

**BEFORE THE CHIEF EXECUTIVE OFFICER,
CHANDIGARH HOUSING BOARD, CHANDIGARH.**

ORDER

Subject: - Cancellation of registration and allotment of Dwelling /Unit No.2170-B, Category Two bed room flat, Sector-63, Chandigarh. (Regd.No. GHS63-2BR-GEN-203).

Date of Hearing: 04.02.2021

Present: - i) Shri Gurdev Singh, allottee.
ii) Sh. Ravinder Kumar, AO-III, CHB

Shri Gurdev Singh son of Shri Partap Singh applied vide Application Form No.21585 on 28.4.2008 for the allotment of flat under Two Bed Room Flats under Self Financing Housing Scheme-2008, Sector 63, Chandigarh. The application contains following specific declarations also:

- "1. That I or my wife/husband or any of my minor children do not own on free hold or lease hold or on hire-purchase basis of an Agreement to Sell, GPA, Will etc. a residential plot/house, in full or in part, having share of 100 Sq.Yds. or more in the jointly owned plot or land under the residential house, or allotted a residential plot/dwelling unit in the Union Territory of Chandigarh or in either or the Urban Estates of Mohali or Panchkula through Govt./Semi Govt./Statutory Corporation/Board/Municipal Committee/Corporation/Registered Society like AWHO or a Co-operative House Building Society."
- "2. That I or my wife/husband have not ever been allotted any residential plot/dwelling unit in the UT of Chandigarh or in any of the Urban Estates of Mohali or Panchkula through Govt./Semi Govt./Statutory Corporation/Board/Municipal Committee/Corporation /Registered Society like AWHO or a Co-operative House Building Society, in our name or in the name of any minor children."
- "10. That if the information furnished by me in the application form or furnished later on at any stage is found to be incorrect/false, the Board shall have the right to cancel the registration/allotment and to forfeit the entire amount paid, in addition to the penal consequences under the Law."

2. The said application was registered for the allotment of Second Floor Flat in Sector 63, Chandigarh under the above said scheme on the basis of result of draw of lots held on 07.04.2010.


Sh. Ravinder Kumar

3. Thereafter, Allotment cum Demand Letter (ACDL) was issued to the allottee vide letter No.15810 dated 03.11.2011. As per clause 11 of the ACDL and clause 18 of Allotment Letter No.8815 dated 14.09.2015, it is clearly mentioned that *"If it is found at any stage that the applicant has furnished any incorrect or false information or suppressed any material facts in the application form for registration or later on, which makes him/her ineligible for allotment, the registration as well as allotment, if made, shall be cancelled and the total deposits made till date shall be liable to be forfeited. The applicant shall further be liable to penal consequences under the law"*.

4. Subsequently it came to notice that the allottee Shri Gurdev Singh concealed the material facts while securing the allotment of this dwelling unit. He was already owning a house No.1070, Sector 63 (Phase-IX), Mohali. The GAMADA has intimated that H.No.1070, Sector 63, (Ph-IX) Mohali was transferred in the name of Shri Gurdev Singh s/o Shri Partap Singh, r/o #1070, Phase-IX, Mohali vide letter No.2660 dated 05.02.2008 after the death of allottee. It was also informed by the GAMADA that NOC was given to Shri Gurdev Singh for transfer of the said house in the name of his daughter Smt. Bhupinder Kaur and vide letter No.2180 dated 21.01.2010 the same was transferred in her name.

5. On 18.04.2016, the allottee Shri Gurdev Singh submitted an affidavit dated 15.09.2015 which was attested on 16.09.2015 stating as follows: *"That I have never been allotted a residential plot/dwelling unit in the Union Territory of Chandigarh or In any of the Urban Estate of Mohali or Panchkula, through Govt./Semi Govt./Statutory corporation/Registered society like AWHO or a Cooperative House Building Society, in my name or in the name of my spouse or any of minor children."*

6. The possession of the flat No.2170-B, Cat-2BR, Sector-63, Chandigarh has not been handed over to the allottee and is still with the Chandigarh Housing Board, Chandigarh.

7. In view of the above facts, a Show Cause Notice no. HB.AO-III-2020/8301 dated 14.10.2020 was issued and an opportunity of personal hearing was provided. On 04.02.2021, allottee Shri Gurdev Singh s/o Shri Partap Singh appeared before the undersigned and submitted a written reply. In the written submission the allottee Shri Gurdev Singh admitted the facts about owning the H.No.1070, Sector 63, (Ph-IX) Mohali. He has also stated that the flat No.2170-B, Cat-2BR, Sector-63, Chandigarh has been sold to one Shri OP Gupta S/o Shri Hari Shankar Gupta on behalf of M/s Rama Property Consultant and had handed over all the documents to him.


8. As per the available record, on 27.8.2015, an application was filed by the allottee Sh.Gurdev Singh, that he has shifted his residence from House No.1070, Phase-IX, SAS Nagar, Mohali, to H.No.241, Kendriya Vihar, Sector 48-B, Chandigarh – 160047. This new address relates to Sh.O.P.Gupta through whom

he has stated to have sold the flat to M/s Rama Property Consultant, H.No.40, Army Complex, Sector 44-A, Chandigarh.

9. From the available record and written statement it is clear that the declarations in the application forms and the affidavits submitted by Sh.Gurdev Singh were false and the material facts were concealed by him with regard to house No.1070, Sector 63 (Phase-IX), SAS Nagar, Mohali. Further the information about change of address for correspondences as C/o of Shri O.P.Gupta was wrong and was submitted to cover-up the illegal sale of the flat which was got allotted on the basis of false declarations and was yet to be physically handed over by the Chandigarh Housing Board.

10. In view of above, it is clear that the allotment was obtained by furnishing of false affidavit, misrepresentation and concealment of material facts in gross violation of Terms & Conditions. The reply submitted by the allottee and his contentions during the personal hearing were not satisfactory. Accordingly, the allotment is hereby cancelled and the entire amount paid is hereby forfeited in accordance with the Terms & Conditions of the allotment.

11. Considering that the allotment was obtained fraudulently by Shri Gurdev Singh and the said flat stated to have been sold to M/s Rama Property Consultant through Sh.O.P.Gupta, even prior to taking over its possession, the possibility of involvement of other persons in the fraud may not be ruled out. Accordingly, an administrative view may be taken to lodge FIR with the police against Sh.Gurdev Singh and others persons involved in the fraud.



(Yashpal Garg, AS)

Chief Executive Officer,
Chandigarh Housing Board, Chandigarh

Dated: 04.02.2021

To,

1. Shri Gurdev Singh s/o Shri Partap Singh, H.No.1070, Phase-IX, Mohali.
2. Shri Gurdev Singh s/o Shri Partap Singh, C/o Shri O.P Gupta, 241, Kendriya Vihar, Sector-48-B, Chandigarh- 160047

No. HB/AO-III/2021/

Dated: 05.02.2021

Endst. No. HB/AO-III/2021/ 1264

Dated: 05.02.2021

A copy is forwarded to the following for information and necessary action:

1. Chief Engineer, Chandigarh Housing Board
2. Secretary, Chandigarh Housing Board
3. Chief Accounts Officer, CHB for forfeiting amount as per terms and conditions of the scheme.
4. Senior Law Officer, Chandigarh Housing Board
5. ✓ Computer Incharge, Chandigarh Housing Board upload on website
6. ✓ PS to Chairman, CHB for kind information of the worthy Chairman, CHB.



(Yashpal Garg, IAS)

Chief Executive Officer,
Chandigarh Housing Board, Chandigarh

CT/CHB/ 354
Dated 8/2/21

by
8/2/21