

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

1. CWP-13870-2017
Date of Decision: September 13, 2018

M/s Hindustan Insecticides Ltd.Petitioner
Versus
State of Haryana and othersRespondents

2. CWP-16533-2017
Hindustan Insecticides Ltd.Petitioner
Versus
State of Haryana and othersRespondents

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

Present: Mrs.Munisha Gandhi, Sr.Advocate with
Ms.Salina Chalana, Advocate for the petitioners.
Ms.Sandeep Moudgil, Addl.AG, Haryana.
Mr.Deepak Balyan, Advocate for HUDA.

.....

SURYA KANT, J.(ORAL)

This order shall dispose of CWP-13870 and 16533-2017, both preferred by M/s Hindustan Insecticides Ltd., which is a Government of India Enterprise and whose 100% shares are owned by the President of India.

[2] The Company was allotted 70 acres land by HUDA vide allotment letter dated 13.10.1980 at Gurugram for setting up Central Research & Development Complex (i.e. R&D Complex). The case of the petitioner is that with a view to construct the building with the approval of HUDA/Town and Country Planning Department, requisite drawings were submitted to HUDA authorities way back on 12.11.1981 and those drawings were followed up by the Architect of the petitioner-M/s C.P.Kukreja Private Limited. Provisional sanction was also sought to start the construction

work. HUDA, vide memo No.5477-EO (G) dated 03.06.1982 acknowledged the receipt of the application for submission of the building plans. Subsequently, out of 70 acres of land, 12 acres was transferred to GE Plastics, a subsidiary of IPCL, another Public Sector Undertaking in the year 1992 on payment of sale consideration with prior permission of HUDA and on the remaining 58 acres of land, the petitioner has constructed its R&D Complex, which is fully operational as various laboratories etc. have been set up.

[3] There is a long history as to how HUDA Authorities have been intermittently serving the petitioner with one or the other notice to take coercive action either for non-approval of the building plans and/or for rasing construction allegedly without prior sanction. The petitioner has been contesting those notices on the strength of the documents, some of which have been briefly noticed above.

[4] Be that as it may, it is not in dispute that the petitioner's building is complete and its entire complex is operational. At this juncture, it is neither in public interest nor advisable to demolish petitioner's construction, especially when such construction has been raised on the basis of drawings prepared by the petitioner's Architect in conformity with HUDA Rules and Regulations. The appropriate recourse would be to consider the petitioner's request for issuance of completion certificate. We direct the Chief Administrator, HUDA to consider such request uninfluenced of any past communications and an appropriate decision in this regard shall be taken within a period of three months. Though we hope that no adverse

Authorities, the same shall not be given effect for a period of two months from the date of receipt of such communication by the petitioner so as to enable it to assail the same before an appropriate Forum.

[5] With these directions, CWP-16533-2017 stands disposed of.

[6] So far as CWP-13870-2017 is concerned, it appears that a part of petitioner's land is required by State Government/HUDA for widening/expansion of the road. If that is so, the petitioner cannot be compelled to part with its land without being adequately compensated either in terms of monetary compensation or any other benefits like increased FAR in lieu thereof. The respondents need not to be reminded of the mandate behind Article 300A of the Constitution read with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. We do not appreciate the manner in which the boundary wall of the petitioner is said to have been demolished without acquiring its land in accordance with law. Be that as it may, this Court deems appropriate to grant one more opportunity to the respondents to settle the issue either through negotiations or by acquiring the required land in accordance with law. Till such action is not taken, physical possession of the petitioner over its property shall remain unaffected.

(SURYA KANT)
JUDGE

September 13, 2018
meenuss

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No