

SUPREME COURT OF INDIA

Sahoo Baba (D) Tr.Lrs.

Vs.

Haryana Urban Devl.Auth.

C.A.No.1733 of 2015

(Anil R.Dave and Shiva Kirti Singh J.)

02.02.2015

JUDGMENT

ANIL R. DAVE, J.

1. Leave granted.
2. Heard the learned counsel.
3. The short question with which we are concerned in this case is whether the appellants, who are legal heirs of the original allottee of a shop, should be allowed to retain the shop, if they are ready and willing to pay the unpaid amount to the respondent-Authority.
4. We have noted that even after passing of the order of resumption of the shop in question, the heirs of the allottee are in possession of the shop, though they have not paid the entire price of the shop including the amount of interest payable on the unpaid amount. The appellants were directed to pay the amount in terms of Clause 27 of the allotment letter with interest @15% at an initial stage, and subsequently it was directed that the said amount shall be paid with interest @18%. Till today the said amount has not been paid in full.
5. The learned counsel appearing for the respondent-Authority has submitted that the total amount payable by the appellants has been informed to them and the learned counsel appearing for the appellants has agreed that the appellants will pay the said amount before 30th April, 2015.

6. If the amount in all, i.e., Rs.3,70,000/- (Rupees three lakh seventy thousand only) plus a further sum of Rs.20,000/- (Rupees twenty thousand only) towards other miscellaneous charges, is not paid before 30th April, 2015, the appellants shall not have any right to retain possession of the shop in question and the shop shall be handed over by the appellants to the respondent-Authority and if Rs.3,90,000/- are paid by the appellants within the afore-stated period, needful shall be done by the respondent-Authority for completing all formalities of the allotment. If the said amount is not paid by the appellants before 30th April, 2015, the respondent-Authority shall take possession of the shop in question and the amount paid so far by the appellants shall be treated as occupation charges of the shop in question.

7. This order shall not be treated as a precedent, as it has been passed in the peculiar facts of this case.

8. The appeal stands disposed of as allowed to above extent with no order as to costs.