

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

**CWP No.10274 of 2015
Date of decision: 21.5.2015**

B.B.Chopra

.....Petitioner

Vs.

**Haryana State Industrial Infrastructure Development Corporation and
another**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr.Sanjiv Sharma, Sr. Advocate with Mr. Shekhar Verma,
Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner seeks quashing of communication dated 22.1.1990, Annexure P.8 vide which allotment of Plot No.156 measuring 200 square meters, Industrial Estate,Kundli in his favour was withdrawn.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. In pursuance to the application for allotment of an industrial plot, on 12.3.1986, Annexure P.1, the petitioner was informed that his project had been approved for allotment of plot No.156 measuring ½ acre at Kundli. The petitioner had deposited ₹ 22,000/- as part consideration. Vide communication dated 12.3.1986, he was called upon to pay ₹ 33,000/- so as to make 25% of the total allotment

price. On 4.4.1986, the petitioner paid the requisite amount of ₹ 33,000/- and in total he paid ₹ 55,000/-. In spite of that, formal provisional allotment letter was not issued to the petitioner. On 27.11.1987, Annexure P.3, respondent No.1 informed the petitioner that on account of enhancement of land cost by ₹ 13.13 per square meter, he must pay ₹ 6565/-. The petitioner paid the said amount on 4.3.1988. On 11.4.1988, Annexure P.4, respondent No.1 again served a demand of ₹ 140/- per square meter in terms of the new industrial policy amended by the Government of Haryana. On 14.5.1988, the petitioner paid the amount of ₹ 8435/- towards additional cost of the plot. Still the formal allotment letter was not issued to the petitioner. On 29.6.1989, Annexure P.5, respondent No.1 again raised additional demand of ₹ 2500/- which the petitioner paid on 22.7.1989, Annexure P.6. On 30.11.1989, Annexure P.7, the petitioner sent another request for issuance of allotment letter. However, on 2.4.1990, Annexure P.9, he received a cheque dated 19.3.1990 for ₹ 70,000/- towards refund. Reference was made to earlier communication dated 22.1.1990, Annexure P.8 vide which he was informed that the allotment had been cancelled on account of default on his part to pay ₹ 2500/-. Thereafter, on 12.4.1990, the petitioner visited the office of respondent No.1 to know the reasons of cancellation of allotment. He was informed that the fact that he paid ₹ 2500/- alongwith communication dated 22.7.1989 remained unnoticed. On 14.4.1990, Annexure P.9A, as advised by the then Managing Director of respondent No.1, the petitioner again submitted a detailed representation alongwith fresh draft of ₹ 2500/- dated 15.4.1990. The matter remained pending with the respondents. In the month of March 1992, an amount of ₹ 70,000/- was returned to the petitioner. The petitioner did not accept the

amount and on 30.3.1992, Annexure P.10, the petitioner deposited the amount with respondent No.1. On 20.11.1992, Annexure P.11, the petitioner made a representation to the respondents. On 24.3.1993, he met the then Managing Director who assured him that in case a vacant plot was available his case would be considered. On 12.1.1995, Annexure P.12, he was informed that no plot was available and he could apply as and when fresh plots were advertised in Phase III, Kundli. In April 1996, the respondents advertised plots in Phase III, Kundli and on 26.8.1996, Annexure P.13, the petitioner requested for preferential treatment. Instead of considering his request, on 16.1.1997, Annexure P.14, respondent No.1 refunded the amount of ₹70,000/- to the petitioner. On 29.1.1997, Annexure P.15, the petitioner returned the cheque to the respondents. On 29.9.1998, the petitioner filed a consumer complaint in the District Consumer Dispute Redressal Forum Chandigarh but on 8.8.2001, Annexure P.16, the same was dismissed on the ground of limitation. On 30.4.2002, Annexure P.17, the appeal filed by the petitioner was also dismissed on the ground of limitation. The petitioner filed revision petition before the National Commission for Consumer Disputes which was also dismissed being time barred. He filed a detailed representation to the Hon'ble Minister Industries, Haryana. He even served a legal notice upon the respondents. Having received no response, he filed the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submitted that the respondents be directed to consider the case of the petitioner for allotment of industrial plot at Industrial Estate, Kundli, Haryana and in the alternative, to refund the amount which was received by them in the year 1990.

5. In so far as the case for allotment of industrial plot is concerned, the primary challenge is to the order Annexure P.8 which was passed on 22.1.1990. A period of more than twenty five years has elapsed. After the expiry of such a long period, claim of the petitioner cannot be entertained in the year 2015. No explanation much less satisfactory explanation has been given by learned counsel for the petitioner for such an inordinate delay. A stale claim is sought to be raked up by way of present petition. In the absence of any material to substantiate the claim made in the writ petition, we are not inclined to entertain the petition after such an inordinate delay. Equally, the prayer for refund of the amount also cannot be entertained now in this petition under Articles 226/227 of the Constitution of India, since no such claim was ever made before the authorities.

6. Consequently, finding no merit in the petition, the same is dismissed.

(Ajay Kumar Mittal)
Judge

May 21, 2015
'gs'

(Rekha Mittal)
Judge