

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.4117 OF 2013**

**STATE OF HARYANA & ORS.**

**APPELLANT(S)**

**VERSUS**

**M/S.SHIVA ICE FACTORY  
THROUGH ITS PROPRIETOR (DEAD)  
THROUGH LRS.**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. 4118 OF 2013**

**O R D E R**

1. Having heard learned counsel for the parties and on perusing the material placed on record, we find no good ground to interfere with the impugned judgment(s) and order(s) passed by the High Court of Punjab and Haryana at Chandigarh.

2. The appeal(s) are, accordingly, dismissed.

3. Pending applications including application for impleadment also stand disposed of.

....., J.  
(VIKRAM NATH)

....., J.  
(SATISH CHANDRA SHARMA)

**NEW DELHI  
JANUARY 18, 2024**

ITEM NO.106

COURT NO.7

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4117/2013

STATE OF HARYANA &amp; ORS.

Appellant(s)

VERSUS

M/S.SHIVA ICE FACTORY  
THROUGH ITS PROPRIETOR (DEAD)  
THROUGH LRS.

Respondent(s)

WITH

C.A. No. 4118/2013 (IV)

(IA No. 4/2013 - EXEMPTION FROM FILING O.T. AND IA No. 3/2013 -  
PERMISSION TO FILE ANNEXURES)

SLP(C) No. 22539-22543/2013 (IV-B)

(IA No. 125371/2019 - APPLICATION FOR SUBSTITUTION, IA No. 61230/2022 - APPLICATION FOR SUBSTITUTION, IA No. 1/2013 -  
CONDONATION OF DELAY IN FILING, IA No. 61231/2022 - CONDONATION OF  
DELAY IN FILING SUBSTITUTION APPLN., IA No. 125373/2019 -  
CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN., IA No. 61233/2022 - EXEMPTION FROM FILING O.T., IA No. 141105/2019 -  
INTERVENTION/IMPLEADMENT AND IA No. 125375/2019 - SETTING ASIDE AN  
ABATEMENT)

Diary No(s). 32252/2021 (IV-B)

(IA No. 13507/2022 - CONDONATION OF DELAY IN FILING)

Date : 18-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Appellant(s) Mr. Lokesh Sinhal, Sr. A.A.G.  
Dr. Hemant Gupta, A.A.G.  
Mr. Deepak Thukral, A.A.G.  
Mr. Gautam Sharma, Adv.  
Mr. Samar Vijay Singh, AOR  
Mr. Nikunj Gupta, Adv.  
Ms. Payal Gupta, Adv.  
Mr. Shivang Jain, Adv.  
Ms. Nitikaa Guptha, Adv.  
Ms. Monica Anand Kumar, Adv.  
Mr. Keshav Mittal, Adv.  
Ms. Sabarni Som, Adv.  
Mr. Fateh Singh, Adv.  
Mr. Dinesh Malik, Adv.  
Mr. Darshan Chandrkant Siddarkar, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.  
 Mr. Deepak Thukral, A.A.G.  
 Mr. Nikunj, Adv.  
 Mr. Himanshu Shakya, Adv.  
 Dr. Monika Gusain, AOR

Mrs. Naresh Bakshi, AOR

For Respondent(s) Mr. Manoj Swarup, Sr. Adv.  
 Mr. Ankit Swarup, Adv.  
 Mr. Neelamanipant, Adv.  
 Mr. Rishi Bhargave, Adv.  
 Ms. Yashvi Aswani, Adv.  
 Mr. Rohit Kumar Singh, AOR

Mr. Naresh Kaushik, Adv.  
 Mr. Manoj Joshi, Adv.  
 Ms. Shikha John, Adv.  
 Mrs. Lalita Kaushik, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Vijay Gupta, Adv.  
 Mr. Manish Kumar, Adv.  
 Ms. R Roshni, Adv.  
 Ms. Puggal Renu Gupta, Adv.  
 Mr. Harish Pandey, AOR

Mr. Pravin Bahadur, Adv.  
 Ms. Ruby Singh Ahuja, Adv.  
 Ms. Akanksha Thapa, Adv.  
 M/S. Karanjawala & Co., AOR

Dr. Sushil Balwada, AOR  
 Mr. Srilok Nath, Adv.  
 Ms. Reena Rao, Adv.

Mr. S.D. Hooda, Adv.  
 Mr. Hitesh Kumar Sharma, Adv.  
 Mr. Virendra Mohan, Adv.  
 Mr. Akhileshwar Jha, Adv.  
 Ms. Niharika Dewivedi, Adv.  
 Ms. Ritika Raj, Adv.

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

C.A.Nos. 4117 AND 4118 OF 2013

The appeals are dismissed in terms of the signed  
 order.

Pending applications including application for impleadment also stand disposed of

SLP(C) No. 22539-22543/2013

Delay condoned.

We are not inclined to interfere with the impugned judgment(s) and order(s). The Special Leave Petition are, accordingly, dismissed.

Pending application(s) including applications for substitution and impleadment shall stand disposed of.

Diary No(s). 32252/2021

Delay condoned.

Despite the matter being taken up in the second call, no one is present on behalf of the respondents.

Learned counsel for the petitioner submitted that the impugned order dated 29.11.2019 of the High Court of Punjab and Haryana at Chandigarh has been passed relying upon a judgment rendered in the case of "Rajat Kuchhal and Others vs. State of Haryana and Others", CWP No.17408-2007 decided on 23.08.2012 which, in fact, related to non-applicability of *the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963* (for short, 'the 1963 Act') and not to the *Haryana Development and Regulation of Urban Areas Act, 1975* (for short, 'the

1975 Act').

The ratio laid down in the case of Rajat Kuchhal (supra) was relating to applicability of the 1963 Act with respect to the land covered under the *Haryana Municipal Act, 1973* and it had nothing to do with the 1975 Act, under which action was taken. If that be so, then the order passed by the High Court would be based on a wrong premise and it would be an error apparent on the face of the record.

In that view of the matter, it will be open for the petitioner to apply before the High Court by way of review petition on admissible grounds and satisfy the High Court that the judgment passed in the Rajat Kuchhal (Supra) has no application.

Accordingly, we dispose of these petitions with liberty to the petitioner to file a review petition before the High Court.

Pending applications also stand disposed of.

(NEETU KHAJURIA)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER

(Signed order in C.A.Nos.4117 & 4118 OF 2013is placed on the file.)