

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

**CWP No. 24575 of 2017
Decided on : 14.02.2018**

M/s Continental Leather Private Ltd.

. . . Petitioner

Versus

Haryana Urban Development Authority and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

PRESENT: Ms. Vijay Lakshmi, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Advocate
for the respondents - HUDA.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the Notice of Demand dated 14th January, 2014 (appended as Annexure P-16), whereby, extension fee was sought to be recovered from the petitioner. A further prayer has also been made for direction to issue completion certificate in favour of the petitioner and to execute the Deed of Conveyance.

2. Learned counsel for the respondents – HUDA submitted that against the demand of extension fee (Annexure P-16), the petitioner had filed an appeal, which was decided on 11th March, 2014 by treating the same as representation on behalf of the allottee and remanded the matter to the Estate Officer, HUDA, Faridabad, for passing a speaking order after affording an opportunity of personal hearing to the applicant-petitioner within 30 days from the issuance of the said order. A reference was made to Annexures P-18 and P-19, whereby, the Estate Officer, after considering the case of the petitioner, vide order dated 11th March, 2016 had recommended

waiver of extension fee by holding that the petitioner is not liable to extension fee, as the No Dues Certificate and approved Building Plans were pending before the Estate Office, HUDA for more than 26 months, for which there is no fault on the part of the petitioner and thus, the petitioner could not be penalized. It was noticed therein that the power of waive of extension fee was with the Administrator, HUDA, Faridabad and the case file was sent to him.

3. Thereafter, vide Annexure P-20, Legal Notice dated 06th August, 2017 was addressed to the respondents, seeking the relief as noticed in the head note of the writ petition regarding the grant of completion certificate as well as the execution of conveyance deed besides withdrawal of the demand for extension fee. However, no decision upon Annexure P-20 has been taken by respondent No.2 so far.

4. After hearing learned counsel for the parties, perusing the averments made in the writ petition and without expressing any opinion on the merits of the controversy, we dispose of the present writ petition by directing respondent No.2 to pass a speaking order on Annexure P-20 after affording an opportunity of hearing to the petitioner within a period of two months, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

February 14, 2018

J.Ram

Whether speaking/reasoned: Yes
Whether Reportable: Yes