

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

CWP-9925-2023 (O&M)

Date of decision: 12.12.2023

M/s RV Realtors

....Petitioner

Versus

State of Haryana and others

....Respondents

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

**Present: Mr. Rajiv Malhotra, Advocate, and
Mr. Avichal Sharma, Advocate, for the petitioner.**

**Mr. Deepak Sabherwal, Advocate,
for the respondent-HSVP.**

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:-

“Issuance of a writ in the nature of CERTIORARI for quashing of the impugned order dated 23.02.2023 (Annexure P-1) being illegal, arbitrary and ultra vires passed by Respondent No.2 as the respondent no.2 being a delegated legislator could not exercise the powers to nullify a legislation being promulgated by the legislator themselves as provided in Haryana Building Code.

Issuance of a writ in the nature of MANDAMUS directing the respondent to grant the permission to the petitioner to utilize the complete floor area ratio for permissible covered area, permitting Stilt+4 floors as provided for in the statute i.e. The Haryana Building Code, 2017.

Issue a writ in the nature of Prohibition restraining the respondent no.3 to raise any demand for further payments in respect of Plot No.301 admeasuring 660.60 sq.mtrs. located in Sector 45 Urban Estate Gurugram-II,

Haryana, till the issue of the permission of stilt+4 floors is not settled before this Hon'ble Court or during the pendency of the present Writ Petition.”

Having argued the matter at some length, learned counsel for the parties have reached a consensus: concededly, the petitioner has already deposited 25% of the consideration qua the auctioned site. Even though the petitioner has missed the appointed date to deposit the balance 75%, but in case, it deposits the requisite amount (75% along with interest), within three weeks from today, to avert any complications on account of non-compliance of the terms of the letter of intent, the authorities shall accept the amount. Learned counsel for the respondent-HSVP submits that the web portal shall be opened by the authorities to facilitate the deposit of the amount by the petitioner. And, as regards the issue concerning the Floor Area Ratio (FAR) of the auctioned site, for it was/is kept in abeyance, pursuant to the order dated February 23, 2023, let this petition be disposed of, at this stage, to await the final orders that shall be passed by the competent authority in this regard. And in the event, the petitioner is aggrieved by the final decision, it shall be at liberty to avail all such remedies, as shall be admissible in law.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

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 concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.12.2023
Ak Sharma

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