

(2013) 07 P&H CK 0520
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 7501 of 2013 (O and M)

The IMT Manesar and Another	Vs	APPELLANT
Haryana State Industrial and Infrastructure Development Corporation and Others		RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0520

Hon'ble Judges : Satish Kumar Mittal, J;Mahavir S. Chauhan, J

Bench : Division Bench

Advocate : M.L. Sarin, with Ms. Alka Sarin, for the Appellant; Kamal Sehgal, Advocate, for respondents No. 1, 2 and 4 and Mr. Randhir Singh, Additional Advocate General, Haryana, for the Respondent

Final Decision : Disposed Off

Judgement

Satish Kumar Mittal, J.—The petitioner-Residents Welfare Association has filed the instant petition for quashing of the demand notice dated 24.9.2012 (Annexure P4) whereby the payment of enhanced cost on account of enhancement of land acquisition compensation has been demanded from the members of the petitioner-Association at the rate of Rs. 3552/- per sq. meter. This demand has been made in addition to the tentative price paid by the members of the petitioner-Association at the time of allotment of the plots at the rate of Rs. 1800/- per sq. meter. It is the case of the petitioners that the respondents have not properly calculated the cost on account of enhancement in compensation which is sought to be recovered from the members of the petitioner-Association being allottees.

2. In the written statement filed on behalf of respondents No. 1, 2 and 4, the following offer/suggestion has been made:-

6. It is respectfully submitted here that the demand raised by the Corporation is totally legal and valid. Although, it is absolutely wrong and hence denied that the

Corporation has adopted a wrong methodology for calculating the enhanced cost but in order to show its bona fide and to maintain transparency, the Corporation, subject to approval of this Hon"ble Court, is agreeable to constitute a committee of the Managing Director, HSIIDC, Chief Controller (Finance), HUDA and Chief Town Planner, HSIIDC assisted by Addl. General Manager (Accounts), HSIIDC to re-examine the same by taking into consideration the contention made by the petitioner in the present writ petition after affording an opportunity of personal hearing.

3. After hearing the learned counsel for the parties, we are of the opinion that the aforesaid offer/suggestion given by the respondents to constitute a committee to re-examine the issue after providing an opportunity of hearing to the petitioner by taking into consideration the contention raised by it is reasonable and fair. Learned counsel for the petitioners also does not dispute the reasonability of the offer/suggestion given by the respondents. Consequently, we dispose of this writ petition with direction to the respondent-HSIIDC to constitute a committee, in the light of the aforesaid and to re-examine the issue of recoveries of enhanced cost of acquisition from the allottees/re-allottees after providing an opportunity of personal hearing and pass a speaking order in this regard within three months from the date of receipt of the certified copy of this order. Till the final decision of the said committee, no coercive action against the petitioners, under the aforesaid notice, shall be taken.