

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

**CWP No. 20962 of 2017
Decided on : 09.10.2017**

M/s Aryavir Buildcon Pvt. Ltd.

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Mr. Sandeep Goyal, Advocate
for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Article 226 of the Constitution of India, *inter alia* challenging the notification dated 09th November, 2015 (Annexure P-13) regarding its applicability in the retrospective effect. A further prayer has also been made for quashing of communication dated 11th February, 2016 (Annexure P-14) denying the benefit to the petitioner as promised under FIIP-13 on the basis of amendment made in the year 2015.

2. After arguing for sometime, learned counsel for the petitioner states that the present writ petition may be disposed of at this stage by permitting the petitioner to file a detailed and comprehensive representation before respondent No.2 within a period of one month from today. It has been further prayed that a direction may be issued to the said authority to decide the same within a time bound manner after affording an opportunity of hearing to the petitioner and by passing a speaking order, in accordance with law. A Further prayer was also made that in case the matter is adjudicated against the petitioner, the issue regarding the challenge to the notification dated 09th November, 2015 (appended as Annexure P-13) may

also be kept open in the eventuality of approaching this Court again.

3. After hearing learned counsel for the petitioner, perusing the averments made in the writ petition and without expressing any opinion on the merits of the controversy, we deem it appropriate to dispose of the present writ petition by permitting the petitioner to file a detailed and comprehensive representation before respondent No.2 within a period of one month from today. In case such a representation is filed, the same shall be decided by respondent No.2 within a period of next one month, after affording an opportunity of hearing to the petitioner by passing a speaking order, in accordance with law.

4. It is, however, clarified that in case the matter is adjudicated against the petitioner, then the petitioner shall be entitled to challenge the same as well as the notification dated 05th December, 2013 (Annexure P-5), which has been assailed in the present writ petition, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

October 09, 2017

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No