Sh. R.L. Khanduja S/o Shri Chaman Lal
H. No. 813, Sector-10, Panchkula.
3. Sh. Mahender Singh S/o Late Shri Begraj
Flat No. 833, HEWO-II, Plot No. GH-41,
Sector-56, Gurugram.
4. Sh. T.D. Aneja S/o Late Shri Tikan Das Aneja,
Flat No. 460, GH-41, Sector-56,
Gurugram.
5. Smt. Amarjit Kaur W/o Shri Krishan Partap Singh
H. No. 8, Bhim Colony, Bighar Road, Fatehabad.
6. Sh. Harish Kumar Bhatia S/o Shri Chhatta Ram
H. No. 154, Model Town, Tohana, District Fatehabad.
7. Sh. Amit Yadav S/o Shri Ashok Yadav,
H. No. 1, Ashok Vihar, Railway Road,
Gurugram -122001.
8. Sh. Ranjeet Singh Nagi S/o Shri Harjeet Singh Nagi
Flat No. 928, GH-41, Sector-56, Gurugram.
9. Sh. Baljeet Singh S/o Shri Khajan Singh
Resident of VPO Wajirabad, Gurugram.
10. Smt. Vandana Srivastava W/o Shri Manish Kumar Srivastava
Flat No. 654, HEWO Apartment, GH-41,
Sector-56, Gurugram.
11. Sh. Sanjay Kumar Sharma S/o Shri Vijay Kumar Sharma
H. No. 3113, Gali Madho Pandit Dassan Street Hauz Qazi,
Delhi - 110006.
12. Sh. Sandeep Sangwan S/o Shri Dilbagh Singh
H. No. 271, Sector-45, Gurugram.
13. Sh. Karambir Singh Likhari S/o Late Shri Amrik Singh Lakhari
Flat No. 232, GH-41, Sector-46, Gurugram.
14. Sh. Parveen Yadav S/o Shri Bala Ram Yadav
resident of VPO Wazirabad, Tehsil & District Gurugram.
15. Sh. Deepak Sharma S/o Shri Roshan Lal
H. No. 392/30, Rohtak Road, Jind.
16. Smt. Pushpa Yadav W/o Dr. Vivek Yadav
H. No. 925, Sector-4, Gurugram.
17. Smt. Indu Singh Chhikara W/o Shri Raj Singh Chhikara
H. No. 46, Aver Green Apartment, Plot No. 9,
Sector-7, Dwarka, New Delhi - 75.
18. Sh. Ashish Verma S/o Sh. Krishan Kumar,
Flat No. 529, HEWO Apartment, GH-41,
Sector-56, Gurugram.
19. Sh. O.P. Narang S/o Sh. Shanker Dass Narang,
1685, Sector-4, Panchkula.
20. Smt. Reena Sharma W/o Sh. Anil Kumar Sharma,
Aravali (A2) 312, Jalvayu Tower, Sector-56,
Gurugram.
21. Sh. Samay Singh S/o Sh. Laxmi Chand,
RZ-IA, Syndicate Enclave, Raghu Nagar,
New Delhi-110045.



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22. Sh. Gurjit Singh S/o Sh. Amrik Singh,
3, Gurjiwan Vihar, Dhakoli, Zirakpur.
23. Sh. Gaurav Shandilya S/o Sh. R.P. Sharma,
Flat No.-735, HEWO Apartment, GH-41,
Sector-56, Gurugram.
24. Sh. Sumit Vijayant S/o Sh. Badan Singh,
Flat No.268, GH-41, Sector-56,
Gurugram.
25. Smt. Divya Garg W/o Sh. Amit garg,
5/521, Indra Colony, Sonapat.
26. Smt. Nishi Bhardwaj W/o Sh. Sanjeev Bhardwaj,
935, HEWO, GH-41, Sector-56, Gurugram.
27. Smt. Manju Rakheja W/o Sh. Bharti Rakheja,
1075/20, DURGA Colony, Rohtak.
28. Dr. Khashmiri Lal Chawla S/o Shri Ram Narayan Chawla,
H.No. 746, GF, HBC, Sector-4, Karnal.
29. Smt. Parmesh Garg W/o Shri Vipin Kumar,
Flat No. 957, GH-41, Sector-56, Gurugram.
30. Sh. Ravinder Pal Singh S/o Late Shri Baldev Singh,
H.No. 128-C, Devanand Complex, New Railway Road,
Gurugram.
31. Sh. V.K. Gandhi S/o Sh. S.M. Gandhi,
H.No. 1444-A, Sector-39-B,
Chandigarh
32. Smt. Kiran W/o Sh. G.R. Goyat,
Flat No. 1034-A, Sector-A, Pocket-A,
Vasant Kunj, New Delhi.
33. Smt. Jyoti W/o Shri Lokesh Singh,
Flat No. 328, GH-41, Sector-56, Gurugram.
34. Smt. Krishan Yadav W/o Shri Mohan Deep Yadav,
Village & Post Office Bharawas, District Gurugram.
35. Sh. Subhash Chander S/o Shri Harbans Lal,
1863, HBC Colony, Sector-6,
U/E Karnal.
36. Sh. Rajul Garg S/o Shri Prem Dass garg,
Flat No. 544, HEWO Apartment, GH-41, Sector-56,
Gurugram.
37. Sh. Chitvan Gandhi S/o Shri S.K. Gandhi,
363, Sector-8, Urban Estate, Karnal.
38. Sh. Uma Shankar Saini S/o Shri. Mool Chand,
C/o Sariaka, H.No. 924, Sector-14, Gurugram.
39. Sh. Vipin Kumar S/o Sh. Devki Nandan,
Flat No. 957, GH-41, Sector-56, Gurugram.
40. Smt. Narinder Kaur W/o Sh. Sukhinder Singh,
H.No. 70, Rakh Shikargah Abadi karan Vihar M.C.,
Ward No. 53, Amritsar.
41. Smt. Madhu Sharma W/o Late Sh. Sunil Sharma,
Flat No. 837, GH-41, Sector-56, Gurugram.
42. Sh. Mahbir S./o Sh. Ram Chand,
Village Bass Haria, P.O. Bass,
Lambhi Gurugram.
43. Sh. Sachin Jain S/o Sh. Devendra Jain,
H.No. 10/91, Chatta Jambu Dass Saharanpur,
Uttar Pradesh.
44. Smt. Shakila Devi W/o Sh. Ranbir Singh,
H.No. 748, Sector-28, NOIDA.



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45. Smt. Pragati Gupta W/o Sh. Navneet Gupta,
312, Jawahar Apartments, Plot No. 9,
Sector-5 Dwarka, New delhi.
46. Sh. J.C. Yadav S/o Sh. Bhawani Singh Yadav,
Flat No. 243, HEWO Apartment, GH-41, Sector-56,
Gurugram.
47. Sh. Ramesh Kumar S/o Sh. Sher Singh,
Saini Sadan, Hari OM Shakti Ashram,
Sector-12-A, Gurugram.
48. Sh. Prem Singh Chhikarra S/o Sh. Siri Lal,
H. No.2, Prem Nagar, Sector-6,
Bahadurgarh, Distt. Jhajjar.
49. Smt. Pushp Lata W/o Sh. Anil Kumar Sharma,
House No. 373/28, Jyoti Park, Gali No 7,
Near Sector -7, EXT. Gurugram
50. Sh. Ved Parkash S/o Sh. Surat Singh,
House No. 1017, HBC, Sector -15A, Hisar.
51. Sh. Bimal Kumar S/o Sh. Devki Nandan
House No. 1143, Sector-14, Sonipat.
52. Sh. Mamu Ram Gupta S/o Sh. Banwari Lal,
House No. 223, Sector-4, Panchkula.
53. Smt. Gauri Katwal W/o Sh. Rishi Katwal,
House No. 31-B/5/6, DLF-III, Gurugram.
54. Smt. Meenakshi W/o Sh. Mayankeshwar Singh,
Flat No. 548, GH-41, Sector-56, Gurugram.
55. Sh. Rahul Kumar S/o Shri Sudhir Kumar,
Flat No. 866, HEWO-II, GH-41, Sector-46,
Gurugram.

Memo NO. HUDA-CCF-ACCTT-II-2017/- 165918
DATED:- 6/8/17

Subject: - Speaking order passed in compliance with the orders of Hon'ble Punjab & Haryana High Court in CWP No. 22902 of 2016 titled as S.P. Goyal and Ors Vs State of Haryana and others.

1. Please refer to the subject cited above.
2. Please find enclosed herewith the copy of speaking order No. 13/2017 passed by the Chief Administrator, HUDA in compliance with the orders of Hon'ble Punjab & Haryana High Court in CWP No. 22902 of 2016 titled as S.P. Goyal and Ors Vs State of Haryana and others.

DA/As Above

Chief Accounts Officer,
for Chief Administrator,
HUDA, Panchkula.

Endst.No. HUDA-CCF-Acctt-II-2017/- 165918 **Dated:-** 6/8/17

A copy of the above is forwarded to the following for kind information and necessary action :-

1. The District Attorney, Legal cell, HUDA (HQ), Panchkula for taking necessary action.
2. The GM (IT), HUDA (HQ), Panchkula for uploading the same on HUDA Website.
3. The Estate Officer-II, Gurugram with the request to take necessary action as per speaking order No 13/2017.

DA/As Above

Chief Accounts Officer,
for Chief Administrator,
HUDA, Panchkula.

SPEAKING ORDER

13/10/17

The present order is being passed in compliance with the order dated 21.11.2016 passed by the Hon'ble High Court in CWP No. 22902 of 2016 titled as S.P Goyal and Others vs Chief Administrator, Haryana Urban Development Authority & Others. The operative part of the order is as under:

"After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent no. 1 to take a decision on the representation dated 21.4.2016 (Annexure P-8), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of three months from the date of receipt of certified copy of the order."

2. The petitioners have been afforded an opportunity of hearing on 31.07.2017. The petitioner no. 1 namely Sh S.P Goyal appeared in person alongwith Sh Shubham Jain, Advocate.

3. The petitioner has been heard in detail. The representatives of Chief Controller of Finance, HUDA have also been heard. The record of the case produced by both the parties has been gone through and representation dated 21.4.2016 has been perused.

4. The contention of the petitioner as has been raised in the representation is twofold. Firstly, it is contended that since the Ld. Additional District Judge enhanced the compensation on 13.08.1997 whereas the plot was allotted to the society on 27.12.1999. Therefore, the enhancement allowed by the court prior to allotment could not be charged. The second contention that has been raised is that no interest could be levied for the period prior to demand notice and in present case, interest has been charged for 18.5 years i.e from the year 1997 whereas demand has been raised in the year 2016.

5. In so far as first contention of the petitioner that since enhancement compensation was made prior to allotment, therefore, the same cannot be demanded is liable to be rejected for more than one reason. Firstly, the award of enhancement of compensation may have been passed by the court of Additional District Judge in the year 1997, however, the matter of compensation attained finality when the Hon'ble Supreme Court decided the Special Leave Petitions, which process was subsequent to allotment. It is a well settled law that the appeal is a continuation of the earlier proceedings and therefore, it cannot be said that the matter of enhanced compensation was finalized before the allotment. Explanation appended to Regulation 2 (i) of the Haryana Urban Development (Disposal of Lands & Building), Regulations, 1978 provides that for the purpose of this Regulation, the expression "the Court" means the court as defined in clause (d) of section 3 of the Land Acquisition Act, 1894 and where an appeal is filed, the "appellate court". Secondly, the said contention has been made without knowing the basis of price fixation of group housing society. The price of group housing society is fixed on the basis of formula approved by the Authority and such price fixation does not include additional price on account of enhancement. Thirdly, the petitioner has placed on record a speaking order passed in respect of Royal Courts GHS, Sector-39, Gurugram, however, it is very much apparent from the said order that society was held liable to pay the enhanced compensation. Fourthly, Regulation 4 of The Haryana Urban Development (Disposal of Land and Building) Regulations, 1978, defines the tentative price as under:-

"The tentative price/premium for the disposal of land or building by the Authority shall be such as may be determined by the authority taking into consideration the cost of land, estimated cost of development, cost of

buildings and other direct and indirect charges as may be determined by the Authority from time to time.”

Further Regulation 2(i) defines tentative price:

”Tentative price” or “tentative premium” means such price/premium as may be determined by the Authority in terms of Regulation 4 for disposal by allotment in which the cost of land included in based on the compensation awarded by the Collector under the Land Acquisition Act, but does not include any enhancement that may be awarded by the court on a reference made under section 18 of Land Acquisition Act, 1894.

Explanation.- For the purpose of this Regulation, the expression “the Court” means the court as defined in clause (d) of section 3 of the Land Acquisition Act, 1894 and where an appeal is filed, the “appellate court”.

Thus, the price on which plot was allotted in the present case was the tentative price excluding the enhanced compensation, which is not the factor to be considered for fixation of said price. I am of the considered view that the order in Ekta Jain’s case relied by the petitioner does not help the cause of the petitioner as said case does not lay down any law and has been passed on basis of facts and evidence on record of said case, which is not in the present case. In the present case, it has been positively brought on record by the CCF, HUDA that price fixation of group housing sites did not include enhanced compensation.

6. The second contention raised is that the interest cannot be demanded prior to date of demand and in this case, interest has been levied from the date of original award. I have considered this contention. The demand of interest cannot be disputed as HUDA is under legal obligation to pay interest in view of Section 28 of the Land Acquisition Act, 1894 and therefore, there is no merit in dispute that interest has been charged for 18.5 years. Further, in view of the provision of Regulation-2 (b) and 10 of the Haryana Urban

Development (Disposal of Land & Building) Regulations, 1978, the contention cannot be accepted. Regulation-2 (b) of the Haryana Urban Development (Disposal of Land & Building) Regulations, 1978 provides as under:-

“ADDITIONAL PRICE” and ADDITIONAL PREMIUM”

means such sum of money as may be determined by the Chief Administrator in respect of the sale or lease of land or building by allotment which may become payable by the transferee or lessee with respect to land or building sold or leased to him in a sector on account of the enhancement of compensation of any land or building in the same sector by the Court on a reference made under section 18 of the Land Acquisition Act, 1894 and the amount of cost incurred in respect of such reference.”

Regulation 10 deals with Liability to pay additional price/premium.

(1) In the case of sale/lease of land/building by allotment the transferee or lessee shall be liable to pay to the Authority, in addition to the tentative price/premium, the additional price/premium, if any, determined in respect thereto under these regulations.

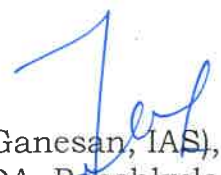
(2) The additional price/premium shall be payable by the transferee or lessee within a period of thirty days of the date of demand made in this behalf by the Estate Officer without interest or in such number of installments with interest as may be determined by the Chief Administrator.

The petitioner's contention that interest has been charged from the year 2010 till 2016 is also not acceptable as additional price has only been updated as per the facts brought on record and no interest has been demanded. The additional price has been updated @15% p.a of the period from 2010 to 2016. There is no denial of the fact that HUDA has also incurred liability during the period in respect of enhanced compensation.

7. I further find that the petitioners have disputed the demand notice for payment of enhancement compensation, however, it is an admitted fact that the petitioners are not the allottee of the plot, which was allotted on 27.12.1999 to a society i.e HEWO. The enhanced compensation has been demanded from the allottee and allottee has not disputed the demand, therefore, the petitioners cannot be said to have any locus standi in the matter as there is no contractual relations of HUDA with them.

8. In view of the discussion made above, I am of the considered opinion that the representation dated 21.04.2016 (Annexure P-8) of the petitioners is rejected.

9. The order may be communicated to the petitioner through registered post.


(J. Ganesan, IAS),
Chief Administrator, HUDA, Panchkula
23.08.2017