

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5230 of 2017

Date of Decision: March 15, 2017

Jal Vayu Vihar Apartment Owners' Association (Regd.)Petitioner
versus
State of Haryana & othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Sandeep Singh, Advocate, for the petitioner.
Mr.Deepak Balyan, Additional AG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on behalf of respondent Nos.1 & 2 as well as respondent Nos.3 & 4.

Let four copies of the writ petition be supplied to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The petitioner is a Group Housing Society to whom plot for construction of multi-storeyed apartments has been allotted in Sector-30, Gurgaon. The land was acquired in the year 1979 but the allotments were made much thereafter. The possession of the site was given to most of the societies like the petitioner in the year 1995 followed by conveyance deed

The case of the petitioner-society is that after the acquisition of land, the land-owners' claim for enhancement of compensation stood settled upto the Hon'ble Supreme Court and pursuant to the enhancement in compensation, the additional demand raised against the petitioner-society was duly honoured. The grievance of the petitioner-society is that after a gap of more than 10 years, it has now been served with the impugned demand notices (P-4, P-7, P-11 & P-13) followed by show cause notices under Section 17(3) of the Haryana Urban Development Authority Act, 1977, for resumption of the site due to non-payment of demanded amount. The petitioner-society has submitted its detailed reply-cum-objections to those notices but instead of furnishing the complete statement of accounts on the basis of which the demands have been raised, the HUDA authorities are threatening to initiate coercive action for the recovery of the demanded amount.

Having heard learned counsel for the parties, we are satisfied that it is imperative upon the HUDA authorities to supply complete statement of accounts and calculation sheet to the petitioner-society explaining as to how the additional demand has been raised. After receipt of calculation sheets-cum-details, petitioner-society shall submit its objections-cum-representation which shall be considered by the Prescribed Authority in accordance with law. If the HUDA authorities do not accept the objections filed by the petitioner-society, a reasoned order shall have to be passed. The calculation-sheet-cum-details be supplied to the petitioner-society within a period of two weeks from the date of receiving a certified copy of this order and representation-cum-objections be filed within two weeks thereafter. The speaking order shall be passed within a period of two

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months from the date of receiving the representation-cum-objections.

Till such exercise is undertaken, no coercive action shall be taken against the petitioner-society.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

March 15, 2017[SUDIP AHLUWALIA]
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No