SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/316/2018 Maxx Mobile Communication Ltd --Petitioner **Versus** Haridwar Development Authority, --Respondent **Hon'ble Manoj Kumar Tiwari, ACJ** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Sudhir Kumar, learned counsel for the appellant. 2. Mr. Ashish Joshi, learned counsel for respondent no. 1. 3. Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand. 4. This intra-court appeal is directed against judgment and order dated 27.03.2018 passed by learned Single Judge in WPMS No. 854 of 2012. By the said judgment, challenge thrown by appellant to the power of Haridwar Roorkee Development Authority (in short 'HRDA') to levy compounding fee was repelled. Operative portion of the impugned judgment is extracted below:- "The fact of the matter is that the petitioner was granted permission to raise construction within a prescribed period but he did not raise any construction. Thereafter, SIDCUL was authorized to give building permission as noticed hereinabove. The power delegated to SIDCUL was withdrawn on 28.12.2006. Thereafter, the petitioner was issued show cause notice. The petitioner has himself moved application for compounding. It cannot be said that the respondent no.1 has no jurisdiction or authority to deal with the matter.

Petitioner had acquiesced/waived his right by submitting the application for compounding. He cannot turn around to challenge the procedure.

Accordingly, there is no merit in the writ petition and the same is hereby dismissed"

5. This Court do not find any reason to interfere in the matter, as the appellant submitted to the jurisdiction of HRDA by applying for compounding, and HRDA decided to compound the structure raised by appellant, however, subject to payment of compounding fee.

6. The submission made on behalf of appellant, that HRDA has no authority to deal with the structure raised within industrial estate managed by SIIDCUL, cannot be accepted. Since appellant himself approached HRDA and requested for compounding the unauthorised structure raised by him, therefore, the view taken by learned Single Judge cannot be faulted.

7. Accordingly, the appeal fails and is dismissed.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, ACJ)
03.11.2026

Aswal