

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

**C.O.C.P. No.186 of 2017
Date of Decision: 06.04.2017**

Sunil Kumar Wadhwa and another

..... Petitioners

Versus

Sh. Varun Roojam, Chief Administrator, GMADA and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate assisted by
Mr. Nandan Jindal, Advocate for the petitioners.

JASWANT SINGH, J. (Oral)

The petitioners, Sunil Kumar Wadhwa and Smt. Poonam Wadhwa were re-allotted the Plot No.109-C, Sector 70, S.A.S. Nagar, Mohali, Punjab vide memo dated 18/19.01.2001 after having purchased the rights and title from the original allottee-Gurnaib Singh. The re-allotment in favour of the petitioners is stated to have been subsequently cancelled vide order dated 27.04.2010 on an application moved by Gurnaib Singh. The cancellation was the subject matter of litigation right upto Hon'ble Supreme Court.

It is submitted that Hon'ble Supreme Court vide judgment dated 16.09.2015 (**Annexure P-1**) set aside the cancellation of the re-allotment made in favour of the petitioners in the year 2001. In compliance of the same, an order dated 28.10.2016 (**Annexure P-4**) has been passed by the Estate Officer, GMADA, S.A.S. Nagar, whereby the re-allotment has been restored, however, non-construction fee to the tune of Rs.36,64,765/- has been demanded.

It is further submitted that the construction could not be raised due to the “*status quo*” orders passed in various suits and other litigation and, therefore, the said period has to be considered a Zero period for the purpose of levying non-construction fee.

At the time of hearing, realizing that levy of the non-construction fee would not fall within the contempt jurisdiction, learned Counsel for the petitioners prays for permission to withdraw the present contempt petition to seek the available remedy in accordance with law.

Accordingly, the present contempt petition stands dismissed as withdrawn with the aforesaid liberty.

April 06, 2017
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>