

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

CWP-12775-2022

Date of Decision:02.06.2022

Rajdarbar Heights Pvt. Ltd.	Petitioner
vs.	
State of Haryana and another	Respondents

CWP-12827-2022

Rajdarbar Heights Pvt. Ltd.	Petitioner
vs.	
State of Haryana and another	Respondents

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

Present: Mr. Aashish Chopra, Sr. Advocate with
Ms. Rupa Pathania, Advocate,
for the petitioners.

Mr. Deepak Bhardwaj, Addl.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Vide these petitions, learned senior counsel appearing for the petitioners submits that the communication Annexure P-10 in CWP-12775-2022 and Annexure P-8 in CWP-12827-2022, actually amount to orders of rejection of the petitioners' application for grant of a licence and therefore, would be appealable in terms of Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975, which reads as follows:-

Section 19. Appeal. - Any person aggrieved by any order of the Director or any officer appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director may, within a period of thirty days of the date of communication of the orders to him, prefer an appeal to the Secretary to Government, Haryana, Town and Country Planning Department, in such form and manner as may be prescribed:

Provided that the appeal may be entertained after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

He submits that thereafter representations have been made to the Director, Town and Country Planning, Haryana, with copies to the Principal Secretary to Government of Haryana, Department of Town and Country Planning, who is the appellate authority in terms of the said Act, but with the petitioners to be given the liberty to file a formal appeal in proper form.

Without making any comment whatsoever on the merits of the matter the aforesaid prayer is allowed, in as much as appeals may be filed by the petitioners in proper format before the appellate authority, which would be considered not only on their merits but also as regards the maintainability thereof.

Any application for interim relief would also naturally be considered by the appellate authority on its merits and the maintainability thereof, and appropriate orders would be passed at least on such applications, within a period of three weeks thereafter.

(A photocopy of this order be placed on the file of the connected case).

**(AMOL RATTAN SINGH)
JUDGE**

June 02, 2022

dharamvir//

**(LALIT BATRA)
JUDGE**