

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

**Civil Writ Petition No. 22450 of 2020 (O&M)
Date of Decision: 23.12.2020**

Tulsi Parmar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Abhimanyu Kalsy, Advocate
for the petitioner.

Mr. Rajeev Anand, Advocate
for respondent Nos. 6 & 7.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

1. The petitioner who is a resident of Gwalior, Madhya Pradesh submits that her husband approached the private respondents No. 6 (Czar Buildwell Private Limited, Gurgaon, Haryana) for applying for apartment in Project under Affordable Housing Scheme of 2013 but the application for allotment was not given to him and premium amount of Rs. 6 – 7 lakhs over and above the sale price of the apartment was demanded to be paid in cash only for the supply of the application form. The petitioner relies on a telephone conversation which is allegedly the recording of the conversation between the husband of the petitioner and the executive of respondent No. 6-Company. The petitioner is thus, seeking directions to state authorities for transparency in the allotments in the project in question as also cancellation of the License and other approvals of the Respondent No. 6 & 7 Company

regarding the Project in question.

2. Sh. Rajeev Anand, Advocate, has put in an appearance for the private respondent Nos. 6 & 7 and assisted the Court regarding the Affordable Group Housing Scheme -2013 and the process and procedure of allotment of apartments in Affordable Group Housing Project through detailed check and balances by the State / District administrative authorities and in a very transparent manner. It is contended, supported by a written note, that the Affordable Group Housing Policy-2013 issued by the State of Haryana under **Section 9-A** of the **Haryana Development and Regulation of Urban Areas Act 1975** which lays the settled parameters and procedures by the Government to encourage Planning and completion of Group Housing Projects where apartments of “*pre-determined sizes*” and “*pre-determined rates*” are developed within a targeted framework for increased supply of Affordable Housing. The Application forms for the apartments under the Affordable Housing are supplied through the Company Office as also some forms through the RERA Office and the HUDA Office. Right from the issuance of the advertisement, scrutiny of applications, at each stage, the process is monitored by District Town Planner (of the office of Director Town and Country Planning Haryana) of the District concerned. The final step of *draw of lots* for allotment of apartments is made by the participation and in the presence of Committee consisting of Deputy Commissioner of the District concerned or his Representative (atleast HCS rank Officer), Senior Town Planner etc.

3. While denying all the allegations, so leveled in the present petition, as blatantly false and incorrect it is submitted by Sh. Anand that upon the grant of the License, the Building Plans (plus the Revised Building

Plans) were duly approved by the DTCP Authorities and thereafter applications were called for 448 number of 3 BHK Affordable Apartments and 182 number of 2 BHK Affordable Apartments. A total of **448** Application for 3 BHK Affordable Apartments and **5591** Applications for the 2 BHK Affordable Apartments (total 6039 application) are received which are under the process of scrutiny by the Authorities and the draw of lots under the aegis of the District Administrative Authorities will take place.

4. The aforementioned policy parameters are not disputed by the counsel for the petitioner wherein detailed checks and balances have been incorporated. The Policy of 2013 is not annexed with the writ petition and there is no averment that the above checks and scrutiny is not carried in the project in question. The petitioner on the other count is raising the disputed questions of fact regarding the non supply of application form and demanding some premium on the same that too regarding the instance allegedly between the husband of the petitioner and the executive of respondent No. 6-Company and on that basis seeking cancellation of the license of respondent No. 6 by invoking extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, when such application forms are available / required to be in the office of HARERA Gurugram / HUDA Office.

The License for Affordable Group Housing is granted under the provisions of Section 3 of the Haryana Development and Regulation of Urban Areas Act 1975 ("1975 Act"). If the petitioner has any grievance against the unfair practice or breach of conditions of such license, the

remedy of the petitioner is provided before the Director Town and Country Planning under the provisions of Section 8 of 1975 Act for cancellation of license and the said Act also provides for remedy of Appeal against any adverse order passed by the Director Town and Country Planning.

In view of the controversy raised and the facts and policy parameters brought to the notice of this Court, the **petition** is **dismissed**. However, the petitioner is at liberty and may seek his remedies, if any under the ordinary course of law.

(JASWANT SINGH)
JUDGE

December 23, 2020
'dk kamra'

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>