

Court No. - 8

Case :- WRIT - C No. - 4062 of 2023

Petitioner :- Verve Construction Llp Thru. Its Authorised Signatory Rajneesh Bharti

Respondent :- State Of U.P. Industrial Development Deptt. Lko. Thru. Its Prin. Secy. And 2 Others

Counsel for Petitioner :- Siddharth Nandwani, Apoorva Tewari, Kartikey Dubey

Counsel for Respondent :- C.S.C., Vinod Kumar Shahi, Waseeq Uddin Ahmed

Hon'ble Pankaj Bhatia, J.

1. Heard Sri Siddharth Nandwani, learned Counsel for the petitioner as well as learned Standing Counsel and Sri Vinod Kumar Shahi along with Waseeq Uddin Ahmed, learned Counsel appearing on behalf of the respondents no.2 and 2.

2. The present petition has been filed challenging the order dated 03.05.2023, whereby the revisional authority has passed an order dismissing the revision filed by the petitioner in exercise of powers under Section 41(3) of the Uttar Pradesh Planning and Development Act, 1973 as adopted by virtue of Section 12 of the Uttar Pradesh Industrial Area Development Act, 1976.

3. The submission in brief of the Counsel for the petitioner is that the proceedings in respect of consortium members, in which the petitioner was also one of the members, arose before the revisional authority. While deciding the revision filed by the petitioner, the same was dismissed by means of the impugned order, however, the revision filed by another consortium member on the same set of facts came to be allowed vide order dated 23.07.2023 passed in Revision No.4288/ 77-4-23/ 29 Appeal/21. The Counsel for the petitioner thus argues that on the same set of facts, two different decisions have been rendered by the revisional authority within a gap of one month.

4. The Counsel for the petitioner further argues that in similar circumstances, this Court while deciding Writ-C No.3994 of 2024 on 09.10.2023 had remanded the matter for a decision afresh keeping in view the fact that the subsequent decision has been passed by the same revisional authority. This Court in its judgment and order dated 09.10.2023 had considered the arguments of the petitioner that two different orders on the

same set of facts are in violation of Article 14 of the Constitution of India.

5. In the present case also, two different orders have been passed by the revisional authority, which is clearly arbitrary and violative of Article 14, as such, on the same limited ground alone, the order dated 03.05.2023 is quashed.

6. The matter is remanded to the revisional authority to pass a fresh order. While doing so, the revisional authority shall consider the order dated 23.07.2023 passed in Revision No.4288/ 77-4-23/ 29 Appeal/21.

7. The Counsel for the respondents has vehemently opposed the writ petition by arguing that no error in the decision making process has been pointed out by the petitioner warranting interference in exercise of Article 226 of the Constitution of India, as such, the writ petition deserves to be dismissed.

8. However, this Court cannot overlook the fact that different orders have been passed on similar set of facts, which is clearly in violation of Article 14 of the Constitution of India, as such, the writ petition is allowed.

9. The order dated 03.05.2023 is quashed. The matter is remanded back to the revisional authority to pass a fresh order in terms of the directions and observations made hereinabove.

10. The status quo with regard to the properties shall be maintained till the fresh order passed by the revisional authority.

Order Date :- 5.12.2023

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