



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

**CWP No.34588 of 2024 (O&M)
Date of Decision :19.12.2024**

M/s Greymarble Infra Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

..... Respondents

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

**Present : Mr. Gaurav Chopra, Sr. Advocate with
Mr. Vardaan Seth, Advocate for the petitioner.**

Mr. Jastej Singh, DAG, Punjab.

ARUN PALLI, J. (Oral):

The petitioner has prayed for the following substantive reliefs:-

“Civil Writ Petition under Article 226 of the Constitution of India for the issuance of a writ, order or direction especially a writ in the nature of Certiorari for quashing the Additional Demand Notice dated 02.12.2024 (Annexure P/24) and two Demand Notices dated 04.12.2024 (Annexure P/27 and P/28) whereby the Petitioners have been charged CLU/EDC charges despite the same being explicitly exempted qua the project of the Petitioner in terms of the provisions of Industrial Parks Policy dated 19.06.2019 (Annexure P/4) issued by Respondent No. 2, Department of Housing and Urban Development, Government of Punjab and hence being manifestly illegal in the interest of justice,

AND

For the issuance of a writ in the nature of Mandamus for directing the Respondents to extend the fiscal incentives to the Petitioner in terms of the Industrial Parks Policy, 2019 dated 19.06.2019 (Annexure P/4), being an Industrial Park project which was applied for and approved after notification of the Policy dated 19.06.2019 and much prior to the amendment to the Industrial Parks Policy, 2019 vide Notification dated 18.07.2023 (Annexure P/13) in the interest of justice;

AND

For the issuance of a writ in the nature of Mandamus for directing the Respondents to extend the development benefits to the



Petitioner in terms of the Industrial Parks Policy, 2019 dated 19.06.2019 (Annexure P/4) whereby Industrial Park projects having a minimum area of 25 Acres were to be allowed to develop a maximum of 50% of the said area as Residential and Commercial component in the interest of justice;

AND

For the issuance of a writ in the nature of Mandamus for directing the Respondents to recalculate the amount demanded vide Additional Demand Notice dated 02.12.2024 (Annexure P/24) and 2 separate Demand Notices dated 4.12.2024 (Annexure P/27 and P/28) whilst duly removing the CLU, EDC, Scrutiny Fees and CLU differential charges and recalculating the SIF Charges in terms of the Industrial and Business Policy, 2017 (Annexure P/3) and Industrial Parks Policy, 2019 (Annexure P/4) and refund the excess amount deposited by the Petitioner under protest vide various Demand Drafts dated 03.12.2024, 04.12 2024 and 05.12.2024,

AND

For the issuance of a writ in the nature of Mandamus directing the Respondent No. 6 to approve the Revised Layout Plan dated 02.07.2024 submitted by the Petitioner vide Drawing Number MG/GM/ITP/LP-01, Sheet No. ITP/LP-01 along with Letter requesting for approval of the Revised Layout Plan dated 03.07.2024 (Annexure P/17) while giving primacy to the Industrial Parks Policy, 2019, which was the only Policy applicable to the Industrial Park project launched by the Petitioner being approved much earlier to the notification of the Industrial and Business Development Policy, 2022 as well as the Notification dated 18.07.2023 whilst also ignoring the Revised Layout Plan dated 07.08.2024 submitted by the Petitioner with 60% Industrial component under duress on account of the specific directives of the Respondent No.6 vide its 39th meeting held on 29.07.2024 that the Layout Plans will not be passed in case they are not revised to include 60% Industrial component in terms of Notification dated 18.07 2023,

AND

For the issuance of a writ in the nature of Certiorari for quashing the proceedings of the 39th meeting of the Layout Plan Approval Committee, Respondent No.6, held on 29.07.2024 (Annexure P/18) whereby the Revised Layout Plan dated 02.07.2024, submitted by the Petitioner was rejected whilst directing that the Industrial component in the said Layout Plan should be increased to minimum 60% in terms of the Notification dated 18.07.2023, as being contrary to the Notification dated 18.07.2023 wherein it is specifically recorded that the same would apply only to New Industrial Park projects;

AND

For the issuance of a writ in the nature of Certiorari for quashing the Letter of Approval dated 05.12.2024 (Annexure P/31) whereby



the Revised Layout Plan dated 07.08.2024 submitted under duress by the Petitioner was approved after being compelled to not only pay the charges illegally demanded vide Additional Demand Notice dated 02.12.2024 and two separate Demand Notices dated 04.12.2024 but also being compelled to submit the Revised Layout Plan dated 07.08.2024 with 60% Industrial Component in terms of the Notification dated 18.07.2023;

AND

For the issuance of a writ of Mandamus directing Respondent No. 4 to adjudicate upon the Representation dated 9.12.2024 (Annexure P/33) addressed to the Respondent No. 4 to recalculate and refund the amount arbitrarily demanded and paid by the Petitioner under protest as being illegal, arbitrary and contrary to the Industrial Parks Policy, 2019 as also to allow the Petitioner to submit Layout Plans in accordance with the minimum 50% Industrial Component ratio as prescribed by the Industrial Parks Policy, 2019 with a further direction to the Respondent No.3 to process the Layout Plans expeditiously.”

Learned Senior counsel for the petitioner submits that prior to the institution of this petition the petitioner had even represented to the respondents-authority vide representation dated 09.12.2024 (P33), but to no avail.

Served with the advance copy of the petition, Mr. Jastej Singh, DAG, Punjab, is present in Court for the respondents-State. At the outset, he submits that as the competent authority is already in seisin of the concerns/grievances of the petitioner, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on its representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the authorized representative(s) of the petitioner shall be heard. And a formal communication, in this regard, shall also be issued to it, well in advance.

Learned Senior counsel for the petitioner is in agreement with the course suggested by learned State counsel and submits that let this petition be



disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within four weeks from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

19.12.2024
Manoj Bhutani

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