



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

**CWP No.31202 of 2019
Decided on :05.11.2024**

TSL Electropower Pvt. Ltd.

.....Petitioner

VERSUS

**Haryana State Industrial and Infrastructure Development Corporation
Limited**

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Tushar Sharma, Advocate (through VC)
 with Ms. Shrinkhla, Advocate
 for the petitioner.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate,
Mr. Siddhanth Arora, Advocate and
Ms. Saanvi Singla, Advocate
for respondents No.1, 2 and 4.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

LISA GILL, J (ORAL)

1. Prayer in this writ petition is for quashing impugned orders/communications dated 28.08.2009 and 17.09.2019, whereby claim of petitioner for 20% rebate on land cost of plot No.138, Sector 8, IMT Manesar, Gurgaon, in terms of industrial policy dated 11.11.1999 has been rejected.

2. Brief facts of the case shorn of unnecessary details as necessary for adjudication of the matter are that petitioner company being an allottee of plot

No.138, Sector 8, IMT Manesar, Gurgaon, claimed the benefit of 20% rebate of land cost in terms of Industrial Policy (dated 11.11.1999). As per said policy dated 11.11.1999, rebate equivalent to 20% of land cost was to be given to the allottee if the industrial unit started commercial production within three years of offer of possession of industrial plot. It is the case of petitioner that it did start production within the stipulated period. This is not denied by respondents. However, petitioner's claim seeking rebate of 20% was rejected on 28.08.2009 (Annexure P-15) on the ground that there existed zoning violations on the site. Petitioner represented against this decision. Representation was rejected on 17.09.2019 (Annexure P-32) leading to filing of present writ petition.

3 Reliance has been placed by learned counsel for petitioner on decision dated 10.08.2017 of Division Bench of this Court in CWP No.9859 of 2010 and other 9 connected writ petitions to submit that denial of rebate in terms of policy dated 11.11.1999 on the basis of zoning violations is absolutely illegal and uncalled for. SLP No.10323 of 2017 filed by respondent-HSIIDC challenging order dated 10.08.2017 was dismissed on 16.04.2018.

4 Learned counsel for respondent-HSIIDC is unable to deny that the matter is indeed squarely covered in favour of petitioner in view of decision dated 10.08.2017 wherein it has been categorically held that existence of zoning violations cannot in any manner lead to denial of rebate under the policy in question. Court in the above said matter was seized of an identical controversy wherein rebate in terms of notification/policy dated 11.11.1999 had been denied to the allottees on various accounts including that of existence of zoning violations on the site. Impugned orders therein had been set aside and authorities were directed to consider the case of each of the petitioners on merits in accordance

with law and pass fresh orders. It is a matter of record that pursuant to order dated 10.08.2017 case of petitioner therein was indeed considered by authorities and claim was approved subject to removal of non-compoundable zoning violations with production activities having been carried out for a minimum period of one year.

4 As per written statement dated 28.05.2024 filed in the instant case on behalf of respondent-HSIIDC there were no zoning violations as per site report dated 17.08.2016. The relief in question has still been denied.

5 Keeping in view the facts and circumstances as above and especially order dated 10.08.20107 in CWP No.9859 of 2010, we find the stand taken by respondent to be totally unjustified. Accordingly, impugned orders/communications are set aside. It is directed that authorities shall consider the case of petitioner in accordance with settled position as has been noted above within a period of four weeks and amount as found due should be released within next four weeks thereafter. The authorities would also take into consideration decision dated 12.10.2017 in CWP No.22514 of 2014 as well as decision of Hon’ble Supreme Court in ‘*Hamdard Laboratories Vs. Haryana State Industrial and Infrastructure Development Corpn., (2017) 2 SCC 536*’ while taking final decision on the matter.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

05.11.2024
jyoti3 Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No