

ITEM NO.2

COURT NO.5

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Miscellaneous Application No.50 of 2019 in C.A. No.8788/2015

RAMESHWAR &amp; ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA &amp; ORS.

Respondent(s)

WITH

MA No.864/2019 in C.A. No.8788/2015 (IV)  
(FOR ADMISSION; IA No.68542/2019 - FOR APPROPRIATE  
ORDERS/DIRECTIONS; and, IA No.68542/2019 - FOR APPROPRIATE  
ORDERS/DIRECTIONS)

Diary No.24553/2019 (IV)  
(IA No.189667/2019 - FOR APPROPRIATE ORDERS/DIRECTIONS; and, IA  
No.102358/2019 - FOR APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN

Counsel for the Parties:

Mr. M.L. Lahoty, Adv.  
Mr. Paban K. sharma, Adv.  
Mr. Anchit Sripat, Adv.  
Mr. Himanshu Shekhar, AOR

Mr. Anil Grover, AAG  
Mr. Ajay Bansal, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR

Mr. R.S. Suri, Sr. Adv.  
Mr. Rohit K. Aggarwal, Adv.  
Mr. Aditya Giri, Adv.  
Mr. Abhishek Singh, AOR

Mr. S.S. Jauhar, Adv.  
Aishwarya, Adv.

Mr. Rajan Kumar Chourasia, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Piyush Singh, Adv.  
Mr. Aditya Parolia, Adv.  
Mr. Akshay Srivastava, Adv.  
Mr. Gaurav Goel, AOR

Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following  
O R D E R

IA No.189667/2019 in M.A. Diary No.24553 of 2019 in C.A. No.8788 of 2015:

Mr. M.L. Lahoty, learned Counsel appearing in support of the application contends *inter alia*:

A. The reply filed by Haryana State Industrial & Infrastructure Development Corporation (HSIIDC) in compliance of the order dated 15.11.2019 does not indicate any clear time-frame within which the project is to be completed. The assertions in the reply affidavit are to the effect "as and when the project is ready and marketed at price fixed subsequently". His submission is that in the absence of any time-frame, the allottees will be put to complete prejudice.

- B. The response also indicates that 270 claimants were found to be seeking refund while balance 1551 claimants were seeking allotment and handing over of possession. It is submitted that the list of these persons is not available, in the absence of which it is difficult for any claimant to check his record.
- C. In case the HSIIDC or the public authorities are unable to handover possession to the allottees within the stipulated period, the allottees are willing to take the concerned land/units representing their interest on "as is where is basis" and they will be willing to complete the construction at their own cost and to pay all the dues as shall be determined by the HSIIDC.

Learned counsel for HSIIDC prays for and is granted three weeks to respond to these submissions. He also submits that the matter is now engaging the attention of the Enforcement Directorate and in order to have completeness in the matter, it would be better if the response from the Enforcement Directorate is also called for.

M.A. No.50 of 2019 in C.A. No.8788 of 2015

Mr. S.S. Jauhar, learned counsel appearing for the claimants pertaining to the development undertaken by Kalinga Realtors Pvt. Ltd., who are interested to seek refund, submits that the authorities must do well to expedite the process and grant the actual refund at the earliest. It is also submitted that many of

the claimants have taken financial accommodation from the banks and are paying interest on the sum so advanced and, as such, are completely prejudiced as a result of any delay on part of the HSIIDC.

In this case the response submitted by the HSIIDC indicates that the settlement of claims of 125 claimants seeking refund has been processed while 133 claims will be considered for possession as per their entitlement.

I.A. No.137407 of 2019 in M.A. No.50 of 2019 in C.A. No.8788 of 2015:

Mr. R.S. Suri, learned Senior Advocate appearing for the claimant Kalinga Realtors Pvt. Ltd. invited our attention to the reply affidavit filed on behalf of Kalinga Realtors Pvt. Ltd. to indicate that the claims raised by Kalinga Realtors Pvt. Ltd. under various Heads have not been considered by HSIIDC and only certain claims have been taken into account while arriving at the figure that according to the authorities Kalinga Realtors was entitled to.

We call upon the HSIIDC to consider all these issues and file a comprehensive reply so that the interest of all claims are taken into account and addressed.

Let the reply be filed by the HSIIDC within four weeks from today.

List on 11.02.2020.

(MUKESH NASA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER