

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11535 of 2014 (O&M)

Date of Decision :09.04.2024

Bansal Realtors Ltd. and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present : Ms. Rupa Pathania, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN PALLI, J. (Oral):

Learned Deputy Advocate General, Haryana, submits that the petitioners were issued a Letter of Intent dated 31.12.2013 (P5) (for short 'LOI'), for development of an industrial colony. He submits that in essence, the grievance of the petitioners is qua condition No.1, in the LOI, vide which, the petitioners are made liable to pay the external development charges.

In reference to the averments set out in para 2 of the written statement, filed on behalf of respondents No.1 and 3, he submits that in terms of Rule 10 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (for short '1976 Rules'), the petitioners were required to comply with the condition of LOI (ibid), within a period of 60 days. But concededly they failed to comply with the said condition. As a result, he submits that Letter of Intent was/is rendered null and void. And, vide communication dated 27.05.2014 (P6), request of the petitioners for grant of licence per Rule 10(2) of 1976 Rules has since been refused. Thus, the petition at hand is rendered infructuous with efflux of time. Even otherwise, it is urged that the order dated

27.05.2014, being appealable under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975 (for short ‘the Act’), the petitioners are not entitled to any indulgence in the present proceedings under Article 226 of the Constitution.

Upon being pointedly asked, learned counsel for the petitioners is not in a position to dispute that the order dated 27.05.2014 (P6) is indeed appealable under Section 19 of the Act. Accordingly, she fairly submits that let the petition be disposed of to enable the petitioners to avail such other remedies as shall be admissible in law as also under Section 19 of the Act.

In the wake of the above and in terms of the statements made by learned counsel for the parties, the petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

09.04.2024
Manoj Bhutani

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