

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 7423 of 2024

Date of decision: 03.04.2024

Ripss Infrastructure Pvt. Ltd.

.... Petitioner

Vs.

State of Punjab and another

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Sushant Kareer, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

A mandamus is prayed for to command the respondent authorities to consider and approve the application moved by the petitioner under the Punjab Urban Planning & Development Building Rules, 2021 and grant incentive of 10% additional Floor Area Ratio (FAR).

Learned counsel for the petitioner submits that as per Rule 38 of 2021 Rules, in case the owner/applicant submits a certificate from the Architect or Civil Engineer, confirming that the building plans conform to Punjab Energy Conservation Building Code, verified by Punjab Energy Development Agency (PEDA), an incentive of additional FAR of 10%, would be permissible for 5 star or platinum rated buildings, provided Green Building Certificate (GBC) issued by certain specified agencies, is submitted. He submits that the petitioner had taken over JLPL, IT Twin Towers, measuring 11051.93 square meters, situated in Sector 66-A, SAS Nagar, and developed it as per energy efficiency requirements. Accordingly, it is urged that the petitioner, per Rule 38 (*ibid*), had moved the necessary application dated 27.06.2023 with Precertified Platinum certification by Indian Green Building Council (IGBC) dated 28.2.2024 (P-5). He submits that in essence, grievance of the petitioner is that even though a considerable time has elapsed, the application of the petitioner remains unaddressed.

Served with advance copy of the petition, Mr. Jasdev Singh, Deputy Advocate General, Punjab, is present in Court on behalf of the

respondents. At the outset, on instructions, he submits, since the respondent authority is already in seisin of the grievances of the petitioner, let this petition be disposed of, at this stage, to enable the respondents to consider the claim/application(s) of the petitioner. And pass necessary orders, thereon in accordance with law. He submits that before any such orders are passed, the petitioner shall also be afforded opportunity of hearing and necessary communication in this regard shall be issued.

Learned counsel for petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of in view of the statement made by him. However, he submits that as, with each passing day, the interest of the petitioner is severely impaired, the authorities be directed to pass necessary orders within a specified time.

To which, learned State counsel submits that necessary orders shall be passed within four weeks from today.

In the wake of the position sketched out above, this petition is disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.04.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No