

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6674-2024(O&M)
Date of decision: 20.03.2024

Ambika Realcon Developers Private Limited
... Petitioner
Versus
State of Punjab and others
... Respondents

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

Present: Mr. Gaurav Chora, Senior Advocate, with
Mr. Munish Gupta, Advocate,
for the petitioner.
Mr. Jastej Singh, Deputy Advocate General, Punjab.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the
Constitution of India for the issuance of Writ in the
nature of Certiorari for quashing of demand notice
dated 22.02.2024 (Annexure P- 9) issued by Respondent
No.2 and Demand Notice 06.03.2024 (Annexure P-20)
issued by Respondent No.4.

AND

Further for the issuance of Writ in the nature of
Mandamus directing the Respondent-Authority to issue
the requisite sanctions/permissions already applied for
(i.e. Partial Completion Certificate & Occupation
Certificate of Tower No.1 to 5 of project in question) by
the petitioner, and not to withhold the same, under the
grab of the illegal demands, as sought by Respondent-
Authority vide demand letters dated 22.02.2024 and
06.03.2024 (Annexure P- 9 & P-20).

AND

It is further prayed that during pendency of the present writ petition before this Hon'ble Court, the respondents be directed to accept the request of petitioner as made via letter dated 14.03.2024 (Annexure P-21) whereby the petitioner has expressed willingness to deposit disputed amount of Rs. 1,71,45,190/- (under protest) subject to outcome of writ petition and to issue requisite sanctions/permissions.”

Learned Senior counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent-authorities with the representation dated 14.03.2024 (P-21) against the impugned demand notice(s) dated 22.02.2024 (P-9) and 06.03.2024 (P-20). And the matter is pending consideration before the competent authority.

Served with the advance copy of the petitioner, Mr. Jastej Singh, Deputy Advocate General, Punjab is present in Court on behalf of the respondents. At the outset, he submits that as the respondent-authorities are already in *seisin* of the concerns/grievances of the petitioner as sought to be raised in this petition, it would be expedient if the same is disposed of, at this stage, to enable the competent authority to examine the matter and pass appropriate orders, in accordance with law. And, he submits that before any such orders are passed, the petitioner shall also be heard. Further, the petitioner may, if so advised, furnish any fresh material/documents to support/substantiate its claim within a week. Whereupon, the authority would also take cognizance thereof before passing any formal order.

Learned Senior counsel for the petitioner is agreeable to the course suggested by learned State counsel. However, he submits that the matter

being time sensitive, the respondent-authorities be directed to take a decision within a specified time.

In response, learned State counsel submits that a formal order, after affording an adequate opportunity to the petitioner, shall be passed within a period of 4 weeks from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders in accordance with law.

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

20.03.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO