

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

COCP No.2678 of 2016
in
CWP No.3535 of 2009
Date of Decision: 02.02.2017

Option Properties Private Limited Petitioner

Versus

Sh. Vikas Gupta and another Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Divya Sharma, Advocate
 for Mr. Aman Kashyap, Advocate
 for the petitioner.

Mr. B.R. Mahajan, Sr. Advocate
with Mr. Prateek Mahajan, Advocate
for the respondents.

DAYA CHAUDHARY, J. (ORAL)

The present contempt petition has been filed on the ground
that order dated 05.03.2009 passed in Civil Writ Petition No.3535 of 2009
has not been complied with.

The relevant portion of the said order is reproduced as under :-

*“Having heard learned counsel for the
petitioner and keeping in view the nature of relief
sought in this writ petition and the fact that the
respondents are required to take a decision in a time-
bound manner, I deem it appropriate to dispose of
this writ petition with a direction to respondent No.2
to consider and take a decision regarding the*

sanction of the petitioner's building plan as early as possible but not later than one month from the date of receipt of a certified copy of this order. The other relief sought by the petitioner vide the legal notice, referred to above, shall also be considered and disposed of within a period of two months from the date of receipt of a certified copy of this order.”

In response to notice in the contempt petition, reply has been filed on behalf of respondents. The stand taken in the reply in para No.8 is reproduced as under :-

“8. That the deponent submits that the clubbing of clinic sites No.2 and 3 was allowed on 17.07.2008. The matter of sanction of Building Plan had already been considered in the year 2009-2010. It is submitted that the petitioner applied for sanction of building plan on 09.01.2009. The building plan was examined by the Office and District Town Planner, Panchkula made an observation on 25.02.2009 that the building plan is not in accordance with zoning plan. The petitioner and its architect was informed vide letter no.3511-12 dated 30.03.2009 of the observations of the District Town Planner and was asked to apply as per approved zoning plan. A copy of letter dated 30.03.2009 is attached herewith as Annexure R-1. This letter was acknowledged by the petitioner also in its letter dated 23.06.2010, a copy of which is attached as Annexure R-2. The petitioner was also provided with a copy of the approved zoning plan vide office memo no.10141-142 dated 27.12.2010. A copy of letter dated 27.12.2010 is attached as Annexure R-3. However, the petitioner did not remove the shortcoming pointed out to it and did not submit the revised building plan as

per approved zoning plan. Therefore, it is the petitioner who is at fault and cannot claim the waiver of extension fee. In so far as extension in period to raise the construction is concerned, it is submitted that since sites in question were auctioned as such the extension policy of HUDA as applicable to commercial sites is applicable to the present case. As per policy dated 12.04.2013, upper limit to raise the construction has already been removed subject to payment of extension fee specified therein. The petitioner is liable to pay the dues of Rs.3,46,38,048/- upto 02.07.2016, which has been informed to the petitioner vide memo dated 02.07.2016.”

After perusal of stand taken in the reply, it appears that necessary compliance has been made and no ground is made out to interfere in the matter. The petition is disposed of accordingly.

However, in case, the petitioner is still aggrieved in any manner, he is at liberty to avail the appropriate remedy.

(DAYA CHAUDHARY)
JUDGE

02.02.2017
gupreet

Whether speaking/reasoned

Yes

Whether Reportable

Yes