

205(4)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23573-2015(O&M)

Date of Decision:08.09.2021

Rajiv Malik and another

..... Petitioners

versus

State of Haryana and others

..... Respondents

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

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate for the petitioners.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

Mr. Deepak Balyan, Advocate for respondent-HSVP.

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.

Affidavit of the Administrator, Haryana Shehri Vikas Pradhikaran (HSVP), Gurugram along with Annexures C-1 and C-2 has been filed today and the same is taken on record. A complete copy has been furnished to counsel opposite.

Challenge in the instant petition filed in the year 2015 is to the demand raised vide memo dated 27.07.2015 (Annexure P-17) by the Estate Officer-II, HUDA, Gurgaon as regards enhanced compensation (principal

amount) as also the interest component pertaining to Plot No.11, Sector 43, Gurgaon. A writ of mandamus was also sought directing the respondents to recalculate the amount as per law and not to charge interest/penalty on the enhanced cost for the period 13.02.2012 till 27.07.2015.

We find that this matter has had a chequered proceedings spread over more than 25 dates.

Repeated adjournments had been sought on behalf of the contesting respondent/HUDA to furnish calculations justifying demand put forth vide impugned notice at Annexure P-17 dated 27.07.2015.

In the interregnum and during pendency of the petition a related aspect also cropped up as regards OTS schemes having been framed by the HUDA authorities. The order-sheet reveals that at a certain point of time Mr. Deepak Balyan, learned counsel representing contesting HUDA had even indicated to this Court that as per OTS scheme the outstanding amount would be Rs. 48 lakhs.

In the affidavit dated 06.09.2021 of the Administrator, HSVP, Gurugram that has now been filed, the amount due has swelled up to Rs. 60 lakhs. There is no clarity with regard to the breakup of the demand that had been raised from the petitioners.

A suggestion has been put forth by learned senior counsel representing the petitioners that an opportunity be granted to the petitioners to appear before the Administrator, HSVP, Gurugram so as to dispute and raise objections against the demand memo dated 27.07.2015 (Annexure P-17) and for an opportunity of hearing to be afforded in such regard. It is submitted that the Administrator ought to thereafter pass a detailed and reasoned order in such regard.

Mr. Deepak Balyan, learned counsel representing respondent-HUDA(now HSVP) does not oppose such suggestion and rather submits that it would in all probability bring a quietus to the matter.

In view of the above, we dispose of the writ petition with a direction to the Administrator, HSVP, Gurugram to convey to the petitioners a date for personal hearing in the matter. Petitioners are at liberty to file a detailed representation/objection to the demand memo dated 27.07.2015 at Annexure P-17. It would also be open for the petitioners to raise submissions as regards their case being covered, if at all, under any of the OTS schemes that may have been formulated by the HUDA authorities post the demand memo dated 27.07.2015.

The Administrator, HSVP, Gurugram would thereafter take a final view in the matter by passing a detailed and reasoned order and the same would be conveyed to the petitioners. We would expect the Administrator while taking a final view in the matter to keep in mind that the writ petition had been filed in 2015 and the proceedings had been deferred time and again at the instance of the HUDA authorities on account of their failure to having filed response to the petition and as such while arriving at a final conclusion to give due leverage to the petitioners for such six years period i.e. from the year of filing of the writ petition i.e. 2015 till its final disposal today i.e. 2021.

Needless to observe that it would always be open for the petitioners to raise a challenge to the order that has been directed to be passed by the Administrator in the eventuality of the same being construed to their prejudice.

The entire exercise be concluded within a period of four months

from today.

Disposed of.

Pending applications, if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VIVEK PURI)
JUDGE

08.09.2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No