

Chief Justice's Court

Case :- WRIT - C No. - 29139 of 2023

Petitioner :- M/S Gaursons India Limited

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

Counsel for Petitioner :- Nikhil Agrawal, Sanjay Kumar Mishra

Counsel for Respondent :- C.S.C., Ravi Prakash Pandey, Satendra Tirpathi

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Shri Nikhil Agarwal, learned counsel assisted by Shri Sanjay Kumar Mishra, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Ravi Prakash Pandey and Shri Satendra Tripathi, learned counsel for respondent-Development Authority.

2. Learned counsel has confined his prayer for issuance of a writ of mandamus commanding the respondent to decide the representation dated 24.5.2023 filed by the petitioner whereby and whereunder petitioner has sought for refund of interest/penal interest and inspection charges recovered from petitioner by the respondent-Development Authority in the light of the direction rendered by the Apex Court in the case of *Mathura Vrindavan Development Authority and Another Vs. Rajesh Sharma and Others (Civil Appeal No. 5645 of 2015)*.

3. Learned counsel for the petitioner submits that representation dated 24.5.2023 filed by the petitioner, is still pending consideration.

4. He further submits that purpose of filing this writ petition would be served if directions are issued to the respondent-Development Authority to pass appropriate orders on the pending representation of the petitioner.

5. Learned counsels appearing for the respondents submit that they have no objection to the aforesaid proposition.

6. Considering the submissions advanced, this Court is of the opinion that no useful purpose would be served by keeping the writ petition pending and the same is accordingly, ***disposed of***

requiring the respondent-Development Authority, seized with the representation of the petitioner dated 24.5.2023, to decide the same, after considering all aspects of the matter, strictly in accordance with law, preferably within a period of two months from the date of service of a certified copy of the order of this Court. While deciding the representation of the petitioner, respondent-Development Authority shall also take note of judgment passed by Hon'ble Supreme Court vide its final order dated 28.4.2023 passed in ***Civil Appeal No. 5645 of 2015 (Mathura Vrindavan Development Authority and Another Vs. Rajesh Sharma and Others)*** and connected appeals in that batch of petitions, particularly to Paragraph Nos. 13 & 14 of the order dated 28.4.2023.

Order Date :- 9.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ)