

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.31241 of 2018 (O&M)
Date of Decision : 10.12.2018

M/s Malke Estate Pvt. Ltd.

....Petitioner(s)

Versus

Union Territory, Chandigarh and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr. Pankaj Jain, Advocate for the petitioner(s)

MAHESH GROVER, J.(ORAL)

The petitioner impugns the order dated 23.10.2018 passed by the competent authority in revision proceedings. The petitioner was issued a show cause notice by the Municipal Corporation on 5.3.2014 under Rule 12 (iii) and 13 (iii) of the Chandigarh Estate Rules 2007 as amended. He was in arrears, the details of which finds mentioned in the impugned order. The liability indicated is upto the year 2014. Against this show cause notice the petitioner filed CWP No.13017 of 2014 where this Court passed the order on 9.7.2014, the relevant of which we may extract herebelow:-

“Since the petitioner has been asked to show cause vide impugned notice dated 5.3.2014, nothing prevents it from taking its defence plea in response thereto and if such a reply is filed within two weeks, we

direct the competent authority to consider and decide the same judiciously and in accordance with law by passing a speaking order.

The petitioner may, meanwhile, deposit the demanded amount without prejudice to its legal rights. The competent authority may also sympathetically consider the petitioner's request for payment of due amount in 2/3 instalments, however, without prejudice to its legal rights.”

To a pointed question by us as to whether the petitioner has made payment pursuant to the aforesaid directions of this Court, learned counsel for the petitioner candidly concedes that no payment was made.

We notice from the impugned order that the Joint Commissioner, Municipal Corporation decided the revision of the petitioner on 16.10.2014 and directed him to pay the outstanding amount. The petitioner rather insisted that he was not inclined to make the payment as there were no amenities provided by the respondents. The revisional authority recorded that the present dispute arose when the Joint Commissioner exercising the powers of the Estate Officer, Municipal Corporation, Chandigarh served a show cause notice in March, 2014 and the petitioner failed to deposit the amount despite the directions of the Court. He further noticed that the permission for occupation certificate and use of building upto 2nd floor was subject to clearance of dues amounting to Rs.1,75,47,988/- before 16.9.2003. Evidently, the petitioner is in arrears which he does not intend to clear despite directions of the Court.

petitioner has miserably failed to abide by the terms of the allotment and the directions given by this Court in CWP No.13017 of 2014. No ground to interfere is made out. Hence, instant petition is hereby dismissed.

(Mahesh Grover)
Judge

10.12.2018
rekha
Whether speaking/reasoned
Whether reportable

(Lalit Batra)
Judge
Yes/No
Yes/No