

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

CWP-15386-2017 (O&M)

Date of decision:- 18.07.2017

Dr. Sonia Oberoi and another

...Petitioners

Versus

Chandigarh Administration through Adviser to the  
Administrator, U.T, Chandigarh, U.T, Secretariat,  
Sector 9, Chandigarh and others.

...Respondents

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

Present:- Mr. Narender Pal Bhardwaj, Advocate,  
for the petitioners.

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**S.J. VAZIFDAR, C.J. (ORAL)**

The petitioners have challenged the quantum of the fee levied for the grant of extension of time for completing the construction.

2. The petitioners had earlier challenged the same. The Advisor to the Administrator had remanded the matter to the Estate Officer after specifying the questions to be decided by the Estate Officer. The contention is that the Estate Officer had not answered the questions framed by the Advisor. The petitioners have also challenged the exercise of discretion. In any event, the petitioners contend that the discretion ought to be exercised in a particular manner, namely, by granting the same facility as was granted to a person allegedly similarly situated.

3. In our view, the petitioners must be relegated to the alternate remedy for more than one reason. In the first round, the Advisor had himself specified the questions of law to be

decided upon remand. If the same have not been answered, there is no reason why the authorities cannot decide the same themselves. Secondly, the exercise of discretion at least in the first instance must be reviewed by the authorities. The scope of review in an exercise of discretion is limited as far as this Court is concerned. It would, therefore, be beneficial for the petitioners also to have the exercise of discretion challenged before the authorities. Moreover, whether the case of the petitioners is similar to the case of a third party is a question of fact which the authorities must decide.

4. The writ petition is, therefore, disposed of with liberty to the petitioners to pursue the alternate remedy. We, however, consider it appropriate to direct the appellate authority and, if necessary, subsequently the revisional authority to decide the matter themselves without further remand. As one of the main issues pertains to the interpretation of legal provisions, the recourse to this writ petition cannot be said to be totally unfounded. We are sure, therefore, that the appellate authorities would consider the application for extending the period of limitation in the correct perspective.

(S.J. VAZIFDAR)  
CHIEF JUSTICE

(HARINDER SINGH SIDHU)  
JUDGE

18.07.2017  
Amodh

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |