

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

113

CWP-1468-2024
Date of Decision: 01.02.2024

RAJDARBAR VILLAGE PRIVATE LTD

... Petitioner

VERSUS

PERMANENT LOK ADALAT, KARNAL AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Chanchal K. Singla, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 23.10.2023 (Annexure P-10) passed by Permanent Lok Adalat (Public Utility Services), Karnal on an application preferred by respondent No.2-applicant under Section 22-C of the Legal Services Authorities Act, 1987.

The cause espoused by the petitioner is with respect to its entitlement for the holding charges as well as maintenance charges.

Learned State Counsel was directed to seek instructions with regard to the grant of Completion Certificate and Occupation Certificate to the petitioner-developer. It has been communicated by him (learned State Counsel) that the petitioner-developer had only applied for grant of Part Completion Certificate vide letter dated 24.11.2021. Certain queries and information were sought from the petitioner-developer on 07.12.2022, however, the response to the same is still awaited. It is thus contended that the Part Completion Certificate has not been granted to the petitioner so far.

Under the given circumstances, it seems incomprehensible that as to how and under what circumstances, the petitioner-developer could offer the possession of plot, especially when the Completion Certificate with respect to the property has not been issued by the Competent Authority. After issuance of Completion Certificate, before an offer can be made, the Occupation Certificate is also required to be issued by the Competent Authority. It seems that none of the said circumstances stand established and the offer of possession, made if any, cannot have the sanctity in the eyes of law.

Learned counsel for the petitioner also fairly concedes that the company with which the agreement had been executed is a subsidiary of the petitioner-developer itself.

Faced with the above, learned counsel for the petitioner seeks withdrawal of the present writ petition and makes a statement that the amount awarded by the Permanent Lok Adalat (Public Utility Services), Karnal shall be deposited within a period of four weeks from today.

Disposed of as withdrawn accordingly.

The petitioner-developer shall remain bound by the statement made by his counsel today in Court.

FEBRUARY 01, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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