

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

**CWP No. 3381 of 2015
Decided on : 10.04.2015**

M/s Jaquar & Company Pvt. Ltd.

. . . Petitioner

Versus

H.S.I.I.D.C. and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

PRESENT: Mr. Shailendra Jain, Sr. Advocate with
Mr. Bhagender, Advocate
for the petitioner.

Mr. Lokesh Sinhal, Advocate
for the respondents.

AJAY KUMAR MITTAL, J. (Oral)

By way of present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner-company has approached this Court for issuance of a writ in the nature of *certiorari*, for quashing the Demand Notice dated 29th November, 2013 (Annexure P-13), as respondent No.1 is not entitled to claim the amount in the aforesaid Demand Notice.

2. Learned counsel for the petitioner submitted that the additional price sought to be demanded vide Annexure P-13 is not justified. It was further submitted that a Notice of Demand for Justice was served on 29th January, 2015 (Annexure P-16) giving the details of calculations of the amount, as the petitioner is not liable to pay the said amount but certain amount has been included in the Notice of Demand dated 29th November, 2013 (Annexure P-13).

3. The respondent-Corporation has claimed the additional amount

on account of enhancement in compensation of the acquired land. It is obligatory upon the respondent-Corporation to consider the issues raised by the petitioner-Company vide its Notice of Demand for Justice (Annexure P-16) and redress its grievances by passing a speaking order. Suffice it to observe that mere stipulation in the impugned demand notice that the additional price @ ₹4336/- per sq. meter is being demanded on account of enhancement of land compensation in view of the compensation awarded by the reference court does not fulfill the requirement of the principles of natural justice.

4. In our considered view, the factual issues need to be dealt with by the respondent-Corporation by way of a reasoned order before raising the demand of the additional liability. Consequently, the present writ petition is disposed of at this stage with the following directions:-

- (i) it shall be open to the petitioner to supplement its Notice of Demand by filing further details showing that the said amount is not payable within a week from the date of receipt of a certified copy of this order;
- (ii) respondent No.2 shall consider the objections raised by the petitioner and dispose of the same by passing a speaking order as early as possible and preferably within two months from the date of receipt of certified copy of this order;
- (iii) the petitioner shall be afforded an opportunity of being heard and if so required, it may be permitted to produce any material or proof in support of its claim that the demand raised by the Corporation towards enhanced

price is excessive;

- (iv) in case, at the time of passing of final order, any amount is found to be refunded to the petitioner-company, the same shall be refunded within a period of two months, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(REKHA MITTAL)
JUDGE

April 10, 2015

J.Ram