

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12647-2018(O&M)
Date of decision: 07.05.2024

Amar Ujala Publications Ltd.
... Petitioner
Versus
Haryana State Industrial & Infrastructure Development Corporation Limited
and another
... Respondents

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

Present: Mr. Sukhandeep Singh, Advocate,
for the petitioner.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur & Ms. Saanvi Singla, Advocates,
for respondent No.1.
Mr. Amar Vivek Aggarwal, Advocate,
for respondent No.2.

ARUN PALLI, J. (Oral)

Vide regular letter of allotment dated August 3, 2012, an industrial site/plot No.325, Phase II, Industrial Estate, Barwala was allotted to the petitioner - Amar Ujala Publications Ltd. by the respondent-Corporation. The tentative price of the allotted site was Rs.4,45,50,000/-. Whereafter, a formal agreement, dated 7th November, 2012, was entered into between the parties. Which sets out the terms and conditions of the allotment as also the payment schedule. However, for the petitioner, owing to enhancement in the cost of acquisition, was served with a demand notice dated September 12, 2017 (P-4), to deposit the additional cost of the plot/site @ Rs.1721.56 per sq. meter, it was constrained to approach this Court.

Learned counsel for the petitioner submits that in essence, the grievance of the petitioner is that nothing is indicated by the respondent-

Corporation as to what are the components/factors that formed basis of the impugned demand. Further, even the calculations to justify the impugned demand was not furnished.

The matter is pending since May, 2018.

Learned counsel for the respondent-Corporation submits that a written statement on behalf of the Corporation, controverting the claim of the petitioner, was filed in March, 2020. Further, even the document R-2 (at page 109 of the paper-book) reveals the factors that formed basis of the amount that was being demanded. But, in case the petitioner is still aggrieved viz-a-viz the manner in which the additional cost of Rs.1721.56 per sq. meter has been worked out, they may move the competent authority (Estate Manager, Barwala) in this regard and file objections. And, in the event, any such representation/objection(s) is filed by the petitioner within two weeks from today, the same shall be dealt with by the authorities and appropriate orders in accordance with law shall be passed. Further, he submits that before such orders are passed, the petitioner shall also be heard, for which a formal communication will be issued well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the Corporation. He submits that since the matter has been pending for almost six years, the petitioner may have even deposited some amount in response to the impugned demand notice dated 12th September, 2017. Be that as it may, he submits that the petitioner shall move a comprehensive representation along with all necessary documents in support of its claim within the time indicated above. Accordingly, he submits that let this petition be disposed of in the wake of the statement made by learned

counsel for the Corporation. However, he submits the Corporation be directed to pass the necessary orders within a specified time.

To which, learned counsel for respondent-Corporation submits that after affording an opportunity of hearing to the petitioner, the required orders shall be passed within a period of eight weeks thereafter.

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 consider the matter in the right earnest, and pass a comprehensive order assigning reasons in support thereof, within the time indicated by learned counsel for the Corporation.

However, it is made clear 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

07.05.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO