

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.10927 of 2015

Date of Decision: June 01, 2016

M/s Unitech Ltd. and anotherPetitioners

versus

State of Haryana and othersRespondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Aashish Chopra, Advocate, Mr.Sahil Sharma, Advocate and
Ms.Shraya Puri, Advocate, for the petitioners.
Ms.Kitri Singh, Deputy Advocate General, Haryana.
Mr.Nitin N.Lonkar, Advocate and
Ms.Sonali R.Suryawanshi, Advocate, for respondent No.3.

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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 petitioners are developer-companies who floated a Group Housing Project in the name and style of Uniworld Garden-II, comprising 896 residential units for sale to the general public and 158 units for economically weaker sections. Respondent No.3 is the Association which represents the interest of all the flat buyers of residential units.

[2] There arose a dispute amongst the petitioners and their buyers due to failure of the petitioners in not completing the construction in time and/or due to other alleged deficiencies. Such dispute led to initiation of multiple civil and criminal proceedings including registration of FIR No.602 dated 14.08.2014 at Police Station Gurgaon Sadar, under Sections

402, 406, 467, 468, 471 and 120-B IPC as well as a complaint before the

Redressal Committee. State of Haryana also intervened in such like disputes through the notification dated 12.12.2014 thereby the District Public Relation and Grievance Committees headed by Members of the Council of Ministers have been re-constituted. The scope of work entrusted to the District Grievance Committees is also incorporated in the above-stated notification. The District Grievance Committee in their endeavour towards expeditious disposal of the complaints, called upon the petitioner-Companies also for adjudication of the complaints received by the Committee from respondent No.3-Association. The aggrieved petitioners have laid challenge to the above-mentioned notification and the action taken thereunder.

[3] During the pendency of these proceedings, the petitioner-Companies and the Buyers' Association have mutually resolved the dispute and on the asking of this Court, the Managing Director of the first petitioner has filed his affidavit dated 31.05.2016 which contains the agreed terms and conditions with a further undertaking that, save the parties agree to such terms and conditions, the possession of the flats complete in all respects in UG-2 Project shall be handed-over to the allottees after submitting application for occupation certificate and without completion of basement in front of Tower A-1, by 30.11.2016.

[4] The terms and conditions as re-produced in the above-stated affidavit are acceptable to both the parties, of course the Buyers' Association expects the petitioners to spend the amount payable by the allottees only on the completion of the subject project.

[5] We have no reason to doubt that both the parties shall sincerely honour their respective commitments.

[6] In view of the understanding arrived at between the parties, the criminal or civil proceedings pending between them before various forums other than the High Court, including in the FIR referred to above, shall remain in abeyance.

[7] Similarly, the proceedings pending before the District Public Relation and Grievance Committee including the order, if any passed in such proceedings, shall also remain in abeyance.

[8] Needless to say that once the terms and conditions of the MOU are honoured and the project is completed as per the agreed terms and conditions, the above-mentioned civil/criminal proceedings would come to an end for which the parties may take necessary steps.

[9] In the event of any failure to comply with the MOU or the terms and conditions, there shall be liberty to the parties to seek revival of these proceedings and for deletion/modification of the conditions, observations or directions mentioned-above.

[10] The question of law raised in the instant writ petition is kept open and shall be gone into in some appropriate proceedings.

[11] The writ petition stands disposed of accordingly.

**[SURYA KANT]
JUDGE**

June 01, 2016
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**[A.B.CHAUDHARI]
JUDGE**