

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

CWP No.25295 of 2017 (O&M)

Date of Decision :06.02.2024

The Himprastha Co-operative Group Housing Society Limited and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Sushil Jain, Advocate for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

Mr. P.S.Chauhan, Sr. Additional Advocate General, Haryana.

ARUN PALLI, J. (Oral):

The petitioners are Co-operative Group Housing Societies. Vide separate letter of allotments these societies were allotted plots in Sector 24 Panchkula on free hold basis. In terms of clause 6 of the letter of allotment(s), the petitioners-societies were obliged to pay additional price owing to enhancement in the cost of acquisition. Accordingly, since the compensation awarded to the claimant(s)-landowner(s) was enhanced, the petitioners were demanded to remit the additional cost @ Rs.6021.56 per Sq. mtrs. In essence, their grievance has been: that while working out the additional cost, the respondent-authorities have even included the area measuring 76 acres of Ghaggar River. Which apparently was/is erroneous. The representations, the petitioners had served the respondent-authorities with, qua their concerns/grievances, based upon a report of the Committee dated 13.01.2017, were rejected by the respondents, vide order dated 25.01.2017 (P21).

The petition is pending since 2017 and the respondents have filed the written statement thereto.

However, learned Senior Additional Advocate General, Haryana, submits that during the pendency of these proceedings, the matter was re-examined by the competent authority in its entirety. Whereupon an amendment has been caused in the policy, as regards recovery of additional price, on account of enhancement in the cost of acquisition. In reference to clause XVII of the instructions dated 22.08.2019 (P30), issued by HSVP, he submits that in respect of the Ghaggar River, a conscious decision was reached that enhancement in the compensation would not be offloaded upon the allottees/plot holders. As a result, it is urged that enhancement in the cost of acquisition as regards River Ghaggar has been excluded from the impugned demand or the additional cost that the allottees were required to remit. Accordingly, he submits that impugned demand has been revised from **6021.56 Sq. mtrs to 2255.51 per sq. mtr.** And, not just that, the respondent-authorities have rather recommended the matter to the Government to afford further discount or suitable benefits even on the revised rate of **Rs.2255.51 per sq. mtr.** The matter is statedly pending consideration with the Government.

Thus, in the wake of the revised demand, Mr. P.S.Chauhan, learned Senior Additional Advocate General, Haryana, fairly submits that the allottees shall now have to deposit the additional cost @ Rs. 2255.51 per sq. mtr. But with interest and other admissible dues/charges based upon the revised demand of Rs.2255.51 per sq. mtr. Further, he submits that as few of the petitioners, in response to the impugned demand, had already deposited some amount, the said amount would be set off against the revised demand or shall be duly adjusted against the revised additional cost. He submits that after

the necessary exercise in this regard is carried out, and the precise amount, that is to be charged, against each of the petitioners, is individually worked out, they would be served with a revised/fresh demand. And, adequate opportunity would be afforded to the allottees to deposit the requisite amount.

That being so, learned counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned Senior Additional Advocate General, Haryana, the decision arrived at by HSVP dated 15.05.2019 (P28) and the instructions dated 22.08.2019 (P30). It is submitted that upon being served with the revised demand, as indicated above, the petitioners shall deposit the requisite amount to clear all their pending dues/liabilities.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.02.2024
Manoj Bhutani

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