

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10379-2023

Date of decision: 12.12.2023

Om Parkash Babbar

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Gaurav Aggarwal, 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:-

“Civil Writ Petition under Article 226 of the Constitution of India for issuance of writ in the nature of Certiorari by calling for the records and quashing Order dated 23.02.2023 (Annexure P-3), passed by the Respondent No.2, vide which while vaguely referring to an alleged decision of Government of Haryana to keep all fresh Stilt+4 Building Plan approvals of Residential Plots in abeyance, including the applications pending/received for approval, has ordered that no new Stilt+4 Floors building plan shall be sanctioned till further orders, and has made the aforementioned order applicable to all the departments across the State of Haryana, including Haryana Shehri Vikas Pradhikaran i.e. Respondent No.3, the said Order being illegal, arbitrary and even opposed to the principles of natural justice, equity and fair play,

inasmuch as the same has been passed while not factoring the complications that are being faced by prospective allottees of plots including the Petitioner;

AND/OR

For issuance of writ in the nature of the Mandamus directing the Respondents to accept the balance payment of Rs.2,96,84,175.00/- of the total bid price amounting to Rs.3,95,78,900.00/- from the petitioner towards allotment of (Residential) Site/Building No.124, Sector-41, Urban Estate, Gurgaon-II, Gurugram, admeasuring 171.43 Sq. Mtr., with sanctioned 2.64 Floor Area Ratio, as had been auctioned and even assured; and in that regard to take all such steps, if required, including preparation and issuance of Standard Drawing for Stilt+4 Floors having 26.4. Floor Area Ratio;

AND/OR

For issuance of writ in the nature of Mandamus directing the Respondents to refund Rs.98,94,725.00/- deposited by the Petitioner towards 25% of bid amount against the allotment of (Residential) Site/Building No.124, Sector-41, Urban Estate, Gurgaon-II, Gurugram, admeasuring 171.43 Sq. Mtr., with sanctioned 26.4. Floor Area Ratio along with interest till actual realisation keeping in view of the Order dated 23.02.2023 (Annexure P-3) wherein the Respondents has decided to keep all fresh stilt+4 building plan approvals of Residential Plots in abeyance;

AND/OR

It is further prayed that during the pendency of the present writ petition further payments scheduled as per the Letter of Intent (LOI) dated 25.01.2023 (Annexure P-4) issued by the Respondents in favour of the Petitioner kindly be stayed.”

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 he has missed the appointed date to deposit the balance 75%, but in case, he 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, he 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 petitioner, 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