

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

**CWP-10713-2021 (O&M)
Date of Decision:14.02.2022**

CJ DARCL Logistics Ltd.

... Petitioner

Versus

State of Haryana & others

... Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.
HON'BLE MR. JUSTICE LALIT BATRA.**

Present:- Mr. Anil Goel, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Advocate for respondent/HSVP.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

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

CM-1495-CWP-2022:

Prayer in the instant application is for withdrawal of the main writ petition.

Notice in the application.

Mr. Rajesh K. Sheoran, Advocate has joined proceedings on behalf of contesting respondent/HSVP.

Copy of the application already stood furnished.

In view of the prayer made in the application and by recording a no objection from the counsel opposite, the date in the main writ petition is preponed from 31.05.2022 and the same is taken up on Board today itself.

Application is disposed of.

Main case:

Instant writ petition had been filed seeking a mandamus directing the respondents to take a decision on the representation dated 14.09.2020 at Annexure P-18.

Suffice it to notice that the grievance of the petitioner was as regards a demand of External Development Charges to the extent of Rs.1,47,26,250/- in the year 2013.

It appears that the petitioner had already deposited such amount under protest.

Petition had come up for preliminary hearing before this Court on 29.06.2021 and notice of motion was issued in the following terms:

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

Innocuous prayer made in the petition is for issuance of directions to the respondents to decide a representation dated 14.09.2020 (Annexure P-18) that has been filed by the petitioner.

Pleadings on record apparently show that HUDA had raised a demand of external development charges to the extent of Rs.1,47,26,250/- in the year 2013. Apparently petitioner deposited such amount under protest. Case of the petitioner projected is that such demand of enhanced EDC was on the strength of certain circular dated 26.06.2013 and which could not have been applied with retrospective effect.

We, however, find that the petitioner ought to have raised this issue immediately upon such demand having been raised. Petitioner-unit has rather chosen to file the instant petition only in the year 2021.

Counsel upon instructions from the authorized representative of the petitioner-firm makes a statement that in case his claim/prayer for refund of the enhanced EDC is to be accepted, he would not press for interest for the intervening period i.e. from 2013 onwards.

Notice of motion returnable for 10.09.2021.”

During the course of resumed hearing today, counsel for the parties apprise us that the representation of the petitioner dated 14.09.2020 at Annexure P-18 has since been decided and an order dated 03.09.2021 has been passed.

Under such circumstances and in view of the subsequent development, counsel seeks withdrawal of the instant writ petition to enable him to assail the order dated 03.09.2021 on all such grounds as may be available in accordance with law.

Prayer is allowed.

Petition stands disposed of as withdrawn with liberty as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

14.02.2022
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |