

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

CWP-23106-2017 (O&M)

Date of decision:- 09.10.2017

KLJ Realtech Private Limited

...Petitioner

Versus

The State of Haryana and another

...Respondents

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

Present:- Mr. Manoj Kumar Sood, Advocate,
for the petitioner.

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

The petitioner has challenged a communication dated 23.06.2017 from the Director, Town and Country Planning, Haryana, in so far as it directs the petitioner to deposit a balance 60 per cent of the applicable administrative charges on account of the transfer of the license issued in favour of another party in favour of the petitioner on 01.03.2014.

2. The petitioner states that a circular dated 18.02.2015 is not applicable retrospectively and despite the same, the Director General, Town and Country Planning, Haryana by an internal order dated 31.03.2016 directed the recovery of administrative charges wherever transfer has taken place either before or after 18.02.2015.

3. There is no response to the letter dated 23.06.2017 from the petitioner. It is necessary in the first instance for the petitioner to respond to the communication from the Director General, Town and Country Planning, Haryana or to challenge the order of the Director General under the

provisions of The Haryana Development and Regulation of Urban Areas Act, 1975. It will be necessary to consider whether even apart from the said circular, the petitioner is liable to pay the administrative charges under any other provisions of law including under the 1975 Act and in particular under Rule 17 of the Haryana Development and Regulation of Urban Areas Rules, 1976. At one stage, it was contended that the petitioner had paid the entire amount under Rule 17 of the 1976 Rules, but that is not reflected from the record. It will be necessary for the Director General or for the appellate authority to consider the same.

4. In these circumstances, the petition is disposed of with liberty to the petitioner to adopt the alternate remedy of an appeal or to approach the Director General, Town and Country Planning, Haryana himself in respect of the impugned communication.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

09.10.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No