

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-5255-2018

Date of Decision: 6.3.2018

Hometown Properties Pvt. Ltd., New Delhi

...Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Harsh Garg, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to decide the representation dated 17.10.2017 (Annexure P-18) submitted by the petitioner.

2. The petitioner company was incorporated in the year 2010-11 at Delhi as per the Memorandum and Articles of Association, Annexure P-1. Vide Resolution dated 17.1.2018 (Annexure P-2), Shri Ashok Gupta had been authorized to file the present petition. In the year 2012, the petitioner approached respondent No.2 for the grant of license for the development of a commercial colony on the land measuring 3.475 acres within the revenue estate of village Sihi, Sector 83, Gurgaon vide letter of intent dated

was granted. Since there was anomaly in the area applied for the license and the area actually granted, the petitioner vide letter dated 2.5.2013 (Annexure P-5) requested respondent No.2 to remove the anomaly and to adjust the excess amount towards the Infrastructure Development Charges (IDC). Even the petitioner made further payment of ₹ 5,48,57,000/- towards External Development Charges (EDC) vide letter dated 9.1.2014 (Annexure P-6) and vide letter dated 9.1.2014 (Annexure P-7) also made payment of ₹ 2,69,11,000/- on account of IDC. When no action was taken, on the letter, Annexure P-5, the petitioner sent a reminder dated 26.2.2014 (Annexure P-8) to respondent No.2. In response thereto, vide letter dated 6.5.2014 (Annexure P-9), the petitioner was directed to submit certain documents. The petitioner submitted the required documents vide letter dated 23.5.2014 (Annexure P-10). Again the petitioner made a request to respondent No.2 vide letter dated 20.5.2015 to refund the excess amount. However, vide order dated 9.9.2015 (Annexure P-11), the said amount was refunded to the petitioner. Vide letters dated 20.10.2016 (Annexure P-12) and 23.12.2016, the petitioner was directed to deposit the arrears of the amount towards the license and the petitioner replied the said letter vide letter dated 9.11.2016 (Annexure P-13). Further, vide notice dated 6.3.2017 (Annexure P-14), the claim for exemption as per the policy applicable in terms of EDC etc. was rejected and the petitioner was directed to pay the entire dues. The petitioner replied the said notice vide letter dated 16.3.2017 and also made further payment of ₹ 1 crore vide demand draft dated 10.8.2017 submitted vide letter dated 10.8.2017 (Annexure P-15). The petitioner vide letter dated 22.9.2017 (Annexure P-16) requested respondent No.2 to refund the excess the amount. The respondents vide letter dated 16.10.2017 (Annexure

P-17) insisted the petitioner for the payment of dues. Accordingly, the petitioner moved a representation dated 17.10.2017 (Annexure P-18) to respondent No.2 regarding EDC/IDC payments, 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 17.10.2017 (Annexure P-18) 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 17.10.2017 (Annexure P-18), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 6, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes