

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.9750 of 2000(O&M)

Date of decision:14.1.2015

M/s Ash Bee Systems Pvt. Ltd.

....Petitioner

VERSUS

**The Haryana State Industrial Development Corpn. Ltd. and
another**

....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Daldeep Singh, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order dated 26.05.2000 whereby the respondents allotted a plot measuring 1000 square meters to the petitioner subject to the following conditions:-

“i) That the petitioner would submit a project report alongwith prescribed application form and 10% amount against price of the plot which would have the necessary ingredients including means of financing the project etc.

ii) Payment towards cost of plot would be made in accordance with the conditions of formal allotment letter which would be issued after the party fulfills the formalities mentioned at Sr. No.1 above.

iii) The allotment would be governed by the provisions of the NIDP (New Infrastructure Development Policy) of November, 1999 and modifications/changes as may be notified by the State Govt./HSIDC from time to time.”

The facts leading to such allotment are that the petitioner applied for a plot in response to an advertisement published on

30.05.1988. However, even after project report was submitted, plot was not allotted. The petitioner filed a writ petition bearing CWP No.10811 of 1996 after submitting a legal notice. A Division Bench of this Court on 11.05.1998 directed the respondents to re-consider the case of the petitioner for allotment of plot in Industrial Estate, Gurgaon and pass appropriate order thereon. The claim of the petitioner for allotment of a plot was declined by the Managing Director of the Corporation on 20.10.1998 since the policy of allotment was that of auction and not allotment.

The petitioner filed another writ petition bearing CWP No.18758 of 1998 which was allowed by Division Bench of this Court on 20.01.2000 on the statement of counsel for the respondents that case of the petitioner for allotment shall be considered in accordance with new policy which permitted allotment of plots as well. It is thereafter, the impugned order was passed on 26.05.2000 allotting plots subject to the conditions mentioned in the said order.

The grievance of the petitioner is that the price should be charged as is being claimed from the other allottees who applied in response to the same advertisement. When the writ petition came up for hearing before this Court on 31.07.2000, this Court passed the following order:-

“Heard learned counsel and perused the record.

The writ petition is admitted for hearing.

In the meanwhile, the petitioner shall be free to avail the offer of allotment made vide Annexure P8.

If the petitioner fails to deposit the amount in terms of Annexure P8, the respondent-Corporation shall be free to cancel the allotment made in its favour.

There shall be no early hearing.

A copy of this order be sent to the Managing Director of Haryana State Industrial Development Corporation Ltd., Panchkula for information and necessary action.”

In the reply filed, it has been averred that the petitioner has not deposited the required amount in terms of order dated 26.05.2000 and that offer has been withdrawn on 20.09.2000. There is no rejoinder to the said written statement filed on 02.09.2003.

In view of the interim order and the fact that the offer has since been withdrawn, we do not find that the petitioner can claim allotment of a plot on the rate which was prevailing at the time of allotment of plots to the other entrepreneurs in response to the advertisement published. In fact the allotment to the petitioner on 26.5.2000 was more by concession than any right. The petitioner was considered alongwith other applicants and was not allotted plot. Mere fact that the petitioner applied for the plot would not confer any right on him to seek allotment of plot.

Apart from the said fact, a Division Bench of this Court in LPA No.2096 of 2011 titled as Haryana Urban Development Authority and others v. Sandeep and others, decided on 25.4.2012, has held that the price payable is the price prevailing at the date of allotment.

In view thereof, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

JANUARY 14, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE