

CWP No. 23884 of 2014
DECIDED ON: AUGUST 17, 2015SANT SUNDER SINGH CO-OPERATIVE HOUSE BUILDING SOCIETY
LTD

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

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

- 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?*

Present: Mr. BBS Sobti, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

Mr. Harit Sharma, Advocate
for respondent No.3.

SURYA KANT, J (ORAL)

The impugned orders have been passed by Additional Chief Administrator, Greater Ludhiana Area Development Authority (GLADA) whereby, revised demand towards External Development Charges (EDC) has been raised against the petitioner-Society.

2. Learned counsel for respondent No.3 points out that the Punjab Apartment and Property Regulation Act, 1995 (for short 'Act') has through its Section 33 conferred appellate powers on the State Government and any person aggrieved by an order of the Competent Authority under the Act could file appeal

within a period of 30 days of the communication of this order. We find substance in this contention.

4. Faced with this, learned counsel for the petitioner submits that the Society has been *bonafidely* pursuing its remedy by way of representation etc. and then approached this Court due to which the period of limitation as prescribed under Section (2) of Section 33 of the Act has expired. He further submits that this Court may direct the Appellate Authority to entertain the appeal in the interest of justice and decide the same on merits.

5. We accept the request made on behalf of the petitioner Society. It is directed that in case an appeal is filed under Section 33 (1) of the Act within one month from the date of receipt of certified copy of this order, the Appellate Authority shall entertain the same on merits and respondent No.3 shall not raise any objection of limitation. Resultantly, the appeal shall be decided on merits and in accordance with law.

6. The contentions raised on behalf of the petitioner's Society in this writ petition including that the External Development Charges ought to have been levied under Para 3(iii) of the notification dated 23.06.2005 and 06.07.2005 (P-11) and or the fact that the interest component ought not to have been added in the arrears of External Development Charges, shall be sympathetically considered by Appellate Authority. It shall be appreciated if the Appellate Authority decides the appeal within a period of six months.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

AUGUST 17, 2015