

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2551-2018

Date of Decision: February 05, 2018

National Seeds Corporation Limited

.....Petitioner

Versus

Haryana State Industrial and Infrastructure Development Corporation
Limited and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Ramneek Vasudeva, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner-Corporation was allotted Industrial Plot Nos.425 and 426, Phase-III, Sector 3 Extension, Industrial Estate, Karnal, by Haryana State Industrial and Infrastructure Development Corporation Limited (for brevity,'the HSIIDC').

[2] The case of the petitioner is that though HSIIDC carved out and allotted the industrial plots, however, the Forest Department is claiming that a part of the said land falls within the definition of 'Forest Land' and a criminal complaint under Section 33 of the Indian Forest Act, 1927 has been filed by the said Department against the petitioner-Corporation. On one hand, thus, the ownership rights qua a part of the land is under cloud and on the other, the petitioner has been now served with Notices dated 31.05.2017 and 11.07.2017 whereby HSIIDC is demanding enhanced cost of allotment

on the plea that compensation amount in respect of the land has been enhanced by the Courts. The petitioner-Corporation has submitted a representation dated 10.10.2017 (Annexure P-16) questioning its liability primarily on the ground that when the Forest Department has initiated action questioning the very nature of the land, the enhanced allotment price be not recovered till such controversy is resolved.

[3] In our considered view, the above-stated claim raised by the petitioner requires consideration at the hands of authorities in HSIIDC. Consequently, the instant writ petition is disposed of without expressing any views on the merits of the case, with a direction to respondent Nos.1 to 3 to consider and take an appropriate decision on the representation dated 10.10.2017, which has been submitted by the petitioner-Corporation against the impugned demand notices. Let an appropriate decision be taken within a period of three months from the date of receipt of a certified copy of this order. The petitioner may, if so required, deposit the enhanced amount without prejudice to its legal rights.

(SURYA KANT)
JUDGE

February 05, 2018
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(SHEKHER DHAWAN)
JUDGE

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