

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

(110)

CWP-22134-2023

Decided on : 04.10.2023

Mamta Jindal

.....Petitioner(s)

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd. &
others

.....Respondent(s)

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

Present: Mr.R.D.Gupta, Advocate
Mr.Raghuwinder Singh, Advocate for the petitioner (s).

Mr.Siddhanth Arora, Advocate, for
Mr.Ankur Mittal, Advocate, for respondents-HSIIDC.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Article 226/227 of the Constitution of India is for issuance of directions for effecting the change of the status of plot No.36, Phase-1, Sector 38, Industrial Estate HSIIDC Rai, Sonapat, from partnership to sole proprietorship of the petitioner.

2. The claim is made on the basis of the fact that the plot in question was initially allotted to Rajinder Kumar on 26.07.2006 (Annexure P-1). On a request made the petitioner's husband, Amrish Jindal was inducted as a partner to the extent of 49% in M/s Alpha Pacific Systems (Annexure P-2) and formal conveyance deed was also executed on 15.05.2009 (Annexure P-3). It is the case of the petitioner that Rajinder Kumar had retired from the said partnership whereas the petitioner being the wife of Amrish Jindal, had stepped in the partnership as per the re-constituted partnership deed dated 25.10.2012 (Annexure P-4). Resultantly, re-allotment letter dated 03.01.2013 (Annexure P-5) was issued.

3. On account of the death of petitioner’s husband on 19.04.2017, petitioner had filed a suit for declaration claiming exclusive rights after impleading all the other legal representatives. Eventually an award was passed on 10.04.2021 (Annexure P-8) by the Addl.Civil Judge (Senior Division), Sonapat while exercising powers of Lok Adalat in favour of the petitioner. The claim is thus based on the said award by giving a representation dated 12.07.2023 (Annexure P-9).

4. Notice of motion.

5. Mr.Siddhanth Arora, Advocate, for Mr.Ankur Mittal, Advocate, for respondent-HSIIDC accepts notice having advance copy and apprises the Court that the matter is under consideration with the respondents and a decision will be taken on the same within a period of 6 weeks from today.

6. Keeping in view the above, we dispose of the present writ petition on the undertaking given by counsel for the respondents. However, it is made clear that whatever we have observed while summarizing the issue is not any adjudication on the merits. In case the petitioner is entitled for the said benefits and there is no legal impediment, the necessary effect be given as claimed. In case of any legal impediment, it will be open to the respondents to pass a reasoned order and communicate the same to the petitioner.

7. Writ petition stands disposed of with the above-said observations.

(G.S. SANDHAWALIA)
JUDGE

04.10.2023
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No