

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-1019-2018

Date of Decision: 23.1.2018

Power Grid Corporation of India Limited, Gurgaon

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Aftab Singh Khara, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notices dated 29.7.2016 and 5.9.2016 (Annexures P-6 and P-7, respectively) and to direct the respondents to provide the break-up of the enhanced amount being claimed by respondent No.3 from the petitioner. Further, directions have been sought to the respondents to provide the detailed calculations and to decide the objections filed by the petitioner.

2. Government of Haryana issued a notification dated 20.4.1990 (Annexure P-1) under Section 4 of the Land Acquisition Act, 1894 (in short “the Act”) followed by notification dated 18.4.1991 under Section 6 of the

Act for acquisition of land situated in villages Jharsa, Kanhai, Bandapuri and Shamaspur. The award was passed on 23.3.1993. After the acquisition of the land in the year 1998, respondent No.3 launched GHS-98 Scheme for the allotment of land to the Cooperative Societies. The petitioner was allotted a Group Housing Site in Sector 43, Gurgaon measuring 22 acres on free hold basis at the tentative cost of ₹ 37,40,66,000/- by respondent No.3 by way of sale vide allotment letter dated 21.6.1999 (Annexure P-2). The agreement dated 8.10.2002 (Annexure P-3) was entered into between the petitioner and respondent No.3. Initially, the land was allotted to the petitioner at more than 25% higher price at the time of allotment in the year 1999, @ ₹ 170.03 lakhs per acre, i.e. ₹ 3513/- per square yard and subsequently, with the approval of the Government, the land was bifurcated into two parts of 11 acres each. The petitioner was bound to pay ₹ 3513/- per square yard when the other similar situated societies in the same cluster were provided land @ ₹ 2700-2800 per square yard and, therefore, the petitioner had already paid 25% than the actual cost of the land given to the other similar situated persons. The detailed calculation of the demand notice to be given by respondent No.3 was necessary to calculate the actual break-up of the amount paid by the petitioner to respondent No.3. Further, the request of the petitioner for the allotment of additional 3 acres of land in Sector 43, Gurgaon and sub division of the plot into two parts, i.e. Part I and Part II was accepted by respondent No.2 on 12.1.2001 and now in Part I Power Welfare Officer Association and Part II Power Grid Township existed. The entire construction has been completed and the completion certificate has been issued by the Haryana Urban Development Authority (HUDA). However, respondent No.3 issued a notice dated 31.12.2014

(Annexure P-4) directing the petitioner to deposit a sum of ₹ 6,96,00,286/- upto 27.12.2014 for 22 acres, but the same was withdrawn on the ground that the bifurcation was done of 22 acres into two parts. In response thereto, the petitioner submitted its reply dated 27.1.2015 (Annexure P-5). The petitioner received another notice dated 29.7.2016 (Annexure P-6) asking the petitioner to deposit ₹ 8,38,78,109/- upto 29.7.2016. Vide notice dated 5.9.2016 (Annexure P-7), the petitioner was directed to deposit the said amount along with 15% filing which penalty of 10% of total outstanding amount would be levied. In pursuance thereto, the petitioner submitted its reply dated 1.2.2017 along with legal notice dated 4.2.2017 (Annexure P-8 Colly) for break-up of the amount being claimed by respondent No.3, but to no effect. Thereafter, the petitioner sent another reply dated 6.4.2017 (Annexure P-9) to respondent No.3 requesting for supply of the break-up of the amount being claimed, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a reply dated 1.2.2017 along with a legal notice dated 4.2.2017 (Annexure P-8 Colly) followed by another reply dated 6.4.2017 (Annexure P-9) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the reply dated 1.2.2017 along with a legal notice dated 4.2.2017 (Annexure P-8 Colly) followed by another reply dated 6.4.2017 (Annexure P-9), in accordance with law by passing a speaking order and

after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 23, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No