

REFUND OF AMOUNT OF VETERANS/RESIDENTS - SECTOR-44A CHANDIGARH

Background

1. Chandigarh Administration allotted 2.89 acres of land in Sector 44A, Chandigarh in 1983 on lease hold basis for 99 years to AWHO. Lease deed was executed on 22 Apr 1999 between Estate Office (EO) Union Territory (UT), Chandigarh and AWHO. The Project was completed in 1986 and Army Flats Owners Housing Co.Op Maintenance Society Ltd. as RWA was formed.
2. Conversion of Residential Lease Hold to Free Hold Tenure (Amendment) Rules 2001 was notified on 18 Apr 2001. However, the conversion to free hold was not done as conversion charges were being revised.
3. AWHO took up the case with EO UT, Chandigarh for conversion of this land from Lease Hold to Free Hold. EO UT, Chandigarh intimated AWHO in Nov 2011 to deposit a sum of ₹36,64,788/- as conversion charges and ₹2,44,320/- as stamp duty charges total amounting to ₹39,09,108/-. The society collected the amount from all allottees and forwarded it to AWHO in Dec 2012. AWHO transferred the amount of ₹39,09,108/- to Project Director, Chandigarh for depositing the same with EO (UT), Chandigarh. However, EO (UT), Chandigarh did not accept the conversion charges stating that the issue of revision of rates for conversion of Residential Lease Hold Land tenure into Free Hold Land tenure, Rule 1996 is under consideration of the Administration. The same was conveyed to the Society and the amount of ₹39,09,108/- transferred by the Society to AWHO was invested in Fixed Deposit.

Action on Requirement

4. As number of request were received from the allottees in 2021 to return the collected amount to them, it was decided to return the amount to RWA for further action as deemed appropriate by the RWA. Since 03 Sept 2021, AWHO has made several attempts to return the amount with interest. However, the RWA has returned the amount to AWHO without sharing the details with the allottees. Details are as follows:-

DETAILS OF CORRESPONDENCES WITH RWA FOR REFUND OF MONEY TO ALLOTTEES

<u>Cheque No</u>	<u>Cheque Dt.</u>	<u>Amt (₹)</u>	<u>Sent vide letter No.</u>	<u>Remarks</u>
036009	03 Sep 2021	59,98,947.82	B/03003/11/AWHO (CHD-44A)	Cheque returned by RWA.
036009	01 Oct 2021	59,98,947.82	B/03003/11/AWHO (CHD-44A)	Cheque returned by RWA.
546059	29 Dec 2021	60,70,003.00	B/03015/07/AWHO	Direct Transfer to RWA bank A/c on 30 Dec 22. Returned by RWA on 18 Feb 22.
103235	25 Mar 2022	60,70,003.00	Through RTGS	Direct Transfer to RWA bank A/c on 28 Mar 22. Returned by RWA on 31 Mar 22.
103235	12 Apr 2022	60,70,003.00	Through RTGS	Direct Transfer to RWA bank A/c on 12 Apr 22. Returned by RWA on 19 May 22.

5. It was clearly mentioned in AWHO letter No.B/03015/07/AWHO dated 21 Mar 2022 that **“the amount is once again being remitted directly to your bank a/c No 2399101009912 for the last time. In case this is refunded, the amount will be credited to our Reserve Account as Miscellaneous Income & no claim will be entertained in the future”**.
6. As Army Flats Owners Housing Co.Op Maintenance Society Ltd. is refusing to accept funds amounting to ₹60,70,003/- as evident, the same is being retained with AWHO.
7. This is **“Without Prejudice”**.