

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

220 (Four Cases)

**CWP-8208-2016 (O&M).
Date of Decision: 12.10.2022.**

M/s B.P.S. Developers (P) Limited

...Petitioner

Versus

Permanent Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Tejas Bansal, Advocate, for
Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner(s).

Mr. Ashok Kaushik, Advocate,
for respondent Nos.2 and 3.

VINOD S. BHARDWAJ. J (ORAL).

The present order shall decide a batch of four petitions as common question of law arises for determination in the present batch of petitions and learned counsel appearing on behalf of the petitioner contends that they can be decided by means of a common order. The details of the same are tabulated as under:-

Sr. No.	Writ Petition Number	Title	Impugned order
1	CWP-8208-2016	M/S B P S DEVELOPERS (P) LIMITED V/S PERMANENT LOK ADALAT PALWAL AND ANOTHER.	Order dated 21.04.2016 (Annexure P-4) passed by respondent No.1 in case No.732 of 2014 titled as Shammi Kumar Marwaha and another Vs. M/s B.P.S. Developers (P) Limited.
2	CWP-8300-2016	M/S B P S DEVELOPERS (P) LIMITED V/S PERMANENT LOK ADALAT PALWAL AND OTHERS.	Order dated 21.04.2016 (Annexure P-4) passed by respondent No.1 in case No.633 of 2014 titled as Yogesh Kathuria and another Vs. M/s B.P.S. Developers (P) Limited.
3	CWP-8303-2016	M/S B P S DEVELOPERS (P) LIMITED V/S PERMANENT LOK ADALAT PALWAL AND ANOTHER.	Order dated 21.04.2016 (Annexure P-4) passed by respondent No.1 in case No.731 of 2014 titled as Raj Dev Sharma Vs. M/s B.P.S. Developers (P) Limited.
4	CWP-8209-2016	M/S B P S DEVELOPERS (P) LIMITED V/S PERMANENT LOK ADALAT PALWAL AND ANOTHER.	Order dated 21.04.2016 (Annexure P-4) passed by respondent No.1 in case No.635 of 2014 titled as Shyam Lal Vs. M/s B.P.S. Developers (P) Limited.

For the facility of reference, facts have been taken from CWP No.8208-2016 titled as 'M/s B.P.S. Developers (P) Limited Vs. Permanent Lok Adalat and others.'

Briefly summarized, the challenge in the CWP No.8208-2016 is to the order dated 21.04.2016 (Annexure P-4), passed by respondent No.1 in pending case No.732 of 2014, titled as 'Shammi Kumar Marwaha and another Vs. M/s B.P.S. Developers (P) Limited.'

The controversy involved in the present four petitions relates to institution of an application under Section 22 (C) of the Legal Services Authority Act, 1987, by the respondents No.2 and 3- applicants before Permanent Lok Adalat (Public Utility Services), Palwal, claiming that they are owners in possession of land measuring 1800 sq. yards in the revenue estate of Palwal in the area of Municipal Council, Palwal. The petitioner (respondent No.1 therein) planned to develop a commercial complex/Mall under the name and style of Crown Bharat Mall over the said land and accordingly, the representatives of the petitioner met the respondents/applicants and entered into a settlement whereby petitioner was to provide fully furnished shop within one year after booking/signing of agreement as per the terms and conditions mentioned therein.

It was alleged by the respondents/applicants before the Permanent Lok Adalat (Public Utility Services), Palwal, that respondent No.1 (petitioner herein) had failed to provide fully furnished shop to respondents/applicants as per the agreement and accordingly the respondents/applicants approached Permanent Lok Adalat (Public Utility

Services), Palwal, for issuance of directions to the petitioner (respondent therein) to give possession along with occupation certificate of Shop No.G-10. An application under Section 8 of the Arbitration and Conciliation Act, 1996 was, however, moved on behalf of the petitioner herein before the Permanent Lok Adalat (Public Utility Services), Palwal which was dismissed by the Permanent Lok Adalat (Public Utility Services), Palwal vide order dated 21.04.2016 (Annexure P-4).

Aggrieved thereof, the present petition has been filed.

During pendency of the instant petitions, an application has been moved on behalf of the respondents/applicants before the Permanent Lok Adalat (Public Utility Services), Palwal that similar controversy has already been decided in CWP No.8244-2016, titled as 'M/s BPS Developers (P) Limited Vs. Permanent Lok Adalat, Palwal and others,' decided on 28.11.2019. A prayer is thus made that the present petitions may also be disposed of in terms of the order passed in the aforesaid writ petition.

Learned counsel appearing on behalf of the petitioner(s) submits that he has no objection to the present petitions being disposed of in terms of the judgment passed in CWP No.8244-2016 aforesaid.

Accordingly, the present petitions are disposed of in terms of judgment dated 28.11.2019 passed in CWP No.8244-2016, titled as 'M/s BPS Developers (P) Limited Vs. Permanent Lok Adalat, Palwal and others.'

Permanent Lok Adalat (Public Utility Services), Palwal, is requested to send the file to the Permanent Lok Adalat (Public Utility Services), Faridabad. The expenses in relation to the sending of the said files shall be borne by the petitioner herein.

The case shall be thereafter taken up by Permanent Lok Adalat (Public Utility Services), Faridabad and shall be decided expeditiously in a time bound manner and preferably within a period of 06 months from the date when the file is put up before the Permanent Lok Adalat (Public Utility Services), Faridabad and the parties enter appearance. It is further directed that the parties in the present writ petitions shall enter their appearance before the Permanent Lok Adalat (Public Utility Services), Faridabad on 01.11.2022.

Misc. applications filed for disposal of the main writ petitions shall also stand disposed of accordingly.

Main petitions are disposed of accordingly.

A photocopy of the order be placed on the file of each connected case.

October 12, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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