

Court No. - 46

Case :- WRIT - C No. - 34160 of 2021

Petitioner :- M/S V.A. Softech Pvt. Ltd.

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Rohan Gupta

Counsel for Respondent :- C.S.C, Anjali Upadhya

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. This petition was originally instituted with the prayer to quash the demand raised against the petitioner on 22.1.2021 towards supply of water on the ground that no such facility of water supply, in fact, is provided and, therefore, the demand of water charges is unauthorized. By way of amendment, the petitioner has also raised a claim for refund of the amount deposited by the petitioner towards premium along with interest on the ground that no development has since been made by the authority during the last 15 years in the area and even approach road etc. have also not been constructed.

2. It is also urged that there was otherwise a dispute in respect of the land itself and even the demarcation had not been made.

3. Ms. Anjali Upadhya, learned counsel for the respondents, states that the petitioner has only deposited the premium amount and not the lease rent.

3. A counter affidavit has been filed by the authority stating that demand for payment of water charges from the petitioner is being withdrawn.

4. In view of the stand so taken by the authority, the initial prayer made in the writ petition is rendered infructuous.

5. So far as the petitioner's claim for refund of lease amount on the ground that no development has been undertaken by the authority over the plot and even road etc. have not been constructed or that dispute existed over the land on account of which development was not permissible are aspects, which can be examined by the authority at the first instance.

6. The writ petition, therefore, stands disposed of with the direction upon the second respondent to consider petitioner's claim for refund of the amount in accordance with law, by passing an appropriate order within a period of two months.

Order Date :- 13.10.2023

LN Tripathi