

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

**CWP-22878-2021(O&M)
Date of Decision:18.11.2021**

M/s Dwarka Dhruv Developers

..... Petitioner

versus

State of Haryana and others

..... Respondents

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

Present: Ms.Isha Goyal, Advocate for the petitioner.

Mr.Anil Chawla, Advocate for respondent-HSVP

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks quashing of memo No. 4032 dated 23.06.2021 (Annexure P-5) issued by the Estate Officer-II, HSVP, Gurugram revoking the Occupation Certificate of commercial property bearing SCO No. 53, Sector 29, Gurugram.

Counsel raises various submissions and grounds to assert that the impugned memo is bad in law and cannot sustain.

Be that as it may, we find that on 03.08.2021 petitioner had filed a representation (Annexure P-7) seeking restoration of the Occupation Certificate. It is a detailed representation and one of the assertions contained therein is that the building violation has since been removed.

We are *prima facie* of the view that such representation can be entertained by the authority concerned under clause 4.12 contained in Chapter IV of the Haryana Building Code 2017 on the subject-Revocation of

Occupation Certificate.

In view of the above and without even opining on the merits of the case, writ petition is disposed of with a direction to the 3rd respondent i. Estate Officer-II, HSVP, Gurugram to look into the matter and to examine the representation at Annexure P-7 dated 03.08.2021 and to take a decision thereupon in accordance with law and by passing a reasoned speaking order within a period of six weeks from today. Needless to mention that it would be open for the respondents to even carry out a physical inspection of the premises since building violations have been alleged and to the contrary stand of the petitioner is that the same have already been removed.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S.BHARDWAJ)
JUDGE

18.11.2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No