

HARYANA URBAN DEVELOPMENT AUTHORITY

v.

SMT. NALINI AGGARWAL ETC. ETC.

APRIL 21, 1997

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

*Housing :*

*Earnest money deposited—Refund of—Interest thereon—Notification stating that interest not payable—Delay of one year in conducting draw of lots—Held : Delay was due to administrative exigencies and not on account of any mala fide action of any individual—Nor was there indifference—Hence unsuccessful allottees not entitled to interest—However Haryana Urban Development Authority being a statutory authority is expected to perform its duties as expeditiously as possible and have the action taken immediately.*

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 3143-3145 of 1997.

From the Judgment and Order dated 14.6.96 of the National Consumers Disputes Redressal Commission, New Delhi in R.P. No. 992 of 1995.

Puneet Bali and M.T. George for the Appellant.

P. Aggarwal and F.C. Garg for the Respondents.

The following Order of the Court was delivered :

Leave granted. We have heard learned counsel for the appellant and also parties-in-person.

Notification was issued calling for the applications for allotment of houses and the respondents had applied on April 20, 1993. The last date for making applications was May 31, 1993. After necessary steps were taken and scrutiny was made, lots were drawn on June 7, 1994. Since the respondents remained un-successful in the lots, the earnest money deposited by them refunded on July 20, 1994 within one month. The question, therefore, is : whether the unsuccessful applicants would be

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entitled to payment of interest for the period from the date of deposit till the date of refund? One of the conditions imposed in the notification inviting applications for allotment was that "No interest shall be payable on the money of the applicant for the period for which the same is lying with the Authority." Having accepted the above conditions, while applied for allotment, the respondents are not entitled to the payment of interest for the period during which the deposit was lying with the Authority. It is true that there was an interlude of around one year between the date of calling applications and the date of draw of lots. It is obvious that the draw of lots was delayed due to administrative exigencies and not on account of any *mala fide* action of any individual; nor is there any absolute indifference on the part of the appellant in not drawing the lots. However, it is made clear that the appellant being a statutory authority is expected to perform its duties as expeditiously as possible and have the actions taken quickly.

Under these circumstances, the appeals are allowed. The order of the National Consumer Disputes Redressal Commission, dated June 14, 1996 made in Revision Petition No. 992/95 etc. and that the State Forum are clearly illegal. They are accordingly set aside. No costs.

Appeals allowed.