



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-25938-2023 (O&M)
Date of decision: 03.10.2024

Improvement Trust, Fazilka and another
...Petitioners

VERSUS

Presiding Officer, Permanent Lok Adalat (Public Utility Services), Fazilka
and another
...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vishal Handa, Advocate for the petitioners.

Mr. J.S. Thind, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the award dated 24.08.2023 passed by respondent No.1-Permanent Lok Adalat (Public Utility Services), Fazilka vide which the application of respondent No.2 has been partly accepted and the letters No.614 dated 20.12.2019 and No.315 dated 01.08.2019 for recovery of penalty amount were declared as invalid.
2. During the pendency of the present petition, when the matter came up for preliminary hearing on 20.11.2023, learned counsel for the petitioner had informed that occupation certificate had already been issued to the petitioner, but there was an issue pertaining to 'No Dues Certificate', which was hence stayed by this Court vide order dated 20.11.2023.



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3. The matter was thereafter taken up for hearing on 02.04.2024, when it was noticed that an application had been filed by respondent No.2-applicant stating that he had deposited the dues as calculated by the petitioner-Trust and that the same may be accepted without prejudice to her rights and that the 'No Dues Certificate'/building completion certificate and other clearances may be issued to her.

4. The operative part of the order passed in CM-30-CWP-2024 reads thus:-

"CM-30-CWP-2024

Learned counsel appearing on behalf of applicant-respondent No.2 contends that he may be issued a No Dues Certificate plus completion certificate as per law and subject to payment of the dues as calculated and conveyed by the petitioner Improvement Trust without prejudice to the rights of the respondent. In view of the above, the applications are allowed. In the event of the respondent-non-applicant depositing the statutory charges/dues payable to the petitioner-Improvement Trust, Fazilka as furnished by them within a period of 15 days of communication of the payable amount, the No Dues Certificate/Building Completion Certificates and other clearances shall be issued by the petitioner-Improvement trust without prejudice to the rights of the respondent."



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5. That as no action was taken by the petitioner-Trust, despite the respondent depositing the entire amount, hence, the Executive Officer of the Trust was directed to remain present in Court vide order dated 14.08.2024.

6. In compliance thereof, Mr. Gora Lal, Executive Officer, Improvement Trust, Fazilka is present in Court. It is not disputed that in so far as the dues communicated by the petitioner-Trust and appended along with the present writ petition as Annexure P-14 and P-15 are concerned, the same already stand deposited. It is however contended that the building plan was submitted in an offline/manual mode and that as per the instructions dated 03.08.2020 issued by the Government of Punjab, the building plan is required to be submitted through an online mode. In view of the above, respondent No.2-applicant is stated to be required to submit a fresh application for sanction of the building plan.

7. Learned counsel for respondent No.2-applicant contends that the said objection is misplaced since the building plan was originally submitted to the petitioner-Trust in the year 2017, before commencement of construction, and the same was got sanctioned on 24.04.2017, hence, the letter dated 03.08.2020 cannot be retrospectively enforced against respondent No.2-applicant to submit a building plan afresh. Moreso, the same had already been sanctioned by the Junior Engineer.

8. On being confronted with the same and as to how the subsequent letter mandating online submission of form can be enforced retrospectively against respondent No.2-applicant, learned counsel for the



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petitioner-Trust undertakes to issue the “Building Completion Certificate” as well as the ‘No Dues Certificate’ within a period of 04 weeks of the receipt of certified copy of this order.

9. Learned counsel for respondent No.2-applicant accepts the aforesaid statement.

10. In view of the above, no further order is required to be passed in the matter. The present petition is accordingly **disposed of**.

11. The petitioner-Trust shall remain bound by the statement made today in the Court and the necessary ‘No Dues Certificate/Building Completion Certificate’ shall be issued in terms of aforesaid statement made at bar.

12. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

03.10.2024

Mangal Singh

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