

Court No. - 39

Case :- WRIT - C No. - 39233 of 2023

Petitioner :- Gygy Infradesign Private Limited

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

Counsel for Petitioner :- Siddharth Singhal, Ankita Singhal

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

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Heard Sri Siddharth Singhal, learned counsel for the petitioner and Sri Kaushlendra Nath Singh, learned counsel for the respondent.
2. Petitioner has challenged the notice dated 30.10.2023 issued by respondent no. 3 demanding payment of Rs. 21,86,18,831/- within one week, failing which the allotment made in favour of the petitioner may be cancelled.
3. On the other hand, learned counsel for the respondent has referred to certain affidavits filed by the petitioner acknowledging that liability.
4. Learned counsel for the petitioner would contend that the said affidavit was obtained under coercion and in derogation of the pre-existing right of the petitioner.
5. Facts are in dispute. Also, primarily decision is to be made by the NOIDA Authority.
6. Since such decision has yet not been made and also in view of the fact that the petitioner is found entitled to object to the notice dated 30.10.2023, we dispose of the writ petition with the observation, subject to the petitioner filing a reply to the notice dated 30.10.2023 within a period of three weeks from today supported by personal affidavit of the Principal Officer of the company and annexing thereto such document as the petitioner may seek to rely, the respondent no. 3 may pass appropriate reasoned order dealing with the objections that may be raised by the petitioner, as expeditiously as possible preferably within a period of four weeks thereto.

7. Subject to first compliance made by the petitioner, no coercive measure may be adopted against the petitioner for a period of eight weeks from today or till decision of the objection, whichever is earlier.

8. Accordingly, the writ petition is **disposed of**.

Order Date :- 9.11.2023

SK Srivastava

(Shiv Shanker Prasad,J.) . . . (S.D. Singh,J.)