

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10133 of 2024**Date of decision: 06.05.2024****M/s Anand Habitat Realtors Private Limited****.... Petitioner****Vs.****State of Haryana and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

Petitioner (M/s Anand Habitat Realtors Private Limited), participated in the e-auction conducted by the respondent authorities on 03.03.2024. For, it submitted the highest bid of Rs.2,54,48,22,100/-, it was adjudged H1 and accordingly, a letter of intent dated 02.04.2024 (P-10), qua the institutional property (Hospital and School sites etc.) No.1, Sector 29, Urban Estate, Gurugram-II, measuring 16890.75 sq. mtr., was issued in its favour. Learned counsel for the petitioner submits that the petitioner, per the auction conditions, has already deposited Rs.64 Crores that constitutes 25% of the total sale consideration and was always ready/willing to remit the balance premium. However, he submits that it is not viable for the authorities to deliver actual physical possession of the site, for unauthorized constructions and number of trees exist at site that are required to be removed to offer an unencumbered site/plot to the petitioner. Further, he submits that in terms of the HSVP Guidelines/Clarification dated 09.01.2014 (P-12), institutional plots allotted in Gurugram and other Urban Estates can also be used for construction of Corporate Offices; Research & Development Centres; Education and Training Centres; offices of Professional Groups/Associations or Societies; not engaged in the commercial/manufacturing activities and other Institutional Uses. Whereas, he asserts that the Letter of Intent has only been issued for Institutional plots (Hospital and Schools sites etc.). It is urged that the petitioner had brought

the situation, at ground, to the notice of the respondent authorities as early as on 11.03.2024, vide a specific representation. And, even thereafter, vide communications dated 04.04.2024 (P-11); 08.04.2024 (P-13); 19.04.2024 (P-14); and 25.04.2024 (P-15). But to no avail. He submits that even Additional Chief Secretary to Government Haryana, Town and Country Planning, Urban Estates Department, has been served with a representation dated 26.04.2024 (P-16), vide which, the petitioner has prayed for issuance of revised Letter of Intent with the re-scheduled dates of payment. And, despite that the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court on behalf of respondents-HSVP. At the outset, he submits, for the representations that have been submitted by the petitioner, are pending consideration before the competent authority, let the petition be disposed of, at this stage, to enable the respondent authorities to deal with the concerns/grievances of the petitioner that are sought to be raised in the petition and pass necessary orders in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall also be afforded an opportunity of hearing. And a formal communication in this regard will be served upon him, well in advance. He further submits that the petitioner shall be at liberty to supplement/support its claim by furnishing any further material, which shall be taken cognizance of by the competent authority while passing any orders on its representations.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondents-HSVP and submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned counsel for the respondents-HSVP submits that the necessary orders in this regard shall be passed within two weeks from today.

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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned counsel for the respondents-HSVP, 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

06.05.2024
deepak

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