

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

Col. Jatinder Singh (Retd.) and others ...Petitioners

Akhil Kumar and others ...Respondents

Present: Mr. A.K. Khubbar, Advocate for the petitioners.

Ms. Madhu Dayal, Addl. Standing Counsel,
U.T. Chandigarh for respondent Nos.2 & 3.

1. Present petition has been filed for initiation of proceedings under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971, for alleged violation of the undertaking given by the respondents while passing the order dated 11.03.2024 (Annexure P-1), in CWP-4768-2024.

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authenticity of this document
Chandigarh



3. In view of certain undertakings recorded on behalf of both the Chandigarh Housing Board and the Chandigarh Administration, the petition was disposed of in terms of the statement made by the parties, reserving a right in favour of the petitioners to move an appropriate application for restoration and decision on merits, in case no decision is reached by the respondent-authorities within the stipulated period.

4. Learned counsel for the petitioners contends that the authorities have not reached to any conclusion and the matter is still pending.

5. *Per contra*, learned counsel for the respondents contend that the undertakings given before the Court while passing the order dated 11.03.2024 have been complied with.

6. I have considered the aforesaid submissions and perused the paper-book.

7. Respondent No.1 filed affidavit dated 07.05.2025, wherein it has been contended that the drawings recommended by the Plan Approval Committee (Lower) [PAC(L)] of the Chandigarh Housing Board have been sent to the Chandigarh Smart City Limited on 16.12.2024 (Annexure R-1) for uploading the same on OBPAS Portal regarding implementation of Clause 20 of Need Based Changes order dated 03.01.2023.

8. Whereas, respondent No.2 has also filed an affidavit dated 18.12.2024 and submitted that the proposal of installing lifts in the existing HIG (L) and HIG (U) flats in Sector 38 (W) and Category I & II flats in Sector 51A, Chandigarh marked in drawing prepared by the Chandigarh Housing Board has already been recommended by the PAC(L) constituted by the Chandigarh Housing Board and the said



respondent has requested to forward the said drawing to the Chandigarh Smart City Ltd. for uploading data on OBPAS portal for approval of drawing through the concerned empaneled private Architect under the Self Certification Scheme. As such, the compliance as required on the part of respondent No.2 is stated to have been made.

9. Learned counsel for the petitioners contends that some of the petitioners have already been granted NOC by the Chandigarh Housing Board.

10. Mr. Parveen Chauhan, Advocate, representing the Chandigarh Housing Board has confirmed the grant of such NOCs to some of allottees and further confirmed that those who have been granted such NOCs would not be asked to again obtain the same.

11. As per the order dated 19.05.2025, it was noticed that earlier designs were required to be uploaded over the official website of OBPAS, however, on account of winding up of the Chandigarh Smart City Ltd., the Chandigarh Administration has passed the order dated 19.05.2025 and the learned counsel representing respondent No.2 contends that allottees are now allowed to install the lifts as per the manually approved designs.

12. Learned counsel for the petitioners further contends that the petitioners have no difficulty in submitting the files manually on behalf of those allottees who have not yet obtained the NOCs for approval. He further contends that despite obtaining the NOC by some of the petitioners and despite there being a provision for manual submission of the design and other paper-book in the Estate Office, U.T. Chandigarh and the Chandigarh Housing Board, the petitioners



are not aware about the further intricacies including the documents to be submitted along with the requisite applications.

13. The aforesaid facts and circumstances indicate that no final decision has been taken by the respondent-authorities to implement Clause 20 of the Need Based Changes order dated 03.01.2023 by practically allowing the allottees to construct/install lifts as per the design approved by the OBPAS and subsequently, the online plane has been discarded and the authorities are resorting to manual submitting of the files for such approvals. The observations by the Division Bench vide order dated 11.03.2024 require reference, which read as follows: -

“Learned counsel for the petitioners is in agreement with the course suggested by learned counsel for the respondents, and submits that let this petition be disposed of, in terms of the statement made by them.

Accordingly, in the wake of the position sketched out above an in terms of the statements made by learned counsel for the parties, the petition is disposed of. However, if no decision is reached by the respondent authorities within the time indicated above, the petitioners shall be at liberty to move an appropriate application in this petition itself for restoration and decision on merits.

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

(Emphasis added)

14. In view of the facts on record, the petitioners have a right to move appropriate application seeking restoration of the writ petition and no further action can be taken in the present petition, whereby, jurisdiction is sought to be invoked under Sections 10, 11 & 12 of the

15. Consequently, the present petition is disposed of with liberty to the petitioner to avail the appropriate alternate remedy, if so advised.

16. Pending miscellaneous application(s), if any, shall also stand disposed of.

04.12.2025
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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No