

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.27323 of 2013
Date of Decision: November 19, 2015

M/s Malhotra Land Developers and Colonizers Pvt. Ltd.
....Petitioner

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Kanwaljet Singh, Senior Advocate with
Mr.Amandeep Singh Maho, Advocate,
for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.
Mr.Rupinder S.Khosla, Senior Advocate with
Mr.K.S.Mamrat, Advocate, for respondent No.4.

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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?

Surya Kant, J. (Oral)

The petitioner is a company incorporated under the Companies Act, 1956. It carries out the business of land development for which Licence was granted to it vide letter of intent dated 09.05.2006 to set-up a Mega Housing Project at Ludhiana-Ambala G.T.Road near Sahenewal, District Luahiana. The said licence was granted under the Industrial Policy of 2003.

In the instant writ petition, the petitioner questions the orders dated 10.01.2012 (P-29) and 28.01.2013 (P-33) whereby it has been held liable to pay 'External Development Charges' and fee at the revised rates enforced w.e.f.

17.08.2007.

The petitioner's case is that since its lay-out plan was approved on 09.05.2006, followed by an agreement dated 19.07.2006 and it was asked to deposit External Development Charges/fee etc. on 21.12.2006 at the prevalent rate, the above-mentioned revised rates which came into force w.e.f. 17.08.2007 are inapplicable and cannot be enforced retrospectively.

With a view to make-out a case of discrimination, the petitioner has moved Civil Misc. Application No.14971 of 2015 alongwith documents (P-35 & P-36) pertaining to M/s Janpath Estates Private Limited to whom also Licence for the construction of a Mega Residential Project at villages Birmi and Bains, District Ludhiana appears to have been granted.

The petitioner claims that for the purpose of determination of External Development Charges and other fees, its case is broadly similar to that of M/s Janpath Estates Private Limited. In fact, the plea taken is that the petitioner's claim re: levy of External Development Charges and fee etc. deserves re-consideration at the hands of the Competent Authority on the analogy of M/s Janpath Estates Private Limited, namely, that the old policy would apply.

In the light of the above mentioned prayer but without expressing any views on merits or the rival contentions raised by learned counsel for the parties, we dispose of this writ petition with a direction to the State Government to consider the above-mentioned parity claim of the petitioner with M/s Janpath Estates Pvt. Ltd. and decide the same afresh by passing a reasoned order. It shall be appreciated if the decision is taken after hearing the representative of the

petitioner as well as GLADA and the matter is decided within a period of four months from the date of receiving a certified copy of this order.

Needless to say that the aggrieved party shall be at liberty to seek redressal of its grievances before an appropriate forum.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

November 19, 2015
mohinder

[HARI PAL VERMA]
JUDGE