

Court No. - 39

Case :- WRIT - C No. - 26763 of 2023

Petitioner :- Karmyogi Builders Pvt.Ltd

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Vinay Kumar Rai,Ashish Somvanshi

Counsel for Respondent :- C.S.C.,Dharmendra Singh Chauhan

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Syed Aftab Husain Rizvi,J.

1. Having heard Sri Vinay Kumar Rai, learned counsel for the petitioner and Sri Dharmendra Singh Chauhan, learned counsel, appearing for the Development Authority and learned Standing Counsel for the State, at present it transpires that legality of site inspection charges, labour cess, impact fees and sub-division charges have been examined by Supreme Court in **Mathura Vrindavan Development Authority and another Versus Rajesh Sharma and others, 2023 SCC OnLine SC 530** and those charges have been found to be contrary to the law.

2. The exact amount that may have been paid, under protest pending litigation and is to be repaid, remains to be verified by the development authority.

3. Accordingly, no useful purpose would be served in keeping the petition pending, therefore, without calling for any counter affidavit, the writ petition is disposed off finally with a direction that in case the petitioner files a fresh representation before respondent no.2 supported by his personal affidavit, giving further disclosure of the amount so deposited with the development authority, within one month from today, the said representation shall be dealt with and decided, in accordance with law, by a

reasoned and speaking order, as expeditiously as possible, preferably within a period of one month from the date of due compliance of this order. The refundable amount, if any, shall be refunded within further period of one month thereafter.

Order Date :- 28.10.2023

MN/-

(S.A.H.Rizvi, J.) (S. D. Singh, J.)