

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-486-2018

Date of Decision: 12.1.2018

Rajnish Industries Private Limited, Ludhiana

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Sumeet Mahajan, Senior Advocate with
Mr. Amit Kohar, Advocate and
Ms. Ramneeq Kaur Jawanda, for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks direction to the respondents to allow them to deposit the principal outstanding amount of ₹ 20,63,694/- towards the cost of the plot along with interest as on 31st December, 2017 to be paid on or before 30th September, 2018 in three equal installments with first installment being paid on or before 28.2.2018 as per the order dated 13.12.2017 (Annexure P-12) passed by the Apex Court in SLP(C) No. 11341-2015. Further, a direction has been sought to the respondents not to charge penal interest on the outstanding amount or to undertake any penal action or to impose any other penalty whatsoever against the petitioner other than the simple interest @ 8% as directed by the Apex Court in the said case.

P-1) framed a policy for allotment of industrial plots to the entrepreneurs. A total area of 774.62 acres was acquired by respondent No.2 vide notification dated 7.5.1991 issued under Section 4 of the Land Acquisition Act, 1894 for the development of Phase VIII, Focal Point, Ludhiana. The award was passed on 15.3.1994. The plots carved out in Phase VIII had been disposed of by three methods. About 350-400 acres have been sold @ ₹ 126/- per square yard as underdeveloped/undeveloped land to big Industrial Houses. About 100 acres have been sold under Off the Shelf Scheme and the remaining approximately 300 acres has been allotted by inviting applications or under Chief Minister's discretionary quota. The price charged at the time of allotment other than as undeveloped land to big industries was ₹ 350/- per square yard which included the cost of the acquisition. Out of the aforesaid 774.62 acres, 345 acres of land classified as 'undeveloped land' was allotted to (1) M/s Oswal Oil & Fats; (2) M/s Vardhman Spinning & Weaving Mills; (3) M/s Avon Cycles; (4) M/s Hero Cycles; (5) M/s Ritesh Industries and (6) M/s Royal Industries at the rate of ₹ 126/- per square yards. Thereafter, an advertisement dated 24.5.1993 (Annexure P-2) was issued by the respondents inviting applications for the allotment of plots for General Category for various industries including polluting industries in Phase VIII, Focal Point, Ludhiana @ ₹ 350/- per square yard and the said area was to be developed at Dhandari Kalan, Ludhiana with all the modern amenities. The predecessor-in-interest of the petitioner, namely, M/s Sahib Industries Limited, Ludhiana applied for the allotment of a plot and plot No. C-215 measuring 5000 square yards in Phase VIII, Industrial Focal Point, Ludhiana under the Chief Minister's discretionary quota was allotted vide allotment letter dated 29.1.1996

(Annexure P-3) under general category. 10% of the total price of the plot was paid at the time of application and the balance price of the plot was duly paid in time by the original allottee. The said plot was transferred in favour of M/s Chhabra Industries, Ludhiana in May 1997 by the original allottee. M/s Chhabra Industries further re-transferred the said plot in favour of M/s Rajnish Industries now known as M/s Rajnish Industries Pvt. Ltd., Ludhiana (the petitioner herein) vide transfer letter dated 9.1.1998 (Annexure P-4) on payment of transfer fee. Respondent No.3 vide letter dated 9.6.1999 (Annexure P-5) made additional demand of ₹ 20,63,694/- towards the cost of the plot. Similarly, some of the allottees who were allotted plots @ ₹ 600/- per square yard filed various writ petitions and this Court vide a common order dated 21.12.1998 (Annexure P-6) passed in CWP-19073-1996 directed the respondents to recalculate the enhancement in the tentative cost by taking into consideration the allotment made to the various categories and charge the enhanced tentative cost, if any, equitably from all the plot holders. Thereafter, another letter dated 16.11.2000 (Annexure P-7) was issued by the respondents demanding ₹ 20,63,694/- as cost of the land along with penal interest. On coming to know that M/s Munjal Gases, owner of plot No. C-210, Industrial Focal Point, Phase VIII, Ludhiana who had been allotted plot by allotment letter dated 15.12.1994 at the rate of ₹ 350/- per square yard and was also aggrieved by identical demand and enhancing the tentative price of the plot from ₹ 350/- per square yard to ₹ 596/- per square yard, filed CWP-4738-2000, the petitioner made a representation dated 6.6.2002 (Annexure P-8) that since similar demand has been challenged by M/s Munjal Gases, the decision taken by this Court be made applicable in the case of the petitioner also. The

respondents also demanded 10% more price of the plot as the plot in question was a corner plot. Against the said demand, the petitioner filed a civil suit which was dismissed and even the appeal against the said judgment and decree was also dismissed and the petitioner was liable to pay extra 10% of the price of the plot. The Focal Point Association challenged the price fixed at ₹ 596/- per square yard by filing a representation and the respondents vide letter dated 25.4.2012 reduce the price by approximately ₹ 94/- per square yard to be adjusted in the demand of enhancement of land acquisition compensation. Thereafter, the petitioner made a representation dated 4.1.2014 (Annexure P-10) to the respondents stating that many allottees have challenged the increase of the price from ₹ 350/- to ₹ 596/- per square yard in this Court. The demand of additional cost due to enhancement of the plot was also challenged by some of the allottees. This Court directed the PSIEC to recalculate and pass a speaking order. Respondent No.2 vide order dated 25.4.2012 (Annexure P-9) directed the petitioner to deposit the additional price of plot amounting to ₹ 2,26,083/- on or before 30.4.2012 in the shape of demand draft. CWP-4738-2000 filed by M/s Munjal Gases along with other petitions was dismissed by this Court vide order dated 4.12.2014 (Annexure P-11). Against the order, Annexure P-11, M/s Munjal Gases filed SLP(C) No. 11341-2015 and the Supreme Court vide order dated 13.12.2017 (Annexure P-12) ordered that the total outstanding amount of ₹ 33,30,920/- as on 31.12.2017 be paid in three equal installments by 30.9.2018. Accordingly, the petitioner made a representation dated 19.12.2017 (Annexure P-13) to respondent No.3 to allow them to deposit the balance amount as per the order dated 13.12.2017 (Annexure P-12) passed by the Supreme Court, but to no effect. Thereafter,

the petitioner sent a reminder dated 30.12.2017 (Annexure P-14) for depositing the principal outstanding amount of ₹ 20,63,694/- towards cost of the land with simple interest as per the decision of the Apex Court, 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 a representation dated 19.12.2017 (Annexure P-13) followed by a reminder dated 30.12.2017 (Annexure P-14) to respondent No.2, 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 representation dated 19.12.2017 (Annexure P-13) followed by a reminder dated 30.12.2017 (Annexure P-14), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner or its authorized representative within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

January 12, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes