

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

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CWP No.14038 of 2022.

Date of Decision: 14.07.2022.

M/s DRS Plastchem Pvt. Ltd.

....Petitioner.

Versus

State of Haryana and others

....Respondents.

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

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks a direction to the respondents (competent authority in the HSIIDC), to recalculate the enhanced amount demanded by the said authority, as (allegedly) they have not calculated the same properly; with the petitioner further seeking action on its application dated 02.09.2020 (Annexure P-2), in respect of the said grievance, as has been made to respondent No.2, i.e. the Managing Director of the said Corporation.

Even before notice of motion has been issued, upon an advance copy of the petition having been received by Mr. Ankur Mittal, learned counsel for the HSIIDC, Ms. Kushaldeep Kaur, Advocate appears for him and has produced in court an order passed by this court on 08.07.2022, passed in another petition filed by the petitioner itself bearing CWP No.14304 of 2022, vide which that petition was disposed of, with the following being the operational part of the said order:-

“Without going into the constitutional validity of the Estate Management Procedure-2015 (with no statutory backing having been shown to us so far for the same), this petition is consequently disposed of with liberty to the petitioner to file an appeal before the competent authority as submitted by Mr. Mittal, within a period of 15 days from today. Upon any such appeal being filed and any application seeking stay on any order impugned therein, such application would be decided within three months thereafter.”

Though learned counsel for the petitioner would be correct in submitting that the subject matter of that appeal being only qua the resumption orders passed against the petitioner (qua the plot in question) and not qua the amount of enhanced compensation as has been demanded from it, yet, both the issues are obviously intricately related because even as per learned counsel for the respondents the resumption has been ordered due to non payment of the enhanced amount of compensation.

Consequently, while deciding any appeal filed by the petitioner before her/him, the appellate authority would duly go into the issue of whether or not the amount of enhanced compensation demanded from the petitioner is actually as per law and would give an opportunity to the petitioner to present its case qua the amount that actually should be paid; and thereafter would deal with the matter in detail on that issue also (if any

appeal is filed by the petitioner in terms of the order dated 08.07.2022 passed in CWP No.14304 of 2022).

The petition is disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

14.07.2022
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No