

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.5237 of 2017.

Date of Decision: March 15, 2017

The AGRIM C.G.H. Society and othersPetitioners

versus

State of Haryana and othersRespondents

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

Present: Mr.Harsh Vir Pratap Sharma, Advocate, for the petitioners.
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 petitioners are Group Housing Societies to whom plots for construction of multi-storeyed apartments have been allotted in Sector-43, Part-I, Gurgaon. The land was acquired in the year 1993 but the allotments were made much thereafter. The possession of the sites was given to most of the societies like the petitioners in the years 2000-2003 followed by

furnished in a tabulated form.

The case of the petitioner-societies is that after the acquisition of land, the land-owners' claim for enhancement of compensation stood settled upto the Hon'ble Supreme Court in the year 2003 and pursuant to the enhancement in compensation, the additional demand raised against the petitioner-societies was duly honoured. The grievance of the petitioner-societies is that after a gap of more than 10 years, they have now been served with the impugned demand notices (P-5 to P-13) followed by show cause notices under Section 17(3) of the Haryana Urban Development Authority Act, 1977, for resumption of the sites due to non-payment of demanded amount. The petitioner-societies have submitted their detailed replies-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. It is in this backdrop that the petitioners have also questioned the *vires* of Section 17(3) of the Haryana Urban Development Authority Act, 1977.

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 sheets to each petitioner-society explaining as to how the additional demand has been raised. After receipt of calculation sheets-cum-details, each 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-societies, a reasoned order shall be passed. The calculation-sheet-cum-details be supplied to the petitioner-

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

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

The question re: *vires* of Section 17(3) of the Haryana Urban Development Authority Act, 1977 is kept open at this stage.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

March 15, 2017
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[SUDIP AHLUWALIA]
JUDGE

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