

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

138

**CR-1326-2021
Date of Order: 19.04.2022**

M/S TOTAL RETAIL SOLUTIONS PVT LTD

..Petitioner

Versus

M.L. GUPTA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Kumar Mukhi, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The defendant No.1 has invoked jurisdiction under Article 227 of the Constitution of India in order to assail the correctness of orders passed by the trial Court granting injunction in favour of the plaintiff vide order dated 23.09.2020. The first appeal filed by the petitioner has been dismissed by the First Appellate Court. Both the Courts have found that there is a unholy nexus between the builder/colonizer who developed the mall and the petitioner-Company. The defendant No.2 and 3 are the Directors of the builder-Company as well as petitioner-Company. There is a decree of Rs.26 Crores against the builder-Company in favour of the plaintiff.

The petitioner claims that the plaintiff has not paid the maintenance charges. Both the Courts on appreciation of material have found that in fact, the builder-Company and its developers are incorporating different legal entities in order to avoid their own liability and create liability for the allottees.

In view thereof, no ground to interfere with the orders passed by the Courts below, is made out.

Dismissed.

However, the learned trial Court is directed to decide the pending suit expeditiously.

All the pending miscellaneous applications, if any, are also disposed of.

April 19th, 2022

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(ANIL KSHETARPAL)
JUDGE

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