

Dr. (Mrs.) Kanta Jalota and Another Vs State of Punjab and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 28, 2014

Hon'ble Judges: Surya Kant, J; Amol Rattan Singh, J

Bench: Division Bench

Advocate: Anil Dutt, Advocate for the Appellant; Amit Sethi, Addl. A.G. Punjab, Advocate for the Respondent

Final Decision: Disposed Off

Judgement

Surya Kant, J.

The petitioners are the allottees of industrial plots at Jalandhar. The allotments were made in the year 1985 by respondent

No. 3-The Punjab Small Industries & Export Corporation Ltd. at the rate of Rs. 28/- per square yard. The petitioners were thereafter served the

impugned communication in the year 1994 asking them to deposit an additional amount of Rs. 150/- per square yard. The petitioners have

impugned the above-stated enhancement in the allotment price primarily on the ground of non-observance of principles of natural justice and the

fact that no reason whatsoever to justify the enhancement was assigned.

2. It may be mentioned here that this writ petition was ordered to be listed for hearing along with CWP No. 5803 of 1994.

3. We find from the record that CWP No. 5803 of 1994 and other connected cases raising an identical issue were disposed of by this Court vide

order dated January 20, 2000, with the following directions:-

xxxxx In view of what we have mentioned above and the decisions rendered in Surinder Singh's case (supra) and Harbinder Bajwa's case

(supra), we dispose of these writ petitions with the following directions:-

(1) Within two months from today the respondent-Corporation shall furnish to each of the petitioners the details of calculations made for arriving at

the figure of enhanced price chargeable from the petitioners in respect of the land allotted to them. Along with the calculations, full particulars of the

judgment/award under which the enhanced compensation had been paid or is payable by the Corporation should be disclosed to the petitioners;

(2) Within seven days of the receipts of calculations from the Corporation, the petitioners may make written application for inspection of the

relevant records and the competent authority of the Corporation shall allow inspection of the records to the applicants within next three weeks;

(3) The petitioners shall be entitled to file representation questioning the correctness of the calculations made by the Corporation and at the same

time, they shall be entitled to make a prayer for the grant of benefit of rebate/incentive and land subsidy in accordance with the letters of intents.

The petitioners shall also be free to raise other points including the plea of estoppel against the charging of enhanced price. Such representations

shall be made within a period of three months from the date of receipts of the calculations;

(4) If any of the petitioners makes a written request for the grant of opportunity of personal hearing then the competent authority of the respondent-

Corporation shall hear such petitioners after giving a notice of the date, time and place for such hearing;

(5) After hearing the petitioners, the competent authority of the respondent-Corporation shall pass a speaking order indicating its reasons for

accepting or non-accepting their reasons for accepting or non-accepting their claim with regard to payment of the enhanced additional

price/enhanced costs, rebate/incentive and land subsidy; and

(6) The order passed by the Corporation shall be communicated to individual petitioner, requiring him/her/them to pay the additional price, if any,

along with the interest payable as per the policy of the Corporation prevalent on the relevant date.

Any of the petitioner, who may feel aggrieved by the decision of the Corporation shall be entitled to avail appropriate legal remedy.

4. The instant writ petition is also disposed of in the same terms, as reproduced above.