

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9055-2024(O&M)
Date of decision: 24.04.2024

Surender Kumar Miglani
... Petitioner
Versus
State of Haryana and another
... Respondents

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

Present: Mr. N.C. Kinra, Advocate,
for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral)

The petitioners has prayed for the following substantive relief:

“Civil Writ Petition under Articles 226 and 227 of the Constitution of India with a prayer to issue an appropriate writ, order, direction particularly a writ of mandamus to the respondents and/or to respondent No.1 to direct respondent No.2 to release the payment of the legal dues of the petitioner alongwith interest as claimed and charged by respondent No.2 from its allottees for any kind of default of payments of installments etc.”

Learned counsel for the petitioner submits that the petitioner being adjudged H1, vide Regular Letter of Allotment dated 14.03.2020, was allotted industrial Plot No.522, Sector 56, Phase V, Industrial Estate, Kundli, for a sum of Rs.4,62,76,312/-. He submits that the petitioner had concededly remitted 24% of the total cost of the plot. However, he failed to deposit the balance 76% of the amount, i.e. Rs.3,68,00,000/-, as owing to COVID 19 pandemic, his

business suffered immensely. Thus, in the given circumstances, he was impelled to write to the Corporation that since owing to unforeseeable circumstances, he was not in a position to remit the balance consideration and signed the contract per clause, 2 (iv & v) of the Letter of Allotment. Therefore, the site allotted to the petitioner be cancelled in sync with the Estate Management Procedure clause 3.6 (iv) by deducting the admissible amount, and release the balance amount in his favour. As a result, the Corporation has credited Rs.70,44,502/- in the bank account of the petitioner on 24th July, 2023. Whereas, learned counsel for the petitioner asserts that in terms of clause 3.6 (iv) of the EMP, the petitioner is still entitled to a further sum of Rs.22,07,250/-. It is submitted that prior to the institution of this petition, the petitioner had even served the respondent-authorities with a legal notice dated 25.09.2023 (P-9). But to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate is present in Court on behalf of the respondents.

At the outset, he submits that since the respondent-authorities are already in *seisin* of the legal notice (**ibid**) alleged to have been served by the petitioner, it shall be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law. He submits that before any such orders are passed, the petitioner shall be heard, for which a formal communication will be issued well in advance. He further submits that the petitioner shall also be at liberty to furnish any fresh material to support/substantiate their claim.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents. And submits, let this petition be disposed of in terms of his statement. However, he submits that as a considerable time has elapsed, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for the respondents submits that the necessary orders, after affording an opportunity of hearing to the petitioner, shall be passed within a period of two 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 examine the matter in the right earnest, and pass a comprehensive order assigning reasons in support thereof.

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

24.04.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO