



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

155+230

(1)

CM-5701-CWP-2026 in/and

CWP-32391-2019

Date of Decision: 16.04.2026

Elite Equipment India Private Limited

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Tushar Sharma, Advocate and
Mr. Shourya Arora, Advocate
for the petitioner.

Mr. Gaurav Bansal, Deputy Advocate General, Haryana.

Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate
for respondents No.2 and 3–HSIIDC.

SUVIR SEHGAL, J. (ORAL)

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1. Application is allowed as prayed for.
2. Short replication to the reply filed on behalf of respondents No.2 and 3, is taken on record.

Main Case

1. Grievance of the petitioner is that he has not been granted benefit of 20% rebate on the additional/enhanced cost of plot.
2. Vide letter dated 28.12.1999 (Annexure P-3), M/s Elite Equipment India was allotted 1000 sq. meter plot in Sector-5 of IMT,



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Manesar, Gurugram, which was transferred in favor of the petitioner-company. Physical possession of the plot was handed over to the petitioner vide letter dated 30.07.2001 (Annexure P-5), and petitioner constructed the building as per the approved plan. Occupation certificate was issued to the petitioner on 16.09.2002 (Annexure P-6), and conveyance deed was executed on 08.06.2004. Petitioner started commercial production in October 2002. Petitioner claimed 20% rebate on land cost in terms of policy dated 11.11.1999 (Annexure P-1), which was rejected by HSIIDC. Petitioner approached this Court by filing a writ petition, which was disposed of on 10.08.2017 (Annexure P-26) with a direction to HSIIDC to decide the claim afresh. Vide impugned communication dated 29.03.2019 (Annexure P-28), HSIIDC granted rebate of 20% on the original allotment price but declined to do so on the additional/enhanced price paid by the petitioner.

3. Upon notice, writ petition has been contested by respondents No. 2 and 3-HSIIDC by filing a short response, wherein it has been stated that 20% rebate has been given on land cost. A specific stand has been taken by the aforesaid respondents that rebate on the enhanced cost is against the terms of EMP 1999 and clause 5 thereof provides that a 20% rebate is to be given on the original land cost only subject to the condition that the industrial unit starts commercial production within three years of the offer of possession of the industrial plot.

4. After hearing counsel for the parties, this Court is of the view that the dispute is squarely covered by the judgment of the Supreme Court in

Hamdard Laboratories versus Haryana State Industrial and Infrastructure



-: 3 :-

Development Corporation and others, (2017) 2 SCC 536. The judgment is reproduced hereunder:-

“Leave granted. While issuing notice on 15.02.2016, the scope of the appeal was limited to the following question:-

"Whether the High Court failed to appreciate that the petitioner is entitled to 20% rebate on the additional cost of land payable to the HSIIDC, since there is no such restriction, carved in the notification?

2. *Having heard the learned counsel on both sides, we are satisfied that the appellant is entitled to 20% rebate on the additional cost of land since that factor is included in the enhanced cost of land. Therefore, the appeal is allowed declaring that the appellant shall be entitled to 20% rebate since the appellant has already paid the enhanced compensation.*

3. *The amounts due in terms of the Judgment would be paid to the appellant within a period of two months from the date of receipt of a copy of this judgment. No costs.”*

5. Hon’ble Supreme Court has affirmatively held that the additional cost of land is included in the cost of land and has to be taken into consideration for the grant of rebate in terms of the policy. As a result, the impugned decision taken by the respondents No.2 and 3 cannot be sustained.

6. For the foregoing reason, impugned communication dated 29.03.2019 (Annexure P-28) is set aside to the extent rebate of 20% has been declined to the petitioner on the additional/enhanced cost of land. A direction is issued to the competent authority to recalculate the rebate and in case any amount is liable to be refunded to the petitioner, the same shall be done within a period of four months from the date of receipt of a copy of this order.



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7. Writ petition is disposed of.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SUVIR SEHGAL)
JUDGE

(VIKAS SURI)
JUDGE

April 16, 2026
Varinder

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