

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

CWP No.14761 of 2017 (O&M)

Date of Decision: 16.07.2018

M/s Northern India Land and Finance Corporation

...Petitioner

VS.

Municipal Corporation, Faridabad

... Respondent

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Adarsh Jain, Advocate for the petitioner

Mr. Deepak Balyan, Advocate for the respondent

SURYA KANT J. (Oral)

(1) The question which falls for consideration in this case is whether the original demand of ₹ 23,77,538/- which in due course of time stands revised to ₹ 1,56,50,473/- calculated upto 31.01.2017 as demanded by respondent-Municipal Corporation from the petitioner/coloniser-cum-developer, is towards 'External Development Works' or 'Internal Development Works' as defined in Section 2(g) and 2(i) of the Haryana Development Regulation of Urban Area Act, 1975?

(2) Though the petitioner claims that the above-stated demand has been raised by the Corporation towards the expenses incurred by Dakshin Haryana Bijli Vitran Nigam (DHBVN) for erection of 11KV independent feeder from 66KV Sub-station Palla to the Residential Colony developed by the petitioner known as "Spring Field Colony, Faridabad", however, the categorical stand taken by the Municipal Corporation is that the demanded amount is towards expenditure incurred by it in removal of deficiencies/completion of the 'Internal Development Works' during the period 1999 to 2014 of the colony developed by the petitioner.

(3) As may thus be seen from the rival pleas taken by the parties that there are several disputed question of facts involved in the writ petition. The liability to pay External Development Charges or Internal Development Charges is fastened in accordance with the provisions of the 1975 Act whereunder the Director General, Town and Country Planning is the Prescribed Statutory Authority to determine such charges.

(4) The writ petition is thus disposed of with liberty to the petitioner to submit an appeal-cum-representation to the Director General, Town and Country Planning within one month and produce its entire record to show that the demand in question does not and can not pertain to 'Internal Development Works' of the residential colony developed by it. On the other hand, the Municipal Corporation shall produce its records to show that the demand raised by it is towards the expenses incurred on Internal Development Works. The Director General shall determine the controversy by passing a speaking order within four months from the date of receipt of certified copy of this order.

(5) Meanwhile, subject to petitioner's depositing half of the amount without prejudice to its legal rights, its zoning/building plans may be approved.

(Surya Kant)
Judge

16.07.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No