

Chief Justice's Court

Case :- WRIT - C No. - 37344 of 2023

Petitioner :- Mrs. Renu Amitabh And Another

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

Counsel for Petitioner :- Gaurav Mahajan, Amit Mahajan

Counsel for Respondent :- C.S.C., Aditya Bhushan
Singhal, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Heard Sri Gaurav Mahajan, learned counsel for the petitioners, Sri A. K. Goyal, learned Additional Chief Standing Counsel for the State Respondent No.1, Sri M. C. Chaturvedi, learned Senior Counsel assisted by Sri Pranav Tanwar and Sri A. B. Singhal, learned counsel for the Respondent No.2, YEIDA and Sri Kaushalendra Nath Singh, learned counsel for the Respondent No.3.

The present petition has been filed questioning the validity of levy of transfer charges on conveyance executed by its lessees/sub-lessees.

At the very outset, Sri M. C. Chaturvedi, learned Senior Counsel representing the Yamuna Expressway Industrial Development Authority submits that the similar controversy, as raised in the instant writ petition, has already been decided by a Coordinate Bench of this Court passed in **Writ-C No.21540 of 2020 (Sushil Kumar Nagrath Vs. State of U.P. & others)**, vide order dated 20.01.2021, observing as under:-

"19. We are, thus, of the considered view that even though transfer charge may not be having a statutory flavour in its traditional sense as urged by learned counsel for the petitioner but once NOIDA an instrumentality of State in exercise of its supervisory power under Section 7 of the Act, stipulates a condition of payment of transfer charges to be paid to NOIDA, lessor on every subsequent transactions and makes the said stipulation binding on subsequent sub-lessees, it becomes a contractual liability for all sub-lessees to comply with the same."

Sri Gaurav Mahajan, learned counsel for the petitioner is unable to refute the above submission.

In view of the above, since the issue involved in the instant writ petition stands adjudicated by a decision of a Coordinate Bench which decision holds the field and has not been set aside or modified, as such the present writ petition is also dismissed in terms of of the judgment and order dated 20.01.2021 passed in **Writ-C No.21540 of 2020 (Sushil Kumar Nagrath Vs. State of U.P. & others)**.

Order Date :- 30.10.2023

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