

Court No. - 21

Case :- WRIT - C No. - 37204 of 2023

Petitioner :- M/S Ajay Enterprises Private Limited

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

Counsel for Petitioner :- Nikhil Agrawal

Counsel for Respondent :- CSC, Anjali Upadhya

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The instant petition has been filed challenging the Communication dated 19.8.2023 issued by respondent no. 3 to the petitioner Company requiring it to deposit 10% of the remaining premium amount and open an escrow account as a condition precedent for revision/revalidation of the sanctioned building plan dated 25.6.2018.

2. The facts in brief are that the aforesaid building plan of the petitioner Company had a validity period of five years. The petitioner filed an application on 28.4.2023 requesting the respondent Authority to revalidate the building plan for a further period of five years. While considering the said request, the impugned Communication has been sent to the petitioner Company.

3. Sri Nikhil Agrawal, learned counsel appearing on behalf of the petitioner, submits that as per the impugned Communication, the balance amount upto 15.4.2023 was Rs. 22,84,32,877/-. The petitioner Company is ready to pay rupees ten crores as down payment and the remaining amount by 31st March, 2024. He submits that upon deposit of rupees ten crores, the respondent Authority be directed to revalidate the sanctioned building plan so that the petitioner is able to complete the project. He further submits that in case the assurance given to the Court is violated, it may be kept open to the Authority to take further action in the matter in accordance with law.

4. Ms. Anjali Upadhyaya, learned counsel appearing on behalf of Noida Authority after taking instructions, is agreeable to the proposal. She submits that the building plan would be revalidated within a week from the date rupees ten crores is deposited by the petitioner Company.

5. Accordingly, the petition is disposed of as follows: -

(i) The petitioner Company will deposit rupees ten crores within one week from today before the respondent Authority.

(ii) Upon deposit of the said amount, the respondent Authority will revalidate the building plan within a week.

(iii) The remaining amount will be deposited by the petitioner Company positively by 31st March, 2024, failing which it shall be open to the Authority to revoke the order of revalidation and also take other legal measures as may be permissible under law.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 2.12.2023

Jaideep/-