

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.14254 of 2017 (O&M)

Date of Decision :02.02.2024

M/s Rockman Industries Ltd.

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
 HON'BLE MR.JUSTICE HARKESH MANUJA**

Present : Mr. Shailendra Jain, Sr. Advocate with
 Ms. Navneet Kaur and Ms. Saachi Mahajan, Advocates
 for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, AAG, Haryana and
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral):

The petitioner M/s Rockman Industries Limited, vide communication dated 27.02.2007, was granted a licence by the Town and Country Planning, Haryana, for setting up IT Park Colony on the land measuring 13.707 acres at village Khandse, Sector 34, Gurugram. The licence was valid up to 06.03.2010. It is not in dispute that petitioner defaulted in payment of some installments qua external development charges. As a result, vide order dated 04.07.2012 (P9), the request of renewal of the licence was declined by the competent authority. Resultantly, the licence granted to the petitioner automatically stood cancel. Being aggrieved the petitioner preferred an appeal, which was disposed of on 23.05.2014:

**“I have heard both the Counsels for the parties
at length as well as the prayer made by the appellant for
refund of the payments already made towards EDC/IDC in**

the instant matter. I am of the view that the ends of justice would be met if the competent authority considers refund of the due amounts already deposited by the appellant, if so requested as per rules/policy applicable in such cases. The appeal is disposed off accordingly.”

For, the order extracted above, was not complied with, the petitioner was compelled to approach this Court vide CWP No.18991 of 2015, which was disposed of on 09.09.2015, with a direction to the competent authority to comply with the order dated 23.05.2014 (Ibid), which reads as thus:

“2. We see no reason why the competent authority ought not to be directed in the first instance to comply with the order dated 23.05.2014. It is not possible for us to entertain the application(s) for refund in this writ petition at this stage.

3. The writ petition is, therefore, disposed of by directing the competent authority to comply with the order dated 23.05.2014 latest by 31.10.2015.

Any application for extension of this time shall be made by the competent authority to the Principal Secretary to Government of Haryana, Urban Local Bodies Department, Exercising the Appellate Powers of the Principal, Town and Country Planning Department.”

It is not in dispute that respondents-authority on 26.10.2015, refunded a sum of Rs.468.41 lakhs to the petitioner, in purported compliance of the order, passed by the Appellate Authority as also this Court. Concededly, yet no formal order has been passed to date. Learned Senior counsel for the petitioner submits that respondents have unilaterally carried out the exercise

and determined that petitioner was only required to be refunded Rs. 468.41 lakhs, which is apparently erroneous and arbitrary. Whereas, to the contrary, the petitioner ought to have been refunded approximately more than 18 crores. Thus, he asserts that had the petitioner been afforded an opportunity to submit response and was heard it would have enabled the respondents to work out the exact amount that was required to be refunded. It is urged that as almost a decade has gone by, post order dated 09.09.2015, and no order determining the rights and obligations of the parties have been passed, the respondents are rather in contempt of the order passed by this Court.

In response, learned Additional Advocate General, Haryana, concedes the lapse on part of the authorities. Accordingly, it is urged that let this petition be disposed of to enable the competent authority to re-determine as to how much amount the petitioner was required to be refunded. Further, before any such orders are passed petitioner would be given opportunity to submit response and shall also be heard. He submits that as a considerable time has elapsed the entire exercise shall be carried out within a period of 8 weeks from today.

Learned Senior counsel for the petitioner is agreeable to the course suggested by learned learned State counsel. Accordingly, it is urged that the petition be disposed of in terms of the statement made by learned counsel for the respondents.

The petition is, accordingly, disposed of in terms of the statements made by learned counsel for the parties. This Court is sanguine that the authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed within the time indicated by the learned counsel for the respondents.

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 claim/grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(HARKESH MANUJA)
JUDGE

02.02.2024
Manoj Bhutani

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