

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17732 of 2018

Date of Decision: July 20, 2018

SAN Advertizing Pvt. Ltd.

.....Petitioner

versus

Haryana State Industrial and Infrastructure Development Corporation
Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Harkesh Manuja, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner seeks refund of the 'extension fee' paid by it on account of delay in the construction of Industrial Plot No.34-E, Sector-57, Phase-IV, Kundli, District Sonapat. The plot was allotted to the petitioner on 22.08.2007 and possession was delivered on 11.12.2008. The petitioner admittedly did not construct the site or brought the industrial unit into operation within the stipulated period. According to the petitioner, the construction could not be raised as there was a 11 KV Electric Transformer on the land which was not removed. The petitioner, nevertheless, deposited the 'extension fee' and sat at home. It appears that in the case of an adjoining industrial unit, the Transformer as well as HT line were removed and their possession period was extended. The petitioner did not raise any such claim and also did not approach the respondent-authorities till 25.09.2017 when a representation was made by it to Dy.General Manager, HSIIDC, Kundli. Thereafter, the petitioner made two more representations in succession and has filed the instant writ petition praying that date of taking possession be postponed and consequently, extension fee be ordered to be refunded.

In our considered view, the writ petition suffers from

unexplained delay and laches. The cause of action accrued to the petitioner in the year 2008. It deposited the extension fee, may be under protest, but thereafter slept over the matter and did not raise the issue before any Forum. Second time also, when such a benefit was said to have been grated to similar placed Units in the year 2014, the petitioner did not claim parity till Sept.,2017. In these circumstances, we are satisfied that no positive mandamus can be issued to grant the relief, as prayed for by the petitioner. However, the petitioner shall be at liberty to pursue its representation(s) before the authorities.

The writ petition stands disposed of accordingly.

[SURYA KANT]
JUDGE

July 20, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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