

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

**CWP No.14056 of 2015**

**Date of decision:14.09.2015**

*Shri Om Parkash Bansal Educational & Society Welfare Trust Mandi  
Gobindgarh & others*

*... Petitioners*

v.

*State of Haryana & others*

*... Respondents*

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

**HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. Akshay Bhan, Senior Advocate with  
Mr. Alok Mittal, Advocate for the petitioners.

Mr. Lokesh Sinhal, Advocate  
for respondent Nos.2 to 4/HUDA.

...

**S.J. VAZIFDAR, ACTING CHIEF JUSTICE.**

Respondent No.1 had acquired about 2006.50 acres of land.

Petitioner Nos.1 to 3 were allotted an aggregate area of about 44 acres of land to set up educational institutions. One of the conditions of the allotment was that the petitioners would be liable to pay the enhanced compensation, if any.

2. The compensation was in fact enhanced. It is the proportion of distribution of that enhanced compensation between the various allottees that is in question. The petitioners contend that the burden of the enhanced compensation aggregate to about Rs.980 crores ought to have been distributed on the entire acquired land. The land has been distributed between various allottees. A part thereof also falls within the common area.

Allotments include for residential purposes, health facilities, common sites and public/semi public purposes.

3. The petitioners have challenged the respondents decision apportioning a sum of about Rs.45 crores towards their share of the enhanced compensation. They have made representations against the same but the same are yet to be decided.

4. Mr. Akshay Bhan, the learned senior counsel submits on behalf of the petitioners that the petitioners have been unable to obtain the partial completion certificates and consequently, they are unable to run their educational institutes only on account of this monetary dispute. Even according to the petitioners, an amount of about Rs.21.5 crores is payable by them in the aggregate. The ends of justice would be met by directing the petitioners to pay the admitted amounts to the respondents and upon their paying the amount, securing the respondents to the extent of the balance amount and directing the respondents to issue the partial completion certificate subject to the other terms and conditions. In this manner, the rights of both the parties are safeguarded.

5. In these circumstances, the Writ Petition is disposed of in of the following terms:

- (i) Petitioner Nos.1 to 3 shall pay the amounts which they admit to be due and payable by them towards their share of the enhanced compensation. The petitioners shall secure the balance amount by an unconditional without demur guarantee of a nationalized bank.
- (ii) In the event of the petitioners paying and securing the amount as aforesaid, the respondents shall process their

application for the partial completion certificate and if found in order, shall issue the partial completion certificate within a period of four weeks of the amount being paid and secured.

- (iii) The respondents shall pass a reasoned order raising a demand for the petitioners share of the enhanced compensation after affording the petitioners an opportunity of being heard.

**(S.J. VAZIFDAR)**  
**ACTING CHIEF JUSTICE**

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**14.09.2015**  
*harjeet*