

2024:PHHC:145811

108 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCOCP-3529-2019 (O&M)
Decided on:-08.11.2024

M/s Kaushik Surgical Industries

...Petitioner..

vs.

Sh. D.Suresh, IAS, Chief Administrator, HSVP

...Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. Pardeep Solath, Advocate for
Mr. Vineet Sehgal, Advocate for the petitioner.

Mr. Gunjan Mehta, Addl. Advocate General, Punjab.

HARKESH MANUJA J. (Oral)

1. Compliance affidavit/short reply by way of affidavit of Mr. Vikas Dhanda, Estate Officer-I, HSVP, Gurugram on behalf of the respondent has been filed in Court today and the same is taken on record. As per which, the following decision has been taken:-

“Hence, therefore, the above circumstances/litigation, the Govt. has decided to release the land equivalent to SCO No. 13 or 14 i.e. 5.50 mtr X 25.0 mtr 137.50 Sq. mtr (164.43625 sq. yards) between SCO No.14A & 14B falling in Khasra No. 495 in village Khandsa and Distt. Gurugram (Commercial/Shopping Center Sector-10A, Gurugram,) on usual terms and conditions. However, you are requested to fulfill the following terms and conditions within 60 days of issue of this letter:-

(1) That you shall pay an amount of Rs. 2,63,098/- (Rs. Two Lakh Sixty Three Thousand Ninety Eight only) (164.43625 sq. yards X Rs. 1600.00 per Sq. yds) in the form of bank draft in

favour of the Zonal Administrator, HSVP, Gurugram in lieu of the development charges. These charges have been fixed in accordance with instructions issued by Chief Administrator, HSVP, Panchkula vide Memo No. CCF/ACCTT-1-2009/33580-608, dated 25.09.2009. these charges are payable within 60 days of issuance of this letter in the office of Administrator, HSVP, Gurugram as per the Government instruction issued vide memo No. 5/71/2011-2TCP, dated 10.08.2011. However, the charges referred above are subject to reconciliation and audit.

(2) You will submit the following documents and undertaking on non-judicial stamp paper:-

(i) You will have to withdraw the pending litigation and submit undertaking not to file any court case in future.

(ii) Proof of ownership / exact khasra nos. of the claimed land.

(iii) That you will take necessary permission from the competent authorities before raising any construction at site.

(iv) That you will refund the compensation of land, if received with respect to the land being released alongwith interest to HSVP.

(v) That you will handover possession of land to HSVP if you have made any encroached on HSVP land.

(vi) The land is being released between SCO No. 14A and 14B of HSVP and as per the order of Hon'ble Punjab and Haryana High Court the petitioner have to utilize the land as per the conforming use, which is SCO (commercial use) with due course of law and the same shall be governed by the Architectural Control of HSVP.

(vii) The petitioner shall utilize the said site conforming to the notified zone and shall not run any industrial unit nor shall use the same for residential purpose.

You are, therefore, requested to fulfill the above terms and conditions within 60 days of issue of this letter failing which the offer of release of land will automatically lapse.

In furtherance thereof, Letter of Intent (LOI) dated 10.09.2024 has been issued in favour of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner shall comply with the requirements stated in clause 2 (ii) reproduced above within a period of two weeks from today.

3. In response, learned counsel for the respondent submits that once, the petitioner complies with the aforestated condition, the respondent shall deliver the possession of the aforesaid area within a period of two weeks thereafter.

4. In view of the aforesaid undertaking, learned counsel for the petitioner does not want to press the present petition.

5. Accordingly, the present petition is dismissed being not pressed. Rule stands discharged.

6. However, in case the needful is not done within the afore-stated period, as per undertaking, the petitioner would be at liberty to seek revival of the present contempt petition and in that eventuality, the erring /concerned officer(s) would be liable to pay additional sum of Rs.50,000/- as costs from his/her own pocket in favour of the petitioner towards litigation expenses, immediately, i.e. on the first date of listing of revival application.

08.11.2024
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(HARKESH MANUJA)
JUDGE

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