

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

CWP-5481-2019(O&M)
Date of decision: 30.11.2023

MPS Informatics Private Limited

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

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

Mr. Ankur Mittal, Addl. AG, Haryana, and
Mr. Karan Jindal, Asstt. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral)

Vide regular letter of allotment, dated 28.10.2012, the petitioner-Company was allotted a plot measuring 2 acre, bearing No.39, Sector 68, Industrial Estate, IMT, Faridabad. However, vide letter dated 25.11.2014, the petitioner wrote to the Managing Director, HSIIDC (respondent No.2) that since the Company had decided to modify its project, it shall have to undertake the moderate size of operation, which would require a plot of approx. 4000 sq. meters. Accordingly, the respondents were requested to change the size of the plot allotted to the petitioner from 8100 sq. meters to 4050 sq. meters. In response, vide communication dated June 9, 2015, the petitioner was informed that the Higher Level Plot Allotment Committee (HLPAC) had taken a formal decision in its meeting dated February 19, 2015, to accede to the request of the petitioner, and to allot a plot measuring one acre (4050 sq. meters) in IMT Faridabad, in place of the earlier allotted plot. Subsequently, however, for the petitioner-Company found it completely unviable to execute the project, vide

letter dated January 16, 2016, it requested the Corporation to cancel the allotment and refund the entire amount that have been deposited.

Learned counsel for the petitioner submits that in total Rs.2,24,15,000/- were deposited and acceding to the request of the petitioner, the respondents refunded an amount of Rs.1,39,91,000/-. However, he submits that in terms of the policies of the Corporation that were/are in vogue, the respondents at best could have deducted Rs.42,12,000/-, whereas Rs.84,24,000/- were deducted. He submits that the authorities could deduct 10% of the price of the smaller plot/site (4050 sq. meters), whereas the respondents deducted 10% of the price of the originally allotted plot/site measuring 2 acres (8100 sq. meters).

Learned Additional Advocate General appearing for the State of Haryana vehemently opposed the claim of the petitioner. He submits that the petitioner was never allotted one acre plot, though a decision was taken in principle on his request that rather than the originally allotted plot he be allotted a smaller size plot measuring 4050 sq. meters. Therefore, the respondents were well within their rights to deduct 10% of the price of the originally allotted plot. He asserts that though the balance amount was credited in the petitioner's account on 21.03.2016, whereas it chose to file this petition after over two years on 22.03.2018. Therefore, he submits that the petition at hand is merely speculative in nature and lacks bonafides.

Be that as it may. He, submits that let this petition be disposed of to enable the respondent authorities to examine the matter and pass the necessary orders after considering the concerns/grievances as are sought to be raised by the petitioner in the present case. He submits that if necessary, the

petitioner shall also be afforded an opportunity of hearing. And the required orders shall be passed within a period of three months from today.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondents and submits that let this petition be disposed of in terms of the statement made by him.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties. This Court is sanguine that the authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the claim/grievance of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

30.11.2023
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO