

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

- [1] Civil Writ Petition No.12432 of 2017
Date of Decision: June 01, 2017
M/s Nayar ExportsPetitioner
versus
State of Punjab and othersRespondents
- [2] Civil Writ Petition No.12438 of 2017
S.G.S. InternationalPetitioner
versus
State of Punjab and othersRespondents
- [3] Civil Writ Petition No.12440 of 2017
M/s Lucky EnterprisesPetitioner
versus
State of Punjab and othersRespondents
- [4] Civil Writ Petition No.12443 of 2017
M/s Akshat IndustriesPetitioner
versus
State of Punjab and othersRespondents
- [5] Civil Writ Petition No.12479 of 2017
M/s Semi Tools & ForgingPetitioner
versus
State of Punjab and othersRespondents
- [6] Civil Writ Petition No.12482 of 2017
M/s K.K.IndustriesPetitioner
versus
State of Punjab and othersRespondents
- [7] Civil Writ Petition No.12511 of 2017
M/s Fateh Singh Inder Singh & Co.Petitioner
versus
State of Punjab and othersRespondents
- [8] Civil Writ Petition No.12527 of 2017
Jaswant SinghPetitioner
versus
State of Punjab and othersRespondents
- [9] Civil Writ Petition No.12531 of 2017
M/s Machine PartsPetitioner
versus
State of Punjab and othersRespondents
- [10] Civil Writ Petition No.12535 of 2017
M/s King FastnersPetitioner
versus
State of Punjab and othersRespondents

- [11] Civil Writ Petition No.12538 of 2017
Sh.Makli SainiPetitioner
versus
State of Punjab and othersRespondents
- [12] Civil Writ Petition No.12542 of 2017
Novinder Singh GillPetitioner
versus
State of Punjab and othersRespondents
- [13] Civil Writ Petition No.12543 of 2017
M/s Champion Nut Bold & Steel ProductsPetitioner
versus
State of Punjab and othersRespondents
- [14] Civil Writ Petition No.12544 of 2017
M/s Protech EngineersPetitioner
versus
State of Punjab and othersRespondents
- [15] Civil Writ Petition No.12556 of 2017
Satnam SinghPetitioner
versus
State of Punjab and othersRespondents
- [16] Civil Writ Petition No.12591 of 2017
M/s Shree Gorakh IndustriesPetitioner
versus
State of Punjab and othersRespondents
- [17] Civil Writ Petition No.12595 of 2017
M/s Amwin System ServicesPetitioner
versus
State of Punjab and othersRespondents
- [18] Civil Writ Petition No.12603 of 2017
M/s Vikas IndustriesPetitioner
versus
State of Punjab and othersRespondents
- [19] Civil Writ Petition No.12604 of 2017
M/s Protech EngineersPetitioner
versus
State of Punjab and othersRespondents
- [20] Civil Writ Petition No.12616 of 2017
M/s Saini Precision CastingPetitioner
versus
State of Punjab and othersRespondents

[21] Civil Writ Petition No.12622 of 2017
M/s Protech EngineersPetitioner
versus

State of Punjab and othersRespondents

[22] Civil Writ Petition No.12638 of 2017
M/s Protech EngineersPetitioner
versus

State of Punjab and othersRespondents

[23] Civil Writ Petition No.12655 of 2017
M/s Deluxe Rubber IndustriesPetitioner
versus

State of Punjab and othersRespondents

[24] Civil Writ Petition No.12671 of 2017
Surinder Pal SinghPetitioner
versus

State of Punjab and othersRespondents

[25] Civil Writ Petition No.12690 of 2017
Ramesh KumarPetitioner
versus

State of Punjab and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.Harpreet Sandhu, Advocate, for the petitioner(s)

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Surya Kant, J. (Oral)

This order shall dispose of CWP Nos.12432, 12438, 12440, 12443, 12479, 12482, 12511, 12527, 12531, 12535, 12538, 12542, 12543, 12544, 12556, 12591, 12595, 12603, 12604, 12616, 12622, 12638, 12655, 12671 and 12690 of 2017 as all the cases assail the demand notices for additional price towards plots allotted to the petitioners.

For brevity, the facts are being extracted from CWP No.12432 of 2017.

[2] The petitioner has been allotted industrial plot bearing No.E-729P, Phase VIII, Focal Point, Ludhiana. The allotment was made pursuant

to the advertisement dated 24.05.1993. The petitioner's case is that total 774.628 acres land was developed as industrial area out of which various big industries have been allotted huge chunk of land measuring 345 acres. On the remaining land, industrial plots were carved out and sold to general public by way of auction. The petitioner has further averred that compensation for the acquired land was enhanced under the Land Acquisition Act, 1894 whereupon the allottees were asked to deposit additional amount @ Rs.600/- per square yard. The said demand raised in the year 1996 was assailed before this Court in CWP No.19073 of 1996 (Jeewan Parbhat Jain versus State of Punjab and others) and a bunch of writ petitions which were decided on 21.12.1998 with a direction to the Corporation to re-calculate the enhanced cost and thereafter only to raise the demand against the allottees. The Corporation thereafter reduced the demand from Rs.600/- square yard to Rs.596 square yard. The matter was again challenged before this Court in a bunch of writ petitions (lead case CWP No.2435 of 2010 (M/s Luxmi Caste Forge versus State of Punjab and others)) which was disposed of by one of us (Surya Kant, J.) vide order dated 11.02.2010 (P-6), in the following terms:-

- “[i] respondent No.2 Corporation shall consider the objections raised by the petitioner or their Association and dispose of the same by passing a speaking order as early as possible and preferably within two months from the date a certified copy of this order is produced;
- [ii] the petitioner or other Industrialists shall be afforded an opportunity of being heard in a Representative capacity and if so required, they may be permitted to produce any material or proof in support of their claim that the demand raised by the Corporation towards enhanced price is excessive or is not in consequence with the

decision in Jeewan Parbhat Jain's case (supra);

- [iii] the final demand order to be passed by the Corporation shall explicitly disclose the total liability incurred by the Corporation and/or the method of proportionate distribution thereof amongst all the allottees;
- [iv] the issue regarding lack of the amenities for which the requisite cost is said to have been paid by the allottees shall also be specifically dealt with;
- [v] till the entire exercise noticed above is undertaken by the Corporation, no coercive steps shall be taken against the petitioners pursuant to the demand notice dated 05.10.2009 (Annexure P-12);
- [vi] final order determining the petitioner's liability, if any, shall be kept in abeyance for a period of two weeks from the date of its passing.....”

[3] Thereafter, the Corporation has served the petitioner and other allottees with a renewed demand asking them to pay additional price @Rs.474 per square yard as on 31.03.2016 “on account of enhancement of land compensation”. The petitioner has also been served with demand notice dated 10.03.2016 (P-7).

[4] The petitioner has questioned the said demand by way of filing objections-cum-representation dated 22.12.2016 (P-9) but without considering those objections, it is alleged that the Corporation is insisting upon to deposit the demanded amount.

[5] Having heard learned counsel for the petitioner and keeping in view the fact that the petitioner has submitted self-explanatory objections-cum-representation against the additional demand raised by the Corporation but without expressing any views on merits of the objections or the allegations, we deem it appropriate to dispose of these writ petitions with a

direction to the respondent-Corporation to consider and decide the

objections filed by the allottees, by way of a reasoned order(s) keeping in view the observations/directions mentioned in the order dated 11.02.2010 passed by this Court in M/s Luxmi Caste Forge's case (supra). Let an appropriate speaking order be passed within a period of four months from the date of receiving a certified copy of this order.

[6] The Corporation shall also supply complete statement of accounts to the petitioner(s) alongwith the speaking order. The directions issued hereinafter shall be applicable to all the cases being disposed of by this common order.

[SURYA KANT]
JUDGE

June 01, 2017
mohinder

[HARI PAL VERMA]
JUDGE

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