

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.20125 of 2018

Date of Decision: August 14, 2018

Kamal Dhawan and anotherPetitioners

versus

State of Haryana and othersRespondents

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

Present: Mr.Rajinder Goyal, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The claim of the petitioners for allotment of plots by the private builder, namely, respondent No.7, to whom they are stated to have paid a substantial part of the allotment price, has been rejected by a Committee known as 'Allotment Grievance Redressal Forum' (for short, 'AGRF'), headed by Additional Deputy Commissioner of the district.

We do not find any Statute or legal back up behind constitution of AGRF. Under the Haryana Urban Development Authority (Regulation of Urban Area) Act, 1975 and the Rules framed thereunder, licence is granted to a private builder by the Director General, Town and Country Planning Department subject to such terms and conditions as are statutorily prescribed. It is the said Authority or a quasi-judicial or judicial forum who alone can intervene in the matter. If the project of respondent No.7 is yet to be issued the completion certificate, in that case, Real Estate Regulatory Authority, Haryana is also Competent to intervene in the matter.

The writ petition is accordingly disposed of with liberty to the petitioners to verify the fact-situation and if it is found that completion

certificate for the project of the private builder has not been issued so far, they may approach the Real Estate Regulatory Authority, Haryana who shall decide their grievances on merits, ignoring the cryptic and non-speaking decision of the AGRF dated 07.06.2017. However, if the project has been granted 'completion certificate', the petitioners may represent the Director General, Town and Country Planning, Haryana who is directed to hear both the parties and decide the controversy by way of reasoned order, within a period of four months from the date of receiving a certificate copy of this order.

Dasti.

[SURYA KANT]
JUDGE

August 14, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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