

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-30050-2017

Date of Decision: 20.2.2018

ADS Buildwell Pvt. Ltd., Ludhiana

....Petitioner.

Versus

Greater Ludhiana Area Development Authority, Ludhiana and others

...Respondents.

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

PRESENT: Mr. B.S. Jaswal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the letter dated 24.7.2017 (Annexure P-22) issued by respondent No.3 rejecting the representation dated 13.6.2017 (Annexure P-21) and directing the petitioner to deposit an amount of ₹ 21,63,10,400/-.

2. Respondent No.1-Greater Ludhiana Area Development Authority (GLADA) through an auction intended to sell a piece of commercial land measuring 1.016 acre situated at site No.1A, Ferozepur Road, Ludhiana at ₹ 50,33,60,000/-. The petitioner participated in the said auction held on 23.5.2013 and was successful purchaser of the said site. As per the policy, the petitioner deposited 10% of the said amount with

respondent No.1. The trial court vide order dated 22.5.2013 stayed the sale

of the land in question and therefore, the GLADA refused to receive the payment of 15% amount to be deposited by the petitioner within 90 days and advised the petitioner to make a request for extension of time. Accordingly, the petitioner vide letter dated 20.6.2013 (Annexure P-2) sought extension from respondent No.3 which was extended upto 20.8.2013 vide letters dated 24.6.2013 and 13.8.2013 (Annexures P-2 and P-3, respectively). Respondent No.3 vide letter dated 20.8.2013 (Annexure P-5) informed the petitioner that there is no provision for further extension in time and that the amount due may be deposited by 20.8.2013 positively. Thereafter the possession of the site and demarcation would be given only after deposit of 25% of the amount. Respondent No.3 through notice dated 29.8.2013 (Annexure P-6) raised a demand of ₹ 37,81,406/- from the petitioner. Against the said notice, the petitioner filed an appeal dated 17.9.2013 (Annexure P-7). The said appeal was dismissed and vide letter dated 6.5.2014 (Annexure P-8), the petitioner was directed to deposit the amount which was deposited on 21.8.2013. The allotment letter dated 22.5.2014 (Annexure P-9) was issued by respondent No.3. Since the respondents failed to provide zoning and possession of the plot, the petitioner did not deposit the installments of the remaining amount. Accordingly, respondent No.3 vide order dated 1.9.2015 (Annexure P-10) cancelled the allotment of the petitioner. Against the order, Annexure P-10, the petitioner filed an appeal before respondent No.2 on 21.12.2015 (Annexure P-11). Respondent No.2 vide order dated 11.5.2016 (Annexure P-12) set aside the order, Annexure P-11, and directed respondent No.3 to reconsider the entire facts and to take further action regarding payment. Thereafter, the paper possession was given to the petitioner vide possession

certificate dated 1.7.2016 (Annexure P-13). The revised schedule of installments was issued vide letter dated 11.8.2016 (Annexure P-13/A) and the petitioner was asked to deposit the installments. Vide notice dated 2.8.2016 (Annexure P-14), the demand of ₹ 42,40,21,169/- was raised from the petitioner including three installments and penal interest thereon. The petitioner made a representation dated 9.8.2016 (Annexure P-15) to respondent No.1 in this regard. The petitioner vide letter dated 16.6.2016 (Annexure P-16) requested respondent No.3 for physical possession and copy of zoning plan who vide letter dated 24.6.2016 (Annexure P-17) asked the District Town Planner, Ludhiana to send the zoning plan of the site in question. Respondent No.3 vide letter dated 11.4.2017 (Annexure P-18) sent the zoning plan to the petitioner. Vide notice dated 5.5.2017 (Annexure P-19), the petitioner was asked to deposit ₹ 9,92,79,200/- by 20.5.2017. The petitioner sent reply dated 16.5.2017 (Annexure P-20) to the said notice, but to no effect. Thereafter, the petitioner vide letter dated 13.6.2017 (Annexure P-21) requested respondent No.3 to waive off the interest which was rejected by respondent No.3 vide letter dated 24.7.2017 (Annexure P-22). Accordingly, the petitioner moved the representations dated 27.10.2017 and 29.11.2017/1.12.2017 (Annexures P-23 and P-24, respectively) to respondent No.1 for waiving off the interest, penalty and to reschedule the balance amount, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 27.10.2017 and 29.11.2017/1.12.2017 (Annexures P-23 and P-24, respectively) to respondent No.1, but no action has so far been taken

thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representations dated 27.10.2017 and 29.11.2017/ 1.12.2017 (Annexures P-23 and P-24, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

February 20, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes