

Civil Writ Petition No.23813 of 2014
Date of Decision: *August 31, 2015*

M/s Rangi Land Developers & Promoters Pvt. Ltd.
..... PETITIONER(S)

VERSUS

State of Punjab & others
..... RESPONDENT(S)

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CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
 HON'BLE MR. JUSTICE JASPAL SINGH

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

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PRESENT: - Mr. Arjun Shukla, Advocate, for the petitioner.

Mr. Rajesh Bhardwaj, Additional Advocate
General, Punjab.

Mr. Balwinder Singh, Advocate, for respondent
No.3.

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Surya Kant, J (Oral)

1. The petitioner company is a land Developer –cum-
Promoter and has been issued licence No.13/2006 dated 29.5.2006
under the Punjab Apartment and Property Regulation Act, 1995 and
Rules framed thereunder to set up a residential colony known as

‘Rajdhani Enclave’ in the revenue estate of village Shamsher Nagar, District Fatehgarh Sahib.

2. The sister concern of the petitioner, namely, M/s Rangi Builders Private Limited has got issued licence No.14/2006 dated 26.6.2006 for the development of residential colony known as ‘Rajdhani Greens’ in the same revenue estate.

3. The petitioner company was served with a show cause notice alleging some unauthorised construction raised by it in village Shamsher Nagar. The petitioner denied those allegations and submitted a reply. Even before that happened, GMADA appears to have asked the Senior Superintendent of Police, Fatehgarh Sahib to register an FIR against the petitioner company under the 1995 Act. Consequently, FIR No.112 dated 20.7.2012 (P-6) was registered. The aggrieved petitioner approached this Court and pursuant to the directions issued therein on 18.7.2012, GMADA authorities sent a communication for cancellation of the FIR. Finally the police authorities are said to have acted upon those instructions and the FIR has been withdrawn on 17.8.2015.

4. Simultaneously, the Sub Registrar at Fatehgarh Sahib was also directed not to register any sale deed of the plots at the instance of petitioner company. The Sub Registrar has filed a short affidavit stating that he has no concern with the controversy as the impugned action was taken against the petitioner by GMADA authorities.

5. GMADA authorities, in their reply, have clarified that the sister concern of the petitioner to whom licence No.14/2006 was granted, has not deposited the due installments of External Development Charges and SIF, and arrears of more than ₹ 8 lac are due upto December 2014.

6. Heard learned counsel for the parties and gone through the record.

7. Since the petitioner has taken up a stand that its sister concern has also cleared all the dues and nothing is payable, we dispose of this writ petition with a direction to the Chief Administrator, GMADA to accord an opportunity of personal hearing to the Managing Director of the petitioner company or its sister concern and if it found that statutory dues have been cleared by petitioner's sister concern, the Chief Administrator shall forthwith lift the ban imposed on the registration of properties/ plots of the petitioner company. In case, those dues are still payable by the petitioner's sister concern, let the same be deposited without prejudice to the legal rights and on doing so, the necessary revised instructions shall be issued to the Sub Registrar within one week.

(Surya Kant)
Judge

(Jaspal Singh)
Judge

August 31, 2015
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