

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 3386 of 2016

Date of Decision: 3.8.2016

Ginni Polymers, Sonapat

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Nripjeet Singla Mehrok, Advocate for
Mr. Himanshu Jawa, Advocate for the petitioner.

Ms. Shubhra Singh, Additional Advocate General, Haryana.

None for respondents No.2 and 3.

AJAY KUMAR MITTAL, J.

1. In this writ petition under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to allot the industrial plot to the petitioner. Further, a prayer has been made for setting aside the order dated 28.5.2015/1.6.2015 (Annexure P-12) passed by respondent No.2 cancelling the allotment of the industrial plot.

2. Briefly stated, the facts necessary for adjudication of the instant petition as narrated therein may be noticed. Haryana State Industrial Development Corporation (in short “the Corporation”) vide advertisement dated 22.2.2010 (Annexure P-1) published in “Indian Express” Newspaper

invited applications for the allotment of industrial plots for Kundli and

Karnal. In pursuance thereto, the petitioner applied for an industrial plot measuring 450 square meter in Kundli vide application dated 15.4.2010 and deposited a total sum of ₹ 2,52,600/- along with the application vide receipt dated 19.4.2010 (Annexure P-2). The petitioner vide letter dated 1.8.2012 (Annexure P-3) was asked to appear for the interview on 24.8.2012 at 1.00 PM in the office of the Corporation. Pursuant thereto, the petitioner appeared in the interview and proceeded further according to the direction of the Corporation. However, vide letter dated 2.8.2013 (Annexure P-4), the petitioner was asked that if he was not interested in the allotment of an industrial plot, he may opt for refund of its application money along with processing fee. It was further stated therein that the Corporation would refund the complete amount and the processing fee along with simple interest @ 8% per annum. The Corporation had increased the rate of land from ₹ 5500/- to ₹ 10,000/- per square meter without the consent of the petitioner and others. The petitioner vide letter dated 10.9.2013 (Annexure P-5) showed its interest to allotment of industrial plot and had not opted for the cancellation and refund of the application money with interest. The Corporation vide letter dated 30.4.2014 (Annexure P-6) informed the petitioner that the allotment shall be made at the rates applicable at the time of the allotment, i.e. ₹ 10,000/- per square meter and asked to deposit an amount of ₹ 2,02,500/- along with required documents on or before 16.6.2014. The petitioner vide letter and receipt dated 28.5.2014 (Annexure P-7) deposited a sum of ₹ 2,02,500/- and the required documents. However, the Corporation vide letter dated 11.6.2015 (Annexure P-8) sent a cheque amounting to ₹ 5,47,391/-, i.e. refund of application money, processing fee along with simple interest @ 8% per annum. The petitioner sent a legal

notice dated 7.10.2015 (Annexure P-9) to respondent No.3 for the allotment of a plot on the settled prices in the year 2010, but to no effect. The petitioner also filed an application dated 7.10.2015 (Annexure P-10) under the Right to Information Act, 2005 for supply of documents. The Corporation supplied documents as required by the petitioner vide letter dated 23.11.2015 (Annexure P-11). Respondent No.2 vide order dated 28.5.2015/1.6.2015 (Annexure P-12) directed that since the procedure for allotment of industrial plots at the time of inviting applications was at variance with the revised allotment procedure, the Corporation had decided to refund the application money as well as processing fee to the applicants along with simple interest @ 8% per annum from the date of closure of the Scheme upto 31.5.2015. Hence, the present writ petition.

3. After hearing learned counsel for the parties, we do not find any merit in the writ petition.

4. The respondent-Corporation had issued advertisement inviting applications for the allotment of industrial plots which was later on cancelled. The respondents while cancelling the advertisement had recorded that since the procedure for allotment of industrial plots at the time of inviting applications was at variance with the revised allotment procedure, the Corporation had decided to refund application money as well as processing fee along with simple interest @ 8% per annum from the date of closure of the scheme upto 31.5.2015. It was within the domain of the respondents to have cancelled the advertisement. Further, the respondents had taken the decision to cancel the allotment of industrial plots in the best interests of the Corporation. The decision taken by the respondents was not shown to be suffering from any arbitrariness or malafides. No letter of

allotment had been issued to the petitioner. In such a situation, it could not be demonstrated that the petitioner had any legally enforceable right for which he could invoke the writ jurisdiction of this Court.

5. No illegality or perversity could be found in the order, Annexure P-12, which may warrant interference by this Court under Articles 226/227 of the Constitution of India. Consequently, finding no merit in the writ petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

August 3, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes