

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

210

CWP-8332-2021

Date of decision: 1.11.2021

Ved Parkash Nangia

....Petitioner

Versus

Administrator, Haryana Shahri Vikas Pradhikaran and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Ms. Priyanka Sud, Advocate for the petitioner.

Mr. R.K. Sheoran, Advocate for the respondents-HSVP.

TEJINDER SINGH DHINDSA. J. (ORAL)

Brief facts emanating from the writ petition are that the petitioner was issued re-allotment letter pertaining to Plot No. 286, Sector 9, Gurugram on 02.08.1995. There was stated to be some encroachment on the plot in question. Conveyance deed in favour of the petitioner was executed on 05.08.2011.

Pursuant to the desire of the petitioner to construct the plot, building plan had been submitted on 04.07.2012. Certain objections having been raised, petitioner resubmitted the building plan on 23.07.2012 along with requisite fees. The fresh building plan was not sanctioned on the ground that there were some encroachment on the plot.

Be that as it may, it has gone un-controverted that actual physical possession of the plot in question was delivered to the petitioner only in August, 2020.

Challenge in the instant petition is to the levy of non-construction charges of about Rs. 38 Lakhs by taking into consideration the entire period from the year 2013 till year 2020 .

The short issue raised on behalf of the petitioner is to the effect that the physical possession has been delivered only in the year 2020 the levy of non-construction charges for the period of year 2013 till year 2020 cannot sustain.

On a previous date of hearing we had taken note on the submission made by Mr. R.K. Sheoran, learned counsel representing the respondents-Haryana Shahri Vikas Pradhikaran and others that the final decision with regard to levy of fee for non-construction is under consideration.

During the course of resumed hearing today, learned counsel for the respondents-Haryana Shahri Vikas Pradhikaran has furnished copy of memo dated 01.11.2021 issued by the Estate Officer-I, HSVP, Gurugram and addressed to Mr. Rajesh Sheoran, Additional Advocate General, Haryana conveying that the Head Quarter of the Haryana Shahri Vikas Pradhikaran has approved the recommendation that extension fees for the period from 2013-2020 would not be chargeable upon the petitioner.

Perusal of the communication further reveals that PPM software

would also be updated as per approval granted by the Head quarter within a period of next seven days by deleting the period of 2013 to 2020 as regards extension fees/levy of charges for non-construction.

Such communication bearing No. SPL-1 dated 01.11.2021 is taken on record as Mark 'A'.

Copy has been supplied to counsel opposite.

In the light of such subsequent development, the grievance of petitioner stands redressed.

Petition is disposed of as infructuous.

Needless to observe the respondent- Haryana Shahri Vikas Pradhikaran would remain bound by the decision contained in the memo dated 01.11.2021 at Mark 'A'.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

01.11.2021
Vishal sharma

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