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

**CWP No.14831 of 2016
Date of Decision: 25.10.2016**

Atelier Automobiles Pvt. Ltd.

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

- | | |
|--|--------|
| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. To be referred to the Reporters or not? | Yes/No |
| 5. Whether the judgment should be reported in the Digest? | Yes/No |

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Manhar S. Saini, Advocate,
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

SURYA KANT J. (ORAL)

The petitioner seeks a direction to Patiala Development Authority (PDA) to transfer the Change of Land Use permission in the name of the petitioner, who is said to have purchased the site from M/s Indra Auto Sales Limited in whose favour the CLU was earlier granted vide memo dated 30.09.2010 (P-5). A further direction to sanction the drawings of construction and permit the petitioner to raise construction is also sought.

2. The District Town Planning, Patiala has filed written statement in which the CLU permission granted to the previous owner is not disputed. It is averred that as per the terms and conditions on which CLU permission was granted to previous owner, the petitioner is liable to deposit External

Development Charges (EDC)/License Fee (LF)/Permission Fee (PF) and all other charges leviable from time to time.

3. On a specific query, it is informed by learned senior counsel for PDA that the petitioner is liable to pay a sum of ₹1,07,72,793/- to enable it to use the CLU permission granted to M/s Indra Auto Sales Limited and on depositing of such amount, the petitioner's drawing will be sanctioned with a permission to raise the construction.

4. The petitioner, on the other hand, contends that as per the past correspondence, a sum of ₹30,00,000/- only is payable.

5. We find that in one of the impugned communication dated 01.02.2016 (P-14), the PDA has informed the previous owner of the land i.e. M/s Indra Auto Sales Limited to the effect that the said owner was liable to pay ₹30,00,000/- as EDC and ₹22,50,000/- towards license fee and ₹1,57,500/-towards Social Infrastructure Fund (SIF). In addition to it, some penal interest was also payable.

6. In the light of the above noticed rival claims, the appropriate recourse would be to dispose of this writ petition with liberty to the petitioner to deposit the demanded charges, without prejudice to its legal rights so that the drawing/lay-out plan submitted by it can be immediately sanctioned.

7. On doing so, the PDA is directed to supply a copy of complete statement of accounts giving details under different heads for which the petitioner has been asked to deposit the aforementioned amount in lump-sum. If the petitioner would have any grievance against levy of such charges, it may submit a representation which shall be considered by the Chief Administrator, PDA in accordance with law, Rules and the

Government Policy. If still aggrieved, the petitioner shall be at liberty to avail the remedy as may be available in law.

8. Disposed of.

(SURYA KANT)
JUDGE

25.10.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE