

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

(122)

CWP-22069-2023

Decided on : 03.10.2023

Mridul Sharma

.....Petitioner(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Raman Sharma, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is regarding the demand on account of non-construction fee as reflected in the online noting dated 31.03.2023 (Annexure P-7) maintained by the respondent-Authority to the tune of Rs.5,96,217/- plus GST of Rs.1,07,320/-.

2. It is the case of the petitioner that vide representations dated 07.08.2022 and 10.10.2022 (Annexures P-8 & P-9) objection had been raised to the said demand of non-construction fee on account of the fact that the initial allotment was in favour of one Mrs.Manju Sharma under the Land Pooling Scheme on 16.10.2015 (Annexure P-3) and the period for construction to be completed is stated to be within 5 years in the said category. The petitioner herein applied for purchase of plot No.2173 measuring 500 sq.yards in Block C, Sector 5 Eco City-1, SAS Nagar and permission was granted on 27.10.2020 (Annexure P-4) and transfer of ownership of the said plot was effected on 07.12.2020 (Annexure P-6) by the authorities.

3. It is the case of the petitioner that the requisite building plan had been approved and construction had been raised and the partial completion certificate-cum-occupation certificate had been applied on 30.10.2021. The liability regarding the demand thus from the date it is raised is the issue which is subject matter of consideration before the authorities. It is thus the case of the petitioner that since the registered sale deed was effected on 17.11.2020 before the Sub-Registrar, she is not liable to pay prior to the said period and the demand does not specify the period for which she has been made liable for the non-construction fee.

3. Notice of motion.

4. Mr.V.G.Jauhar, Addl.A.G., Punjab accepts notice on behalf of the State as well as for respondents-GMADA.

5. Keeping in view the fact that representations have been filed against the said demand, we are of the considered opinion that since decision making is still incomplete, no useful purpose would be served by calling upon the respondents to file reply as it would only delay the decision making process.

6. Accordingly, the present writ petition is disposed of, directing the respondents to take a decision on the representations dated 07.08.2022 and 10.10.2022 (Annexures P-8 & P-9) by passing a reasoned order within a period of 6 weeks from the receipt of the certified copy of this order.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

03.10.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No