

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16339 of 2016 (O&M)

Date of Decision :17.11.2016

M/s Vatika Limited, Gurgaon

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr.Akshay Bhan, Sr. Advocate with
Mr. Alok Mittal, Advocate
for the petitioner.

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MAHESH GROVER, J.

The grievance of the petitioner is directed against the
current policy introduced by the State on 16.08.2013 (Annexure
P-5) in particular clause (iii) thereof which we may extract
herebelow :-

Sr. No.	Item	Composition rates/charges
1	2	3
(i)	If the process of allotment was not completed within the scheduled time period but was completed upto 31.12.2012.	One time payment of Rs.1,00,000/-, Rs.50,000/-, Rs.25,000/- per colony for Hyper/High, Medium and Low Potential Zone respectively.
(ii)	Those who have failed to complete process of allotment by 31.12.2012, will be allowed time upto 30.06.2014 to complete the process of allotment after payment of composition fee as provided.	One time payment of Rs.2,00,000/-, Rs.1,00,000/-, Rs.50,000/- per colony for Hyper/High, Medium and Low Potential Zone respectively.
(iii)	After 30.06.2014, if the process of allotment is not completed within the scheduled time period.	Rs.1,00,000/-, Rs.50,000/-, Rs.25,000/- per colony per month for Hyper/High, Medium and Low Potential Zone respectively from the due date upto which process of allotment is to be completed as per the terms and conditions of license/building plans, till the date of compliance.”

It is contended before us that it creates some discrimination/disparity between the persons who have been granted licenses to develop colonies at a prior point of time than the one who have been granted subsequently in the year 2012-13. It is further the contention of the petitioner that it having been granted a license in the year 2013 would bind the respondents to the terms thereof as also the petitioner and no other condition can be imposed to his detriment. He contends that in this scenario any violation real or perceived would cause immense financial loss to the petitioner if clause 3(iii) was invoked to penalize them.

We find that no such penalty has been imposed or action taken by the respondents and thus we are of the opinion that the petition is premature. We, therefore, dispose it of as such leaving the petitioner with a liberty to invoke the jurisdiction of this court as and when the cause arises including the right to challenge the policy itself.

(MAHESH GROVER)

JUDGE

17.11.2016

dss

(SHEKHER DHAWAN)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No