

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

CWP No.19369 of 2018 (O&M)

Date of Decision: 06.08.2018

Rajnish Industries P.Ltd.

...Petitioner

VS.

State of Punjab & Ors.

... Respondents

CWP No.19370 of 2018

M/s Ruby Dyeing & Finishing Mills

...Petitioner

VS.

State of Punjab & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant

Hon'ble Mr.Justice Sudip Ahluwalia

Present:

Mr. Akshay Bhan, Sr.Advocate with

Mr. Abhishek Sanghi, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) This order shall dispose of the above-captioned two writ petitions as the point in issue is common. For brevity, the facts are being taken from CWP-19369-2018.

(2) The petitioner is the second allottee of industrial plot No.C-215(P), Phase-VIII, Focal Point, Ludhiana which was transferred in its favour on 09.01.1998. The petitioner approached this Court claiming that the outstanding dues in respect of enhanced allotment price/charges are liable to be determined in terms of the decision of the Hon'ble Supreme Court passed in the case of the alleged similarly-placed plot-holders. The writ petition was disposed of with a direction to the respondent-Corporation to examine the petitioner's claim. The Managing Director of the Corporation by way of a self-speaking detailed order dated 09.03.2018 (P19) has come to the conclusion that the petitioner is liable to pay a total sum of

₹ 7,32,09,594/- which includes additional cost along with interest/penal interest, enhanced land cost along with interest/penal interest and further enhanced land cost along with interest/penal interest. The petitioner, on the other hand, claims that there are grave errors in calculation made by the M.D. and should there be necessary correction in such calculations, the petitioner's liability would stand reduced to less than half of the amount demanded in the impugned order. The issue sought to be raised thus is essentially a question of fact based upon settlement of accounts.

(3) As prayed for, the writ petition is dismissed as withdrawn, at this stage with liberty to the petitioner to submit a fresh representation pointing out the mistakes allegedly committed by the Managing Director in the impugned order while determining the petitioner's liability. The petitioner may submit two sets of calculations: one in terms of the judgment passed by the Hon'ble Supreme Court in **M/s Munjal versus State of Punjab & Ors. (SLP No.11341 of 2015)** and the other as per its liability on the basis of enhanced compensation of the acquired land.

(4) If such a representation is made by the petitioner, let the same be considered and disposed of by passing a reasoned order within one month from the date of its receipt.

(5) Ordered accordingly.

(Surya Kant)
Judge

06.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No