

CWP-27406-2015

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

CWP-27406-2015

Date of Decision: July 24, 2018

M/s Kash Industries (P) Limited and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr.Raghav Goel, Advocate
for the petitioners.

Ms.Shubhra Singh, Addl.AG, Haryana.
Ms.Adrija Das, Advocate for
Mr.Amar Vivek, Advocate for respondent Nos.2 and 3.

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SURYA KANT, J.(ORAL)

The petitioners are allottees of industrial plots at the Industrial Estate, Kundli, District Sonapat. These plots were decided to be allotted @ ₹5500/- per sq.mtrs (Annexure P-12) which was further revised to ₹6500/- per sq.mtrs, as mentioned in the allotment letter dated 30.09.2011, Annexure P-11.

[2] Grievance of the petitioners in the instant writ petition is that they have been further slapped with the Notices dated 29.04.2015, 24.04.2015, 24.04.2015 and 19.05.2015, Annexures P-1 to P-4 respectively, whereby the allotment price has been again enhanced and they have been

asked to pay additional allotment price @536/-per sq.mtrs. alongwith interest @ 12% per annum etc. The aggrieved petitioners have submitted their self explanatory representations/objections dated 01.09.2015, 03.08.2015 and 01.07.2015, Annexures P-6 to P-8 respectively, but finding no response thereto, they have approached this Court.

[3] We have heard learned counsel for the parties and gone through the record. It is true that the respondent-Corporation is entitled to recover the additional cost incurred due to enhancement in compensation of the acquired land where the industrial estate has been developed. However, the Corporation is obligated to determine the additional price with self contained reasons alongwith complete statement of accounts as to how and in what manner the additional payment has been raised against the allottees. The petitioners rely upon some decisions of this Court including in the case of **Smt.Nisha and others vs State of Punjab and others**, 2000(3) PLR 192 to urge that the respondent-Corporation has not followed the settled principles while demanding additional price. It is also their grievance that representations/objections filed by them are still pending as no order passed thereon has been conveyed to them.

[4] In the light of the stand taken above, we deem it appropriate to dispose of this writ petition with a direction to the Managing Director of respondent No.3-Corporation to call for the records, hear the petitioners in a representative capacity and decide their objections against the additional demand raised by the impugned Notices by way of a reasoned order which may be passed within a period of four months from the date of receipt of a certified copy of this order. The deposit of additional allotment price by the

petitioners shall be subject to adjudication of their objections, as directed above.

(SURYA KANT)
JUDGE

July 24, 2018
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(SUDIP AHLUWALIA)
JUDGE

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