



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

CWP-37220-2019 (O&M)

Date of Decision :13.05.2024

Kanishka Towers Resident Welfare Society

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Sunil Chadha, Sr. Advocate with
Ms. Taanvi Dhull, Advocate and
Mr. Akshay Chadha, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, AAG, Haryana.

Ms. Hemani Sarin, Advocate for respondents No.7 and 8.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate and
Ms. Saanvi Singla, Advocate for respondent No.9.

ARUN PALLI, J. (Oral):

Learned counsel for the parties submit that, in essence, the grievance of the petitioner (Kanishka Towers Residents Welfare Society) was/is that the builders-promoters failed to hand over the maintenance and control of the common areas to the association. Whereas the stand set out by the private respondents has been that since the association was in arrears of maintenance charges, the respondents were not obliged to handover the common areas of the association.

Be that as it may, it is urged that during the pendency of the petition, the parties to the *lis* have mutually resolved their differences, vide settlement deed dated 12.05.2024. Copy thereof has been placed before us,



which is taken on record as Mark-A. Accordingly, it is urged that nothing substantive survives in the petition and the same be disposed of in terms of the agreement arrived at between the parties.

Further, it is submitted that in compliance to the order dated 30.10.2020, a fixed deposit amounting to Rs.2 crores was created by the petitioner in the name of the Registrar General of this Court. However, subsequently, for the parties were exploring the possibility of a compromise, vide order dated 23.12.2022, the said amount was permitted to be withdrawn. But as the negotiations between the parties failed, vide order dated 09.03.2023, this Court, required the petitioner to re-deposit the said amount along with interest. Concededly, the said order was complied with. And now, as indicated above, the dispute between the parties stands finally resolved, it is submitted that the petitioner be allowed to withdraw the said amount, to enable the petitioner to fulfill its commitment, in terms of the settlement (ibid).

In the wake of the above, the petition is accordingly, disposed of, in terms of the agreement dated 12.05.2024 (Mark-A). The petitioner is at liberty to withdraw the amount, deposited by it, with the Registrar General of this Court along with interest accrued thereupon.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

13.05.2024
Manoj Bhutani

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