



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-31218-2024(O&M)
Date of decision: 20.11.2024

Anant Verma
... Petitioner
Versus
Department of Town and Country Planning (DTCP), Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Sonia Madan, Advocate,
for the petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Saanvi Singla, Advocate.

ARUN PALLI, J. (Oral)

The petitioner (Anant Verma) was allotted apartment No.G0403, 4th floor, Godrej Summit Tower-G (measuring app. 117.89 sq. meter), in the Group Housing Residential Project “Godrej Summit”, situated at Sector 104, Gurugram, vide letter of allotment dated December 30, 2012 (P-1).

A mandamus is prayed for, commanding respondent No.1 (DTCP) and respondent No.2 (DTPE), to undertake an immediate comprehensive independent structural audit of all the buildings situated within the Godrej Summit complex identifying deficiencies they suffer from, and also design a rectification plan. And, for the Project was developed by Godrej Projects Development Ltd. (respondent No.5) along with Magic Info Solution Pvt. Ltd. (respondent No.4), a direction be issued to the said respondent(s) to form a Residents’ Welfare Association (RWA) in accordance with the Haryana Apartment Ownership Act, 1983. Further, respondents No.1 & 2 be also directed to carry out a thorough investigation of the Godrej Summit complex to ensure that all the building codes and safety regulations are adhered to.

Learned counsel for the petitioner submits that in January, 2020, a balcony of a flat in Tower D broke and fell, posing significant safety hazard to the residents. Therefore, similar incidents of structural failure kept occurring



during the COVID-19 lockdown also. Even though, she submits that these issues were raised with the Project Developer(s) vide e-mail dated July 25, 2020 (P-3). But, owing to an apparent inaction at the end of the private respondents, the petitioner was impelled to make a complaint even to the Prime Minister's Office (PMO) on February 16, 2022 (P-5). As a result, she submits, a Special Investigation Team (SIT) was constituted by the Deputy Commissioner, Gurugram. Which, although decided to carry out a structural audit in a phased manner of all high rise buildings in Gurugram, but despite lapse of a considerable time, the matter has not made any tangible progress. Further, even the Developer(s) being cognizant of the sensitivity of the matter, vide letter dated March 15, 2023 (P-8), had written to the Indian Institute of Technology (IIT), Delhi, to provide consultancy services on the structural issues. But again, the matter was not taken to a logical end and remains inconclusive. She submits that, in the given circumstances, the petitioner had made complaint(s) dated February 16, 2020 (P-5) as also the representation dated August 31, 2024 (P-34) to DTCP and DTEP, Haryana. But to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana along with the District Town Planner (HQ), Haryana, Chandigarh is present in Court on behalf of respondents No.1 & 2. At the outset, he has shared with us a copy of the communication dated November 20, 2024, addressed to the Senior Town Planner, Gurugram, which is taken on record as **Mark 'X'**. Vide the said letter, DTP (HQ), with reference to the complaint made by the petitioner, has issued instructions to also include the project in question in the list of Group Housing colonies, for which structural safety audit was to be conducted in district Gurugram. Further, the STP, Gurugram has also been directed to visit the subject site and send his report/comments after affording an opportunity of personal hearing to the petitioner at the earliest so that the necessary action could be taken in the matter:

“A complaint received from Mr. Anand Verma, Tower2, 3 C Bellevue Central Park-2, Sohna Road, Sector-48, Gurugram-122002. While sending a copy of the same, it is directed to include the project in the list of



Group Housing colonies for which structural safety audit is being conducted in district Gurugram. Further, it is also requested to visit the site and send your report/comments after according an opportunity of personal hearing to the complainant at the earliest to this office for taking further necessary action in the matter.”

That being so, learned counsel for the petitioner submits that for the present, in the wake of the communication dated November 20, 2024 (**ibid**), nothing substantive survives in the petition and the same be disposed of in terms thereof. However, in case, the matter does not make any meaningful progress or inaction at the end of the respondent-authorities persists, the petitioner would be at liberty to avail such other remedies as shall be admissible in law, if so advised. And also, to file a fresh writ petition.

Ordered accordingly.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

20.11.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO