

CWP-15168-2021

Date of Decision: 10.08.2021

GREATWAY BUILDTECH PVT. LTD. AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajiteshwar Singh, Advocate for the petitioners.

* * *

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Counsel at the very outset confines the scope of the instant petition as regards issuance of directions to the Director General, Department of Town and Country Planning, Haryana to take a final decision as regards the claim of the petitioner-Company for refund of certain amount pertaining to the grant of licence for setting up of an industrial colony over an area admeasuring 70.368 Acres in the revenue estate of Village Kasan and Dhana, Gurgaon Manesar, Urban Complex.

It is the assertion made by counsel that from the year 2009 onwards the respondents have retained a sum of Rs.3 Crores 15 Lakhs approximately under the garb of consideration for grant of licence. The matter, however, was not processed. It is also the contention that the matter was kept pending seemingly under the garb of certain pending litigation before the Apex Court and which as per counsel was not the

correct factual premise.

It is further contended that the State Government having not refunded the amount and not taking a final decision on a representation/claim having been filed in this regard would tantamount to undue enrichment by the State.

Since the prayer is only for taking a final decision on the representation that has been preferred by the petitioner-Company, we are not examining the claim on merits.

Without even ascertaining the correctness of the averments made in the petition, we deem it appropriate to dispose of the writ petition with a direction to respondent No.3 to examine the claim of the petitioner against the backdrop of a representation/claim petition dated 19.6.2021 at Annexure P-26 in accordance with law. A final decision in such regard be taken expeditiously and in any case within a period of 3 months from the date of receipt of a certified copy of this order and the same be communicated to the petitioner.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

10.08.2021
Janki

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