

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

CWP No. 14566 of 2015
Date of decision:- 27.09.2017

Pradeep Kumar Jain

.. Petitioner

vs.

State of Haryana and others

.. Respondents

Coram: **HON'BLE MR.JUSTICE S.J.VAZIFDAR,CHIEF JUSTICE
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present:- Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana

Mr. Deepak Balyan, Advocate for HSIIDC

Mr. Suresh K. Jindal, Advocate
for respondent No.9.

Mr. Vikas Bahl, Senior Advocate with
Miss. Harbani Shinh, Advocate for respondent No.10.

Mr. Prateek Gupta, Advocate
for respondent No. 17.

Mr. Sunil Panwar, Advocate for respondent No.21.

Mr. Narender Kajla, Advocate for respondent No.24.

-

S.J. VAZIFDAR, CHIEF JUSTICE (ORAL)

The petitioner seeks a writ of certiorari to quash the official respondents' decision contained in a letter dated 23.08.2012/31.08.2012 (Annexure P-18) declining the application of the petitioner for allotment of an industrial plot under the NRI quota.

2. Respondent No.2 is the Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC). Respondent

No.3 is the Director of Industries and Commerce, Haryana. Respondent

No.4 is the Assistant General Manager of the State Industrial and Infrastructure Development Corporation Limited. Respondent No. 5 is the Estate Officer of HSIIDC. Respondents No. 6 to 24 are the private respondents, in whose favour industrial plots have been allotted. No relief is claimed against the private respondents.

3. The petitioner made an application dated 08.03.2010 for the allotment of an industrial plot under the NRI quota. By a letter dated 29.09.2010, the official respondents sought certain documents. We will assume, as contended by the petitioner that he submitted the documents under cover of a letter dated 30.10.2010. Considering the facts and circumstances of the case, the same does not carry his case further.

4. The petitioner by his advocate's letter dated 25.07.2011 referred to his application and the correspondence that ensued between the official respondents and petitioner. The last paragraph of the notice (Annexure P-10) reads as under:-

“In default, it shall be deemed that you are not willing and ready to complete the allotment proceedings. In that event, you are required to refund the entire amount of Rs.22 lacs paid as the 10% of the total cost of the plot and Rs.15000/- as processing fees alongwith interest @12% per annum. You are also required to pay for the damages sustained by my client due to non allotment of plot which is to the tune of Rs.90 lacs.”

The petitioner, therefore, clearly sought refund of the amount paid by him in the event the HSIIDC not being ready and willing to allot the plot.

5. The HSIIDC by its letter dated 27.09.2011(Annexure P-12) informed the petitioner that his application was considered by the Plot Allotment Committee but had not been acceded to. The petitioner was also informed that the application money would be refunded shortly.

The petitioner did not raise any protest regarding the same. HSIIDC under cover of a letter dated 02.11.2011 (Annexure P-13) forwarded a cheque in a sum of Rs.22,05,000/- towards the refund of the application money, deposited by the petitioner. The petitioner admittedly encashed the cheque without any protest. The petitioner having requested for a refund of the money in the event of HSIIDC not agreeing to allot the plot, the HSIIDC having refunded the amount and the petitioner having accepted the same unconditionally and without protest the matter would clearly end there itself. The petitioner cannot now be permitted to opt for the allotment.

6. The petitioner, thereafter relied upon an application dated 21.11.2011 (Annexure P-15) moved by him under Right to Information Act seeking information regarding the rejection of his application. The information was furnished on 31.08.2012. It is not necessary to consider the reply. As stated earlier the petitioner's application seeking refund of money was accepted and the petitioner accepted the refund without protest.

7. The matter does not end there. The information sought by the petitioner under the RTI Act was furnished on 31.08.2012. The petitioner obviously abandoned any intention to pursue the matter regarding allotment of the plot. This is evident from the fact that the present writ petition was filed only after about three years in July 2015. Therefore, the petitioner's

claim for allotment of a plot at a price prevailing in the year 2010 after a delay of five years would be unfair to the HSIIDC. The petitioner cannot at his option opt for the plot and abandon the allotment whenever he wants.

8. The petition is accordingly dismissed.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

27.09.2017
dinesh

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No