

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 10827 of 2015

Date of Decision: 4th September, 2015

Crocus Infra Realty Limited and another

..Petitioners

versus

Punjab Energy Development Agency and another

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present : Mr. Sanjay Kaushal, Senior Advocate with
Mr. Rohit Khanna, Advocate,
Mr. Sumeet Goel, Advocate,
Mr. Manav Bajaj, Advocate for the petitioners.

Mr. Rajinder Goyal, Addl. Advocate General, Punjab,
for the respondent-State of Punjab.

Mr. Aditya Grover, Advocate, for respondent No.1-PEDA.

Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Mandeep S.Khillan, Advocate and
Mr. Manhar Singh Saini, Advocate, for respondent No.3-
Punj Lloyd Infrastructure Ltd.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE

Some of the main issues in this writ petition are the same as those in Writ Petition Nos. 26101 of 2014 and 18191 of 2015.

2. The official respondents had invited bids for setting up solar power projects in three categories. In category-I the allocation was to be of 50 MW and in category-II the allocation was to be of 24 MW and in category-III the allocation was to be of 50 MW.

3. Petitioner No.1 submitted bids in all these categories. In category-I it submitted a bid for a 4 MW Solar Power Plant. Its bids in

Category-III are the subject matter of the other two writ petitions. We are not inclined to stay the work order issued in favour of respondent No.3 with respect to category-II. We have issued directions only with respect to the first petitioners bid in category-I.

4. The first petitioner's bids in categories-I and II were rejected on the ground that it did not have the requisite land necessary for setting up the solar power projects. In this writ petition, as in the other two writ petitions, the first petitioner admittedly does not have the land itself. Petitioner No.1 depends upon the land being given to it by its sister concern petitioner No.2, namely, POENA Power Development Ltd. An agreement had been entered into between the Government of Punjab and petitioner No.2 for setting up a Thermal Power Plant. This agreement stood virtually frustrated on account of the Central Government stopping all the coal linkages. In respect of the aforesaid plant, the Government of Punjab has acquired about 883 acres of land for petitioner No.2. Petitioner No.2 has paid compensation of about ₹ 220 crores in respect of the acquisition thereof. The land now stands mutated in the name of petitioner No.2. The parties agree that Thermal Power Plant is not going to be set up. Petitioner No.2 has, therefore, requested the Government of Punjab to permit the change of land use as well as to lease/sub-lease a part of the land to its sister concerns including the first petitioners in the other two writ petitions and the first petitioner in this writ petition. As we have set out in detail in our order and judgment in the two other writ petitions, this matter is still pending with the Government of Punjab. We have issued certain directions in those two writ petitions directing the Government of Punjab to take a decision in respect of the applications of the petitioners in the first instance.

5. This situation arises in the present writ petition as well. The first petitioner has given bids in all the three categories. We are not inclined to interfere with the allocation of work in favour of respondent No.3 which falls in category-II as that would unnecessarily delay the setting up of the solar power projects. Respondent No.3 whose tender has been accepted has already proceeded with the work and invested a substantial amount in respect thereof. Even otherwise, we are not inclined to interfere with the award of the tender in favour of respondent No.3 as it would unnecessarily delay the project which is for the benefit of the public at large. Petitioner No.1 as far as category-II is concerned must be relegated to adopting any other proceedings for the redressal of its grievance. As far as category-I is concerned, the allocations had been made in favour of third parties out of the total available allocations of 50 MW. Petitioner No.1 had submitted a bid for 4 MW Solar Power Project. According to the parties, a part of this 50 MW is still available.

6. This petition is, therefore, disposed of with the direction that respondent No.2 shall take a decision on the petitioners' request for change in public purpose in respect of the said 883 acres of land acquired for petitioner No.2 and on the petitioners' request for the grant a lease and/or sub-lease in respect thereof in favour of the first petitioner for the purpose of implementing the solar power projects. Thereafter, the respondents concerned shall take a decision in respect of the first petitioner tender in category-I for the 4 MW Solar Power Plant.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

04.09.2015

'ravinder'

RAVINDER SHARMA
2015.09.07 10:42
I attest to the accuracy and
authenticity of this document

(TEJINDER SINGH DHINDSA)
JUDGE