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**CM-10432-CWP-2026 & CM-10442-CWP-2026  
IN CWP-16884-2026**

**ADVANCE INDIA PROJECTS LIMITED  
V/S  
DIRECTOR, DEPARTMENT OF TOWN COUNTRY  
PLANNING HARYANA AND OTHERS**

Present:- Mr. R.S. Rai, Sr. Advocate,  
Mr. Chetan Mittal, Sr. Advocate,  
Mr. Nalin Kohli, Sr. Advocate assisted by  
Mr. Ritesh Kumar, Advocate,  
Mrs. Rubina Virmani, Advocate,  
Mr. Shubham Madaan, Advocate,  
Mr. Abhijeet Chaudhary, Advocate,  
Mr. Anshul Malik, Advocate,  
Mr. Sonam Sharma, Advocate for the petitioner.

Mr. Sandeep Chhabra, Additional A.G. Haryana.

Mr. Gaurav Chopra, Sr. Advocate assisted by  
Mr. Sachit Mathur, Advocate,  
Mr. Abhishek Sharma, Advocate,  
Mr. Balvinder Sangwan, Advocate for respondents No.3 to 13.

Mr. Akshay Bhan, Sr. Advocate,  
Mr. Aashish Chopra, Sr. Advocate assisted by  
Mr. Amitabh Tewari, Advocate,  
Mr. Pranaya Goyal, Advocate,  
Mr. Satvik Bansal, Advocate and  
Mr. Apoorav Kaushik, Advocate for respondent No.14.

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**CM-10432-CWP-2026**

1. The present application has been filed on behalf of the petitioner seeking stay on the operation and effect of Licence No.69 of 2025 dated 12.05.2025 and order dated 17.06.2025 granting approval for change of the name of developer in favour of respondent No.14.

2. Respective replies on behalf of respondents No.3 to 13 and respondent No.14 to the present application have been filed before this Court by

learned Senior Counsels appearing for the respondents, with copies thereof to the learned Senior Counsels for the petitioner. The same are taken on record.

3. All the learned Senior Counsels for the parties have addressed their respective arguments at length on the issue of grant of stay.

4. Mr. R.S. Rai, Mr. Nalin Kohli, and Mr. Chetan Mittal, learned Senior Advocates appearing on behalf of the petitioner have submitted that when the matter came up for hearing before a Co-ordinate Bench of this Court on 27.05.2026, the counsel for respondents had appeared, however, no interim order was passed. The said order was assailed by the petitioner before the Hon'ble Supreme Court by way of Special Leave to Appeal (C) No.21690/2026. The Hon'ble Supreme Court vide order dated 16.06.2026 disposed of the SLP with liberty to the petitioner to move an application before this Court in advance for grant of interim relief. Accordingly, the present application has come up before this Court for deciding the application seeking grant of interim relief to the petitioner. The main case is already listed for hearing on 19.08.2026.

5. Learned Senior Counsels for the petitioner have submitted that it is a case where the petitioner has alleged that respondents No.3 to 13 and 14 have acted in contravention of law and the respondents No.1 and 2-the State, have failed to take action against them in accordance with law. Aggrieved thereby, the petitioner has filed the present writ petition. It has been submitted that the controversy revolves around the land measuring 14.816 acres situated at Sector-58, Gurugram. Respondents No. 3 to 13 comprise the IREO Group of companies, whereas respondent No.14 although is in unison with respondent Nos.3 to 13, but is a subsequent assignee of the aforesaid land.

6. Learned Senior Counsels for the petitioner submitted that respondents No.3 to 13 had purchased the aforesaid land on the basis of foreign inflow and by way of Foreign Direct Investment (FDI). One of the essential conditions of the FDI policy is that the foreign investment is required to be utilized for development and construction purposes and cannot be utilized for the purpose of getting an exit from the project and earn money for commercial purposes by selling the land to a third party. They submitted that for the purpose of development of land and construction thereof the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter referred to as 'the Act of 1975') are applicable. Under Section 3 of the Act of 1975, a licence is required to be granted by the Director, Town and Country Planning, Haryana, i.e. respondent No. 1

7. They further submitted that the respondents have acted in flagrant violation of law by first obtaining the licence in favour of respondents No. 3 to 13 in respect to aforesaid land and thereafter procuring the transfer of the same in favour of respondent No. 14. In this regard, the petitioner had earlier filed CWP No. 10610 of 2025 before this Court, which was dismissed as withdrawn with liberty to the petitioner to avail such remedies as may be available in accordance with law, vide order dated 16.05.2025 (Annexure P-10). It was submitted that although some time has elapsed since the passing of the said order, the present writ petition has been filed after the passing of the impugned order dated 17.06.2025 (Annexure P-9), whereby the licence initially granted in favour of respondent No. 10 was approved for transfer in favour of respondent No. 14.

8. It has been further submitted that in the earlier writ petition i.e. CWP-10610-2025, the relief claimed was confined to challenging the transfer of the three licences issued in favour of the private respondents on three different

dates, viz, 03.11.2009, 20.12.2010 and 11.06.2012. After withdrawal of the said writ petition and the grant of liberty by this Court, the petitioner submitted a complaint/representation under Section 8 of the Act of 1975, vide Annexure P-11(A), before the Director, Town and Country Planning, Haryana, seeking cancellation of the licence granted in favour of respondent No. 10 on 12.05.2025 and subsequently transferred to respondent No. 14 on 17.06.2025.

9. Learned Senior counsels further submitted that earlier when the respondents had received money through FDI, they had entered into a Memorandum of Understanding with the petitioner-Company, however, the said arrangement failed and thereafter, in an illegal manner and in connivance with the respondent-State, the licence was transferred in favour of respondent No. 10 in violation of the provisions of Section 3 of the Act of 1975 and this was the reason as to why the present writ petition was filed seeking quashing of the aforesaid licence and a stay on its operation.

10. To further substantiate their arguments, it is submitted that it is a case where a total land involved measures 14.816 acres and that vide Annexure P-9, a licence has been granted for the development of a residential colony along with a commercial complex. It was submitted that the estimated cost of the first phase of the project is approximately ₹8,000–10,000 crores, and thereafter approximately 9 to 10 phases are to be completed. It was further submitted that, after the grant of the licence, respondent No. 14 has already allotted approximately 350 units to various allottees and has received nearly ₹750 crores from them. However, according to the petitioner, the entire process is being carried out in blatant violation of law, as highlighted in the present writ petition. They submitted that the *inter se* controversy between the petitioner and private respondents apart, since

a separate litigation is pending between the parties in the Commercial Court seeking specific performance, but be that as it may, considering the magnitude of the amount involved and the violation thereof, the respondents cannot be allowed to proceed with the project unless it is settled by the competent authority with regard to the legality of the licence being issued earlier in favour of respondent No.10 and thereafter transferred in favour of respondent No.14. They submitted that directions be issued to respondent-State to decide the complaint/representation [Annexure P-11(A)] within a stipulated time frame after associating all the stakeholders including the petitioner in accordance with law. They also submitted that in case the respondents are permitted to continue with the project and collect money from such a large number of innocent allottees, then it would create further litigation and complications effecting the rights of the citizens of India.

11. Mr. Gaurav Chopra, learned Senior Advocate has appeared on behalf of respondents No.1 to 13 and Mr. Akshay Bhan alongwith Mr. Ashish Chopra, learned Senior Advocates have appeared on behalf of respondent No.14. They have jointly argued that the petitioner has no *locus standi* to maintain the present petition. In this regard, it is submitted that respondent No.1 is a competent authority, who has granted the licence to respondent No.10, which was thereafter transferred to respondent No.14. They submitted that the only concern of the petitioner with the subject matter was with regard to Memorandum of Understanding which was signed between respondents No.3 to 13 and the petitioner in the year 2021. However, eventually the said Memorandum of Understanding failed and was subsequently terminated. Thereafter, a suit was filed in the Commercial Court, in which an interim injunction was sought, which was

declined. Thereafter, an appeal by way of FAO was filed before this Court, which was also dismissed. It was submitted that the aforesaid fact with regard to filing of suit has not been disclosed by the petitioner in the petition.

12. Learned Senior Counsels for the respondents have also opposed the grant of interim relief to the petitioner on the ground that after withdrawing the earlier writ petition, instead of availing alternate remedy available, the present writ petition has been filed after one year, therefore, this petition is not maintainable.

13. Learned Senior Counsels for the respondents on instructions received from respondents No. 3 to 14 have also submitted that it is correct that there are about 350 allotments which have been made and money has been collected from allottees and this is an ongoing process on day-to-day basis. They have also submitted that it is correct that tentative valuation of the project is about ₹8,000-10,000 Crores.

14. They have also submitted that there had been no violation of the FDI policy or any other provision of law. It was contended that, even otherwise, any alleged violation, if at all, is compoundable and, therefore, no interim relief, can be granted to the petitioner. It is also submitted that respondent No.14 has contributed towards the project and has also invested about ₹500 crores in the project and in case the further process is stalled, it will cause irreparable loss to the respondents.

15. Mr. Sandeep Chhabra, learned Additional Advocate General, Haryana submitted that the complaint/Representation, which has been filed under Section 8 of the Act of 1975 by the petitioner seeking cancellation of the licence is still pending before the respondent No.1 and the next date fixed is 20.07.2026. He

submitted that he has no objection in case any stipulated time frame is fixed by this Court for adjudicating and deciding the aforesaid complaint/ Representation in accordance with law. He also submitted that before deciding the aforesaid complaint/ Representation by respondent No.1, adequate opportunity of hearing will be given to all the stakeholders including the petitioner, which the State is otherwise also duty-bound to do.

16. We have heard the learned counsels for the parties on the application seeking grant of interim relief.

17. From the arguments advanced by all the learned Senior Counsels for the parties, it transpires that the project in question comprises of 14.816 acres of land. According to counsels for the petitioner, there have been some Foreign Direct Investment into the project regarding which different licences have been granted by the concerned Director of Town and Country Planning at different points of time. Earlier there were three licences granted i.e. Licence No.63 dated 03.11.2009, Licence No.107 dated 20.12.2010 and Licence No.60 dated 11.06.2012, which was for different chunks of land comprised in the aforesaid area in favour to respondents No.3 to 13. Thereafter, respondent No.10 submitted an application for grant of licence in the nature of a consolidated licence for migrating the licences into one licence pertaining to the aforesaid total area. The said application was opposed by the petitioner by filing of representation before respondent No.1 objecting to the proposed migration in which an order was passed by respondent No.1 on 01.03.2024, whereby the plea taken by the petitioner was rejected. The aforesaid order dated 01.03.2024 was challenged by the petitioner by way of filing of writ petition bearing no. CWP-10610-2025, which the petitioner eventually withdrew with a liberty to avail the remedy

available to it in accordance with law vide order dated 16.05.2025 (Annexure P-10).

18. The petitioner in the present writ petition is aggrieved by the aforesaid grant of licence in favour of respondent No.10 as well as by the subsequent approval for its transfer in favour of respondent No. 14 vide order dated 17.06.2025.

19. It was the case put forth by the learned Senior Counsels appearing on behalf of the petitioner that the aforesaid grant of licence was totally illegal and was in violation of the provisions of the aforesaid Act of 1975, particularly Section 3 thereof, which provides that the licence can be granted only to the 'owner' of the land having clear title, who is desiring to convert his land into colony and in this regard, a procedure has also been so provided in Section 3(2) of the Act that on receipt of the application, the Director shall among other things enquire into the matters 'including the title of the land'. It was the case of the learned Senior Counsels for the petitioner that respondent No.10, to whom the impugned licence has been granted, was never the owner of the land, which is clear from the licence (Annexure P-9) itself, granted to respondent No.10.

20. During the course of arguments, learned Senior Counsels for the petitioner has also drawn the attention of this Court to the effect that the aforesaid land already stood transferred in favour of respondent No.14 on 07.05.2024, which is almost one year before the grant of said licence and in this way, on the face of it, respondent No.10 to whom the licence was granted was not the owner of the land at the relevant time.

21. Thereafter, within a few days, the licence was approved for transfer in favour of respondent No. 14. It was argued by the learned Senior Counsels for the

petitioner that since the basic licence was in violation of provisions of Section 3 of the Act of 1975 because respondent No.10 was never the owner of the land at the relevant time, then the transfer of the same in the name of the Respondent no. 14 will not make it valid and lawful as the same at its inception was illegally issued. It was the bounden duty of the Director, Town and Country Planning to have considered this crucial aspect and that was the reason as to why a complaint/ Representation under Section 8 was filed, which has not yet been decided by the respondent No.1 being competent authority.

22. However, it was argued by the learned Senior Counsels for the respondents that there is no dispute that on the date when licence was granted, respondent No.10 was not the owner of the land but respondent No.14 was the owner of the land but this exercise was a part of the process to be undertaken.

23. Considering the rival contentions, we are of the considered opinion that this aspect as to whether the licence along with its amendment, which has been made vide order 17.06.2025, is in accordance with law or not, has to be considered and decided by the competent authority, who is the Director of Town and Country Planning regarding which the complaint/ Representation under Section 8 of the Act of 1975 to cancel the licence is already filed vide Annexure P-11(A), which is still pending. The learned State counsel has also stated that the same will be decided in accordance with law after giving adequate opportunity to all the stakeholders.

24. We are conscious of the fact that whenever development work is to be undertaken either by the State or its instrumentalities or even by the private developers in accordance with law, the same should not be stalled in normal course because that may hamper the development process but at the same time,

this Court is also conscious of the fact that the Court cannot close its eyes to the fact that in the cases of Mega projects where thousands of crores of rupees are involved and innocent allottees are sometimes also effected, who had given money to the developers, thus, their rights are also required to be protected. In other words, a balance is required to be maintained by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.

25. In view of the above, the present application is disposed of with the following directions:-

(i) The Director, Town and Country Planning is hereby directed to decide the complaint [Annexure P-11(A)] filed by the petitioner in accordance with law on the date, for which it is already fixed i.e. 20.07.2026 after giving adequate and appropriate opportunity to all the stakeholders including the petitioner. In case the aforesaid application for any reason cannot be decided on the aforesaid date, then the Director, Town and Country Planning will hear the application on day-to-day basis and would decide the same, within a further period of two weeks strictly in accordance with law. All the pleas taken by all the parties shall be duly considered and decision shall be made with regard to all the pleas raised by all the parties in a categorical and clear manner by passing a speaking order, which shall be conveyed to all the parties.

(ii) Considering the magnitude of the project and the fact that the rights of various allottees/prospective allottees are involved, it is further directed that till the the complaint/ Representation [(Annexure P-11(A)] is decided, no further allotment shall be made by the

respondent Nos.3 to 14 to any further prospective allottee nor shall any further third-party rights be created by them.

**CM-10442-CWP-2026**

To be heard along with the main case.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**(SANJIV BERRY)**  
**JUDGE**

**07.07.2026**  
*S.Sharma*