

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**Letters Patent Appeal No. 2426-2017 (O&M)**

Date of Decision: 27.11.2019

Municipal Corporation of Faridabad and another

-

.....Appellants

versus

M/s Light of India Industries and another

-

.....Respondents

**CORAM:     HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE  
               HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE**

**Present :**     Mr. Lokesh Sinhal, Advocate, for the appellants.  
                   Mr. A.P.Bhandari, Advocate, for the respondents.

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**RAVI SHANKER JHA, CHIEF JUSTICE (oral)**

This Letters Patent Appeal has been filed by the appellant-Municipal Corporation, Faridabad being aggrieved by the decision of the learned Single Judge dated 25.05.2017 passed in Civil Writ Petition No. 19953 of 2013, whereby the learned Single Judge has disposed of the petition by directing the appellant-corporation to consider the application of the petitioners (respondents herein) as per the provisions of the Haryana Municipal Corporation Act, 1994 in accordance with the aforementioned Chapter within a period of two months from the date of receipt of a certified copy of the order.

Learned counsel for the appellants submits that from a reading of the impugned judgment/order of the learned Single Judge, it is not clear as to whether the appellants would decide the same by excluding or by

including the provisions of Chapter 20 of the Haryana Municipal Corporation Act, 1994 (for short 'the Act of 1994'). It is submitted that as the provisions of Chapter 20 of the Act of 1994 are very much in the statute book, therefore, a clarification is required to be issued by this Court.

Learned counsel for the respondents per-contra submits that the entire issue relates to the charging of exorbitant external development charges (EDC) by the appellants which is infact not provided or envisaged in Chapter 20 of the Act of 1994. He has relied upon a decision of this Court dated 11.01.2010 rendered in Civil Writ Petition No. 1079 of 2007 in support of his submissions. Learned counsel for the respondents also asserted on the basis of the information received under the Right to Information Act, 2005 that the appellant's authorities have infact granted permission to another similarly situated persons without charging of any EDC and therefore, the respondents have no objection if the impugned order of the learned Single Judge is implemented by the appellants keeping in view the law as laid down by this Court dated 11.01.2010 rendered in Civil Writ Petition No. 1079 of 2007 (*M/s ABB Limited, Plot No. 32, Industrial Area, NIT Faridabad v. Municipal Corporation, Faridabad and another*) and also applying the concept of parity by taking into consideration the permission granted to one Rohit Gupta.

We have heard learned counsel for the parties at length.

Keeping in view the submissions of learned counsel appearing for both the parties, we dispose of this appeal filed by the appellants by reiterating the directions issued by the learned Single Judge in the penultimate paragraphs of the impugned order dated 25.05.2017 with a clarification that the appellants' authorities while considering the same shall take into consideration the provisions of the Act of 1994 including the

provisions of Chapter 20 and also the order passed by this Court in Civil Writ Petition No. 1079 of 1997 *M/s ABB Limited, Plot No. 32, Industrial Area, NIT Faridabad* (supra) as well as the building plan already submitted by the respondents as on date and shall also keep the concept of parity in mind regarding non-charging of EDC from similarly situated persons that has been placed before us.

Accordingly, the appeal stands disposed of.

(RAVI SHANKER JHA)  
CHIEF JUSTICE

(RAJIV SHARMA)  
JUDGE

27.11.2019  
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|---------------------------|---------|
| Whether speaking/reasoned | √Yes/No |
| Whether reportable        | Yes/No√ |