

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20068-2017

Date of Decision: August 03, 2018

M/s Omkar Food Products

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.S.K.Aggarwal, Advocate for the petitioner.

Mr.Deepak Sabharwal, Advocate for respondent Nos.2 to 4-
HSIIDC.

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SURYA KANT, J.(ORAL)

The petitioner was allotted Industrial Plot No.172, Sector 2, Food Park at Saha, near Ambala Cantt on 14.01.2009. The petitioner was required to set up the Project within a period of three years from the date of offer of possession. Though the petitioner appears to have deposited the due installments, but did not set up the project despite grant of extension for another year. The plot was consequently resumed. The petitioner filed appeal against the resumption order. The Appellate-cum-Anomaly Committee of the respondents-Corporation though has restored the plot in its meeting held on 27.04.2015 but the petitioner has been directed to pay the 'current allotment price'.

[2] The aggrieved petitioner has approached this Court. We have heard learned counsel for the parties. It appears that in a case where the

allottee has already deposited the full allotment price, it would not be fair to ask it to pay the current allotment price @ ₹17000/- per sq.mtr. as against the original allotment price of ₹1000/- per sq.mtr. At the same time the petitioner is liable to be penalised for the inordinate delay in implementation of the Project for which the plot was allotted.

[3] Taking into consideration the totality of the circumstances, we are of the considered view that ends of justice would be adequately met if the petitioner is burdened with a penalty of ₹1,50,000/-, which is equivalent to 1/3rd of the original price. The petitioner shall deposit the said amount within three months from today. The petitioner shall also be required to set up the industrial unit and make the project functional within six months from the date of receipt of a certified copy of this order, failing which the impugned order shall stand revived.

[4] Disposed of.

(SURYA KANT)
JUDGE

August 03, 2018
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(SUDIP AHLUWALIA)
JUDGE

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No