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

CWP-9260-2023

Date of decision : 01.05.2023

M/s G.S. Majestics Developers Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Aayush Gupta, Advocate and
Ms. Priyanka Kansal, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab
for respondent No.1.

Mr. Ashok Kumar Bazaz, Advocate
for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction, especially a writ in the nature of mandamus, directing the respondents to decide the application No.PB/OTS/LDH/LUDH1/6016 dated 03.04.2019 filed by the petitioner under the Punjab One-Time Voluntary Disclosure and Settlement of Building Constructed in Violations of the Building Bye-Laws Act, 2019 (hereinafter to be referred as “the Act of 2019”) enacted by Government of Punjab, Department of Legal and Legislative Affairs, Punjab, vide

Notification dated 05.03.2019.

2. Learned Senior Counsel for the petitioner has submitted that the petitioner-company was successful in an auction that had taken place on 22.07.2009 wherein the petitioner had the highest bid and ultimately, the allotment letter was issued in its favour and an agreement was executed between Municipal Corporation, Ludhiana and the Director of the petitioner company-Sarabjit Singh on 01.09.2009 and after due compliance, sale deed dated 02.03.2012 (Annexure P-3) was issued in favour of the petitioner company. It is stated that construction was raised by the petitioner company and the said construction uptill the 6th floors had been completed in the year 2012 and after a detailed survey, the entire structure was considered by the authorities and it was found that the entire structure including the 6 floor was compounded and a compounding fee of Rs.20,32,188/- was calculated by the authorities which was deposited by the petitioner company on 09.01.2013 (Annexure P-5). It is further stated that no fresh construction was carried out and that subsequently, the petitioner applied for the Completion Certificate on 27.02.2017. It is contended that on 02.03.2019, the abovesaid Act of 2019 was enacted and the petitioner, in order to resolve all the disputes, filed an application dated 03.04.2019 for settling/compounding of the alleged non-compoundable violations and substantial fee of Rs.65 lacs was paid by the petitioner. It is further contended that the said application has not been decided till date in spite of the representation made by the present petitioner and the same is in violation of Sections 5(1)(B), (7)(1)(iv) and 7(2) of the Act of 2019. It is also submitted that even a Vigilance inquiry has been initiated against the

present petitioner on the same set of allegations.

3. Learned Senior Counsel for the petitioner has submitted that at this stage, the petitioner would be satisfied in case, respondent No.2 is directed to take a final decision on the application dated 03.04.2019, in accordance with law, in a time bound manner. It is further submitted that the petitioner be granted an opportunity to raise all the pleas before the Vigilance Authorities as are available to them in law and if need be, challenge the said proceedings, in accordance with law.

4. Learned State Counsel on instructions from Ankit Mohindroo, PCS, Joint Commissioner, Municipal Corporation, Ludhiana, and learned counsel for respondent Nos.2 and 3 have submitted that the Act of 2019 had been stayed by the Government on 31.08.2019 and thus, any decision taken by them would be taken in consultation with the Government. It is further submitted that the application dated 03.04.2019 filed by the petitioner would be considered, in accordance with law after taking into consideration the provisions of the Act of 2019 and a final decision on the same, after consultation with the Government, would be taken within a period of eight weeks from the date of receipt of certified copy of the present order.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with directions to respondent No.2 to take a final decision on the application No.PB/OTS/LDH/LUDH1/6016 dated 03.04.2019 filed by the petitioner within a period of eight weeks from the date of receipt of certified copy of the present order, in accordance with law and after taking into consideration the provisions of the Act of 2019.

6. It is made clear that this Court has not opined on the merits of

the case and respondent No.2 would take a decision on the said application independently in accordance with law.

7. It would be open to the petitioner to raise all the pleas available to them before the Vigilance Authorities and also if so advised, to challenge the said proceedings, in accordance with law.

01.05.2023

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**(VIKAS BAHL)
JUDGE**

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