

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
207**

CWP-25125-2018

Date of decision: March 02, 2023

NEENA MITTAL

.....PETITIONER

Versus

STATE OF HARYANA AND ORS.

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Kamal Sehgal, Advocate,
and Ms. Mugdha Avnish, Advocate,
for the petitioner.

Mr. Pravindra S. Chauhan, Sr. Addl. A.G. Haryana,
for the State.

Mr. Arvind Seth, Advocate,
for respondents No. 2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 30.05.2018 (Annexure P-14) passed by the Principal Secretary to Govt. Haryana, Town & Country Planning Department, Chandigarh, vide which the revision petition preferred by the Haryana Shehari Vikas Pradhikaran challenging the order dated 15.04.2015 passed by the Administrator, Panchkula, relating to SCO No. 28, Sector-17, Kurukshetra, has been allowed by setting aside the impugned order.

A preliminary submission, which has been put forth by the learned counsel for the petitioner, is that according to Section 17 (8) of the

Haryana Urban Development Authority Act, 1977, the revisional authority although has been conferred with the power to condone the delay even beyond a period of 90 days subject to its satisfaction, but firstly, no application for condonation of delay has been filed and even if such a request is said to have been made, no reason whatsoever for such delay of almost one year has been given for non-filing of the revision within a stipulated period of 90 days.

A stand was taken by the respondents that an application for condonation of delay was preferred by the respondent-HSVP along with the revision petition, for which the records were called. The original records have been produced in Court and on perusal thereof, it is apparent that there is one cover letter, which has a title/subject as condonation of delay in filing the revision petition.

Even accepting the said cover letter to be an application, the impugned order has not dealt with this aspect nor has any satisfaction been recorded with regard to the delay in filing the appeal. Mere reference of a delay of almost one year and that too, at the end of the order at the request of the Additional District Attorney without assigning any reason or explanation for the delay in filing the revision petition, would not be enough nor would it satisfy the requirement of the statute.

As we do not intend to go into the merits of the case, we would refrain ourselves from making any further observations in the matter.

The writ petition is allowed. The impugned order dated 30.05.2018 (Annexure P-14) passed by the Principal Secretary to Govt. Haryana, Town & Country Planning Department, Chandigarh, is set aside.

The matter is remanded back to the revisional authority for

fresh decision while considering the aspect of the delay in filing the revision petition. The parties are directed to appear before the revisional authority on 20.03.2023.

Counsel for the parties have brought to the notice of the Court the initial order dated 01.10.2018, vide which notice of motion was issued by this Court, which was a conditional order.

Counsel for the petitioner submits that the amount in three equal instalments stands deposited by the petitioner and wherever there has been some delay, interest on all the delayed payments has also been deposited.

As regards the undertaking along with time schedule, within which the construction is to be completed by the petitioner, learned counsel for the petitioner submits that the building plans were duly submitted to the respondents, which have, till date, not been processed and cleared and in the absence of clearance of those building plans, the petitioner is not in a condition to make a statement or give an undertaking with regard to the schedule, within which the construction would be completed.

This submission of the counsel for the petitioner is just and reasonable, thus, accepted.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 02, 2023
PJ

(VIKRAM AGGARWAL)
JUDGE

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