

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

RA-CW-138-2020 in

CWP-4880-2020

Date of decision: 18.11.2020

Bahadurgarh 4B Industrial Association and others

... Applicant (s)-Petitioner (s)

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Puneet Bali, Sr. Advocate, with
Mr. Ravi Prakash, Advocate,
Mr. Tushar Sharma, Advocate and
Mr. Prashant Rana, Advocate
for the applicant(s)-petitioner (s).

Mr. B.R. Mahajan, Advocate General, Haryana with
Ms. Kushaldeep K. Manchanda, Advocate,
for the respondents.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioners have filed this application under Order 47 Rule
1 read with Section 151 of CPC seeking review of the order dated 24.2.2020
passed by this Court in CWP-4880-2020.

The petitioners filed CWP-4880-2020 for quashing the
calculation sheet (Annexure P-14), demand notice (Annexure P-11) and
show cause notices (Annexures P-15 and P-21), vide which, the petitioners
have been called upon to pay the enhanced price of the plots, allotted to
them.

In the said writ petition, notice of motion was issued and the

same was disposed of vide order dated 24.2.2020 which reads as under : -

“Notice of motion.

On the asking of the court, Mr. P.P. Chahar, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1-State of Haryana whereas Mr. Ankur Mittal, Advocate accepts notice on behalf of respondents No.2 and 3.

Petitioners are aggrieved by calculation sheet, Annexure P-14 and consequent demand notices issued by the authority asking them to pay additional price for the plots in lieu of enhanced compensation granted to the landowners from time to time.

Mr. Akshay Bhan submits that they have submitted detailed objections to the demand notices and have questioned the calculation in the calculation sheet as well. They have even raised the questions about the basis of imposition of development costs and calculation of saleable and non-saleable area. However, no decision has been taken by the concerned authority despite lapse of considerable period.

Mr. Mittal at the outset submits that in cases where such objections have been received shall be dealt with expeditiously and a decision shall be taken by the concerned authority, at the earliest, in any case not later than five months. However, he prays that the petitioners be asked to deposit at least a part of the amount meanwhile.

In view of the statement made by Mr. Mittal, we dispose of the present petition with liberty to the concerned authority to take a decision on all the issues raised by the petitioners within the aforesaid period after affording an opportunity of hearing to the petitioners. However, the petitioners shall be required to remit ₹ 2500/- per square metre within a period of one month from today as part of the demand raised by the authority.

Needless to observe that before the expiry of aforesaid period of five months, the authority shall not insist on the

payment of amount more than ₹ 2500/- per square meter.”

The present application has been moved by the petitioners seeking review of the aforesaid order dated 24.2.2020 inasmuch as it directs the petitioners to deposit ₹ 2500/- per square metre within a period of one month from the date of the order as part of the demand raised by respondent No.2-HSIIDC.

We have heard the counsel for the parties.

Counsel for the petitioners has submitted that the plots in question were purchased by the petitioners @ ₹ 4000/- per square metre and now the petitioners have been asked to pay enhanced price of the plots @ ₹ 9249/- per square metre. It is further contended that the above said rate of ₹ 4000/- per square metre, already includes enhanced price which has been demanded from the petitioners vide impugned demand-show cause notices. In these circumstances, the direction given by the Court to the petitioners to pay additional amount of ₹ 2500/- per square metre, is totally unreasonable and requires reconsideration.

Counsel for the petitioners has also furnished written submissions in which he referred to two earlier decisions of this Court, i.e., **Surinder Singh v. State of Punjab and others**; 1998 (1) RCR (Civil) 89 and **Nisha v. State of Punjab**, 2001 (4) RCR (Civil) 40.

On the other hand, learned State counsel has submitted that the petitioners failed to comply with the aforesaid direction within the stipulated period. The present application has been filed by the petitioners just to delay the matter. It is further contended that the impugned order was passed with the consent of the counsel for both the parties. Even otherwise,

the scope of review is very limited in nature. While concluding his arguments, learned State counsel has submitted that the review application deserves to be dismissed having no merits.

We have considered the submissions made by the counsel for the parties.

Order in question dated 24.2.2020, appears to be passed in the presence of counsel for both the parties, with their consent. While passing order dated 24.2.2020, sufficient indulgence was shown by the Court while issuing direction to the petitioners to deposit amount @ ₹ 2500/- per square metre and protection was provided to them for a period of 5 months. However, the petitioners failed to comply with the aforesaid direction whereby they were directed to deposit additional amount at very reasonable rate of ₹ 2500/- per square metre against the rate demanded by the authority i.e. @ ₹ 9249/- per square metre.

Also, it is the settled law that the powers of review under Section 114 read with Order 47 Rule 1 CPC cannot be exercised as an inherent power or an appellate power. The matter cannot be re-heard on merits, under the garb of review.

In the light of the above, we do not find any reason to review the order dated 24.2.2020. Consequently, the present review application is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

November 18, 2020

Paritosh Kumar

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No