

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

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**CWP-11172-2021
Decided on : 24.06.2021**

M/s Nav Shikha Polypack Industries Pvt. Ltd.

... Petitioner

Versus

Haryana State Industrial & Infrastructure Development Corporation (HSIIDC)
& another

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Kamal Sehgal, Advocate, for the petitioner.

Mr.Ankur Mittal, Addl.A.G., Haryana, for the respondents.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of writ in the nature of mandamus, directing the respondent-Corporation to consider the case of the petitioner under the 'Vivadon Ka Samadhan Scheme'. The same is stated to be covered by the operational circular dated 28.04.2021 (Annexure P-21) vide which the grant of waiver of 25% of the overdue interest and 100% waiver of penal interest is to be given to the allottees of industrial and residential plots who are desirous of clearing the entire default amount on account of plot cost, enhanced cost and maintenance charges in one go before 30.06.2021.

It is the case of the petitioner that regarding plot No.174, Phase-I, Sector-3, Industrial Estate, G.C. Bawal, Rewari measuring 4000 sq.meters which was allotted on 21.01.2010 (Annexure P-2), he had allegedly deposited the entire amount under protest on 31.12.2020, since he had also filed CWP-22782-2020 and there was no interim order of stay. It is, thus, the case of counsel for the petitioner that the petitioner has filed representation dated 21.05.2021 (Annexure P-22) that since he had paid the entire defaulted amount, the benefit of the said circular (Annexure P-21) be also granted to him.

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It is submitted that on account of the inaction of the respondents on acting on the said representation, he would be rendered ineligible to take the benefit as the circular provides that the amount is to be deposited before 30.06.2021 and therefore, he would not be considered under the same. He, accordingly, prays for the limited relief for decision of the said representation.

Notice of motion.

Mr.Mittal accepts notice on behalf of the respondents and on instructions, submits that the representation has not been received.

The said fact need not detain this Court as the present writ petition along with the representation which has been received by Mr.Mittal can be treated as a representation.

Mr.Mittal further points out that on account of the limited time available it would not be possible to decide the representation before the cut-off date of 30.06.2021. He, however, assures the Court that the decision on the said representation shall be completed by 10.07.2021.

With this assurance given, the present writ petition is disposed of.

It is made clear that in case the Corporation decides the issue in favour of the petitioner by passing a reasoned order, the cut-off date of 30.06.2021 shall not be an impediment in the way of the petitioner to get his case considered under the operational circular dated 28.04.2021 (Annexure P-21). In case the petitioner does not get a favourable response from the Corporation, it would be open for him to challenge the said decision of the Corporation by way of separate proceedings.

(G.S. SANDHAWALIA)
JUDGE

JUNE 24, 2021
sailesh

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No