

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

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**CWP no.13179 of 2022
Date of Decision:08.07.2022**

Bahadurgarh 4B Industrial Association and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Puneet Bali, Sr. Advocate, with
Mr. Samir Malik, Advocate, and
Mr. Prashant Rana, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. A.G. Haryana

AMOL RATTAN SINGH, J. (ORAL)

On July 04, 2022 the following order had been passed by this court:-

“Vide this petition, the petitioners challenge the order dated 10.03.2022 passed by respondent no.2, i.e. the Managing Director, HSIIDC, as also the demand notice dated 31.05.2019, and the show cause notices dated 12.04.2022 and 21.09.2019 (Annexures P-2 and P-3 respectively), with Mr.Bali, learned counsel for the petitioners, pointing to the order passed by this court (co-ordinate bench) on 24.02.2020 (Annexure-10), and that passed by the Supreme Court thereafter on 15.11.2021; an SLP before the Apex Court having been filed by the petitioners against the order passed by this court in a

review petition in respect of the order passed on 24.02.2020.

Learned senior counsel submits that both, in the order dated 24.02.2020 of this court as also of the Supreme Court dated 15.11.2021, the direction essentially was that all objections raised by the petitioners would be duly heard and considered by the authority concerned and thereafter an order passed; whereas the impugned order Annexure P-1 does not deal with all the objections raised by the petitioners and in fact the order was passed without hearing the petitioners.

Notice of motion.

Mr. Ankur Mittal, Addl.A.G., Haryana, accepts notice at the asking of the court on behalf of all the respondents.

He fairly admits that after the Supreme Court order was passed the petitioners were not heard, but before that order, pursuant to the order of this court dated 24.02.2020, notices were sent to the petitioners to which they did not respond (which Mr.Bali refutes).

Mr. Bali has also produced in court today “a note” of the arguments that the petitioners would have raised had they been heard by respondent no.2 before the impugned order Annexure P-1 was passed; and consequently, he seeks that the matter be remitted to the said respondent for a fresh decision.

A copy of the arguments/objections has been handed over to Mr.Mittal, who would go through the same, as also the pleadings before respondent no.2, and the impugned order, to determine as to whether the objections raised by the petitioners at that stage were individually considered and decided or not.

In view of the fact that the matter may simply be disposed of on that day, (if Mr. Mittal finds that the objections have actually not been considered in detail by the respondents), to be shown in urgent motion list.

Adjourned to 08.07.2022.”

Today, Mr. Mittal has submitted to this court a “list” of 13 objections, in a table as has been supplied to him by learned counsel for the petitioners. He submits that as per his discussion with the MD, HSIIDC, the respondent Corporation would not object to the matter being heard afresh for considering all the objections as are given in the said table; and that for that purpose this court may take the said table on record, so that after the final order is passed upon considering such objections, no further objections can be raised by the petitioners.

We find that request to be reasonable and consequently, with learned counsel for the petitioners also admitting to having supplied the aforesaid table/list of objections, the said table is taken on record as Mark-A by this court and shall therefore remain on the record of the case file.

In view of the very fair statement made by learned counsel for the respondent Corporation, this petition is allowed to the extent that the impugned order Annexure P-1, dated 10.03.2022, is set aside, with liberty to the respondents to pass a fresh order after duly hearing the petitioners and considering all objections as have been enumerated by the petitioners in the list/table taken on record today as Mark-A.

The needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

Mr. Mittal has clarified that he made the aforesaid statement in consultation with the MD of the HSIIDC only because the petitioners were not actually heard on the date that the impugned order was passed.

Naturally, since the impugned order has been set aside, with liberty to pass a fresh order after hearing the petitioners, the respondents, till the fresh

decision is taken, shall not insist upon payment of Rs.2500/- per square meter as was demanded by them from the petitioners qua the land in question.

(AMOL RATTAN SINGH)
JUDGE

July 08, 2022
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(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No