

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

CWP No.24201 of 2017 (O&M)

Date of Decision: 04.07.2018

Artemis Medicare Services Ltd.

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

CWP No.14669 of 2018 (O&M)

Artemis Medicare Services Ltd.

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Vivek Sharma, Advocate;
Mr. Mukul Aggarwal, Advocate for the petitioner

Ms. Sheenu Sura, Addl. AG Haryana

Mr. Deepak Balyan, Advocate for respondents No.2 to 5

Mr. Deepak Sabharwal, Advocate for HUDA

SURYA KANT J. (Oral)

(1) This order shall dispose of the above-captioned two writ petitions involving similar issues. The petitioner-Company is an allottee of hospital site in Sector 51, Gurgaon. There arose a dispute with regard to the payment of the revised/enhanced allotment price for the said plot and the controversy was eventually determined by the Additional Chief Secretary, Government of Haryana, Town and Country Planning Department-cum-Revisional Authority under the Haryana Urban Development Authority Act 1997, vide order dated 02.02.2016 (Annexure P29) conveyed on 23.02.2016. One of the grievance of the petitioner is that HUDA authorities have failed to comply with the said order of the Revisional Authority.

(2) HUDA has filed its written statement contesting the claim of the petitioner on merits.

(3) Learned counsel for the petitioner states that during the pendency of these proceedings, HUDA has announced OTS scheme dated 15.05.2018 whereunder the allottees are being offered concession to the extent of 40% of the outstanding amount. Under the said policy, an allottee can seek the benefit till 14.07.2018 though a rider has been imposed that such allottee cannot litigate the matter in the Court of law and shall have to withdraw the pending court case(s).

(4) The petitioner though at this stage is inclined to avail the benefit of the above-stated scheme but the pre-condition of withdrawing the pending cases or not to litigate the matter before the Court of law is not acceptable to it as it is urged on their behalf that such a condition is contrary to law.

(5) We have heard learned counsel for the parties only on the limited issue as to whether or not the petitioner(s) should be permitted to avail the benefit of the latest HUDA Policy? It appears to us that no pre-condition for withdrawal of the pending litigation or not to litigate before the Court of law in future can be imposed merely because the petitioner wants to avail the benefit/concession under the OTS Scheme.

(6) Consequently and as prayed for by learned counsel for the petitioner, both the writ petitions are disposed of as withdrawn, at this stage with liberty to the petitioner(s) to avail the benefit of the OTS scheme/policy dated 15.05.2018. It is clarified that if despite availing the benefit under the said policy, the petitioner(s) is left with any grievance, it shall be entitled to

approach the appropriate forum including this Court and may take all those pleas which have been raised in these writ petitions.

(Surya Kant)
Judge

04.07.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

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

Yes
No